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116TH CONGRESS
1ST SESSION**H. R. 1**

IN THE SENATE OF THE UNITED STATES

MARCH 12, 2019

Received

MARCH 13, 2019

Read the first time

MARCH 14, 2019

Read the second time and placed on the calendar

AN ACT

To expand Americans' access to the ballot box, reduce the influence of big money in politics, and strengthen ethics rules for public servants, and for other purposes.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “For the People Act
5 of 2019”.

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

3 (a) DIVISIONS.—This Act is organized into 3 divi-
 4 sions as follows:

5 (1) Division A—Voting.

6 (2) Division B—Campaign Finance.

7 (3) Division C—Ethics.

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

Sec. 1. Short title.

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

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TITLE I—ELECTION ACCESS

Sec. 1000. Short title; statement of policy.

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Sec. 1000A. Short title.

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Sec. 1002. Use of Internet to update registration information.

Sec. 1003. Provision of election information by electronic mail to individuals
 registered to vote.

Sec. 1004. Clarification of requirement regarding necessary information to
 show eligibility to vote.

Sec. 1005. Effective date.

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Sec. 1011. Short title; findings and purpose.

Sec. 1012. Automatic registration of eligible individuals.

Sec. 1013. Contributing agency assistance in registration.

Sec. 1014. One-time contributing agency assistance in registration of eligible
 voters in existing records.

Sec. 1015. Voter protection and security in automatic registration.

Sec. 1016. Registration portability and correction.

Sec. 1017. Payments and grants.

Sec. 1018. Treatment of exempt States.

Sec. 1019. Miscellaneous provisions.

Sec. 1020. Definitions.

Sec. 1021. Effective date.

PART 3—SAME DAY VOTER REGISTRATION

Sec. 1031. Same day registration.

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

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

PART 5—OTHER INITIATIVES TO PROMOTE VOTER REGISTRATION

Sec. 1051. Annual reports on voter registration statistics.

Sec. 1052. Ensuring pre-election registration deadlines are consistent with timing of legal public holidays.

Sec. 1053. Use of Postal Service hard copy change of address form to remind individuals to update voter registration.

Sec. 1054. Grants to States for activities to encourage involvement of minors in election activities.

PART 6—AVAILABILITY OF HAVA REQUIREMENTS PAYMENTS

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

PART 7—PROHIBITING INTERFERENCE WITH VOTER REGISTRATION

Sec. 1071. Prohibiting hindering, interfering with, or preventing voter registration.

Sec. 1072. Establishment of best practices.

PART 8—VOTER REGISTRATION EFFICIENCY ACT

Sec. 1081. Short title.

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

PART 9—PROVIDING VOTER REGISTRATION INFORMATION TO SECONDARY SCHOOL STUDENTS

Sec. 1091. Pilot program for providing voter registration information to secondary school students prior to graduation.

Sec. 1092. Reports.

Sec. 1093. Authorization of appropriations.

PART 10—VOTER REGISTRATION OF MINORS

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

Subtitle B—Access to Voting for Individuals With Disabilities

Sec. 1101. Requirements for States to promote access to voter registration and voting for individuals with disabilities.

Sec. 1102. Expansion and reauthorization of grant program to assure voting access for individuals with disabilities.

Sec. 1103. Pilot programs for enabling individuals with disabilities to register to vote privately and independently at residences.

Sec. 1104. GAO analysis and report on voting access for individuals with disabilities.

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

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

Subtitle E—Democracy Restoration

Sec. 1401. Short title.
 Sec. 1402. Rights of citizens.
 Sec. 1403. Enforcement.
 Sec. 1404. Notification of restoration of voting rights.
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 Sec. 1408. Effective date.

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Sec. 1501. Short title.
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 Sec. 1503. Accessibility and ballot verification for individuals with disabilities.
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Sec. 1601. Requirements for counting provisional ballots; establishment of uniform and nondiscriminatory standards.

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2 **TITLE I—ELECTION ACCESS**

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Sec. 1703. Revisions to 45-day absentee ballot transmission rule.

Sec. 1704. Use of single absentee ballot application for subsequent elections.

Sec. 1705. Extending guarantee of residency for voting purposes to family members of absent military personnel.

Sec. 1706. Effective date.

Subtitle K—Poll Worker Recruitment and Training

Sec. 1801. Grants to States for poll worker recruitment and training.

Sec. 1802. State defined.

Subtitle L—Enhancement of Enforcement

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

Subtitle M—Federal Election Integrity

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

Subtitle N—Promoting Voter Access Through Election Administration Improvements

PART 1—PROMOTING VOTER ACCESS

Sec. 1901. Treatment of institutions of higher education.

Sec. 1902. Minimum notification requirements for voters affected by polling place changes.

Sec. 1903. Permitting use of sworn written statement to meet identification requirements for voting.

Sec. 1904. Postage-free ballots.

Sec. 1905. Reimbursement for costs incurred by States in establishing program to track and confirm receipt of absentee ballots.

Sec. 1906. Voter information response systems and hotline.

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PART 2—IMPROVEMENTS IN OPERATION OF ELECTION ASSISTANCE COMMISSION

Sec. 1911. Reauthorization of Election Assistance Commission.

Sec. 1913. Requiring states to participate in post-general election surveys.

Sec. 1914. Reports by National Institute of Standards and Technology on use of funds transferred from Election Assistance Commission.

Sec. 1915. Recommendations to improve operations of Election Assistance Commission.

Sec. 1916. Repeal of exemption of Election Assistance Commission from certain government contracting requirements.

PART 3—MISCELLANEOUS PROVISIONS

Sec. 1921. Application of laws to Commonwealth of Northern Mariana Islands.
Sec. 1922. No effect on other laws.

Subtitle O—Severability

Sec. 1931. Severability.

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

2 (a) SHORT TITLE.—This title may be cited as the
3 “Voter Empowerment Act of 2019”.

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

6 (1) all eligible citizens of the United States
7 should access and exercise their constitutional right
8 to vote in a free, fair, and timely manner; and

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

14 **Subtitle A—Voter Registration**
15 **Modernization**

16 **SEC. 1000A. SHORT TITLE.**

17 This subtitle may be cited as the “Voter Registration
18 Modernization Act of 2019”.

1 **PART 1—PROMOTING INTERNET REGISTRATION**

2 **SEC. 1001. REQUIRING AVAILABILITY OF INTERNET FOR**
3 **VOTER REGISTRATION.**

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

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

9 “(a) REQUIRING AVAILABILITY OF INTERNET FOR
10 ONLINE REGISTRATION.—

11 “(1) AVAILABILITY OF ONLINE REGISTRATION
12 AND CORRECTION OF EXISTING REGISTRATION IN-
13 FORMATION.—Each State, acting through the chief
14 State election official, shall ensure that the following
15 services are available to the public at any time on
16 the official public websites of the appropriate State
17 and local election officials in the State, in the same
18 manner and subject to the same terms and condi-
19 tions as the services provided by voter registration
20 agencies under section 7(a):

21 “(A) Online application for voter registra-
22 tion.

23 “(B) Online assistance to applicants in ap-
24 plying to register to vote.

25 “(C) Online completion and submission by
26 applicants of the mail voter registration applica-

1 tion form prescribed by the Election Assistance
2 Commission pursuant to section 9(a)(2), includ-
3 ing assistance with providing a signature as re-
4 quired under subsection (c).

5 “(D) Online receipt of completed voter reg-
6 istration applications.

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

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

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

23 “(c) SIGNATURE REQUIREMENTS.—

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

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

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

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

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

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

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

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

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

18 “(d) CONFIRMATION AND DISPOSITION.—

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

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

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

9 “(3) METHOD OF NOTIFICATION.—The appro-
10 priate State or local election official shall send the
11 notices required under this subsection by regular
12 mail, and, in the case of an individual who has pro-
13 vided the official with an electronic mail address, by
14 both electronic mail and regular mail.

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

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

22 “(2) there is no display on the website pro-
23 moting any political preference or party allegiance,
24 except that nothing in this paragraph may be con-

1 strued to prohibit an applicant from registering to
2 vote as a member of a political party.

3 “(f) PROTECTION OF SECURITY OF INFORMATION.—

4 In meeting the requirements of this section, the State shall
5 establish appropriate technological security measures to
6 prevent to the greatest extent practicable any unauthor-
7 ized access to information provided by individuals using
8 the services made available under subsection (a).

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

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

22 “(i) NONDISCRIMINATION AMONG REGISTERED VOT-
23 ERS USING MAIL AND ONLINE REGISTRATION.—In car-
24 rying out this Act, the Help America Vote Act of 2002,
25 or any other Federal, State, or local law governing the

1 treatment of registered voters in the State or the adminis-
2 tration of elections for public office in the State, a State
3 shall treat a registered voter who registered to vote online
4 in accordance with this section in the same manner as the
5 State treats a registered voter who registered to vote by
6 mail.”.

7 (b) SPECIAL REQUIREMENTS FOR INDIVIDUALS
8 USING ONLINE REGISTRATION.—

9 (1) TREATMENT AS INDIVIDUALS REGISTERING
10 TO VOTE BY MAIL FOR PURPOSES OF FIRST-TIME
11 VOTER IDENTIFICATION REQUIREMENTS.—Section
12 303(b)(1)(A) of the Help America Vote Act of 2002
13 (52 U.S.C. 21083(b)(1)(A)) is amended by striking
14 “by mail” and inserting “by mail or online under
15 section 6A of the National Voter Registration Act of
16 1993”.

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

20 (A) by redesignating paragraph (5) as
21 paragraph (6); and

22 (B) by inserting after paragraph (4) the
23 following new paragraph:

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

1 “(A) IN GENERAL.—A State shall, in a
2 uniform and nondiscriminatory manner, require
3 an individual to meet the requirements of sub-
4 paragraph (B) if—

5 “(i) the individual registered to vote
6 in the State online under section 6A of the
7 National Voter Registration Act of 1993;
8 and

9 “(ii) the individual has not previously
10 voted in an election for Federal office in
11 the State.

12 “(B) REQUIREMENTS.—An individual
13 meets the requirements of this subparagraph
14 if—

15 “(i) in the case of an individual who
16 votes in person, the individual provides the
17 appropriate State or local election official
18 with a handwritten signature; or

19 “(ii) in the case of an individual who
20 votes by mail, the individual submits with
21 the ballot a handwritten signature.

22 “(C) INAPPLICABILITY.—Subparagraph
23 (A) does not apply in the case of an individual
24 who is—

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

5 “(ii) provided the right to vote other-
6 wise than in person under section
7 3(b)(2)(B)(ii) of the Voting Accessibility
8 for the Elderly and Handicapped Act (52
9 U.S.C. 20102(b)(2)(B)(ii)); or

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

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

17 (c) CONFORMING AMENDMENTS.—

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

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

23 (B) by redesignating subparagraph (D) as
24 subparagraph (E); and

1 (C) by inserting after subparagraph (C)
 2 the following new subparagraph:

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

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

16 **SEC. 1002. USE OF INTERNET TO UPDATE REGISTRATION**
 17 **INFORMATION.**

18 (a) IN GENERAL.—

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

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

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

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

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

21 “(ii) if the updated registration infor-
22 mation affects the voter’s eligibility to vote
23 in an election for Federal office, ensure
24 that the information is processed with re-
25 spect to the election if the voter updates

1 the information not later than the lesser of
2 7 days, or the period provided by State
3 law, before the date of the election.

4 “(C) CONFIRMATION AND DISPOSITION.—

5 “(i) CONFIRMATION OF RECEIPT.—

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

14 “(ii) NOTICE OF DISPOSITION.—Not

15 later than 7 days after the appropriate
16 State or local election official has accepted
17 or rejected updated information submitted
18 by an individual under this paragraph, the
19 official shall send the individual a notice of
20 the disposition of the update.

21 “(iii) METHOD OF NOTIFICATION.—

22 The appropriate State or local election offi-
23 cial shall send the notices required under
24 this subparagraph by regular mail, and, in
25 the case of an individual who has re-

1 requested that the State provide voter reg-
2 istration and voting information through
3 electronic mail, by both electronic mail and
4 regular mail.”.

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

10 (b) ABILITY OF REGISTRANT TO USE ONLINE UP-
11 DATE TO PROVIDE INFORMATION ON RESIDENCE.—Sec-
12 tion 8(d)(2)(A) of the National Voter Registration Act of
13 1993 (52 U.S.C. 20507(d)(2)(A)) is amended—

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

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

1 **SEC. 1003. PROVISION OF ELECTION INFORMATION BY**
2 **ELECTRONIC MAIL TO INDIVIDUALS REG-**
3 **ISTERED TO VOTE.**

4 (a) INCLUDING OPTION ON VOTER REGISTRATION
5 APPLICATION TO PROVIDE E-MAIL ADDRESS AND RE-
6 CEIVE INFORMATION.—

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

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

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

14 (C) by adding at the end the following new
15 paragraph:

16 “(5) shall include a space for the applicant to
17 provide (at the applicant’s option) an electronic mail
18 address, together with a statement that, if the appli-
19 cant so requests, instead of using regular mail the
20 appropriate State and local election officials shall
21 provide to the applicant, through electronic mail sent
22 to that address, the same voting information (as de-
23 fined in section 302(b)(2) of the Help America Vote
24 Act of 2002) which the officials would provide to the
25 applicant through regular mail.”.

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

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

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

21 “(3) PROVISION OF OTHER INFORMATION BY
22 ELECTRONIC MAIL.—If an individual who is a reg-
23 istered voter has provided the State or local election
24 official with an electronic mail address for the pur-
25 pose of receiving voting information (as described in

1 section 9(b)(5) of the National Voter Registration
2 Act of 1993), the appropriate State or local election
3 official, through electronic mail transmitted not later
4 than 7 days before the date of the election for Fed-
5 eral office involved, shall provide the individual with
6 information on how to obtain the following informa-
7 tion by electronic means:

8 “(A) The name and address of the polling
9 place at which the individual is assigned to vote
10 in the election.

11 “(B) The hours of operation for the polling
12 place.

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

16 **SEC. 1004. CLARIFICATION OF REQUIREMENT REGARDING**
17 **NECESSARY INFORMATION TO SHOW ELIGI-**
18 **BILITY TO VOTE.**

19 Section 8 of the National Voter Registration Act of
20 1993 (52 U.S.C. 20507) is amended—

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

23 (2) by inserting after subsection (i) the fol-
24 lowing new subsection:

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

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

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

16 **SEC. 1005. EFFECTIVE DATE.**

17 (a) IN GENERAL.—Except as provided in subsection
 18 (b), the amendments made by this part (other than the
 19 amendments made by section 1004) shall take effect Jan-
 20 uary 1, 2020.

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

1 reasons for the failure to meet the deadline, subsection
 2 (a) shall apply to the State as if the reference in such
 3 subsection to “January 1, 2020” were a reference to
 4 “January 1, 2022”.

5 **PART 2—AUTOMATIC VOTER REGISTRATION**

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

7 (a) SHORT TITLE.—This part may be cited as the
 8 “Automatic Voter Registration Act of 2019”.

9 (b) FINDINGS AND PURPOSE.—

10 (1) FINDINGS.—Congress finds that—

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

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

16 (C) existing voter registration systems can
 17 be inaccurate, costly, inaccessible and con-
 18 fusing, with damaging effects on voter partici-
 19 pation in elections and disproportionate impacts
 20 on young people, persons with disabilities, and
 21 racial and ethnic minorities; and

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

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

1 (A) to establish that it is the responsibility
 2 of government at every level to ensure that all
 3 eligible citizens are registered to vote;

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

8 (C) to modernize voter registration and list
 9 maintenance procedures with electronic and
 10 Internet capabilities; and

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

14 **SEC. 1012. AUTOMATIC REGISTRATION OF ELIGIBLE INDIVIDUALS.**
 15

16 (a) **REQUIRING STATES TO ESTABLISH AND OPERATE AUTOMATIC REGISTRATION SYSTEM.—**

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

24 (2) **DEFINITION.**—The term “automatic reg-
 25 istration” means a system that registers an indi-

1 vidual to vote in elections for Federal office in a
2 State, if eligible, by electronically transferring the
3 information necessary for registration from govern-
4 ment agencies to election officials of the State so
5 that, unless the individual affirmatively declines to
6 be registered, the individual will be registered to vote
7 in such elections.

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

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

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

23 (c) ONE-TIME REGISTRATION OF VOTERS BASED ON
24 EXISTING CONTRIBUTING AGENCY RECORDS.—The chief
25 State election official shall—

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

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

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

14 (B) a statement offering the opportunity to
15 decline voter registration through means con-
16 sistent with the requirements of this part;

17 (C) in the case of a State in which affili-
18 ation or enrollment with a political party is re-
19 quired in order to participate in an election to
20 select the party's candidate in an election for
21 Federal office, a statement offering the indi-
22 vidual the opportunity to affiliate or enroll with
23 a political party or to decline to affiliate or en-
24 roll with a political party, through means con-
25 sistent with the requirements of this part;

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

10 (E) instructions for correcting any erro-
11 neous information; and

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

18 (3) ensure that each such individual who is eli-
19 gible to register to vote in elections for Federal of-
20 fice in the State is promptly registered to vote not
21 later than 45 days after the official sends the indi-
22 vidual the written notice under paragraph (2), un-
23 less, during the 30-day period which begins on the
24 date the election official sends the individual such
25 written notice, the individual declines registration in

1 writing, through a communication made over the
 2 Internet, or by an officially-logged telephone commu-
 3 nication; and

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

8 (d) TREATMENT OF INDIVIDUALS UNDER 18 YEARS
 9 OF AGE.—A State may not refuse to treat an individual
 10 as an eligible individual for purposes of this part on the
 11 grounds that the individual is less than 18 years of age
 12 at the time a contributing agency receives information
 13 with respect to the individual, so long as the individual
 14 is at least 16 years of age at such time.

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

18 **SEC. 1013. CONTRIBUTING AGENCY ASSISTANCE IN REG-**
 19 **ISTRATION.**

20 (a) IN GENERAL.—In accordance with this part, each
 21 contributing agency in a State shall assist the State's chief
 22 election official in registering to vote all eligible individuals
 23 served by that agency.

24 (b) REQUIREMENTS FOR CONTRIBUTING AGEN-
 25 CIES.—

1 (1) INSTRUCTIONS ON AUTOMATIC REGISTRA-
2 TION.—With each application for service or assist-
3 ance, and with each related recertification, renewal,
4 or change of address, or, in the case of an institu-
5 tion of higher education, with each registration of a
6 student for enrollment in a course of study, each
7 contributing agency that (in the normal course of its
8 operations) requests individuals to affirm United
9 States citizenship (either directly or as part of the
10 overall application for service or assistance) shall in-
11 form each such individual who is a citizen of the
12 United States of the following:

13 (A) Unless that individual declines to reg-
14 ister to vote, or is found ineligible to vote, the
15 individual will be registered to vote or, if appli-
16 cable, the individual's registration will be up-
17 dated.

18 (B) The substantive qualifications of an
19 elector in the State as listed in the mail voter
20 registration application form for elections for
21 Federal office prescribed pursuant to section 9
22 of the National Voter Registration Act of 1993,
23 the consequences of false registration, and the
24 individual should decline to register if the indi-
25 vidual does not meet all those qualifications.

1 (C) In the case of a State in which affili-
2 ation or enrollment with a political party is re-
3 quired in order to participate in an election to
4 select the party's candidate in an election for
5 Federal office, the requirement that the indi-
6 vidual must affiliate or enroll with a political
7 party in order to participate in such an election.

8 (D) Voter registration is voluntary, and
9 neither registering nor declining to register to
10 vote will in any way affect the availability of
11 services or benefits, nor be used for other pur-
12 poses.

13 (2) OPPORTUNITY TO DECLINE REGISTRATION
14 REQUIRED.—Each contributing agency shall ensure
15 that each application for service or assistance, and
16 each related recertification, renewal, or change of
17 address, or, in the case of an institution of higher
18 education, each registration of a student for enroll-
19 ment in a course of study, cannot be completed until
20 the individual is given the opportunity to decline to
21 be registered to vote.

22 (3) INFORMATION TRANSMITTAL.—Upon the
23 expiration of the 30-day period which begins on the
24 date the contributing agency informs the individual
25 of the information described in paragraph (1), each

1 contributing agency shall electronically transmit to
2 the appropriate State election official, in a format
3 compatible with the statewide voter database main-
4 tained under section 303 of the Help America Vote
5 Act of 2002 (52 U.S.C. 21083), the following infor-
6 mation, unless during such 30-day period the indi-
7 vidual declined to be registered to vote:

8 (A) The individual's given name(s) and
9 surname(s).

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

11 (C) The individual's residential address.

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

14 (E) The date on which information per-
15 taining to that individual was collected or last
16 updated.

17 (F) If available, the individual's signature
18 in electronic form.

19 (G) Information regarding the individual's
20 affiliation or enrollment with a political party,
21 if the individual provides such information.

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

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

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

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

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

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

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

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

10 (e) CONTRIBUTING AGENCIES.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

10 (3) SPECIAL RULE FOR INSTITUTIONS OF HIGH-
11 ER EDUCATION.—

12 (A) SPECIAL RULE.—For purposes of this
13 part, each institution of higher education de-
14 scribed in subparagraph (B) shall be treated as
15 a contributing agency in the State in which it
16 is located, except that—

17 (i) the institution shall be treated as
18 a contributing agency only if, in its normal
19 course of operations, the institution re-
20 quests each student registering for enroll-
21 ment in a course of study, including enroll-
22 ment in a program of distance education,
23 as defined in section 103(7) of the Higher
24 Education Act of 1965 (20 U.S.C.

1 1003(7)), to affirm whether or not the stu-
2 dent is a United States citizen; and

3 (ii) if the institution is treated as a
4 contributing agency in a State pursuant to
5 clause (i), the institution shall serve as a
6 contributing agency only with respect to
7 students, including students enrolled in a
8 program of distance education, as defined
9 in section 103(7) of the Higher Education
10 Act of 1965 (20 U.S.C. 1003(7)), who re-
11 side in the State.

12 (B) INSTITUTIONS DESCRIBED.—An insti-
13 tution described in this subparagraph is an in-
14 stitution of higher education which has a pro-
15 gram participation agreement in effect with the
16 Secretary of Education under section 487 of the
17 Higher Education Act of 1965 (20 U.S.C.
18 1094) and which is located in a State to which
19 section 4(b) of the National Voter Registration
20 Act of 1993 (52 U.S.C. 20503(b)) does not
21 apply.

22 (4) PUBLICATION.—Not later than 180 days
23 prior to the date of each election for Federal office
24 held in the State, the chief State election official
25 shall publish on the public website of the official an

1 updated list of all contributing agencies in that
2 State.

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

8 **SEC. 1014. ONE-TIME CONTRIBUTING AGENCY ASSISTANCE**
9 **IN REGISTRATION OF ELIGIBLE VOTERS IN**
10 **EXISTING RECORDS.**

11 (a) INITIAL TRANSMITTAL OF INFORMATION.—For
12 each individual already listed in a contributing agency's
13 records as of the date of enactment of this Act, and for
14 whom the agency has the information listed in section
15 1013(b)(3), the agency shall promptly transmit that infor-
16 mation to the appropriate State election official in accord-
17 ance with section 1013(b)(3) not later than the effective
18 date described in section 1011(a).

19 (b) TRANSITION.—For each individual listed in a con-
20 tributing agency's records as of the effective date de-
21 scribed in section 1011(a) (but who was not listed in a
22 contributing agency's records as of the date of enactment
23 of this Act), and for whom the agency has the information
24 listed in section 1013(b)(3), the Agency shall promptly
25 transmit that information to the appropriate State election

1 official in accordance with section 1013(b)(3) not later
2 than 6 months after the effective date described in section
3 1011(a).

4 **SEC. 1015. VOTER PROTECTION AND SECURITY IN AUTO-**
5 **MATIC REGISTRATION.**

6 (a) PROTECTIONS FOR ERRORS IN REGISTRATION.—

7 An individual shall not be prosecuted under any Federal
8 or State law, adversely affected in any civil adjudication
9 concerning immigration status or naturalization, or sub-
10 ject to an allegation in any legal proceeding that the indi-
11 vidual is not a citizen of the United States on any of the
12 following grounds:

13 (1) The individual notified an election office of
14 the individual's automatic registration to vote under
15 this part.

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

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

21 (4) The individual declined the opportunity to
22 register to vote or did not make an affirmation of
23 citizenship, including through automatic registration,
24 under this part.

1 (b) LIMITS ON USE OF AUTOMATIC REGISTRA-
2 TION.—The automatic registration of any individual or the
3 fact that an individual declined the opportunity to register
4 to vote or did not make an affirmation of citizenship (in-
5 cluding through automatic registration) under this part
6 may not be used as evidence against that individual in any
7 State or Federal law enforcement proceeding, and an indi-
8 vidual’s lack of knowledge or willfulness of such registra-
9 tion may be demonstrated by the individual’s testimony
10 alone.

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

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

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

20 (d) CONTRIBUTING AGENCIES’ PROTECTION OF IN-
21 FORMATION.—Nothing in this part authorizes a contrib-
22 uting agency to collect, retain, transmit, or publicly dis-
23 close any of the following:

24 (1) An individual’s decision to decline to reg-
25 ister to vote or not to register to vote.

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

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

6 (e) ELECTION OFFICIALS' PROTECTION OF INFOR-
7 MATION.—

8 (1) PUBLIC DISCLOSURE PROHIBITED.—

9 (A) IN GENERAL.—Subject to subpara-
10 graph (B), with respect to any individual for
11 whom any State election official receives infor-
12 mation from a contributing agency, the State
13 election officials shall not publicly disclose any
14 of the following:

15 (i) The identity of the contributing
16 agency.

17 (ii) Any information not necessary to
18 voter registration.

19 (iii) Any voter information otherwise
20 shielded from disclosure under State law or
21 section 8(a) of the National Voter Reg-
22 istration Act of 1993 (52 U.S.C.
23 20507(a)).

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

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

3 (vi) The individual's signature.

4 (vii) The individual's telephone num-
5 ber.

6 (viii) The individual's email address.

7 (B) SPECIAL RULE FOR INDIVIDUALS REG-
8 ISTERED TO VOTE.—With respect to any indi-
9 vidual for whom any State election official re-
10 ceives information from a contributing agency
11 and who, on the basis of such information, is
12 registered to vote in the State under this part,
13 the State election officials shall not publicly dis-
14 close any of the following:

15 (i) The identity of the contributing
16 agency.

17 (ii) Any information not necessary to
18 voter registration.

19 (iii) Any voter information otherwise
20 shielded from disclosure under State law or
21 section 8(a) of the National Voter Reg-
22 istration Act of 1993 (52 U.S.C.
23 20507(a)).

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

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

3 (vi) The individual's signature.

4 (2) VOTER RECORD CHANGES.—Each State
5 shall maintain for at least 2 years and shall make
6 available for public inspection (and, where available,
7 photocopying at a reasonable cost), including in elec-
8 tronic form and through electronic methods, all
9 records of changes to voter records, including remov-
10 als, the reasons for removals, and updates.

11 (3) DATABASE MANAGEMENT STANDARDS.—
12 The Director of the National Institute of Standards
13 and Technology shall, after providing the public with
14 notice and the opportunity to comment—

15 (A) establish standards governing the com-
16 parison of data for voter registration list main-
17 tenance purposes, identifying as part of such
18 standards the specific data elements, the
19 matching rules used, and how a State may use
20 the data to determine and deem that an indi-
21 vidual is ineligible under State law to vote in an
22 election, or to deem a record to be a duplicate
23 or outdated;

24 (B) ensure that the standards developed
25 pursuant to this paragraph are uniform and

1 nondiscriminatory and are applied in a uniform
2 and nondiscriminatory manner; and

3 (C) not later than 45 days after the dead-
4 line for public notice and comment, publish the
5 standards developed pursuant to this paragraph
6 on the Director's website and make those
7 standards available in written form upon re-
8 quest.

9 (4) SECURITY POLICY.—The Director of the
10 National Institute of Standards and Technology
11 shall, after providing the public with notice and the
12 opportunity to comment, publish privacy and secu-
13 rity standards for voter registration information not
14 later than 45 days after the deadline for public no-
15 tice and comment. The standards shall require the
16 chief State election official of each State to adopt a
17 policy that shall specify—

18 (A) each class of users who shall have au-
19 thorized access to the computerized statewide
20 voter registration list, specifying for each class
21 the permission and levels of access to be grant-
22 ed, and setting forth other safeguards to pro-
23 tect the privacy, security, and accuracy of the
24 information on the list; and

1 (B) security safeguards to protect personal
2 information transmitted through the informa-
3 tion transmittal processes of section 1013 or
4 section 1014, the online system used pursuant
5 to section 1017, any telephone interface, the
6 maintenance of the voter registration database,
7 and any audit procedure to track access to the
8 system.

9 (5) STATE COMPLIANCE WITH NATIONAL
10 STANDARDS.—

11 (A) CERTIFICATION.—The chief executive
12 officer of the State shall annually file with the
13 Election Assistance Commission a statement
14 certifying to the Director of the National Insti-
15 tute of Standards and Technology that the
16 State is in compliance with the standards re-
17 ferred to in paragraphs (3) and (4). A State
18 may meet the requirement of the previous sen-
19 tence by filing with the Commission a statement
20 which reads as follows: “_____ hereby
21 certifies that it is in compliance with the stand-
22 ards referred to in paragraphs (3) and (4) of
23 section 1015(e) of the Automatic Voter Reg-
24 istration Act of 2019.” (with the blank to be
25 filled in with the name of the State involved).

1 (B) PUBLICATION OF POLICIES AND PRO-
2 CEDURES.—The chief State election official of a
3 State shall publish on the official’s website the
4 policies and procedures established under this
5 section, and shall make those policies and pro-
6 cedures available in written form upon public
7 request.

8 (C) FUNDING DEPENDENT ON CERTIFI-
9 CATION.—If a State does not timely file the cer-
10 tification required under this paragraph, it shall
11 not receive any payment under this part for the
12 upcoming fiscal year.

13 (D) COMPLIANCE OF STATES THAT RE-
14 QUIRE CHANGES TO STATE LAW.—In the case
15 of a State that requires State legislation to
16 carry out an activity covered by any certifi-
17 cation submitted under this paragraph, for a
18 period of not more than 2 years the State shall
19 be permitted to make the certification notwith-
20 standing that the legislation has not been en-
21 acted at the time the certification is submitted,
22 and such State shall submit an additional cer-
23 tification once such legislation is enacted.

24 (f) RESTRICTIONS ON USE OF INFORMATION.—No
25 person acting under color of law may discriminate against

1 any individual based on, or use for any purpose other than
2 voter registration, election administration, or enforcement
3 relating to election crimes, any of the following:

4 (1) Voter registration records.

5 (2) An individual's declination to register to
6 vote or complete an affirmation of citizenship under
7 section 1013(b).

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

9 (g) PROHIBITION ON THE USE OF VOTER REGISTRA-
10 TION INFORMATION FOR COMMERCIAL PURPOSES.—In-
11 formation collected under this part shall not be used for
12 commercial purposes. Nothing in this subsection may be
13 construed to prohibit the transmission, exchange, or dis-
14 semination of information for political purposes, including
15 the support of campaigns for election for Federal, State,
16 or local public office or the activities of political commit-
17 tees (including committees of political parties) under the
18 Federal Election Campaign Act of 1971.

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

20 (a) CORRECTING REGISTRATION INFORMATION AT
21 POLLING PLACE.—Notwithstanding section 302(a) of the
22 Help America Vote Act of 2002 (52 U.S.C. 21082(a)), if
23 an individual is registered to vote in elections for Federal
24 office held in a State, the appropriate election official at
25 the polling place for any such election (including a location

1 used as a polling place on a date other than the date of
2 the election) shall permit the individual to—

3 (1) update the individual's address for purposes
4 of the records of the election official;

5 (2) correct any incorrect information relating to
6 the individual, including the individual's name and
7 political party affiliation, in the records of the elec-
8 tion official; and

9 (3) cast a ballot in the election on the basis of
10 the updated address or corrected information, and to
11 have the ballot treated as a regular ballot and not
12 as a provisional ballot under section 302(a) of such
13 Act.

14 (b) UPDATES TO COMPUTERIZED STATEWIDE VOTER
15 REGISTRATION LISTS.—If an election official at the poll-
16 ing place receives an updated address or corrected infor-
17 mation from an individual under subsection (a), the offi-
18 cial shall ensure that the address or information is
19 promptly entered into the computerized Statewide voter
20 registration list in accordance with section
21 303(a)(1)(A)(vi) of the Help America Vote Act of 2002
22 (52 U.S.C. 21083(a)(1)(A)(vi)).

23 **SEC. 1017. PAYMENTS AND GRANTS.**

24 (a) IN GENERAL.—The Election Assistance Commis-
25 sion shall make grants to each eligible State to assist the

1 State in implementing the requirements of this part (or,
2 in the case of an exempt State, in implementing its exist-
3 ing automatic voter registration program).

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

8 (1) a description of the activities the State will
9 carry out with the grant;

10 (2) an assurance that the State shall carry out
11 such activities without partisan bias and without
12 promoting any particular point of view regarding
13 any issue; and

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

16 (c) AMOUNT OF GRANT; PRIORITIES.—The Commis-
17 sion shall determine the amount of a grant made to an
18 eligible State under this section. In determining the
19 amounts of the grants, the Commission shall give priority
20 to providing funds for those activities which are most like-
21 ly to accelerate compliance with the requirements of this
22 part (or, in the case of an exempt State, which are most
23 likely to enhance the ability of the State to automatically
24 register individuals to vote through its existing automatic
25 voter registration program), including—

1 (1) investments supporting electronic informa-
2 tion transfer, including electronic collection and
3 transfer of signatures, between contributing agencies
4 and the appropriate State election officials;

5 (2) updates to online or electronic voter reg-
6 istration systems already operating as of the date of
7 the enactment of this Act;

8 (3) introduction of online voter registration sys-
9 tems in jurisdictions in which those systems did not
10 previously exist; and

11 (4) public education on the availability of new
12 methods of registering to vote, updating registration,
13 and correcting registration.

14 (d) AUTHORIZATION OF APPROPRIATIONS.—

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

17 (A) \$500,000,000 for fiscal year 2019; and

18 (B) such sums as may be necessary for
19 each succeeding fiscal year.

20 (2) CONTINUING AVAILABILITY OF FUNDS.—

21 Any amounts appropriated pursuant to the authority
22 of this subsection shall remain available without fis-
23 cal year limitation until expended.

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

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

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

7 (1) section 1016 (relating to registration port-
8 ability and correction).

9 (2) section 1017 (relating to payments and
10 grants).

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

12 (4) Section 1019(f) (relating to relation to
13 other laws).

14 **SEC. 1019. MISCELLANEOUS PROVISIONS.**

15 (a) ACCESSIBILITY OF REGISTRATION SERVICES.—
16 Each contributing agency shall ensure that the services
17 it provides under this part are made available to individ-
18 uals with disabilities to the same extent as services are
19 made available to all other individuals.

20 (b) TRANSMISSION THROUGH SECURE THIRD PARTY
21 PERMITTED.—Nothing in this part shall be construed to
22 prevent a contributing agency from contracting with a
23 third party to assist the agency in meeting the information
24 transmittal requirements of this part, so long as the data
25 transmittal complies with the applicable requirements of

1 this part, including the privacy and security provisions of
2 section 1015.

3 (c) NONPARTISAN, NONDISCRIMINATORY PROVISION
4 OF SERVICES.—The services made available by contrib-
5 uting agencies under this part and by the State under sec-
6 tions 1015 and 1016 shall be made in a manner consistent
7 with paragraphs (4), (5), and (6)(C) of section 7(a) of
8 the National Voter Registration Act of 1993 (52 U.S.C.
9 20506(a)).

10 (d) NOTICES.—Each State may send notices under
11 this part via electronic mail if the individual has provided
12 an electronic mail address and consented to electronic mail
13 communications for election-related materials. All notices
14 sent pursuant to this part that require a response must
15 offer the individual notified the opportunity to respond at
16 no cost to the individual.

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

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

1 (1) The Voting Rights Act of 1965 (52 U.S.C.
2 10301 et seq.).

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

5 (3) The National Voter Registration Act of
6 1993 (52 U.S.C. 20501 et seq.).

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

9 **SEC. 1020. DEFINITIONS.**

10 In this part, the following definitions apply:

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

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

19 (3) The term “exempt State” means a State
20 which, under law which is in effect continuously on
21 and after the date of the enactment of this Act, op-
22 erates an automatic voter registration program
23 under which an individual is automatically registered
24 to vote in elections for Federal office in the State if
25 the individual provides the motor vehicle authority of

1 the State (or, in the case of a State in which an in-
 2 dividual is automatically registered to vote at the
 3 time the individual applies for benefits or services
 4 with a Permanent Dividend Fund of the State, pro-
 5 vides the appropriate official of such Fund) with
 6 such identifying information as the State may re-
 7 quire.

8 (4) The term “State” means each of the several
 9 States and the District of Columbia.

10 **SEC. 1021. EFFECTIVE DATE.**

11 (a) IN GENERAL.—Except as provided in subsection
 12 (b), this part and the amendments made by this part shall
 13 apply with respect to a State beginning January 1, 2021.

14 (b) WAIVER.—Subject to the approval of the Com-
 15 mission, if a State certifies to the Commission that the
 16 State will not meet the deadline referred to in subsection
 17 (a) because of extraordinary circumstances and includes
 18 in the certification the reasons for the failure to meet the
 19 deadline, subsection (a) shall apply to the State as if the
 20 reference in such subsection to “January 1, 2021” were
 21 a reference to “January 1, 2023”.

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

23 **SEC. 1031. SAME DAY REGISTRATION.**

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

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

3 (2) by inserting after section 303 the following
4 new section:

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

6 “(a) IN GENERAL.—

7 “(1) REGISTRATION.—Each State shall permit
8 any eligible individual on the day of a Federal elec-
9 tion and on any day when voting, including early
10 voting, is permitted for a Federal election—

11 “(A) to register to vote in such election at
12 the polling place using a form that meets the
13 requirements under section 9(b) of the National
14 Voter Registration Act of 1993 (or, if the indi-
15 vidual is already registered to vote, to revise
16 any of the individual’s voter registration infor-
17 mation); and

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

19 “(2) EXCEPTION.—The requirements under
20 paragraph (1) shall not apply to a State in which,
21 under a State law in effect continuously on and after
22 the date of the enactment of this section, there is no
23 voter registration requirement for individuals in the
24 State with respect to elections for Federal office.

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

5 “(c) EFFECTIVE DATE.—Each State shall be re-
6 quired to comply with the requirements of subsection (a)
7 for the regularly scheduled general election for Federal of-
8 fice occurring in November 2020 and for any subsequent
9 election for Federal office.”.

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

14 (c) CLERICAL AMENDMENT.—The table of contents
15 of such Act is amended—

16 (1) by redesignating the items relating to sec-
17 tions 304 and 305 as relating to sections 305 and
18 306; and

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

“Sec. 304. Same day registration.”.

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

3 **SEC. 1041. CONDITIONS ON REMOVAL OF REGISTRANTS**
4 **FROM OFFICIAL LIST OF ELIGIBLE VOTERS**
5 **ON BASIS OF INTERSTATE CROSS-CHECKS.**

6 (a) MINIMUM INFORMATION REQUIRED FOR RE-
7 MOVAL UNDER CROSS-CHECK.—Section 8(c)(2) of the
8 National Voter Registration Act of 1993 (52 U.S.C.
9 20507(c)(2)) is amended—

10 (1) by redesignating subparagraph (B) as sub-
11 paragraph (D); and

12 (2) by inserting after subparagraph (A) the fol-
13 lowing new subparagraphs:

14 “(B) To the extent that the program carried out by
15 a State under subparagraph (A) to systematically remove
16 the names of ineligible voters from the official lists of eligi-
17 ble voters uses information obtained in an interstate cross-
18 check, in addition to any other conditions imposed under
19 this Act on the authority of the State to remove the name
20 of the voter from such a list, the State may not remove
21 the name of the voter from such a list unless—

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

1 “(ii) the State obtained documentation from the
2 ERIC system that the voter is no longer a resident
3 of the State.

4 “(C) In this paragraph—

5 “(i) the term ‘interstate cross-check’ means the
6 transmission of information from an election official
7 in one State to an election official of another State;
8 and

9 “(ii) the term ‘ERIC system’ means the system
10 operated by the Electronic Registration Information
11 Center to share voter registration information and
12 voter identification information among participating
13 States.”.

14 (b) REQUIRING COMPLETION OF CROSS-CHECKS NOT
15 LATER THAN 6 MONTHS PRIOR TO ELECTION.—Sub-
16 paragraph (A) of section 8(c)(2) of such Act (52 U.S.C.
17 20507(c)(2)) is amended by striking “not later than 90
18 days” and inserting the following: “not later than 90 days
19 (or, in the case of a program in which the State uses inter-
20 state cross-checks, not later than 6 months)”.

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

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

5 **PART 5—OTHER INITIATIVES TO PROMOTE**
6 **VOTER REGISTRATION**

7 **SEC. 1051. ANNUAL REPORTS ON VOTER REGISTRATION**
8 **STATISTICS.**

9 (a) ANNUAL REPORT.—Not later than 90 days after
10 the end of each year, each State shall submit to the Elec-
11 tion Assistance Commission and Congress a report con-
12 taining the following categories of information for the
13 year:

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

16 (2) The number of voter registration applica-
17 tion forms completed by individuals that were trans-
18 mitted by motor vehicle authorities in the State
19 (pursuant to section 5(d) of the National Voter Reg-
20 istration Act of 1993) and voter registration agen-
21 cies in the State (as designated under section 7 of
22 such Act) to the chief State election official of the
23 State, broken down by each such authority and
24 agency.

1 (3) The number of such individuals whose voter
2 registration application forms were accepted and
3 who were registered to vote in the State and the
4 number of such individuals whose forms were re-
5 jected and who were not registered to vote in the
6 State, broken down by each such authority and
7 agency.

8 (4) The number of change of address forms and
9 other forms of information indicating that an indi-
10 vidual's identifying information has been changed
11 that were transmitted by such motor vehicle authori-
12 ties and voter registration agencies to the chief State
13 election official of the State, broken down by each
14 such authority and agency and the type of form
15 transmitted.

16 (5) The number of individuals on the Statewide
17 computerized voter registration list (as established
18 and maintained under section 303 of the Help
19 America Vote Act of 2002) whose voter registration
20 information was revised by the chief State election
21 official as a result of the forms transmitted to the
22 official by such motor vehicle authorities and voter
23 registration agencies (as described in paragraph
24 (3)), broken down by each such authority and agen-
25 cy and the type of form transmitted.

1 (6) The number of individuals who requested
2 the chief State election official to revise voter reg-
3 istration information on such list, and the number of
4 individuals whose information was revised as a result
5 of such a request.

6 (b) BREAKDOWN OF INFORMATION.—In preparing
7 the report under this section, the State shall, for each cat-
8 egory of information described in subsection (a), include
9 a breakdown by race, ethnicity, age, and gender of the
10 individuals whose information is included in the category,
11 to the extent that information on the race, ethnicity, age,
12 and gender of such individuals is available to the State.

13 (c) CONFIDENTIALITY OF INFORMATION.—In pre-
14 paring and submitting a report under this section, the
15 chief State election official shall ensure that no informa-
16 tion regarding the identification of any individual is re-
17 vealed.

18 (d) STATE DEFINED.—In this section, a “State” in-
19 cludes the District of Columbia, the Commonwealth of
20 Puerto Rico, the United States Virgin Islands, Guam,
21 American Samoa, and the Commonwealth of the Northern
22 Mariana Islands, but does not include any State in which,
23 under a State law in effect continuously on and after the
24 date of the enactment of this Act, there is no voter reg-

1 istration requirement for individuals in the State with re-
2 spect to elections for Federal office.

3 **SEC. 1052. ENSURING PRE-ELECTION REGISTRATION DEAD-**
4 **LINES ARE CONSISTENT WITH TIMING OF**
5 **LEGAL PUBLIC HOLIDAYS.**

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

10 (b) EFFECTIVE DATE.—The amendment made by
11 subsection (a) shall apply with respect to elections held
12 in 2020 or any succeeding year.

13 **SEC. 1053. USE OF POSTAL SERVICE HARD COPY CHANGE**
14 **OF ADDRESS FORM TO REMIND INDIVIDUALS**
15 **TO UPDATE VOTER REGISTRATION.**

16 (a) IN GENERAL.—Not later than 1 year after the
17 date of the enactment of this Act, the Postmaster General
18 shall modify any hard copy change of address form used
19 by the United States Postal Service so that such form con-
20 tains a reminder that any individual using such form
21 should update the individual’s voter registration as a re-
22 sult of any change in address.

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

1 **SEC. 1054. GRANTS TO STATES FOR ACTIVITIES TO EN-**
2 **COURAGE INVOLVEMENT OF MINORS IN**
3 **ELECTION ACTIVITIES.**

4 (a) GRANTS.—

5 (1) IN GENERAL.—The Election Assistance
6 Commission (hereafter in this section referred to as
7 the “Commission”) shall make grants to eligible
8 States to enable such States to carry out a plan to
9 increase the involvement of individuals under 18
10 years of age in public election activities in the State.

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

13 (A) methods to promote the use of the pre-
14 registration process implemented under section
15 8A of the National Voter Registration Act of
16 1993 (as added by section 2(a));

17 (B) modifications to the curriculum of sec-
18 ondary schools in the State to promote civic en-
19 gagement; and

20 (C) such other activities to encourage the
21 involvement of young people in the electoral
22 process as the State considers appropriate.

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

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

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

6 (3) such other information and assurances as
7 the Commission may require.

8 (c) PERIOD OF GRANT; REPORT.—

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

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

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

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

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

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

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

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

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

16 “(4) CERTAIN VOTER REGISTRATION ACTIVI-
 17 TIES.—A State may use a requirements payment to
 18 carry out any of the requirements of the Voter Reg-
 19 istration Modernization Act of 2019, including the
 20 requirements of the National Voter Registration Act
 21 of 1993 which are imposed pursuant to the amend-
 22 ments made to such Act by the Voter Registration
 23 Modernization Act of 2019.”.

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

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

3 (c) EFFECTIVE DATE.—The amendments made by
4 this section shall apply with respect to fiscal year 2018
5 and each succeeding fiscal year.

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

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

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

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

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

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

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

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

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

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

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

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

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

(b) INCLUSION IN VOTER INFORMATION REQUIREMENTS.—Section 302(b)(2) of the Help America Vote Act of 2002 (52 U.S.C. 21082(b)(2)) is amended—

(1) by striking “and” at the end of subparagraph (E);

(2) by striking the period at the end of subparagraph (F) and inserting “; and”; and

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

“(G) information relating to the prohibitions of section 612 of title 18, United States Code, and section 12 of the National Voter Registration Act of 1993 (52 U.S.C. 20511) (relating to the unlawful interference with registering to vote, or voting, or attempting to register to vote or vote), including information on how individuals may report allegations of violations of such prohibitions.”.

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

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

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

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

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

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

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

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

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

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

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

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

17 (b) EFFECTIVE DATE.—The amendments made by
18 subsection (a) shall take effect with respect to elections
19 occurring in 2019 or any succeeding year.

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

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

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

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

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

22 (2) an estimate of the costs associated with
23 such initiatives; and

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

1 (c) CONSULTATION WITH ELECTION OFFICIALS.—A
2 local educational agency receiving funds under the pilot
3 program shall consult with the State and local election of-
4 ficials who are responsible for administering elections for
5 public office in the area served by the agency in developing
6 the initiatives the agency will carry out with the funds.

7 (d) DEFINITIONS.—In this part, the terms “local
8 educational agency” and “secondary school” have the
9 meanings given such terms in section 8101 of the Elemen-
10 tary and Secondary Education Act of 1965 (20 U.S.C.
11 7801).

12 **SEC. 1092. REPORTS.**

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

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

1 **SEC. 1093. AUTHORIZATION OF APPROPRIATIONS.**

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

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

5 **SEC. 1094. ACCEPTANCE OF VOTER REGISTRATION APPLI-**
6 **CATIONS FROM INDIVIDUALS UNDER 18**
7 **YEARS OF AGE.**

8 (a) ACCEPTANCE OF APPLICATIONS.—Section 8 of
9 the National Voter Registration Act of 1993 (52 U.S.C.
10 20507) is amended—

11 (1) by redesignating subsection (k), as redesign-
12 nated by section 1004, as subsection (l); and

13 (2) by inserting after subsection (j), as inserted
14 by such section 1004, the following new subsection:

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

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

24 “(2) NO EFFECT ON STATE VOTING AGE RE-
25 QUIREMENTS.—Nothing in paragraph (1) may be
26 construed to require a State to permit an individual

1 who is under 18 years of age at the time of an elec-
 2 tion for Federal office to vote in the election.”.

3 (b) EFFECTIVE DATE.—The amendment made by
 4 subsection (a) shall apply with respect to elections occur-
 5 ring on or after January 1, 2020.

6 **Subtitle B—Access to Voting for** 7 **Individuals With Disabilities**

8 **SEC. 1101. REQUIREMENTS FOR STATES TO PROMOTE AC-** 9 **CESS TO VOTER REGISTRATION AND VOTING** 10 **FOR INDIVIDUALS WITH DISABILITIES.**

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

14 (1) by redesignating sections 305 and 306 as
 15 sections 306 and 307; and

16 (2) by inserting after section 304 the following
 17 new section:

18 **“SEC. 305. ACCESS TO VOTER REGISTRATION AND VOTING** 19 **FOR INDIVIDUALS WITH DISABILITIES.**

20 “(a) TREATMENT OF APPLICATIONS AND BAL-
 21 LOTS.—Each State shall—

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

1 “(2) accept and process, with respect to any
2 election for Federal office, any otherwise valid voter
3 registration application and absentee ballot applica-
4 tion from an individual with a disability if the appli-
5 cation is received by the appropriate State election
6 official within the deadline for the election which is
7 applicable under Federal law;

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

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

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

23 “(C) by which such an individual can des-
24 ignate whether the individual prefers that such
25 voter registration application or absentee ballot

1 application be transmitted by mail or electroni-
2 cally;

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

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

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

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

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

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

24 “(6) if the State declares or otherwise holds a
25 runoff election for Federal office, establish a written

1 plan that provides absentee ballots are made avail-
2 able to individuals with disabilities in a manner that
3 gives them sufficient time to vote in the runoff elec-
4 tion.

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

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

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

1 “(A) for use by individuals with disabilities
2 who wish to register to vote or vote in any ju-
3 risdiction in the State to request voter registra-
4 tion applications and absentee ballot applica-
5 tions under subsection (a)(3);

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

9 “(C) for the purpose of providing related
10 voting, balloting, and election information to in-
11 dividuals with disabilities.

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

20 “(3) INCLUSION OF DESIGNATED MEANS OF
21 ELECTRONIC COMMUNICATION WITH INFORMA-
22 TIONAL AND INSTRUCTIONAL MATERIALS THAT AC-
23 COMPANY BALLOTING MATERIALS.—Each State shall
24 include a means of electronic communication so des-
25 ignated with all informational and instructional ma-

1 materials that accompany balloting materials sent by
2 the State to individuals with disabilities.

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

11 “(d) TRANSMISSION OF BLANK ABSENTEE BALLOTS
12 BY MAIL AND ELECTRONICALLY.—

13 “(1) IN GENERAL.—Each State shall establish
14 procedures—

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

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

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

8 “(3) APPLICATION OF METHODS TO TRACK DE-
9 LIVERY TO AND RETURN OF BALLOT BY INDIVIDUAL
10 REQUESTING BALLOT.—Under the procedures estab-
11 lished under paragraph (1), the State shall apply
12 such methods as the State considers appropriate,
13 such as assigning a unique identifier to the ballot,
14 to ensure that if an individual with a disability re-
15 quests the State to transmit a blank absentee ballot
16 to the individual in accordance with this subsection,
17 the voted absentee ballot which is returned by the
18 individual is the same blank absentee ballot which
19 the State transmitted to the individual.

20 “(e) HARDSHIP EXEMPTION.—

21 “(1) IN GENERAL.—If the chief State election
22 official determines that the State is unable to meet
23 the requirement under subsection (a)(5)(A) with re-
24 spect to an election for Federal office due to an
25 undue hardship described in paragraph (2)(B), the

1 chief State election official shall request that the At-
2 torney General grant a waiver to the State of the
3 application of such subsection. Such request shall in-
4 clude—

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

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

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

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

24 “(i) the steps the State will undertake
25 to ensure that such individuals have time

1 to receive, mark, and submit their ballots
2 in time to have those ballots counted in the
3 election;

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

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

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

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

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

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

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

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

9 “(3) TIMING OF WAIVER.—

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

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

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

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

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

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

19 “(h) EFFECTIVE DATE.—This section shall apply
20 with respect to elections for Federal office held on or after
21 January 1, 2020.”.

22 (b) CONFORMING AMENDMENT RELATING TO
23 ISSUANCE OF VOLUNTARY GUIDANCE BY ELECTION AS-
24 SISTANCE COMMISSION.—Section 311(b) of such Act (52
25 U.S.C. 21101(b)) is amended—

1 (1) by striking “and” at the end of paragraph
2 (2);

3 (2) by striking the period at the end of para-
4 graph (3) and inserting “; and”; and

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

7 “(4) in the case of the recommendations with
8 respect to section 305, January 1, 2020.”.

9 (c) CLERICAL AMENDMENT.—The table of contents
10 of such Act, as amended by section 1031(c), is amended—

11 (1) by redesignating the items relating to sec-
12 tions 305 and 306 as relating to sections 306 and
13 307; and

14 (2) by inserting after the item relating to sec-
15 tion 304 the following new item:

“Sec. 305. Access to voter registration and voting for individuals with disabili-
ties.”.

16 **SEC. 1102. EXPANSION AND REAUTHORIZATION OF GRANT**
17 **PROGRAM TO ASSURE VOTING ACCESS FOR**
18 **INDIVIDUALS WITH DISABILITIES.**

19 (a) PURPOSES OF PAYMENTS.—Section 261(b) of the
20 Help America Vote Act of 2002 (52 U.S.C. 21021(b)) is
21 amended by striking paragraphs (1) and (2) and inserting
22 the following:

23 “(1) making absentee voting and voting at
24 home accessible to individuals with the full range of

1 disabilities (including impairments involving vision,
2 hearing, mobility, or dexterity) through the imple-
3 mentation of accessible absentee voting systems that
4 work in conjunction with assistive technologies for
5 which individuals have access at their homes, inde-
6 pendent living centers, or other facilities;

7 “(2) making polling places, including the path
8 of travel, entrances, exits, and voting areas of each
9 polling facility, accessible to individuals with disabil-
10 ities, including the blind and visually impaired, in a
11 manner that provides the same opportunity for ac-
12 cess and participation (including privacy and inde-
13 pendence) as for other voters; and

14 “(3) providing solutions to problems of access
15 to voting and elections for individuals with disabil-
16 ities that are universally designed and provide the
17 same opportunities for individuals with and without
18 disabilities.”.

19 (b) REAUTHORIZATION.—Section 264(a) of such Act
20 (52 U.S.C. 21024(a)) is amended by adding at the end
21 the following new paragraph:

22 “(4) For fiscal year 2020 and each succeeding
23 fiscal year, such sums as may be necessary to carry
24 out this part.”.

1 (c) PERIOD OF AVAILABILITY OF FUNDS.—Section
2 264 of such Act (52 U.S.C. 21024) is amended—

3 (1) in subsection (b), by striking “Any
4 amounts” and inserting “Except as provided in sub-
5 section (b), any amounts”; and

6 (2) by adding at the end the following new sub-
7 section:

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

9 “(1) DEADLINE FOR OBLIGATION AND EXPEND-
10 ITURE.—In the case of any amounts appropriated
11 pursuant to the authority of subsection (a) for a
12 payment to a State or unit of local government for
13 fiscal year 2020 or any succeeding fiscal year, any
14 portion of such amounts which have not been obli-
15 gated or expended by the State or unit of local gov-
16 ernment prior to the expiration of the 4-year period
17 which begins on the date the State or unit of local
18 government first received the amounts shall be
19 transferred to the Commission.

20 “(2) REALLOCATION OF TRANSFERRED
21 AMOUNTS.—

22 “(A) IN GENERAL.—The Commission shall
23 use the amounts transferred under paragraph
24 (1) to make payments on a pro rata basis to
25 each covered payment recipient described in

subparagraph (B), which may obligate and expend such payment for the purposes described in section 261(b) during the 1-year period which begins on the date of receipt.

“(B) COVERED PAYMENT RECIPIENTS DESCRIBED.—In subparagraph (A), a ‘covered payment recipient’ is a State or unit of local government with respect to which—

“(i) amounts were appropriated pursuant to the authority of subsection (a); and

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

SEC. 1103. PILOT PROGRAMS FOR ENABLING INDIVIDUALS WITH DISABILITIES TO REGISTER TO VOTE PRIVATELY AND INDEPENDENTLY AT RESIDENCES.

(a) ESTABLISHMENT OF PILOT PROGRAMS.—The Election Assistance Commission (hereafter referred to as the “Commission”) shall, subject to the availability of appropriations to carry out this section, make grants to eligible States to conduct pilot programs under which individuals with disabilities may use electronic means (including the Internet and telephones utilizing assistive devices) to register to vote and to request and receive absentee ballots

1 in a manner which permits such individuals to do so pri-
2 vately and independently at their own residences.

3 (b) REPORTS.—

4 (1) IN GENERAL.—A State receiving a grant for
5 a year under this section shall submit a report to the
6 Commission on the pilot programs the State carried
7 out with the grant with respect to elections for pub-
8 lic office held in the State during the year.

9 (2) DEADLINE.—A State shall submit a report
10 under paragraph (1) not later than 90 days after
11 the last election for public office held in the State
12 during the year.

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

18 (d) TIMING.—The Commission shall make the first
19 grants under this section for pilot programs which will be
20 in effect with respect to elections for Federal office held
21 in 2020, or, at the option of a State, with respect to other
22 elections for public office held in the State in 2020.

23 (e) STATE DEFINED.—In this section, the term
24 “State” includes the District of Columbia, the Common-
25 wealth of Puerto Rico, Guam, American Samoa, the

1 United States Virgin Islands, and the Commonwealth of
2 the Northern Mariana Islands.

3 **SEC. 1104. GAO ANALYSIS AND REPORT ON VOTING ACCESS**
4 **FOR INDIVIDUALS WITH DISABILITIES.**

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

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

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

15 (B) the extent to which such facilities are
16 used as polling places in elections for Federal
17 office.

18 (2) Assistance provided by the Election Assist-
19 ance Commission, Department of Justice, or other
20 Federal agencies to help State and local officials im-
21 prove voting access for individuals with disabilities
22 during elections for Federal office.

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

1 (A) are located in places that are difficult
2 to access;

3 (B) malfunction; or

4 (C) fail to provide sufficient privacy to en-
5 sure that the ballot of the individual cannot be
6 seen by another individual.

7 (4) The process by which Federal, State, and
8 local governments track compliance with accessibility
9 requirements related to voting access, including
10 methods to receive and address complaints.

11 (5) The extent to which poll workers receive
12 training on how to assist individuals with disabil-
13 ities, including the receipt by such poll workers of
14 information on legal requirements related to voting
15 rights for individuals with disabilities.

16 (6) The extent and effectiveness of training pro-
17 vided to poll workers on the operation of accessible
18 voting machines.

19 (7) The extent to which individuals with a de-
20 velopmental or psychiatric disability experience
21 greater barriers to voting, and whether poll worker
22 training adequately addresses the needs of such indi-
23 viduals.

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

4 (b) REPORT.—

5 (1) IN GENERAL.—Not later than 9 months
6 after the date of a regularly scheduled general elec-
7 tion for Federal office, the Comptroller General shall
8 submit to the appropriate congressional committees
9 a report with respect to the most recent regularly
10 scheduled general election for Federal office that
11 contains the following:

12 (A) The analysis required by subsection

13 (a).

14 (B) Recommendations, as appropriate, to
15 promote the use of best practices used by State
16 and local officials to address barriers to accessi-
17 bility and privacy concerns for individuals with
18 disabilities in elections for Federal office.

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

22 (A) the Committee on House Administra-
23 tion of the House of Representatives;

24 (B) the Committee on Rules and Adminis-
25 tration of the Senate;

1 (C) the Committee on Appropriations of
2 the House of Representatives; and

3 (D) the Committee on Appropriations of
4 the Senate.

5 **Subtitle C—Prohibiting Voter**
6 **Caging**

7 **SEC. 1201. VOTER CAGING AND OTHER QUESTIONABLE**
8 **CHALLENGES PROHIBITED.**

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

12 **“§ 613. Voter caging and other questionable chal-**
13 **lenges**

14 “(a) DEFINITIONS.—In this section—

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

16 “(A) a nonforwardable document that is
17 returned to the sender or a third party as unde-
18 livered or undeliverable despite an attempt to
19 deliver such document to the address of a reg-
20 istered voter or applicant; or

21 “(B) any document with instructions to an
22 addressee that the document be returned to the
23 sender or a third party but is not so returned,
24 despite an attempt to deliver such document to
25 the address of a registered voter or applicant,

1 unless at least two Federal election cycles have
2 passed since the date of the attempted delivery;

3 “(2) the term ‘voter caging list’ means a list of
4 individuals compiled from voter caging documents;
5 and

6 “(3) the term ‘unverified match list’ means a
7 list produced by matching the information of reg-
8 istered voters or applicants for voter registration to
9 a list of individuals who are ineligible to vote in the
10 registrar’s jurisdiction, by virtue of death, convic-
11 tion, change of address, or otherwise; unless one of
12 the pieces of information matched includes a signa-
13 ture, photograph, or unique identifying number en-
14 suring that the information from each source refers
15 to the same individual.

16 “(b) PROHIBITION AGAINST VOTER CAGING.—No
17 State or local election official shall prevent an individual
18 from registering or voting in any election for Federal of-
19 fice, or permit in connection with any election for Federal
20 office a formal challenge under State law to an individual’s
21 registration status or eligibility to vote, if the basis for
22 such decision is evidence consisting of—

23 “(1) a voter caging document or voter caging
24 list;

25 “(2) an unverified match list;

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

7 “(4) any other evidence so designated for pur-
 8 poses of this section by the Election Assistance Com-
 9 mission,

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

13 “(c) REQUIREMENTS FOR CHALLENGES BY PERSONS
 14 OTHER THAN ELECTION OFFICIALS.—

15 “(1) REQUIREMENTS FOR CHALLENGES.—No
 16 person, other than a State or local election official,
 17 shall submit a formal challenge to an individual’s eli-
 18 gibility to register to vote in an election for Federal
 19 office or to vote in an election for Federal office un-
 20 less that challenge is supported by personal knowl-
 21 edge regarding the grounds for ineligibility which
 22 is—

23 “(A) documented in writing; and

24 “(B) subject to an oath or attestation
 25 under penalty of perjury that the challenger has

1 a good faith factual basis to believe that the in-
2 dividual who is the subject of the challenge is
3 ineligible to register to vote or vote in that elec-
4 tion, except a challenge which is based on the
5 race, ethnicity, or national origin of the indi-
6 vidual who is the subject of the challenge may
7 not be considered to have a good faith factual
8 basis for purposes of this paragraph.

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

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

15 “(B) to challenge an individual’s eligibility
16 to register to vote in an election for Federal of-
17 fice or to vote in an election for Federal office
18 less than 10 days before the election unless the
19 individual registered to vote less than 20 days
20 before the election.

21 “(d) PENALTIES FOR KNOWING MISCONDUCT.—

22 Whoever knowingly challenges the eligibility of one or
23 more individuals to register or vote or knowingly causes
24 the eligibility of such individuals to be challenged in viola-
25 tion of this section with the intent that one or more eligi-

1 ble voters be disqualified, shall be fined under this title
 2 or imprisoned not more than 1 year, or both, for each such
 3 violation. Each violation shall be a separate offense.

4 “(e) NO EFFECT ON RELATED LAWS.—Nothing in
 5 this section is intended to override the protections of the
 6 National Voter Registration Act of 1993 (52 U.S.C.
 7 20501 et seq.) or to affect the Voting Rights Act of 1965
 8 (52 U.S.C. 10301 et seq.).”.

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

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

13 **SEC. 1202. DEVELOPMENT AND ADOPTION OF BEST PRAC-**
 14 **TICES FOR PREVENTING VOTER CAGING.**

15 (a) BEST PRACTICES.—Not later than 180 days after
 16 the date of the enactment of this Act, the Election Assist-
 17 ance Commission shall develop and publish for the use of
 18 States recommendations for best practices to deter and
 19 prevent violations of section 613 of title 18, United States
 20 Code, as added by section 1201(a), including practices to
 21 provide for the posting of relevant information at polling
 22 places and voter registration agencies, the training of poll
 23 workers and election officials, and relevant educational
 24 measures. For purposes of this subsection, the term
 25 “State” includes the District of Columbia, the Common-

1 wealth of Puerto Rico, Guam, American Samoa, the
2 United States Virgin Islands, and the Commonwealth of
3 the Northern Mariana Islands.

4 (b) INCLUSION IN VOTING INFORMATION REQUIRE-
5 MENTS.—Section 302(b)(2) of the Help America Vote Act
6 of 2002 (52 U.S.C. 21082(b)(2)), as amended by section
7 1072(b), is amended—

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

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

12 (3) by adding at the end the following new sub-
13 paragraph:

14 “(H) information relating to the prohibi-
15 tion against voter caging and other questionable
16 challenges (as set forth in section 613 of title
17 18, United States Code), including information
18 on how individuals may report allegations of
19 violations of such prohibition.”.

20 **Subtitle D—Prohibiting Deceptive**
21 **Practices and Preventing Voter**
22 **Intimidation**

23 **SEC. 1301. SHORT TITLE.**

24 This subtitle may be cited as the “Deceptive Prac-
25 tices and Voter Intimidation Prevention Act of 2019”.

1 **SEC. 1302. PROHIBITION ON DECEPTIVE PRACTICES IN**
2 **FEDERAL ELECTIONS.**

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

5 (1) by striking “No person” and inserting the
6 following:

7 “(1) IN GENERAL.—No person”; and

8 (2) by inserting at the end the following new
9 paragraphs:

10 “(2) FALSE STATEMENTS REGARDING FEDERAL
11 ELECTIONS.—

12 “(A) PROHIBITION.—No person, whether
13 acting under color of law or otherwise, shall,
14 within 60 days before an election described in
15 paragraph (5), by any means, including by
16 means of written, electronic, or telephonic com-
17 munications, communicate or cause to be com-
18 municated information described in subpara-
19 graph (B), or produce information described in
20 subparagraph (B) with the intent that such in-
21 formation be communicated, if such person—

22 “(i) knows such information to be ma-
23 terially false; and

24 “(ii) has the intent to impede or pre-
25 vent another person from exercising the

1 right to vote in an election described in
2 paragraph (5).

3 “(B) INFORMATION DESCRIBED.—Infor-
4 mation is described in this subparagraph if such
5 information is regarding—

6 “(i) the time, place, or manner of
7 holding any election described in para-
8 graph (5); or

9 “(ii) the qualifications for or restric-
10 tions on voter eligibility for any such elec-
11 tion, including—

12 “(I) any criminal penalties asso-
13 ciated with voting in any such elec-
14 tion; or

15 “(II) information regarding a
16 voter’s registration status or eligi-
17 bility.

18 “(3) FALSE STATEMENTS REGARDING PUBLIC
19 ENDORSEMENTS.—

20 “(A) PROHIBITION.—No person, whether
21 acting under color of law or otherwise, shall,
22 within 60 days before an election described in
23 paragraph (5), by any means, including by
24 means of written, electronic, or telephonic com-
25 munications, communicate, or cause to be com-

1 municated, a materially false statement about
2 an endorsement, if such person—

3 “(i) knows such statement to be false;
4 and

5 “(ii) has the intent to impede or pre-
6 vent another person from exercising the
7 right to vote in an election described in
8 paragraph (5).

9 “(B) DEFINITION OF ‘MATERIALLY
10 FALSE’.—For purposes of subparagraph (A), a
11 statement about an endorsement is ‘materially
12 false’ if, with respect to an upcoming election
13 described in paragraph (5)—

14 “(i) the statement states that a spe-
15 cifically named person, political party, or
16 organization has endorsed the election of a
17 specific candidate for a Federal office de-
18 scribed in such paragraph; and

19 “(ii) such person, political party, or
20 organization has not endorsed the election
21 of such candidate.

22 “(4) HINDERING, INTERFERING WITH, OR PRE-
23 VENTING VOTING OR REGISTERING TO VOTE.—No
24 person, whether acting under color of law or other-
25 wise, shall intentionally hinder, interfere with, or

1 prevent another person from voting, registering to
2 vote, or aiding another person to vote or register to
3 vote in an election described in paragraph (5).

4 “(5) ELECTION DESCRIBED.—An election de-
5 scribed in this paragraph is any general, primary,
6 run-off, or special election held solely or in part for
7 the purpose of nominating or electing a candidate
8 for the office of President, Vice President, presi-
9 dential elector, Member of the Senate, Member of
10 the House of Representatives, or Delegate or Com-
11 missioner from a Territory or possession.”.

12 (b) PRIVATE RIGHT OF ACTION.—

13 (1) IN GENERAL.—Subsection (c) of section
14 2004 of the Revised Statutes (52 U.S.C. 10101(c))
15 is amended—

16 (A) by striking “Whenever any person”
17 and inserting the following:

18 “(1) Whenever any person”; and

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

21 “(2) Any person aggrieved by a violation of
22 subsection (b)(2), (b)(3), or (b)(4) may institute a
23 civil action for preventive relief, including an appli-
24 cation in a United States district court for a perma-
25 nent or temporary injunction, restraining order, or

other order. In any such action, the court, in its discretion, may allow the prevailing party a reasonable attorney's fee as part of the costs.”.

(2) CONFORMING AMENDMENTS.—

(A) Subsection (e) of section 2004 of the Revised Statutes (52 U.S.C. 10101(e)) is amended by striking “subsection (e)” and inserting “subsection (e)(1)”.

(B) Subsection (g) of section 2004 of the Revised Statutes (52 U.S.C. 10101(g)) is amended by striking “subsection (e)” and inserting “subsection (e)(1)”.

(c) CRIMINAL PENALTIES.—

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

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

“(a) INTIMIDATION.—Whoever”;

(B) in subsection (a), as inserted by subparagraph (A), by striking “at any election” and inserting “at any general, primary, run-off, or special election”; and

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

“(b) DECEPTIVE ACTS.—

1 “(1) FALSE STATEMENTS REGARDING FEDERAL
2 ELECTIONS.—

3 “(A) PROHIBITION.—It shall be unlawful
4 for any person, whether acting under color of
5 law or otherwise, within 60 days before an elec-
6 tion described in subsection (e), by any means,
7 including by means of written, electronic, or tel-
8 ephonic communications, to communicate or
9 cause to be communicated information de-
10 scribed in subparagraph (B), or produce infor-
11 mation described in subparagraph (B) with the
12 intent that such information be communicated,
13 if such person—

14 “(i) knows such information to be ma-
15 terially false; and

16 “(ii) has the intent to mislead voters,
17 or the intent to impede or prevent another
18 person from exercising the right to vote in
19 an election described in subsection (e).

20 “(B) INFORMATION DESCRIBED.—Infor-
21 mation is described in this subparagraph if such
22 information is regarding—

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

1 “(ii) the qualifications for or restric-
2 tions on voter eligibility for any such elec-
3 tion, including—

4 “(I) any criminal penalties asso-
5 ciated with voting in any such elec-
6 tion; or

7 “(II) information regarding a
8 voter’s registration status or eligi-
9 bility.

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

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

15 “(1) PROHIBITION.—It shall be unlawful for
16 any person, whether acting under color of law or
17 otherwise, to intentionally hinder, interfere with, or
18 prevent another person from voting, registering to
19 vote, or aiding another person to vote or register to
20 vote in an election described in subsection (e).

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

24 “(d) ATTEMPT.—Any person who attempts to commit
25 any offense described in subsection (a), (b)(1), or (c)(1)

1 shall be subject to the same penalties as those prescribed
2 for the offense that the person attempted to commit.

3 “(e) ELECTION DESCRIBED.—An election described
4 in this subsection is any general, primary, run-off, or spe-
5 cial election held solely or in part for the purpose of nomi-
6 nating or electing a candidate for the office of President,
7 Vice President, presidential elector, Member of the Senate,
8 Member of the House of Representatives, or Delegate or
9 Commissioner from a Territory or possession.”.

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

17 (3) SENTENCING GUIDELINES.—

18 (A) REVIEW AND AMENDMENT.—Not later
19 than 180 days after the date of enactment of
20 this Act, the United States Sentencing Commis-
21 sion, pursuant to its authority under section
22 994 of title 28, United States Code, and in ac-
23 cordance with this section, shall review and, if
24 appropriate, amend the Federal sentencing
25 guidelines and policy statements applicable to

1 persons convicted of any offense under section
2 594 of title 18, United States Code, as amend-
3 ed by this section.

4 (B) AUTHORIZATION.—The United States
5 Sentencing Commission may amend the Federal
6 Sentencing Guidelines in accordance with the
7 procedures set forth in section 21(a) of the Sen-
8 tencing Act of 1987 (28 U.S.C. 994 note) as
9 though the authority under that section had not
10 expired.

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

17 **SEC. 1303. CORRECTIVE ACTION.**

18 (a) CORRECTIVE ACTION.—

19 (1) IN GENERAL.—If the Attorney General re-
20 ceives a credible report that materially false informa-
21 tion has been or is being communicated in violation
22 of paragraphs (2) and (3) of section 2004(b) of the
23 Revised Statutes (52 U.S.C. 10101(b)), as added by
24 section 1302(a), and if the Attorney General deter-
25 mines that State and local election officials have not

1 taken adequate steps to promptly communicate accu-
2 rate information to correct the materially false infor-
3 mation, the Attorney General shall, pursuant to the
4 written procedures and standards under subsection
5 (b), communicate to the public, by any means, in-
6 cluding by means of written, electronic, or telephonic
7 communications, accurate information designed to
8 correct the materially false information.

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

12 (A) shall—

13 (i) be accurate and objective;

14 (ii) consist of only the information
15 necessary to correct the materially false in-
16 formation that has been or is being com-
17 municated; and

18 (iii) to the extent practicable, be by a
19 means that the Attorney General deter-
20 mines will reach the persons to whom the
21 materially false information has been or is
22 being communicated; and

23 (B) shall not be designed to favor or dis-
24 favor any particular candidate, organization, or
25 political party.

1 (b) WRITTEN PROCEDURES AND STANDARDS FOR
2 TAKING CORRECTIVE ACTION.—

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

8 (2) INCLUSION OF APPROPRIATE DEADLINES.—
9 The procedures and standards under paragraph (1)
10 shall include appropriate deadlines, based in part on
11 the number of days remaining before the upcoming
12 election.

13 (3) CONSULTATION.—In developing the proce-
14 dures and standards under paragraph (1), the Attor-
15 ney General shall consult with the Election Assist-
16 ance Commission, State and local election officials,
17 civil rights organizations, voting rights groups, voter
18 protection groups, and other interested community
19 organizations.

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

23 **SEC. 1304. REPORTS TO CONGRESS.**

24 (a) IN GENERAL.—Not later than 180 days after
25 each general election for Federal office, the Attorney Gen-

1 eral shall submit to Congress a report compiling all allega-
2 tions received by the Attorney General of deceptive prac-
3 tices described in paragraphs (2), (3), and (4) of section
4 2004(b) of the Revised Statutes (52 U.S.C. 10101(b)), as
5 added by section 1302(a), relating to the general election
6 for Federal office and any primary, run-off, or a special
7 election for Federal office held in the 2 years preceding
8 the general election.

9 (b) CONTENTS.—

10 (1) IN GENERAL.—Each report submitted
11 under subsection (a) shall include—

12 (A) a description of each allegation of a
13 deceptive practice described in subsection (a),
14 including the geographic location, racial and
15 ethnic composition, and language minority-
16 group membership of the persons toward whom
17 the alleged deceptive practice was directed;

18 (B) the status of the investigation of each
19 allegation described in subparagraph (A);

20 (C) a description of each corrective action
21 taken by the Attorney General under section
22 4(a) in response to an allegation described in
23 subparagraph (A);

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

4 (E) to the extent information is available,
5 a description of any civil action instituted under
6 section 2004(c)(2) of the Revised Statutes (52
7 U.S.C. 10101(c)(2)), as added by section
8 1302(b), in connection with an allegation de-
9 scribed in subparagraph (A); and

10 (F) a description of any criminal prosecu-
11 tion instituted under section 594 of title 18,
12 United States Code, as amended by section
13 3(c), in connection with the receipt of an allega-
14 tion described in subparagraph (A) by the At-
15 torney General.

16 (2) EXCLUSION OF CERTAIN INFORMATION.—

17 (A) IN GENERAL.—The Attorney General
18 shall not include in a report submitted under
19 subsection (a) any information protected from
20 disclosure by rule 6(e) of the Federal Rules of
21 Criminal Procedure or any Federal criminal
22 statute.

23 (B) EXCLUSION OF CERTAIN OTHER IN-
24 FORMATION.—The Attorney General may deter-
25 mine that the following information shall not be

1 included in a report submitted under subsection
2 (a):

3 (i) Any information that is privileged.

4 (ii) Any information concerning an
5 ongoing investigation.

6 (iii) Any information concerning a
7 criminal or civil proceeding conducted
8 under seal.

9 (iv) Any other nonpublic information
10 that the Attorney General determines the
11 disclosure of which could reasonably be ex-
12 pected to infringe on the rights of any in-
13 dividual or adversely affect the integrity of
14 a pending or future criminal investigation.

15 (c) REPORT MADE PUBLIC.—On the date that the
16 Attorney General submits the report under subsection (a),
17 the Attorney General shall also make the report publicly
18 available through the Internet and other appropriate
19 means.

20 **Subtitle E—Democracy Restoration**

21 **SEC. 1401. SHORT TITLE.**

22 This subtitle may be cited as the “Democracy Res-
23 toration Act of 2019”.

1 **SEC. 1402. RIGHTS OF CITIZENS.**

2 The right of an individual who is a citizen of the
3 United States to vote in any election for Federal office
4 shall not be denied or abridged because that individual has
5 been convicted of a criminal offense unless such individual
6 is serving a felony sentence in a correctional institution
7 or facility at the time of the election.

8 **SEC. 1403. ENFORCEMENT.**

9 (a) ATTORNEY GENERAL.—The Attorney General
10 may, in a civil action, obtain such declaratory or injunctive
11 relief as is necessary to remedy a violation of this subtitle.

12 (b) PRIVATE RIGHT OF ACTION.—

13 (1) IN GENERAL.—A person who is aggrieved
14 by a violation of this subtitle may provide written
15 notice of the violation to the chief election official of
16 the State involved.

17 (2) RELIEF.—Except as provided in paragraph
18 (3), if the violation is not corrected within 90 days
19 after receipt of a notice under paragraph (1), or
20 within 20 days after receipt of the notice if the viola-
21 tion occurred within 120 days before the date of an
22 election for Federal office, the aggrieved person
23 may, in a civil action, obtain declaratory or injunc-
24 tive relief with respect to the violation.

25 (3) EXCEPTION.—If the violation occurred
26 within 30 days before the date of an election for

1 Federal office, the aggrieved person need not provide
2 notice to the chief election official of the State under
3 paragraph (1) before bringing a civil action to obtain
4 declaratory or injunctive relief with respect to the
5 violation.

6 **SEC. 1404. NOTIFICATION OF RESTORATION OF VOTING**
7 **RIGHTS.**

8 (a) STATE NOTIFICATION.—

9 (1) NOTIFICATION.—On the date determined
10 under paragraph (2), each State shall notify in writ-
11 ing any individual who has been convicted of a
12 criminal offense under the law of that State that
13 such individual has the right to vote in an election
14 for Federal office pursuant to the Democracy Res-
15 toration Act of 2019 and may register to vote in any
16 such election and provide such individual with any
17 materials that are necessary to register to vote in
18 any such election.

19 (2) DATE OF NOTIFICATION.—

20 (A) FELONY CONVICTION.—In the case of
21 such an individual who has been convicted of a
22 felony, the notification required under para-
23 graph (1) shall be given on the date on which
24 the individual—

1 (i) is sentenced to serve only a term
2 of probation; or

3 (ii) is released from the custody of
4 that State (other than to the custody of
5 another State or the Federal Government
6 to serve a term of imprisonment for a fel-
7 ony conviction).

8 (B) MISDEMEANOR CONVICTION.—In the
9 case of such an individual who has been con-
10 victed of a misdemeanor, the notification re-
11 quired under paragraph (1) shall be given on
12 the date on which such individual is sentenced
13 by a State court.

14 (b) FEDERAL NOTIFICATION.—

15 (1) NOTIFICATION.—Any individual who has
16 been convicted of a criminal offense under Federal
17 law shall be notified in accordance with paragraph
18 (2) that such individual has the right to vote in an
19 election for Federal office pursuant to the Democ-
20 racy Restoration Act of 2019 and may register to
21 vote in any such election and provide such individual
22 with any materials that are necessary to register to
23 vote in any such election.

24 (2) DATE OF NOTIFICATION.—

1 (A) FELONY CONVICTION.—In the case of
2 such an individual who has been convicted of a
3 felony, the notification required under para-
4 graph (1) shall be given—

5 (i) in the case of an individual who is
6 sentenced to serve only a term of proba-
7 tion, by the Assistant Director for the Of-
8 fice of Probation and Pretrial Services of
9 the Administrative Office of the United
10 States Courts on the date on which the in-
11 dividual is sentenced; or

12 (ii) in the case of any individual com-
13 mitted to the custody of the Bureau of
14 Prisons, by the Director of the Bureau of
15 Prisons, during the period beginning on
16 the date that is 6 months before such indi-
17 vidual is released and ending on the date
18 such individual is released from the cus-
19 tody of the Bureau of Prisons.

20 (B) MISDEMEANOR CONVICTION.—In the
21 case of such an individual who has been con-
22 victed of a misdemeanor, the notification re-
23 quired under paragraph (1) shall be given on
24 the date on which such individual is sentenced
25 by a court established by an Act of Congress.

1 **SEC. 1405. DEFINITIONS.**

2 For purposes of this subtitle:

3 (1) CORRECTIONAL INSTITUTION OR FACIL-
4 ITY.—The term “correctional institution or facility”
5 means any prison, penitentiary, jail, or other institu-
6 tion or facility for the confinement of individuals
7 convicted of criminal offenses, whether publicly or
8 privately operated, except that such term does not
9 include any residential community treatment center
10 (or similar public or private facility).

11 (2) ELECTION.—The term “election” means—

12 (A) a general, special, primary, or runoff
13 election;

14 (B) a convention or caucus of a political
15 party held to nominate a candidate;

16 (C) a primary election held for the selec-
17 tion of delegates to a national nominating con-
18 vention of a political party; or

19 (D) a primary election held for the expres-
20 sion of a preference for the nomination of per-
21 sons for election to the office of President.

22 (3) FEDERAL OFFICE.—The term “Federal of-
23 fice” means the office of President or Vice President
24 of the United States, or of Senator or Representa-
25 tive in, or Delegate or Resident Commissioner to,
26 the Congress of the United States.

1 (4) PROBATION.—The term “probation” means
2 probation, imposed by a Federal, State, or local
3 court, with or without a condition on the individual
4 involved concerning—

5 (A) the individual’s freedom of movement;

6 (B) the payment of damages by the indi-
7 vidual;

8 (C) periodic reporting by the individual to
9 an officer of the court; or

10 (D) supervision of the individual by an of-
11 ficer of the court.

12 **SEC. 1406. RELATION TO OTHER LAWS.**

13 (a) STATE LAWS RELATING TO VOTING RIGHTS.—
14 Nothing in this subtitle be construed to prohibit the States
15 from enacting any State law which affords the right to
16 vote in any election for Federal office on terms less restric-
17 tive than those established by this subtitle.

18 (b) CERTAIN FEDERAL ACTS.—The rights and rem-
19 edies established by this subtitle are in addition to all
20 other rights and remedies provided by law, and neither
21 rights and remedies established by this Act shall super-
22 sede, restrict, or limit the application of the Voting Rights
23 Act of 1965 (52 U.S.C. 10301 et seq.) or the National
24 Voter Registration Act of 1993 (52 U.S.C. 20501 et seq.).

1 **SEC. 1407. FEDERAL PRISON FUNDS.**

2 No State, unit of local government, or other person
3 may receive or use, to construct or otherwise improve a
4 prison, jail, or other place of incarceration, any Federal
5 funds unless that person has in effect a program under
6 which each individual incarcerated in that person's juris-
7 diction who is a citizen of the United States is notified,
8 upon release from such incarceration, of that individual's
9 rights under section 1402.

10 **SEC. 1408. EFFECTIVE DATE.**

11 This subtitle shall apply to citizens of the United
12 States voting in any election for Federal office held after
13 the date of the enactment of this Act.

14 **Subtitle F—Promoting Accuracy,**
15 **Integrity, and Security Through**
16 **Voter-Verified Permanent Paper**
17 **Ballot**

18 **SEC. 1501. SHORT TITLE.**

19 This subtitle may be cited as the “Voter Confidence
20 and Increased Accessibility Act of 2019”.

21 **SEC. 1502. PAPER BALLOT AND MANUAL COUNTING RE-**
22 **QUIREMENTS.**

23 (a) IN GENERAL.—Section 301(a)(2) of the Help
24 America Vote Act of 2002 (52 U.S.C. 21081(a)(2)) is
25 amended to read as follows:

26 “(2) PAPER BALLOT REQUIREMENT.—

1 “(A) VOTER-VERIFIED PAPER BALLOTS.—

2 “(i) PAPER BALLOT REQUIREMENT.—

3 (I) The voting system shall require the use
4 of an individual, durable, voter-verified
5 paper ballot of the voter’s vote that shall
6 be marked and made available for inspec-
7 tion and verification by the voter before
8 the voter’s vote is cast and counted, and
9 which shall be counted by hand or read by
10 an optical character recognition device or
11 other counting device. For purposes of this
12 subclause, the term ‘individual, durable,
13 voter-verified paper ballot’ means a paper
14 ballot marked by the voter by hand or a
15 paper ballot marked through the use of a
16 nontabulating ballot marking device or sys-
17 tem, so long as the voter shall have the op-
18 tion to mark his or her ballot by hand.

19 “(II) The voting system shall provide
20 the voter with an opportunity to correct
21 any error on the paper ballot before the
22 permanent voter-verified paper ballot is
23 preserved in accordance with clause (ii).

24 “(III) The voting system shall not
25 preserve the voter-verified paper ballots in

1 any manner that makes it possible, at any
2 time after the ballot has been cast, to asso-
3 ciate a voter with the record of the voter's
4 vote without the voter's consent.

5 “(ii) PRESERVATION AS OFFICIAL
6 RECORD.—The individual, durable, voter-
7 verified paper ballot used in accordance
8 with clause (i) shall constitute the official
9 ballot and shall be preserved and used as
10 the official ballot for purposes of any re-
11 count or audit conducted with respect to
12 any election for Federal office in which the
13 voting system is used.

14 “(iii) MANUAL COUNTING REQUIRE-
15 MENTS FOR RECOUNTS AND AUDITS.—(I)
16 Each paper ballot used pursuant to clause
17 (i) shall be suitable for a manual audit,
18 and shall be counted by hand in any re-
19 count or audit conducted with respect to
20 any election for Federal office.

21 “(II) In the event of any inconsist-
22 encies or irregularities between any elec-
23 tronic vote tallies and the vote tallies de-
24 termined by counting by hand the indi-
25 vidual, durable, voter-verified paper ballots

1 used pursuant to clause (i), and subject to
2 subparagraph (B), the individual, durable,
3 voter-verified paper ballots shall be the
4 true and correct record of the votes cast.

5 “(iv) APPLICATION TO ALL BAL-
6 LOTS.—The requirements of this subpara-
7 graph shall apply to all ballots cast in elec-
8 tions for Federal office, including ballots
9 cast by absent uniformed services voters
10 and overseas voters under the Uniformed
11 and Overseas Citizens Absentee Voting Act
12 and other absentee voters.

13 “(B) SPECIAL RULE FOR TREATMENT OF
14 DISPUTES WHEN PAPER BALLOTS HAVE BEEN
15 SHOWN TO BE COMPROMISED.—

16 “(i) IN GENERAL.—In the event
17 that—

18 “(I) there is any inconsistency
19 between any electronic vote tallies and
20 the vote tallies determined by count-
21 ing by hand the individual, durable,
22 voter-verified paper ballots used pur-
23 suant to subparagraph (A)(i) with re-
24 spect to any election for Federal of-
25 fice; and

1 “(II) it is demonstrated by clear
2 and convincing evidence (as deter-
3 mined in accordance with the applica-
4 ble standards in the jurisdiction in-
5 volved) in any recount, audit, or con-
6 test of the result of the election that
7 the paper ballots have been com-
8 promised (by damage or mischief or
9 otherwise) and that a sufficient num-
10 ber of the ballots have been so com-
11 promised that the result of the elec-
12 tion could be changed,
13 the determination of the appropriate rem-
14 edy with respect to the election shall be
15 made in accordance with applicable State
16 law, except that the electronic tally shall
17 not be used as the exclusive basis for de-
18 termining the official certified result.

19 “(ii) RULE FOR CONSIDERATION OF
20 BALLOTS ASSOCIATED WITH EACH VOTING
21 MACHINE.—For purposes of clause (i),
22 only the paper ballots deemed com-
23 promised, if any, shall be considered in the
24 calculation of whether or not the result of

1 the election could be changed due to the
2 compromised paper ballots.”.

3 (b) CONFORMING AMENDMENT CLARIFYING APPLI-
4 CABILITY OF ALTERNATIVE LANGUAGE ACCESSIBILITY.—
5 Section 301(a)(4) of such Act (52 U.S.C. 21081(a)(4))
6 is amended by inserting “(including the paper ballots re-
7 quired to be used under paragraph (2))” after “voting sys-
8 tem”.

9 (c) OTHER CONFORMING AMENDMENTS.—Section
10 301(a)(1) of such Act (52 U.S.C. 21081(a)(1)) is amend-
11 ed—

12 (1) in subparagraph (A)(i), by striking “count-
13 ed” and inserting “counted, in accordance with
14 paragraphs (2) and (3)”;

15 (2) in subparagraph (A)(ii), by striking “count-
16 ed” and inserting “counted, in accordance with
17 paragraphs (2) and (3)”;

18 (3) in subparagraph (A)(iii), by striking “count-
19 ed” each place it appears and inserting “counted, in
20 accordance with paragraphs (2) and (3)”;

21 (4) in subparagraph (B)(ii), by striking “count-
22 ed” and inserting “counted, in accordance with
23 paragraphs (2) and (3)”.

1 **SEC. 1503. ACCESSIBILITY AND BALLOT VERIFICATION FOR**
2 **INDIVIDUALS WITH DISABILITIES.**

3 (a) IN GENERAL.—Section 301(a)(3)(B) of the Help
4 America Vote Act of 2002 (52 U.S.C. 21081(a)(3)(B)) is
5 amended to read as follows:

6 “(B)(i) ensure that individuals with dis-
7 abilities and others are given an equivalent op-
8 portunity to vote, including with privacy and
9 independence, in a manner that produces a
10 voter-verified paper ballot as for other voters;

11 “(ii) satisfy the requirement of subpara-
12 graph (A) through the use of at least one voting
13 system equipped for individuals with disabil-
14 ities, including nonvisual and enhanced visual
15 accessibility for the blind and visually impaired,
16 and nonmanual and enhanced manual accessi-
17 bility for the mobility and dexterity impaired, at
18 each polling place; and

19 “(iii) meet the requirements of subpara-
20 graph (A) and paragraph (2)(A) by using a sys-
21 tem that—

22 “(I) allows the voter to privately and
23 independently verify the permanent paper
24 ballot through the presentation, in acces-
25 sible form, of the printed or marked vote
26 selections from the same printed or

1 marked information that would be used for
2 any vote counting or auditing; and
3 “(II) allows the voter to privately and
4 independently verify and cast the perma-
5 nent paper ballot without requiring the
6 voter to manually handle the paper bal-
7 lot;”.

8 (b) SPECIFIC REQUIREMENT OF STUDY, TESTING,
9 AND DEVELOPMENT OF ACCESSIBLE PAPER BALLOT
10 VERIFICATION MECHANISMS.—

11 (1) STUDY AND REPORTING.—Subtitle C of
12 title II of such Act (52 U.S.C. 21081 et seq.) is
13 amended—

14 (A) by redesignating section 247 as section
15 248; and

16 (B) by inserting after section 246 the fol-
17 lowing new section:

18 **“SEC. 247. STUDY AND REPORT ON ACCESSIBLE PAPER**
19 **BALLOT VERIFICATION MECHANISMS.**

20 “(a) STUDY AND REPORT.—The Director of the Na-
21 tional Science Foundation shall make grants to not fewer
22 than 3 eligible entities to study, test, and develop acces-
23 sible paper ballot voting, verification, and casting mecha-
24 nisms and devices and best practices to enhance the acces-
25 sibility of paper ballot voting and verification mechanisms

1 for individuals with disabilities, for voters whose primary
2 language is not English, and for voters with difficulties
3 in literacy, including best practices for the mechanisms
4 themselves and the processes through which the mecha-
5 nisms are used.

6 “(b) ELIGIBILITY.—An entity is eligible to receive a
7 grant under this part if it submits to the Director (at such
8 time and in such form as the Director may require) an
9 application containing—

10 “(1) certifications that the entity shall specifi-
11 cally investigate enhanced methods or devices, in-
12 cluding non-electronic devices, that will assist such
13 individuals and voters in marking voter-verified
14 paper ballots and presenting or transmitting the in-
15 formation printed or marked on such ballots back to
16 such individuals and voters, and casting such ballots;

17 “(2) a certification that the entity shall com-
18 plete the activities carried out with the grant not
19 later than December 31, 2020; and

20 “(3) such other information and certifications
21 as the Director may require.

22 “(c) AVAILABILITY OF TECHNOLOGY.—Any tech-
23 nology developed with the grants made under this section
24 shall be treated as non-proprietary and shall be made

1 available to the public, including to manufacturers of vot-
 2 ing systems.

3 “(d) COORDINATION WITH GRANTS FOR TECH-
 4 NOLOGY IMPROVEMENTS.—The Director shall carry out
 5 this section so that the activities carried out with the
 6 grants made under subsection (a) are coordinated with the
 7 research conducted under the grant program carried out
 8 by the Commission under section 271, to the extent that
 9 the Director and Commission determine necessary to pro-
 10 vide for the advancement of accessible voting technology.

11 “(e) AUTHORIZATION OF APPROPRIATIONS.—There
 12 is authorized to be appropriated to carry out subsection
 13 (a) \$5,000,000, to remain available until expended.”.

14 (2) CLERICAL AMENDMENT.—The table of con-
 15 tents of such Act is amended—

16 (A) by redesignating the item relating to
 17 section 247 as relating to section 248; and

18 (B) by inserting after the item relating to
 19 section 246 the following new item:

“Sec. 247. Study and report on accessible paper ballot verification mecha-
 nisms.”.

20 (c) CLARIFICATION OF ACCESSIBILITY STANDARDS
 21 UNDER VOLUNTARY VOTING SYSTEM GUIDANCE.—In
 22 adopting any voluntary guidance under subtitle B of title
 23 III of the Help America Vote Act with respect to the ac-
 24 cessibility of the paper ballot verification requirements for

1 individuals with disabilities, the Election Assistance Com-
 2 mission shall include and apply the same accessibility
 3 standards applicable under the voluntary guidance adopt-
 4 ed for accessible voting systems under such subtitle.

5 (d) PERMITTING USE OF FUNDS FOR PROTECTION
 6 AND ADVOCACY SYSTEMS TO SUPPORT ACTIONS TO EN-
 7 FORCE ELECTION-RELATED DISABILITY ACCESS.—Sec-
 8 tion 292(a) of the Help America Vote Act of 2002 (52
 9 U.S.C. 21062(a)) is amended by striking “; except that”
 10 and all that follows and inserting a period.

11 **SEC. 1504. DURABILITY AND READABILITY REQUIREMENTS**
 12 **FOR BALLOTS.**

13 Section 301(a) of the Help America Vote Act of 2002
 14 (52 U.S.C. 21081(a)) is amended by adding at the end
 15 the following new paragraph:

16 “(7) DURABILITY AND READABILITY REQUIRE-
 17 MENTS FOR BALLOTS.—

18 “(A) DURABILITY REQUIREMENTS FOR
 19 PAPER BALLOTS.—

20 “(i) IN GENERAL.—All voter-verified
 21 paper ballots required to be used under
 22 this Act shall be marked or printed on du-
 23 rable paper.

24 “(ii) DEFINITION.—For purposes of
 25 this Act, paper is ‘durable’ if it is capable

of withstanding multiple counts and re-
counts by hand without compromising the
fundamental integrity of the ballots, and
capable of retaining the information
marked or printed on them for the full du-
ration of a retention and preservation pe-
riod of 22 months.

“(B) READABILITY REQUIREMENTS FOR
PAPER BALLOTS MARKED BY BALLOT MARKING
DEVICE.—All voter-verified paper ballots com-
pleted by the voter through the use of a ballot
marking device shall be clearly readable by the
voter without assistance (other than eyeglasses
or other personal vision enhancing devices) and
by an optical character recognition device or
other device equipped for individuals with dis-
abilities.”.

SEC. 1505. PAPER BALLOT PRINTING REQUIREMENTS.

(a) IN GENERAL.—Section 301(a) of the Help Amer-
ica Vote Act of 2002 (52 U.S.C. 21081(a)), as amended
by section 1504, is amended by adding at the end the fol-
lowing new paragraph:

“(8) PRINTING REQUIREMENTS FOR BAL-
LOTS.—All paper ballots used in an election for Fed-
eral office shall be printed on recycled paper.”.

1 (b) EFFECTIVE DATE.—The amendments made by
2 this section shall apply with respect to elections occurring
3 on or after January 1, 2021.

4 **SEC. 1506. STUDY AND REPORT ON OPTIMAL BALLOT DE-**
5 **SIGN.**

6 (a) STUDY.—The Election Assistance Commission
7 shall conduct a study of the best ways to design ballots
8 used in elections for public office, including paper ballots
9 and electronic or digital ballots, to minimize confusion and
10 user errors.

11 (b) REPORT.—Not later than January 1, 2020, the
12 Election Assistance Commission shall submit to Congress
13 a report on the study conducted under subsection (a).

14 **SEC. 1507. PAPER BALLOT PRINTING REQUIREMENTS.**

15 Section 301(a) of the Help America Vote Act of 2002
16 (52 U.S.C. 21081(a)), as amended by section 1504, is
17 amended by adding at the end the following new para-
18 graph:

19 “(8) PRINTING REQUIREMENTS FOR BAL-
20 LOTS.—All paper ballots used in an election for Fed-
21 eral office shall be printed in the United States on
22 paper manufactured in the United States.”.

23 **SEC. 1508. EFFECTIVE DATE FOR NEW REQUIREMENTS.**

24 Section 301(d) of the Help America Vote Act of 2002
25 (52 U.S.C. 21081(d)) is amended to read as follows:

1 “(d) EFFECTIVE DATE.—

2 “(1) IN GENERAL.—Except as provided in para-
3 graph (2), each State and jurisdiction shall be re-
4 quired to comply with the requirements of this sec-
5 tion on and after January 1, 2006.

6 “(2) SPECIAL RULE FOR CERTAIN REQUIRE-
7 MENTS.—

8 “(A) IN GENERAL.—Except as provided in
9 section 1505(b) of the For the People Act of
10 2019 and subparagraphs (B) and (C), the re-
11 quirements of this section which are first im-
12 posed on a State and jurisdiction pursuant to
13 the amendments made by the Voter Confidence
14 and Increased Accessibility Act of 2019 shall
15 apply with respect to voting systems used for
16 any election for Federal office held in 2020 or
17 any succeeding year.

18 “(B) DELAY FOR JURISDICTIONS USING
19 CERTAIN PAPER RECORD PRINTERS OR CERTAIN
20 SYSTEMS USING OR PRODUCING VOTER-
21 VERIFIABLE PAPER RECORDS IN 2018.—

22 “(i) DELAY.—In the case of a juris-
23 diction described in clause (ii), subpara-
24 graph (A) shall apply to a voting system in
25 the jurisdiction as if the reference in such

1 subparagraph to ‘2020’ were a reference to
2 ‘2022’, but only with respect to the fol-
3 lowing requirements of this section:

4 “(I) Paragraph (2)(A)(i)(I) of
5 subsection (a) (relating to the use of
6 voter-verified paper ballots).

7 “(II) Paragraph (3)(B)(ii)(I) and
8 (II) of subsection (a) (relating to ac-
9 cess to verification from and casting
10 of the durable paper ballot).

11 “(III) Paragraph (7) of sub-
12 section (a) (relating to durability and
13 readability requirements for ballots).

14 “(ii) JURISDICTIONS DESCRIBED.—A
15 jurisdiction described in this clause is a ju-
16 risdiction—

17 “(I) which used voter verifiable
18 paper record printers attached to di-
19 rect recording electronic voting ma-
20 chines, or which used other voting
21 systems that used or produced paper
22 records of the vote verifiable by voters
23 but that are not in compliance with
24 paragraphs (2)(A)(i)(I), (3)(B)(iii)(I)
25 and (II), and (7) of subsection (a) (as

1 amended or added by the Voter Con-
2 fidence and Increased Accessibility
3 Act of 2019), for the administration
4 of the regularly scheduled general
5 election for Federal office held in No-
6 vember 2018; and

7 “(II) which will continue to use
8 such printers or systems for the ad-
9 ministration of elections for Federal
10 office held in years before 2022.

11 “(iii) MANDATORY AVAILABILITY OF
12 PAPER BALLOTS AT POLLING PLACES
13 USING GRANDFATHERED PRINTERS AND
14 SYSTEMS.—

15 “(I) REQUIRING BALLOTS TO BE
16 OFFERED AND PROVIDED.—The ap-
17 propriate election official at each poll-
18 ing place that uses a printer or sys-
19 tem described in clause (ii)(I) for the
20 administration of elections for Federal
21 office shall offer each individual who
22 is eligible to cast a vote in the election
23 at the polling place the opportunity to
24 cast the vote using a blank pre-print-
25 ed paper ballot which the individual

1 may mark by hand and which is not
2 produced by the direct recording elec-
3 tronic voting machine or other such
4 system. The official shall provide the
5 individual with the ballot and the sup-
6 plies necessary to mark the ballot, and
7 shall ensure (to the greatest extent
8 practicable) that the waiting period
9 for the individual to cast a vote is the
10 lesser of 30 minutes or the average
11 waiting period for an individual who
12 does not agree to cast the vote using
13 such a paper ballot under this clause.

14 “(II) TREATMENT OF BALLOT.—

15 Any paper ballot which is cast by an
16 individual under this clause shall be
17 counted and otherwise treated as a
18 regular ballot for all purposes (includ-
19 ing by incorporating it into the final
20 unofficial vote count (as defined by
21 the State) for the precinct) and not as
22 a provisional ballot, unless the indi-
23 vidual casting the ballot would have
24 otherwise been required to cast a pro-
25 visional ballot.

1 “(III) POSTING OF NOTICE.—

2 The appropriate election official shall
3 ensure there is prominently displayed
4 at each polling place a notice that de-
5 scribes the obligation of the official to
6 offer individuals the opportunity to
7 cast votes using a pre-printed blank
8 paper ballot.

9 “(IV) TRAINING OF ELECTION
10 OFFICIALS.—The chief State election
11 official shall ensure that election offi-
12 cials at polling places in the State are
13 aware of the requirements of this
14 clause, including the requirement to
15 display a notice under subclause (III),
16 and are aware that it is a violation of
17 the requirements of this title for an
18 election official to fail to offer an indi-
19 vidual the opportunity to cast a vote
20 using a blank pre-printed paper ballot.

21 “(V) PERIOD OF APPLICA-
22 BILITY.—The requirements of this
23 clause apply only during the period in
24 which the delay is in effect under
25 clause (i).

1 “(C) SPECIAL RULE FOR JURISDICTIONS
 2 USING CERTAIN NONTABULATING BALLOT
 3 MARKING DEVICES.—In the case of a jurisdic-
 4 tion which uses a nontabulating ballot marking
 5 device which automatically deposits the ballot
 6 into a privacy sleeve, subparagraph (A) shall
 7 apply to a voting system in the jurisdiction as
 8 if the reference in such subparagraph to ‘any
 9 election for Federal office held in 2020 or any
 10 succeeding year’ were a reference to ‘elections
 11 for Federal office occurring held in 2022 or
 12 each succeeding year’, but only with respect to
 13 paragraph (3)(B)(iii)(II) of subsection (a) (re-
 14 lating to nonmanual casting of the durable
 15 paper ballot).”.

16 **Subtitle G—Provisional Ballots**

17 **SEC. 1601. REQUIREMENTS FOR COUNTING PROVISIONAL** 18 **BALLOTS; ESTABLISHMENT OF UNIFORM AND** 19 **NONDISCRIMINATORY STANDARDS.**

20 (a) IN GENERAL.—Section 302 of the Help America
 21 Vote Act of 2002 (52 U.S.C. 21082) is amended—

22 (1) by redesignating subsection (d) as sub-
 23 section (f); and

24 (2) by inserting after subsection (c) the fol-
 25 lowing new subsections:

1 “(d) STATEWIDE COUNTING OF PROVISIONAL BAL-
2 LOTS.—

3 “(1) IN GENERAL.—For purposes of subsection
4 (a)(4), notwithstanding the precinct or polling place
5 at which a provisional ballot is cast within the State,
6 the appropriate election official shall count each vote
7 on such ballot for each election in which the indi-
8 vidual who cast such ballot is eligible to vote.

9 “(2) EFFECTIVE DATE.—This subsection shall
10 apply with respect to elections held on or after Janu-
11 ary 1, 2020.

12 “(e) UNIFORM AND NONDISCRIMINATORY STAND-
13 ARDS.—

14 “(1) IN GENERAL.—Consistent with the re-
15 quirements of this section, each State shall establish
16 uniform and nondiscriminatory standards for the
17 issuance, handling, and counting of provisional bal-
18 lots.

19 “(2) EFFECTIVE DATE.—This subsection shall
20 apply with respect to elections held on or after Janu-
21 ary 1, 2020.”.

22 (b) CONFORMING AMENDMENT.—Section 302(f) of
23 such Act (52 U.S.C. 21082(f)), as redesignated by sub-
24 section (a), is amended by striking “Each State” and in-

1 serting “Except as provided in subsections (d)(2) and
 2 (e)(2), each State”.

3 **Subtitle H—Early Voting**

4 **SEC. 1611. EARLY VOTING.**

5 (a) REQUIREMENTS.—Subtitle A of title III of the
 6 Help America Vote Act of 2002 (52 U.S.C. 21081 et seq.),
 7 as amended by section 1031(a) and section 1101(a), is
 8 amended—

9 (1) by redesignating sections 306 and 307 as
 10 sections 307 and 308; and

11 (2) by inserting after section 305 the following
 12 new section:

13 **“SEC. 306. EARLY VOTING.**

14 **“(a) REQUIRING VOTING PRIOR TO DATE OF ELEC-**
 15 **TION.—**

16 **“(1) IN GENERAL.—**Each State shall allow indi-
 17 viduals to vote in an election for Federal office dur-
 18 ing an early voting period which occurs prior to the
 19 date of the election, in the same manner as voting
 20 is allowed on such date.

21 **“(2) LENGTH OF PERIOD.—**The early voting
 22 period required under this subsection with respect to
 23 an election shall consist of a period of consecutive
 24 days (including weekends) which begins on the 15th
 25 day before the date of the election (or, at the option

1 of the State, on a day prior to the 15th day before
2 the date of the election) and ends on the date of the
3 election.

4 “(b) MINIMUM EARLY VOTING REQUIREMENTS.—
5 Each polling place which allows voting during an early vot-
6 ing period under subsection (a) shall—

7 “(1) allow such voting for no less than 10 hours
8 on each day;

9 “(2) have uniform hours each day for which
10 such voting occurs; and

11 “(3) allow such voting to be held for some pe-
12 riod of time prior to 9:00 a.m (local time) and some
13 period of time after 5:00 p.m. (local time).

14 “(c) LOCATION OF POLLING PLACES.—

15 “(1) PROXIMITY TO PUBLIC TRANSPOR-
16 TATION.—To the greatest extent practicable, a State
17 shall ensure that each polling place which allows vot-
18 ing during an early voting period under subsection
19 (a) is located within walking distance of a stop on
20 a public transportation route.

21 “(2) AVAILABILITY IN RURAL AREAS.—The
22 State shall ensure that polling places which allow
23 voting during an early voting period under sub-
24 section (a) will be located in rural areas of the State,
25 and shall ensure that such polling places are located

1 in communities which will provide the greatest op-
2 portunity for residents of rural areas to vote during
3 the early voting period.

4 “(d) STANDARDS.—

5 “(1) IN GENERAL.—The Commission shall issue
6 standards for the administration of voting prior to
7 the day scheduled for a Federal election. Such
8 standards shall include the nondiscriminatory geo-
9 graphic placement of polling places at which such
10 voting occurs.

11 “(2) DEVIATION.—The standards described in
12 paragraph (1) shall permit States, upon providing
13 adequate public notice, to deviate from any require-
14 ment in the case of unforeseen circumstances such
15 as a natural disaster, terrorist attack, or a change
16 in voter turnout.

17 “(e) EFFECTIVE DATE.—This section shall apply
18 with respect to elections held on or after January 1,
19 2020.”.

20 (b) CONFORMING AMENDMENT RELATING TO
21 ISSUANCE OF VOLUNTARY GUIDANCE BY ELECTION AS-
22 SISTANCE COMMISSION.—Section 311(b) of such Act (52
23 U.S.C. 21101(b)), as amended by section 1101(b), is
24 amended—

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

3 (2) by striking the period at the end of para-
4 graph (4) and inserting “; and”; and

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

7 “(5) in the case of the recommendations with
8 respect to section 306, June 30, 2020.”.

9 (c) CLERICAL AMENDMENT.—The table of contents
10 of such Act, as amended by section 1031(c) and section
11 1101(d), is amended—

12 (1) by redesignating the items relating to sec-
13 tions 306 and 307 as relating to sections 307 and
14 308; and

15 (2) by inserting after the item relating to sec-
16 tion 305 the following new item:

“Sec. 306. Early voting.”.

17 **Subtitle I—Voting by Mail**

18 **SEC. 1621. VOTING BY MAIL.**

19 (a) REQUIREMENTS.—Subtitle A of title III of the
20 Help America Vote Act of 2002 (52 U.S.C. 21081 et seq.),
21 as amended by section 1031(a), section 1101(a), and sec-
22 tion 1611(a), is amended—

23 (1) by redesignating sections 307 and 308 as
24 sections 308 and 309; and

1 (2) by inserting after section 306 the following
2 new section:

3 **“SEC. 307. PROMOTING ABILITY OF VOTERS TO VOTE BY**
4 **MAIL.**

5 “(a) IN GENERAL.—If an individual in a State is eli-
6 gible to cast a vote in an election for Federal office, the
7 State may not impose any additional conditions or require-
8 ments on the eligibility of the individual to cast the vote
9 in such election by absentee ballot by mail, except as re-
10 quired under subsection (b) and except to the extent that
11 the State imposes a deadline for requesting the ballot and
12 related voting materials from the appropriate State or
13 local election official and for returning the ballot to the
14 appropriate State or local election official.

15 “(b) REQUIRING SIGNATURE VERIFICATION.—

16 “(1) REQUIREMENT.—A State may not accept
17 and process an absentee ballot submitted by any in-
18 dividual with respect to an election for Federal office
19 unless the State verifies the identification of the in-
20 dividual by comparing the individual’s signature on
21 the absentee ballot with the individual’s signature on
22 the official list of registered voters in the State, in
23 accordance with such procedures as the State may
24 adopt (subject to the requirements of paragraph
25 (2)).

1 “(2) DUE PROCESS REQUIREMENTS.—

2 “(A) NOTICE AND OPPORTUNITY TO CURE
3 DISCREPANCY.—If an individual submits an ab-
4 sentee ballot and the appropriate State or local
5 election official determines that a discrepancy
6 exists between the signature on such ballot and
7 the signature of such individual on the official
8 list of registered voters in the State, such elec-
9 tion official, prior to making a final determina-
10 tion as to the validity of such ballot, shall make
11 a good faith effort to immediately notify such
12 individual by mail, telephone, and (if available)
13 electronic mail that—

14 “(i) a discrepancy exists between the
15 signature on such ballot and the signature
16 of such individual on the official list of reg-
17 istered voters in the State;

18 “(ii) such individual may provide the
19 official with information to cure such dis-
20 crepancy, either in person, by telephone, or
21 by electronic methods; and

22 “(iii) if such discrepancy is not cured
23 prior to the expiration of the 7-day period
24 which begins on the date of the election,
25 such ballot will not be counted.

1 “(B) OTHER REQUIREMENTS.—An election
2 official may not make a determination that a
3 discrepancy exists between the signature on an
4 absentee ballot and the signature of the indi-
5 vidual who submits the ballot on the official list
6 of registered voters in the State unless—

7 “(i) at least 2 election officials make
8 the determination; and

9 “(ii) each official who makes the de-
10 termination has received training in proce-
11 dures used to verify signatures.

12 “(3) REPORT.—

13 “(A) IN GENERAL.—Not later than 120
14 days after the end of a Federal election cycle,
15 each chief State election official shall submit to
16 Congress a report containing the following in-
17 formation for the applicable Federal election
18 cycle in the State:

19 “(i) The number of ballots invalidated
20 due to a discrepancy under this subsection.

21 “(ii) Description of attempts to con-
22 tact voters to provide notice as required by
23 this subsection.

24 “(iii) Description of the cure process
25 developed by such State pursuant to this

1 subsection, including the number of ballots
2 determined valid as a result of such proc-
3 ess.

4 “(B) FEDERAL ELECTION CYCLE DE-
5 FINED.—For purposes of this subsection, the
6 term ‘Federal election cycle’ means the period
7 beginning on January 1 of any odd numbered
8 year and ending on December 31 of the fol-
9 lowing year.

10 “(c) DEADLINE FOR PROVIDING BALLOTING MATE-
11 RIALS.—If an individual requests to vote by absentee bal-
12 lot in an election for Federal office, the appropriate State
13 or local election official shall ensure that the ballot and
14 relating voting materials are received by the individual—

15 “(1) not later than 2 weeks before the date of
16 the election; or

17 “(2) in the case of a State which imposes a
18 deadline for requesting an absentee ballot and re-
19 lated voting materials which is less than 2 weeks be-
20 fore the date of the election, as expeditiously as pos-
21 sible before the date of the election.

22 “(d) ACCESSIBILITY FOR INDIVIDUALS WITH DIS-
23 ABILITIES.—Consistent with section 305, the State shall
24 ensure that all absentee ballots and related voting mate-
25 rials in elections for Federal office are accessible to indi-

1 individuals with disabilities in a manner that provides the
2 same opportunity for access and participation (including
3 with privacy and independence) as for other voters.

4 “(e) PAYMENT OF POSTAGE ON BALLOTS.—Con-
5 sistent with regulations of the United States Postal Serv-
6 ice, the State or the unit of local government responsible
7 for the administration of an election for Federal office
8 shall prepay the postage on any ballot in the election which
9 is cast by mail.

10 “(f) UNIFORM DEADLINE FOR ACCEPTANCE OF
11 MAILED BALLOTS.—If a ballot submitted by an individual
12 by mail with respect to an election for Federal office in
13 a State is postmarked on or before the date of the election,
14 the State may not refuse to accept or process the ballot
15 on the grounds that the individual did not meet a deadline
16 for returning the ballot to the appropriate State or local
17 election official.

18 “(g) PERMITTING VOTERS TO RETURN BALLOT TO
19 POLLING PLACE ON DATE OF ELECTION.—The State
20 shall permit an individual to whom a ballot in an election
21 was provided under this section to cast the ballot on the
22 date of election by delivering the ballot on that date to
23 a polling place.

24 “(h) NO EFFECT ON BALLOTS SUBMITTED BY AB-
25 SENT MILITARY AND OVERSEAS VOTERS.—Nothing in

1 this section may be construed to affect the treatment of
2 any ballot submitted by an individual who is entitled to
3 vote by absentee ballot under the Uniformed and Overseas
4 Citizens Absentee Voting Act (52 U.S.C. 20301 et seq.).

5 “(i) EFFECTIVE DATE.—This section shall apply
6 with respect to elections held on or after January 1,
7 2020.”.

8 (b) CONFORMING AMENDMENT RELATING TO
9 ISSUANCE OF VOLUNTARY GUIDANCE BY ELECTION AS-
10 SISTANCE COMMISSION.—Section 311(b) of such Act (52
11 U.S.C. 21101(b)), as amended by section 1101(b) and sec-
12 tion 1611(b), is amended—

13 (1) by striking “and” at the end of paragraph
14 (4);

15 (2) by striking the period at the end of para-
16 graph (5) and inserting “; and”; and

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

19 “(6) in the case of the recommendations with
20 respect to section 307, June 30, 2020.”.

21 (c) CLERICAL AMENDMENT.—The table of contents
22 of such Act, as amended by section 1031(c), section
23 1101(d), and section 1611(c), is amended—

1 (1) by redesignating the items relating to sec-
2 tions 307 and 308 as relating to sections 308 and
3 309; and

4 (2) by inserting after the item relating to sec-
5 tion 306 the following new item:

“Sec. 307. Promoting ability of voters to vote by mail.”.

6 (d) DEVELOPMENT OF BIOMETRIC VERIFICATION.—

7 (1) DEVELOPMENT OF STANDARDS.—The Na-
8 tional Institute of Standards, in consultation with
9 the Election Assistance Commission, shall develop
10 standards for the use of biometric methods which
11 could be used voluntarily in place of the signature
12 verification requirements of section 307(b) of the
13 Help America Vote Act of 2002 (as added by sub-
14 section (a)) for purposes of verifying the identifica-
15 tion of an individual voting by absentee ballot in
16 elections for Federal office.

17 (2) PUBLIC NOTICE AND COMMENT.—The Na-
18 tional Institute of Standards shall solicit comments
19 from the public in the development of standards
20 under paragraph (1).

21 (3) DEADLINE.—Not later than one year after
22 the date of the enactment of this Act, the National
23 Institute of Standards shall publish the standards
24 developed under paragraph (1).

1 **Subtitle J—Absent Uniformed**
2 **Services Voters and Overseas**
3 **Voters**

4 **SEC. 1701. PRE-ELECTION REPORTS ON AVAILABILITY AND**
5 **TRANSMISSION OF ABSENTEE BALLOTS.**

6 Section 102(c) of the Uniformed and Overseas Citi-
7 zens Absentee Voting Act (52 U.S.C. 20302(c)) is amend-
8 ed to read as follows:

9 “(c) REPORTS ON AVAILABILITY, TRANSMISSION,
10 AND RECEIPT OF ABSENTEE BALLOTS.—

11 “(1) PRE-ELECTION REPORT ON ABSENTEE
12 BALLOT AVAILABILITY.—Not later than 55 days be-
13 fore any regularly scheduled general election for
14 Federal office, each State shall submit a report to
15 the Attorney General, the Election Assistance Com-
16 mission (hereafter in this subsection referred to as
17 the ‘Commission’), and the Presidential Designee,
18 and make that report publicly available that same
19 day, certifying that absentee ballots for the election
20 are or will be available for transmission to absent
21 uniformed services voters and overseas voters by not
22 later than 45 days before the election. The report
23 shall be in a form prescribed jointly by the Attorney
24 General and the Commission and shall require the
25 State to certify specific information about ballot

1 availability from each unit of local government which
2 will administer the election.

3 “(2) PRE-ELECTION REPORT ON ABSENTEE
4 BALLOT TRANSMISSION.—Not later than 43 days be-
5 fore any regularly scheduled general election for
6 Federal office, each State shall submit a report to
7 the Attorney General, the Commission, and the
8 Presidential Designee, and make that report publicly
9 available that same day, certifying whether all ab-
10 sentee ballots have been transmitted by not later
11 than 45 days before the election to all qualified ab-
12 sent uniformed services and overseas voters whose
13 requests were received at least 45 days before the
14 election. The report shall be in a form prescribed
15 jointly by the Attorney General and the Commission,
16 and shall require the State to certify specific infor-
17 mation about ballot transmission, including the total
18 numbers of ballot requests received and ballots
19 transmitted, from each unit of local government
20 which will administer the election.

21 “(3) POST-ELECTION REPORT ON NUMBER OF
22 ABSENTEE BALLOTS TRANSMITTED AND RE-
23 CEIVED.—Not later than 90 days after the date of
24 each regularly scheduled general election for Federal
25 office, each State and unit of local government

1 which administered the election shall (through the
2 State, in the case of a unit of local government) sub-
3 mit a report to the Attorney General, the Commis-
4 sion, and the Presidential Designee on the combined
5 number of absentee ballots transmitted to absent
6 uniformed services voters and overseas voters for the
7 election and the combined number of such ballots
8 which were returned by such voters and cast in the
9 election, and shall make such report available to the
10 general public that same day.”.

11 **SEC. 1702. ENFORCEMENT.**

12 (a) AVAILABILITY OF CIVIL PENALTIES AND PRI-
13 VATE RIGHTS OF ACTION.—Section 105 of the Uniformed
14 and Overseas Citizens Absentee Voting Act (52 U.S.C.
15 20307) is amended to read as follows:

16 **“SEC. 105. ENFORCEMENT.**

17 “(a) ACTION BY ATTORNEY GENERAL.—

18 “(1) IN GENERAL.—The Attorney General may
19 bring civil action in an appropriate district court for
20 such declaratory or injunctive relief as may be nec-
21 essary to carry out this title.

22 “(2) PENALTY.—In a civil action brought under
23 paragraph (1), if the court finds that the State vio-
24 lated any provision of this title, it may, to vindicate

1 the public interest, assess a civil penalty against the
2 State—

3 “(A) in an amount not to exceed \$110,000
4 for each such violation, in the case of a first
5 violation; or

6 “(B) in an amount not to exceed \$220,000
7 for each such violation, for any subsequent vio-
8 lation.

9 “(3) REPORT TO CONGRESS.—Not later than
10 December 31 of each year, the Attorney General
11 shall submit to Congress an annual report on any
12 civil action brought under paragraph (1) during the
13 preceding year.

14 “(b) PRIVATE RIGHT OF ACTION.—A person who is
15 aggrieved by a State’s violation of this title may bring a
16 civil action in an appropriate district court for such declar-
17 atory or injunctive relief as may be necessary to carry out
18 this title.

19 “(c) STATE AS ONLY NECESSARY DEFENDANT.—In
20 any action brought under this section, the only necessary
21 party defendant is the State, and it shall not be a defense
22 to any such action that a local election official or a unit
23 of local government is not named as a defendant, notwith-
24 standing that a State has exercised the authority described
25 in section 576 of the Military and Overseas Voter Em-

1 powerment Act to delegate to another jurisdiction in the
 2 State any duty or responsibility which is the subject of
 3 an action brought under this section.”.

4 (b) EFFECTIVE DATE.—The amendments made by
 5 this section shall apply with respect to violations alleged
 6 to have occurred on or after the date of the enactment
 7 of this Act.

8 **SEC. 1703. REVISIONS TO 45-DAY ABSENTEE BALLOT**
 9 **TRANSMISSION RULE.**

10 (a) REPEAL OF WAIVER AUTHORITY.—

11 (1) IN GENERAL.—Section 102 of the Uni-
 12 formed and Overseas Citizens Absentee Voting Act
 13 (52 U.S.C. 20302) is amended by striking sub-
 14 section (g).

15 (2) CONFORMING AMENDMENT.—Section
 16 102(a)(8)(A) of such Act (52 U.S.C.
 17 20302(a)(8)(A)) is amended by striking “except as
 18 provided in subsection (g),”.

19 (b) REQUIRING USE OF EXPRESS DELIVERY IN CASE
 20 OF FAILURE TO MEET REQUIREMENT.—Section 102 of
 21 such Act (52 U.S.C. 20302), as amended by subsection
 22 (a), is amended by inserting after subsection (f) the fol-
 23 lowing new subsection:

1 “(g) REQUIRING USE OF EXPRESS DELIVERY IN
2 CASE OF FAILURE TO TRANSMIT BALLOTS WITHIN
3 DEADLINES.—

4 “(1) TRANSMISSION OF BALLOT BY EXPRESS
5 DELIVERY.—If a State fails to meet the requirement
6 of subsection (a)(8)(A) to transmit a validly re-
7 quested absentee ballot to an absent uniformed serv-
8 ices voter or overseas voter not later than 45 days
9 before the election (in the case in which the request
10 is received at least 45 days before the election)—

11 “(A) the State shall transmit the ballot to
12 the voter by express delivery; or

13 “(B) in the case of a voter who has des-
14 ignated that absentee ballots be transmitted
15 electronically in accordance with subsection
16 (f)(1), the State shall transmit the ballot to the
17 voter electronically.

18 “(2) SPECIAL RULE FOR TRANSMISSION FEWER
19 THAN 40 DAYS BEFORE THE ELECTION.—If, in car-
20 rying out paragraph (1), a State transmits an ab-
21 sentee ballot to an absent uniformed services voter
22 or overseas voter fewer than 40 days before the elec-
23 tion, the State shall enable the ballot to be returned
24 by the voter by express delivery, except that in the
25 case of an absentee ballot of an absent uniformed

1 services voter for a regularly scheduled general elec-
 2 tion for Federal office, the State may satisfy the re-
 3 quirement of this paragraph by notifying the voter
 4 of the procedures for the collection and delivery of
 5 such ballots under section 103A.

6 “(3) PAYMENT FOR USE OF EXPRESS DELIV-
 7 ERY.—The State shall be responsible for the pay-
 8 ment of the costs associated with the use of express
 9 delivery for the transmittal of ballots under this sub-
 10 section.”.

11 (c) CLARIFICATION OF TREATMENT OF WEEK-
 12 ENDS.—Section 102(a)(8)(A) of such Act (52 U.S.C.
 13 20302(a)(8)(A)) is amended by striking “the election;”
 14 and inserting the following: “the election (or, if the 45th
 15 day preceding the election is a weekend or legal public hol-
 16 iday, not later than the most recent weekday which pre-
 17 cedes such 45th day and which is not a legal public holi-
 18 day, but only if the request is received by at least such
 19 most recent weekday);”.

20 **SEC. 1704. USE OF SINGLE ABSENTEE BALLOT APPLICA-**
 21 **TION FOR SUBSEQUENT ELECTIONS.**

22 (a) IN GENERAL.—Section 104 of the Uniformed and
 23 Overseas Citizens Absentee Voting Act (52 U.S.C. 20306)
 24 is amended to read as follows:

1 **“SEC. 104. USE OF SINGLE APPLICATION FOR SUBSEQUENT**
2 **ELECTIONS.**

3 “(a) IN GENERAL.—If a State accepts and processes
4 an official post card form (prescribed under section 101)
5 submitted by an absent uniformed services voter or over-
6 seas voter for simultaneous voter registration and absen-
7 tee ballot application (in accordance with section
8 102(a)(4)) and the voter requests that the application be
9 considered an application for an absentee ballot for each
10 subsequent election for Federal office held in the State
11 through the next regularly scheduled general election for
12 Federal office (including any runoff elections which may
13 occur as a result of the outcome of such general election),
14 the State shall provide an absentee ballot to the voter for
15 each such subsequent election.

16 “(b) EXCEPTION FOR VOTERS CHANGING REGISTRA-
17 TION.—Subsection (a) shall not apply with respect to a
18 voter registered to vote in a State for any election held
19 after the voter notifies the State that the voter no longer
20 wishes to be registered to vote in the State or after the
21 State determines that the voter has registered to vote in
22 another State or is otherwise no longer eligible to vote in
23 the State.

24 “(c) PROHIBITION OF REFUSAL OF APPLICATION ON
25 GROUNDS OF EARLY SUBMISSION.—A State may not
26 refuse to accept or to process, with respect to any election

1 for Federal office, any otherwise valid voter registration
2 application or absentee ballot application (including the
3 postcard form prescribed under section 101) submitted by
4 an absent uniformed services voter or overseas voter on
5 the grounds that the voter submitted the application be-
6 fore the first date on which the State otherwise accepts
7 or processes such applications for that election which are
8 submitted by absentee voters who are not members of the
9 uniformed services or overseas citizens.”.

10 (b) EFFECTIVE DATE.—The amendment made by
11 subsection (a) shall apply with respect to voter registration
12 and absentee ballot applications which are submitted to
13 a State or local election official on or after the date of
14 the enactment of this Act.

15 **SEC. 1705. EXTENDING GUARANTEE OF RESIDENCY FOR**
16 **VOTING PURPOSES TO FAMILY MEMBERS OF**
17 **ABSENT MILITARY PERSONNEL.**

18 Section 102 of the Uniformed and Overseas Citizens
19 Absentee Voting Act (52 U.S.C. 20302) is amended by
20 adding at the end the following new subsection:

21 “(j) GUARANTEE OF RESIDENCY FOR SPOUSES AND
22 DEPENDENTS OF ABSENT MEMBERS OF UNIFORMED
23 SERVICE.—For the purposes of voting for in any election
24 for any Federal office or any State or local office, a spouse
25 or dependent of an individual who is an absent uniformed

1 services voter described in subparagraph (A) or (B) of sec-
 2 tion 107(1) shall not, solely by reason of that individual’s
 3 absence and without regard to whether or not such spouse
 4 or dependent is accompanying that individual—

5 “(1) be deemed to have lost a residence or
 6 domicile in that State, without regard to whether or
 7 not that individual intends to return to that State;

8 “(2) be deemed to have acquired a residence or
 9 domicile in any other State; or

10 “(3) be deemed to have become a resident in or
 11 a resident of any other State.”.

12 **SEC. 1706. EFFECTIVE DATE.**

13 The amendments made by this subtitle shall apply
 14 with respect to elections occurring on or after January 1,
 15 2020.

16 **Subtitle K—Poll Worker**
 17 **Recruitment and Training**

18 **SEC. 1801. GRANTS TO STATES FOR POLL WORKER RE-**
 19 **CRUITMENT AND TRAINING.**

20 (a) GRANTS BY ELECTION ASSISTANCE COMMIS-
 21 SION.—

22 (1) IN GENERAL.—The Election Assistance
 23 Commission (hereafter referred to as the “Commis-
 24 sion”) shall, subject to the availability of appropria-
 25 tions provided to carry out this section, make a

1 grant to each eligible State for recruiting and train-
2 ing individuals to serve as poll workers on dates of
3 elections for public office.

4 (2) USE OF COMMISSION MATERIALS.—In car-
5 rying out activities with a grant provided under this
6 section, the recipient of the grant shall use the man-
7 ual prepared by the Commission on successful prac-
8 tices for poll worker recruiting, training and reten-
9 tion as an interactive training tool, and shall develop
10 training programs with the participation and input
11 of experts in adult learning.

12 (3) ACCESS AND CULTURAL CONSIDER-
13 ATIONS.—The Commission shall ensure that the
14 manual described in paragraph (2) provides training
15 in methods that will enable poll workers to provide
16 access and delivery of services in a culturally com-
17 petent manner to all voters who use their services,
18 including those with limited English proficiency, di-
19 verse cultural and ethnic backgrounds, disabilities,
20 and regardless of gender, sexual orientation, or gen-
21 der identity. These methods must ensure that each
22 voter will have access to poll worker services that are
23 delivered in a manner that meets the unique needs
24 of the voter.

25 (b) REQUIREMENTS FOR ELIGIBILITY.—

1 (1) APPLICATION.—Each State that desires to
2 receive a payment under this section shall submit an
3 application for the payment to the Commission at
4 such time and in such manner and containing such
5 information as the Commission shall require.

6 (2) CONTENTS OF APPLICATION.—Each appli-
7 cation submitted under paragraph (1) shall—

8 (A) describe the activities for which assist-
9 ance under this section is sought;

10 (B) provide assurances that the funds pro-
11 vided under this section will be used to supple-
12 ment and not supplant other funds used to
13 carry out the activities;

14 (C) provide assurances that the State will
15 furnish the Commission with information on the
16 number of individuals who served as poll work-
17 ers after recruitment and training with the
18 funds provided under this section; and

19 (D) provide such additional information
20 and certifications as the Commission deter-
21 mines to be essential to ensure compliance with
22 the requirements of this section.

23 (c) AMOUNT OF GRANT.—

1 (1) IN GENERAL.—The amount of a grant
2 made to a State under this section shall be equal to
3 the product of—

4 (A) the aggregate amount made available
5 for grants to States under this section; and

6 (B) the voting age population percentage
7 for the State.

8 (2) VOTING AGE POPULATION PERCENTAGE DE-
9 FINED.—In paragraph (1), the “voting age popu-
10 lation percentage” for a State is the quotient of—

11 (A) the voting age population of the State
12 (as determined on the basis of the most recent
13 information available from the Bureau of the
14 Census); and

15 (B) the total voting age population of all
16 States (as determined on the basis of the most
17 recent information available from the Bureau of
18 the Census).

19 (d) REPORTS TO CONGRESS.—

20 (1) REPORTS BY RECIPIENTS OF GRANTS.—Not
21 later than 6 months after the date on which the
22 final grant is made under this section, each recipient
23 of a grant shall submit a report to the Commission
24 on the activities conducted with the funds provided
25 by the grant.

1 (2) REPORTS BY COMMISSION.—Not later than
2 1 year after the date on which the final grant is
3 made under this section, the Commission shall sub-
4 mit a report to Congress on the grants made under
5 this section and the activities carried out by recipi-
6 ents with the grants, and shall include in the report
7 such recommendations as the Commission considers
8 appropriate.

9 (e) FUNDING.—

10 (1) CONTINUING AVAILABILITY OF AMOUNT AP-
11 PROPRIATED.—Any amount appropriated to carry
12 out this section shall remain available without fiscal
13 year limitation until expended.

14 (2) ADMINISTRATIVE EXPENSES.—Of the
15 amount appropriated for any fiscal year to carry out
16 this section, not more than 3 percent shall be avail-
17 able for administrative expenses of the Commission.

18 **SEC. 1802. STATE DEFINED.**

19 In this subtitle, the term “State” includes the Dis-
20 trict of Columbia, the Commonwealth of Puerto Rico,
21 Guam, American Samoa, the United States Virgin Is-
22 lands, and the Commonwealth of the Northern Mariana
23 Islands.

**Subtitle L—Enhancement of
Enforcement**

**SEC. 1811. ENHANCEMENT OF ENFORCEMENT OF HELP
AMERICA VOTE ACT OF 2002.**

(a) COMPLAINTS; AVAILABILITY OF PRIVATE RIGHT
OF ACTION.—Section 401 of the Help America Vote Act
of 2002 (52 U.S.C. 21111) is amended—

(1) by striking “The Attorney General” and in-
serting “(a) IN GENERAL.—The Attorney General”;
and

(2) by adding at the end the following new sub-
sections:

“(b) FILING OF COMPLAINTS BY AGGRIEVED PER-
SONS.—

“(1) IN GENERAL.—A person who is aggrieved
by a violation of title III which has occurred, is oc-
curring, or is about to occur may file a written,
signed, notarized complaint with the Attorney Gen-
eral describing the violation and requesting the At-
torney General to take appropriate action under this
section. The Attorney General shall immediately pro-
vide a copy of a complaint filed under the previous
sentence to the entity responsible for administering
the State-based administrative complaint procedures
described in section 402(a) for the State involved.

1 “(2) RESPONSE BY ATTORNEY GENERAL.—The
2 Attorney General shall respond to each complaint
3 filed under paragraph (1), in accordance with proce-
4 dures established by the Attorney General that re-
5 quire responses and determinations to be made with-
6 in the same (or shorter) deadlines which apply to a
7 State under the State-based administrative com-
8 plaint procedures described in section 402(a)(2).
9 The Attorney General shall immediately provide a
10 copy of the response made under the previous sen-
11 tence to the entity responsible for administering the
12 State-based administrative complaint procedures de-
13 scribed in section 402(a) for the State involved.

14 “(c) AVAILABILITY OF PRIVATE RIGHT OF AC-
15 TION.—Any person who is authorized to file a complaint
16 under subsection (b)(1) (including any individual who
17 seeks to enforce the individual’s right to a voter-verified
18 paper ballot, the right to have the voter-verified paper bal-
19 lot counted in accordance with this Act, or any other right
20 under title III) may file an action under section 1979 of
21 the Revised Statutes of the United States (42 U.S.C.
22 1983) to enforce the uniform and nondiscriminatory elec-
23 tion technology and administration requirements under
24 subtitle A of title III.

1 “(d) NO EFFECT ON STATE PROCEDURES.—Nothing
 2 in this section may be construed to affect the availability
 3 of the State-based administrative complaint procedures re-
 4 quired under section 402 to any person filing a complaint
 5 under this subsection.”.

6 (b) EFFECTIVE DATE.—The amendments made by
 7 this section shall apply with respect to violations occurring
 8 with respect to elections for Federal office held in 2020
 9 or any succeeding year.

10 **Subtitle M—Federal Election** 11 **Integrity**

12 **SEC. 1821. PROHIBITION ON CAMPAIGN ACTIVITIES BY** 13 **CHIEF STATE ELECTION ADMINISTRATION** 14 **OFFICIALS.**

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

19 “CAMPAIGN ACTIVITIES BY CHIEF STATE ELECTION 20 ADMINISTRATION OFFICIALS

21 “SEC. 319A. (a) PROHIBITION.—It shall be unlawful
 22 for a chief State election administration official to take
 23 an active part in political management or in a political
 24 campaign with respect to any election for Federal office
 25 over which such official has supervisory authority.

1 “(b) CHIEF STATE ELECTION ADMINISTRATION OF-
2 FICIAL.—The term ‘chief State election administration of-
3 ficial’ means the highest State official with responsibility
4 for the administration of Federal elections under State
5 law.

6 “(c) ACTIVE PART IN POLITICAL MANAGEMENT OR
7 IN A POLITICAL CAMPAIGN.—The term ‘active part in po-
8 litical management or in a political campaign’ means—

9 “(1) serving as a member of an authorized com-
10 mittee of a candidate for Federal office;

11 “(2) the use of official authority or influence
12 for the purpose of interfering with or affecting the
13 result of an election for Federal office;

14 “(3) the solicitation, acceptance, or receipt of a
15 contribution from any person on behalf of a can-
16 didate for Federal office; and

17 “(4) any other act which would be prohibited
18 under paragraph (2) or (3) of section 7323(b) of
19 title 5, United States Code, if taken by an individual
20 to whom such paragraph applies (other than any
21 prohibition on running for public office).

22 “(d) EXCEPTION IN CASE OF RECUSAL FROM AD-
23 MINISTRATION OF ELECTIONS INVOLVING OFFICIAL OR
24 IMMEDIATE FAMILY MEMBER.—

1 “(1) IN GENERAL.—This section does not apply
2 to a chief State election administration official with
3 respect to an election for Federal office in which the
4 official or an immediate family member of the offi-
5 cial is a candidate, but only if—

6 “(A) such official recuses himself or herself
7 from all of the official’s responsibilities for the
8 administration of such election; and

9 “(B) the official who assumes responsi-
10 bility for supervising the administration of the
11 election does not report directly to such official.

12 “(2) IMMEDIATE FAMILY MEMBER DEFINED.—
13 In paragraph (1), the term ‘immediate family mem-
14 ber’ means, with respect to a candidate, a father,
15 mother, son, daughter, brother, sister, husband,
16 wife, father-in-law, or mother-in-law.”.

17 (b) EFFECTIVE DATE.—The amendments made by
18 subsection (a) shall apply with respect to elections for
19 Federal office held after December 2019.

1 **Subtitle N—Promoting Voter Ac-**
2 **cess Through Election Adminis-**
3 **tration Improvements**

4 **PART 1—PROMOTING VOTER ACCESS**

5 **SEC. 1901. TREATMENT OF INSTITUTIONS OF HIGHER EDU-**
6 **CATION.**

7 (a) TREATMENT OF CERTAIN INSTITUTIONS AS
8 VOTER REGISTRATION AGENCIES UNDER NATIONAL
9 VOTER REGISTRATION ACT OF 1993.—Section 7(a) of the
10 National Voter Registration Act of 1993 (52 U.S.C.
11 20506(a)) is amended—

12 (1) in paragraph (2)—

13 (A) by striking “and” at the end of sub-
14 paragraph (A);

15 (B) by striking the period at the end of
16 subparagraph (B) and inserting “; and”; and

17 (C) by adding at the end the following new
18 subparagraph:

19 “(C) each institution of higher education
20 which has a program participation agreement in
21 effect with the Secretary of Education under
22 section 487 of the Higher Education Act of
23 1965 (20 U.S.C. 1094), other than an institu-
24 tion which is treated as a contributing agency

1 under the Automatic Voter Registration Act of
2 2019.”; and

3 (2) in paragraph (6)(A), by inserting “or, in
4 the case of an institution of higher education, with
5 each registration of a student for enrollment in a
6 course of study, including enrollment in a program
7 of distance education, as defined in section 103(7)
8 of the Higher Education Act of 1965 (20 U.S.C.
9 1003(7)),” after “assistance,”.

10 (b) RESPONSIBILITIES OF INSTITUTIONS UNDER
11 HIGHER EDUCATION ACT OF 1965.—

12 (1) IN GENERAL.—Section 487(a)(23) of the
13 Higher Education Act of 1965 (20 U.S.C.
14 1094(a)(23)) is amended to read as follows:

15 “(23)(A)(i) The institution will ensure that an
16 appropriate staff person or office is designated pub-
17 licly as a ‘Campus Vote Coordinator’ and will ensure
18 that such person’s or office’s contact information is
19 included on the institution’s website.

20 “(ii) Not fewer than twice during each calendar
21 year (beginning with 2020), the Campus Vote Coor-
22 dinator shall transmit electronically to each student
23 enrolled in the institution (including students en-
24 rolled in distance education programs) a message
25 containing the following information:

1 “(I) Information on the location of polling
2 places in the jurisdiction in which the institu-
3 tion is located, together with information on
4 available methods of transportation to and from
5 such polling places.

6 “(II) A referral to a government-affiliated
7 website or online platform which provides cen-
8 tralized voter registration information for all
9 States, including access to applicable voter reg-
10 istration forms and information to assist indi-
11 viduals who are not registered to vote in reg-
12 istering to vote.

13 “(III) Any additional voter registration
14 and voting information the Coordinator con-
15 siders appropriate, in consultation with the ap-
16 propriate State election official.

17 “(iii) In addition to transmitting the message
18 described in clause (ii) not fewer than twice during
19 each calendar year, the Campus Vote Coordinator
20 shall transmit the message under such clause not
21 fewer than 30 days prior to the deadline for reg-
22 istering to vote for any election for Federal, State,
23 or local office in the State.

24 “(B) If the institution in its normal course of
25 operations requests each student registering for en-

1 rollment in a course of study, including students
2 registering for enrollment in a program of distance
3 education, to affirm whether or not the student is a
4 United States citizen, the institution will comply
5 with the applicable requirements for a contributing
6 agency under the Automatic Voter Registration Act
7 of 2019.

8 “(C) If the institution is not described in sub-
9 paragraph (B), the institution will comply with the
10 requirements for a voter registration agency in the
11 State in which it is located in accordance with sec-
12 tion 7 of the National Voter Registration Act of
13 1993 (52 U.S.C. 20506).

14 “(D) This paragraph applies only with respect
15 to an institution which is located in a State to which
16 section 4(b) of the National Voter Registration Act
17 of 1993 (52 U.S.C. 20503(b)) does not apply.”.

18 (2) EFFECTIVE DATE.—The amendments made
19 by this subsection shall apply with respect to elec-
20 tions held on or after January 1, 2020.

21 (c) GRANTS TO INSTITUTIONS DEMONSTRATING EX-
22 CELLENCE IN STUDENT VOTER REGISTRATION.—

23 (1) GRANTS AUTHORIZED.—The Secretary of
24 Education may award competitive grants to public
25 and private nonprofit institutions of higher edu-

1 cation that are subject to the requirements of sec-
2 tion 487(a)(23) of the Higher Education Act of
3 1965 (20 U.S.C. 1094(a)(23)), as amended by sub-
4 section (a) and that the Secretary determines have
5 demonstrated excellence in registering students to
6 vote in elections for public office beyond meeting the
7 minimum requirements of such section.

8 (2) ELIGIBILITY.—An institution of higher edu-
9 cation is eligible to receive a grant under this sub-
10 section if the institution submits to the Secretary of
11 Education, at such time and in such form as the
12 Secretary may require, an application containing
13 such information and assurances as the Secretary
14 may require to make the determination described in
15 paragraph (1), including information and assurances
16 that the institution carried out activities to promote
17 voter registration by students, such as the following:

18 (A) Sponsoring large on-campus voter mo-
19 bilization efforts.

20 (B) Engaging the surrounding community
21 in nonpartisan voter registration and get out
22 the vote efforts.

23 (C) Creating a website for students with
24 centralized information about voter registration
25 and election dates.

1 (D) Inviting candidates to speak on cam-
 2 pus.

3 (E) Offering rides to students to the polls
 4 to increase voter education, registration, and
 5 mobilization.

6 (3) AUTHORIZATION OF APPROPRIATIONS.—
 7 There are authorized to be appropriated for fiscal
 8 year 2020 and each succeeding fiscal year such sums
 9 as may be necessary to award grants under this sub-
 10 section.

11 (d) SENSE OF CONGRESS RELATING TO OPTION OF
 12 STUDENTS TO REGISTER IN JURISDICTION OF INSTITU-
 13 TION OF HIGHER EDUCATION OR JURISDICTION OF DOMI-
 14 CILE.—It is the sense of Congress that, as provided under
 15 existing law, students who attend an institution of higher
 16 education and reside in the jurisdiction of the institution
 17 while attending the institution should have the option of
 18 registering to vote in elections for Federal office in that
 19 jurisdiction or in the jurisdiction of their own domicile.

20 **SEC. 1902. MINIMUM NOTIFICATION REQUIREMENTS FOR**
 21 **VOTERS AFFECTED BY POLLING PLACE**
 22 **CHANGES.**

23 (a) REQUIREMENTS.—Section 302 of the Help Amer-
 24 ica Vote Act of 2002 (52 U.S.C. 21082), as amended by
 25 section 1601(a), is amended—

1 (1) by redesignating subsection (f) as sub-
2 section (g); and

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

5 “(f) MINIMUM NOTIFICATION REQUIREMENTS FOR
6 VOTERS AFFECTED BY POLLING PLACE CHANGES.—

7 “(1) IN GENERAL.—If a State assigns an indi-
8 vidual who is a registered voter in a State to a poll-
9 ing place with respect to an election for Federal of-
10 fice which is not the same polling place to which the
11 individual was previously assigned with respect to
12 the most recent election for Federal office in the
13 State in which the individual was eligible to vote—

14 “(A) the State shall notify the individual of
15 the location of the polling place not later than
16 7 days before the date of the election or the
17 first day of an early voting period (whichever
18 occurs first); or

19 “(B) if the State makes such an assign-
20 ment fewer than 7 days before the date of the
21 election and the individual appears on the date
22 of the election at the polling place to which the
23 individual was previously assigned, the State
24 shall make every reasonable effort to enable the
25 individual to vote on the date of the election.

1 “(2) EFFECTIVE DATE.—This subsection shall
2 apply with respect to elections held on or after Janu-
3 ary 1, 2020.”.

4 (b) CONFORMING AMENDMENT.—Section 302(g) of
5 such Act (52 U.S.C. 21082(g)), as redesignated by sub-
6 section (a) and as amended by section 1601(b), is amend-
7 ed by striking “(d)(2) and (e)(2)” and inserting “(d)(2),
8 (e)(2), and (f)(2)”.

9 **SEC. 1903. PERMITTING USE OF SWORN WRITTEN STATE-**
10 **MENT TO MEET IDENTIFICATION REQUIRE-**
11 **MENTS FOR VOTING.**

12 (a) PERMITTING USE OF STATEMENT.—Title III of
13 the Help America Vote Act of 2002 (52 U.S.C. 21081 et
14 seq.) is amended by inserting after section 303 the fol-
15 lowing new section:

16 **“SEC. 303A. PERMITTING USE OF SWORN WRITTEN STATE-**
17 **MENT TO MEET IDENTIFICATION REQUIRE-**
18 **MENTS.**

19 “(a) USE OF STATEMENT.—

20 “(1) IN GENERAL.—Except as provided in sub-
21 section (c), if a State has in effect a requirement
22 that an individual present identification as a condi-
23 tion of receiving and casting a ballot in an election
24 for Federal office, the State shall permit the indi-
25 vidual to meet the requirement—

1 “(A) in the case of an individual who de-
2 sires to vote in person, by presenting the appro-
3 priate State or local election official with a
4 sworn written statement, signed by the indi-
5 vidual under penalty of perjury, attesting to the
6 individual’s identity and attesting that the indi-
7 vidual is eligible to vote in the election; or

8 “(B) in the case of an individual who de-
9 sires to vote by mail, by submitting with the
10 ballot the statement described in subparagraph
11 (A).

12 “(2) DEVELOPMENT OF PRE-PRINTED VERSION
13 OF STATEMENT BY COMMISSION.—The Commission
14 shall develop a pre-printed version of the statement
15 described in paragraph (1)(A) which includes a
16 blank space for an individual to provide a name and
17 signature for use by election officials in States which
18 are subject to paragraph (1).

19 “(3) PROVIDING PRE-PRINTED COPY OF STATE-
20 MENT.—A State which is subject to paragraph (1)
21 shall—

22 “(A) make copies of the pre-printed
23 version of the statement described in paragraph
24 (1)(A) which is prepared by the Commission
25 available at polling places for election officials

1 to distribute to individuals who desire to vote in
2 person; and

3 “(B) include a copy of such pre-printed
4 version of the statement with each blank absen-
5 tee or other ballot transmitted to an individual
6 who desires to vote by mail.

7 “(b) REQUIRING USE OF BALLOT IN SAME MANNER
8 AS INDIVIDUALS PRESENTING IDENTIFICATION.—An in-
9 dividual who presents or submits a sworn written state-
10 ment in accordance with subsection (a)(1) shall be per-
11 mitted to cast a ballot in the election in the same manner
12 as an individual who presents identification.

13 “(c) EXCEPTION FOR FIRST-TIME VOTERS REG-
14 ISTERING BY MAIL.—Subsections (a) and (b) do not apply
15 with respect to any individual described in paragraph (1)
16 of section 303(b) who is required to meet the requirements
17 of paragraph (2) of such section.”.

18 (b) REQUIRING STATES TO INCLUDE INFORMATION
19 ON USE OF SWORN WRITTEN STATEMENT IN VOTING IN-
20 FORMATION MATERIAL POSTED AT POLLING PLACES.—
21 Section 302(b)(2) of such Act (52 U.S.C. 21082(b)(2)),
22 as amended by section 1072(b) and section 1202(b), is
23 amended—

24 (1) by striking “and” at the end of subpara-
25 graph (G);

1 (2) by striking the period at the end of sub-
2 paragraph (H) and inserting “; and”; and

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

5 “(I) in the case of a State that has in ef-
6 fect a requirement that an individual present
7 identification as a condition of receiving and
8 casting a ballot in an election for Federal office,
9 information on how an individual may meet
10 such requirement by presenting a sworn written
11 statement in accordance with section 303A.”.

(c) CLERICAL AMENDMENT.—The table of contents of such Act is amended by inserting after the item relating to section 303 the following new item:

“Sec. 303A. Permitting use of sworn written statement to meet identification requirements.”.

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

18 SEC. 1904. POSTAGE-FREE BALLOTS.

19 (a) IN GENERAL.—Chapter 34 of title 39, United
20 States Code, is amended by adding after section 3406 the
21 following:

22 “§ 3407. Absentee ballots

23 “(a) Any absentee ballot for any election for Federal
24 office shall be carried expeditiously, with postage prepaid

1 by the State or unit of local government responsible for
2 the administration of the election.

3 “(b) As used in this section, the term ‘absentee ballot’
4 means any ballot transmitted by a voter by mail in an
5 election for Federal office, but does not include any ballot
6 covered by section 3406.”.

7 (b) CLERICAL AMENDMENT.—The table of sections
8 for chapter 34 of such title is amended by inserting after
9 the item relating to section 3406 the following:

“3407. Absentee ballots carried free of postage.”.

10 **SEC. 1905. REIMBURSEMENT FOR COSTS INCURRED BY**
11 **STATES IN ESTABLISHING PROGRAM TO**
12 **TRACK AND CONFIRM RECEIPT OF ABSENTEE**
13 **BALLOTS.**

14 (a) REIMBURSEMENT.—Subtitle D of title II of the
15 Help America Vote Act of 2002 (42 U.S.C. 15401 et seq.)
16 is amended by adding at the end the following new part:

17 **“PART 7—PAYMENTS TO REIMBURSE STATES**
18 **FOR COSTS INCURRED IN ESTABLISHING**
19 **PROGRAM TO TRACK AND CONFIRM RE-**
20 **CEIPT OF ABSENTEE BALLOTS**

21 **“SEC. 297. PAYMENTS TO STATES.**

22 “(a) PAYMENTS FOR COSTS OF ESTABLISHING PRO-
23 GRAM.—In accordance with this section, the Commission
24 shall make a payment to a State to reimburse the State
25 for the costs incurred in establishing, if the State so choos-

1 es to establish, an absentee ballot tracking program with
2 respect to elections for Federal office held in the State
3 (including costs incurred prior to the date of the enact-
4 ment of this part).

5 “(b) ABSENTEE BALLOT TRACKING PROGRAM DE-
6 SCRIBED.—

7 “(1) PROGRAM DESCRIBED.—

8 “(A) IN GENERAL.—In this part, an ‘ab-
9 sentee ballot tracking program’ is a program to
10 track and confirm the receipt of absentee bal-
11 lots in an election for Federal office under
12 which the State or local election official respon-
13 sible for the receipt of voted absentee ballots in
14 the election carries out procedures to track and
15 confirm the receipt of such ballots, and makes
16 information on the receipt of such ballots avail-
17 able to the individual who cast the ballot, by
18 means of online access using the Internet site
19 of the official’s office.

20 “(B) INFORMATION ON WHETHER VOTE
21 WAS COUNTED.—The information referred to
22 under subparagraph (A) with respect to the re-
23 ceipt of an absentee ballot shall include infor-
24 mation regarding whether the vote cast on the

1 ballot was counted, and, in the case of a vote
2 which was not counted, the reasons therefor.

3 “(2) USE OF TOLL-FREE TELEPHONE NUMBER
4 BY OFFICIALS WITHOUT INTERNET SITE.—A pro-
5 gram established by a State or local election official
6 whose office does not have an Internet site may
7 meet the description of a program under paragraph
8 (1) if the official has established a toll-free telephone
9 number that may be used by an individual who cast
10 an absentee ballot to obtain the information on the
11 receipt of the voted absentee ballot as provided
12 under such paragraph.

13 “(c) CERTIFICATION OF COMPLIANCE AND COSTS.—

14 “(1) CERTIFICATION REQUIRED.—In order to
15 receive a payment under this section, a State shall
16 submit to the Commission a statement containing—

17 “(A) a certification that the State has es-
18 tablished an absentee ballot tracking program
19 with respect to elections for Federal office held
20 in the State; and

21 “(B) a statement of the costs incurred by
22 the State in establishing the program.

23 “(2) AMOUNT OF PAYMENT.—The amount of a
24 payment made to a State under this section shall be
25 equal to the costs incurred by the State in estab-

1 lishing the absentee ballot tracking program, as set
 2 forth in the statement submitted under paragraph
 3 (1), except that such amount may not exceed the
 4 product of—

5 “(A) the number of jurisdictions in the
 6 State which are responsible for operating the
 7 program; and

8 “(B) \$3,000.

9 “(3) LIMIT ON NUMBER OF PAYMENTS RE-
 10 CEIVED.—A State may not receive more than one
 11 payment under this part.

12 **“SEC. 297A. AUTHORIZATION OF APPROPRIATIONS.**

13 “(a) AUTHORIZATION.—There are authorized to be
 14 appropriated to the Commission for fiscal year 2020 and
 15 each succeeding fiscal year such sums as may be necessary
 16 for payments under this part.

17 “(b) CONTINUING AVAILABILITY OF FUNDS.—Any
 18 amounts appropriated pursuant to the authorization under
 19 this section shall remain available until expended.”.

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

“PART 7—PAYMENTS TO REIMBURSE STATES FOR COSTS INCURRED IN ES-
 TABLISHING PROGRAM TO TRACK AND CONFIRM RECEIPT OF ABSENTEE
 BALLOTS

“Sec. 297. Payments to States.

“Sec. 297A. Authorization of appropriations.”.

1 **SEC. 1906. VOTER INFORMATION RESPONSE SYSTEMS AND**
2 **HOTLINE.**

3 (a) ESTABLISHMENT AND OPERATION OF SYSTEMS
4 AND SERVICES.—

5 (1) STATE-BASED RESPONSE SYSTEMS.—The
6 Attorney General shall coordinate the establishment
7 of a State-based response system for responding to
8 questions and complaints from individuals voting or
9 seeking to vote, or registering to vote or seeking to
10 register to vote, in elections for Federal office. Such
11 system shall provide—

12 (A) State-specific, same-day, and imme-
13 diate assistance to such individuals, including
14 information on how to register to vote, the loca-
15 tion and hours of operation of polling places,
16 and how to obtain absentee ballots; and

17 (B) State-specific, same-day, and imme-
18 diate assistance to individuals encountering
19 problems with registering to vote or voting, in-
20 cluding individuals encountering intimidation or
21 deceptive practices.

22 (2) HOTLINE.—The Attorney General, in con-
23 sultation with State election officials, shall establish
24 and operate a toll-free telephone service, using a
25 telephone number that is accessible throughout the
26 United States and that uses easily identifiable nu-

1 merals, through which individuals throughout the
2 United States—

3 (A) may connect directly to the State-
4 based response system described in paragraph
5 (1) with respect to the State involved;

6 (B) may obtain information on voting in
7 elections for Federal office, including informa-
8 tion on how to register to vote in such elections,
9 the locations and hours of operation of polling
10 places, and how to obtain absentee ballots; and

11 (C) may report information to the Attor-
12 ney General on problems encountered in reg-
13 istering to vote or voting, including incidences
14 of voter intimidation or suppression.

15 (3) COLLABORATION WITH STATE AND LOCAL
16 ELECTION OFFICIALS.—

17 (A) COLLECTION OF INFORMATION FROM
18 STATES.—The Attorney General shall coordi-
19 nate the collection of information on State and
20 local election laws and policies, including infor-
21 mation on the Statewide computerized voter
22 registration lists maintained under title III of
23 the Help America Vote Act of 2002, so that in-
24 dividuals who contact the free telephone service
25 established under paragraph (2) on the date of

1 an election for Federal office may receive an
2 immediate response on that day.

3 (B) FORWARDING QUESTIONS AND COM-
4 PLAINTS TO STATES.—If an individual contacts
5 the free telephone service established under
6 paragraph (2) on the date of an election for
7 Federal office with a question or complaint with
8 respect to a particular State or jurisdiction
9 within a State, the Attorney General shall for-
10 ward the question or complaint immediately to
11 the appropriate election official of the State or
12 jurisdiction so that the official may answer the
13 question or remedy the complaint on that date.

14 (4) CONSULTATION REQUIREMENTS FOR DE-
15 VELOPMENT OF SYSTEMS AND SERVICES.—The At-
16 torney General shall ensure that the State-based re-
17 sponse system under paragraph (1) and the free
18 telephone service under paragraph (2) are each de-
19 veloped in consultation with civil rights organiza-
20 tions, voting rights groups, State and local election
21 officials, voter protection groups, and other inter-
22 ested community organizations, especially those that
23 have experience in the operation of similar systems
24 and services.

1 (b) USE OF SERVICE BY INDIVIDUALS WITH DIS-
2 ABILITIES AND INDIVIDUALS WITH LIMITED ENGLISH
3 LANGUAGE PROFICIENCY.—The Attorney General shall
4 design and operate the telephone service established under
5 this section in a manner that ensures that individuals with
6 disabilities are fully able to use the service, and that as-
7 sistance is provided in any language in which the State
8 (or any jurisdiction in the State) is required to provide
9 election materials under section 203 of the Voting Rights
10 Act of 1965.

11 (c) VOTER HOTLINE TASK FORCE.—

12 (1) APPOINTMENT BY ATTORNEY GENERAL.—
13 The Attorney General shall appoint individuals (in
14 such number as the Attorney General considers ap-
15 propriate but in no event fewer than 3) to serve on
16 a Voter Hotline Task Force to provide ongoing anal-
17 ysis and assessment of the operation of the tele-
18 phone service established under this section, and
19 shall give special consideration in making appoint-
20 ments to the Task Force to individuals who rep-
21 resent civil rights organizations. At least one mem-
22 ber of the Task Force shall be a representative of
23 an organization promoting voting rights or civil
24 rights which has experience in the operation of simi-
25 lar telephone services or in protecting the rights of

1 individuals to vote, especially individuals who are
2 members of racial, ethnic, or linguistic minorities or
3 of communities who have been adversely affected by
4 efforts to suppress voting rights.

5 (2) ELIGIBILITY.—An individual shall be eligi-
6 ble to serve on the Task Force under this subsection
7 if the individual meets such criteria as the Attorney
8 General may establish, except that an individual may
9 not serve on the task force if the individual has been
10 convicted of any criminal offense relating to voter in-
11 timidation or voter suppression.

12 (3) TERM OF SERVICE.—An individual ap-
13 pointed to the Task Force shall serve a single term
14 of 2 years, except that the initial terms of the mem-
15 bers first appointed to the Task Force shall be stag-
16 gered so that there are at least 3 individuals serving
17 on the Task Force during each year. A vacancy in
18 the membership of the Task Force shall be filled in
19 the same manner as the original appointment.

20 (4) NO COMPENSATION FOR SERVICE.—Mem-
21 bers of the Task Force shall serve without pay, but
22 shall receive travel expenses, including per diem in
23 lieu of subsistence, in accordance with applicable
24 provisions under subchapter I of chapter 57 of title
25 5, United States Code.

1 (d) BI-ANNUAL REPORT TO CONGRESS.—Not later
2 than March 1 of each odd-numbered year, the Attorney
3 General shall submit a report to Congress on the operation
4 of the telephone service established under this section dur-
5 ing the previous 2 years, and shall include in the report—

6 (1) an enumeration of the number and type of
7 calls that were received by the service;

8 (2) a compilation and description of the reports
9 made to the service by individuals citing instances of
10 voter intimidation or suppression, together with a
11 description of any actions taken in response to such
12 instances of voter intimidation or suppression;

13 (3) an assessment of the effectiveness of the
14 service in making information available to all house-
15 holds in the United States with telephone service;

16 (4) any recommendations developed by the
17 Task Force established under subsection (c) with re-
18 spect to how voting systems may be maintained or
19 upgraded to better accommodate voters and better
20 ensure the integrity of elections, including but not
21 limited to identifying how to eliminate coordinated
22 voter suppression efforts and how to establish effec-
23 tive mechanisms for distributing updates on changes
24 to voting requirements; and

1 (5) any recommendations on best practices for
2 the State-based response systems established under
3 subsection (a)(1).

4 (e) AUTHORIZATION OF APPROPRIATIONS.—

5 (1) AUTHORIZATION.—There are authorized to
6 be appropriated to the Attorney General for fiscal
7 year 2019 and each succeeding fiscal year such sums
8 as may be necessary to carry out this section.

9 (2) SET-ASIDE FOR OUTREACH.—Of the
10 amounts appropriated to carry out this section for a
11 fiscal year pursuant to the authorization under para-
12 graph (1), not less than 15 percent shall be used for
13 outreach activities to make the public aware of the
14 availability of the telephone service established under
15 this section, with an emphasis on outreach to indi-
16 viduals with disabilities and individuals with limited
17 proficiency in the English language.

18 **SEC. 1907. LIMITING VARIATIONS ON NUMBER OF HOURS**
19 **OF OPERATION FOR POLLING PLACES WITH-**
20 **IN A STATE.**

21 (a) LIMITING VARIATIONS.—Subtitle A of title III of
22 the Help America Vote Act of 2002 (52 U.S.C. 21081 et
23 seq.), as amended by section 1031(a), section 1101(a),
24 section 1611(a), and section 1621(a), is amended—

1 (1) by redesignating sections 308 and 309 as
2 sections 309 and 310; and

3 (2) by inserting after section 307 the following
4 new section:

5 **“SEC. 308. LIMITING VARIATIONS ON NUMBER OF HOURS**
6 **OF OPERATION OF POLLING PLACES WITH A**
7 **STATE.**

8 “(a) LIMITATION.—

9 “(1) IN GENERAL.—Except as provided in para-
10 graph (2) and subsection (b), each State shall estab-
11 lish hours of operation for all polling places in the
12 State on the date of any election for Federal office
13 held in the State such that the polling place with the
14 greatest number of hours of operation on such date
15 is not in operation for more than 2 hours longer
16 than the polling place with the fewest number of
17 hours of operation on such date.

18 “(2) PERMITTING VARIANCE ON BASIS OF POP-
19 ULATION.—Paragraph (1) does not apply to the ex-
20 tent that the State establishes variations in the
21 hours of operation of polling places on the basis of
22 the overall population or the voting age population
23 (as the State may select) of the unit of local govern-
24 ment in which such polling places are located.

1 “(b) EXCEPTIONS FOR POLLING PLACES WITH
2 HOURS ESTABLISHED BY UNITS OF LOCAL GOVERN-
3 MENT.—Subsection (a) does not apply in the case of a
4 polling place—

5 “(1) whose hours of operation are established,
6 in accordance with State law, by the unit of local
7 government in which the polling place is located; or

8 “(2) which is required pursuant to an order by
9 a court to extend its hours of operation beyond the
10 hours otherwise established.”.

11 (b) CLERICAL AMENDMENT.—The table of contents
12 of such Act, as amended by section 1031(c), section
13 1101(d), section 1611(c), and section 1621(c), is amend-
14 ed—

15 (1) by redesignating the items relating to sec-
16 tions 308 and 309 as relating to sections 309 and
17 310; and

18 (2) by inserting after the item relating to sec-
19 tion 307 the following new item:

“Sec. 308. Limiting variations on number of hours of operation of polling
places with a State.”.

1 **PART 2—IMPROVEMENTS IN OPERATION OF**
2 **ELECTION ASSISTANCE COMMISSION**

3 **SEC. 1911. REAUTHORIZATION OF ELECTION ASSISTANCE**
4 **COMMISSION.**

5 Section 210 of the Help America Vote Act of 2002
6 (52 U.S.C. 20930) is amended—

7 (1) by striking “for each of the fiscal years
8 2003 through 2005” and inserting “for fiscal year
9 2019 and each succeeding fiscal year”; and

10 (2) by striking “(but not to exceed \$10,000,000
11 for each such year)”.

12 **SEC. 1913. REQUIRING STATES TO PARTICIPATE IN POST-**
13 **GENERAL ELECTION SURVEYS.**

14 (a) REQUIREMENT.—Title III of the Help America
15 Vote Act of 2002 (52 U.S.C. 21081 et seq.), as amended
16 by section 1903(a), is further amended by inserting after
17 section 303A the following new section:

18 **“SEC. 303B. REQUIRING PARTICIPATION IN POST-GENERAL**
19 **ELECTION SURVEYS.**

20 “(a) REQUIREMENT.—Each State shall furnish to the
21 Commission such information as the Commission may re-
22 quest for purposes of conducting any post-election survey
23 of the States with respect to the administration of a regu-
24 larly scheduled general election for Federal office.

25 “(b) EFFECTIVE DATE.—This section shall apply
26 with respect to the regularly scheduled general election for

1 Federal office held in November 2020 and any succeeding
2 election.”.

3 (b) CLERICAL AMENDMENT.—The table of contents
4 of such Act, as amended by section 1903(c), is further
5 amended by inserting after the item relating to section
6 303A the following new item:

“Sec. 303B. Requiring participation in post-general election surveys.”.

7 **SEC. 1914. REPORTS BY NATIONAL INSTITUTE OF STAND-**
8 **ARDS AND TECHNOLOGY ON USE OF FUNDS**
9 **TRANSFERRED FROM ELECTION ASSISTANCE**
10 **COMMISSION.**

11 (a) REQUIRING REPORTS ON USE FUNDS AS CONDI-
12 TION OF RECEIPT.—Section 231 of the Help America
13 Vote Act of 2002 (52 U.S.C. 20971) is amended by adding
14 at the end the following new subsection:

15 “(e) REPORT ON USE OF FUNDS TRANSFERRED
16 FROM COMMISSION.—To the extent that funds are trans-
17 ferred from the Commission to the Director of the Na-
18 tional Institute of Standards and Technology for purposes
19 of carrying out this section during any fiscal year, the Di-
20 rector may not use such funds unless the Director certifies
21 at the time of transfer that the Director will submit a re-
22 port to the Commission not later than 90 days after the
23 end of the fiscal year detailing how the Director used such
24 funds during the year.”.

1 (b) EFFECTIVE DATE.—The amendment made by
2 subsection (a) shall apply with respect to fiscal year 2020
3 and each succeeding fiscal year.

4 **SEC. 1915. RECOMMENDATIONS TO IMPROVE OPERATIONS**
5 **OF ELECTION ASSISTANCE COMMISSION.**

6 (a) ASSESSMENT OF INFORMATION TECHNOLOGY
7 AND CYBERSECURITY.—Not later than December 31,
8 2019, the Election Assistance Commission shall carry out
9 an assessment of the security and effectiveness of the
10 Commission’s information technology systems, including
11 the cybersecurity of such systems.

12 (b) IMPROVEMENTS TO ADMINISTRATIVE COMPLAINT
13 PROCEDURES.—

14 (1) REVIEW OF PROCEDURES.—The Election
15 Assistance Commission shall carry out a review of
16 the effectiveness and efficiency of the State-based
17 administrative complaint procedures established and
18 maintained under section 402 of the Help America
19 Vote Act of 2002 (52 U.S.C. 21112) for the inves-
20 tigation and resolution of allegations of violations of
21 title III of such Act.

22 (2) RECOMMENDATIONS TO STREAMLINE PRO-
23 CEDURES.—Not later than December 31, 2019, the
24 Commission shall submit to Congress a report on
25 the review carried out under paragraph (1), and

1 shall include in the report such recommendations as
2 the Commission considers appropriate to streamline
3 and improve the procedures which are the subject of
4 the review.

5 **SEC. 1916. REPEAL OF EXEMPTION OF ELECTION ASSIST-**
6 **ANCE COMMISSION FROM CERTAIN GOVERN-**
7 **MENT CONTRACTING REQUIREMENTS.**

8 (a) IN GENERAL.—Section 205 of the Help America
9 Vote Act of 2002 (52 U.S.C. 20925) is amended by strik-
10 ing subsection (e).

11 (b) EFFECTIVE DATE.—The amendment made by
12 subsection (a) shall apply with respect to contracts entered
13 into by the Election Assistance Commission on or after
14 the date of the enactment of this Act.

15 **PART 3—MISCELLANEOUS PROVISIONS**

16 **SEC. 1921. APPLICATION OF LAWS TO COMMONWEALTH OF**
17 **NORTHERN MARIANA ISLANDS.**

18 (a) NATIONAL VOTER REGISTRATION ACT OF
19 1993.—Section 3(4) of the National Voter Registration
20 Act of 1993 (52 U.S.C. 20502(4)) is amended by striking
21 “States and the District of Columbia” and inserting
22 “States, the District of Columbia, and the Commonwealth
23 of the Northern Mariana Islands”.

24 (b) HELP AMERICA VOTE ACT OF 2002.—

1 (1) COVERAGE OF COMMONWEALTH OF THE
2 NORTHERN MARIANA ISLANDS.—Section 901 of the
3 Help America Vote Act of 2002 (52 U.S.C. 21141)
4 is amended by striking “and the United States Vir-
5 gin Islands” and inserting “the United States Virgin
6 Islands, and the Commonwealth of the Northern
7 Mariana Islands”.

8 (2) CONFORMING AMENDMENTS TO HELP
9 AMERICA VOTE ACT OF 2002.—Such Act is further
10 amended as follows:

11 (A) The second sentence of section
12 213(a)(2) (52 U.S.C. 20943(a)(2)) is amended
13 by striking “and American Samoa” and insert-
14 ing “American Samoa, and the Commonwealth
15 of the Northern Mariana Islands”.

16 (B) Section 252(c)(2) (52 U.S.C.
17 21002(c)(2)) is amended by striking “or the
18 United States Virgin Islands” and inserting
19 “the United States Virgin Islands, or the Com-
20 monwealth of the Northern Mariana Islands”.

21 (3) CONFORMING AMENDMENT RELATING TO
22 CONSULTATION OF HELP AMERICA VOTE FOUNDA-
23 TION WITH LOCAL ELECTION OFFICIALS.—Section
24 90102(c) of title 36, United States Code, is amend-
25 ed by striking “and the United States Virgin Is-

1 lands” and inserting “the United States Virgin Is-
2 lands, and the Commonwealth of the Northern Mar-
3 iana Islands”.

4 (4) EFFECTIVE DATE.—The amendments made
5 by this subsection shall apply with respect to fiscal
6 years beginning with the first fiscal year which be-
7 gins after funds are appropriated to the Common-
8 wealth of the Northern Mariana Islands pursuant to
9 the payment under section 2.

10 **SEC. 1922. NO EFFECT ON OTHER LAWS.**

11 (a) IN GENERAL.—Except as specifically provided,
12 nothing in this title may be construed to authorize or re-
13 quire conduct prohibited under any of the following laws,
14 or to supersede, restrict, or limit the application of such
15 laws:

16 (1) The Voting Rights Act of 1965 (52 U.S.C.
17 10301 et seq.).

18 (2) The Voting Accessibility for the Elderly and
19 Handicapped Act (52 U.S.C. 20101 et seq.).

20 (3) The Uniformed and Overseas Citizens Ab-
21 sentee Voting Act (52 U.S.C. 20301 et seq.).

22 (4) The National Voter Registration Act of
23 1993 (52 U.S.C. 20501 et seq.).

24 (5) The Americans with Disabilities Act of
25 1990 (42 U.S.C. 12101 et seq.).

1 (6) The Rehabilitation Act of 1973 (29 U.S.C.
2 701 et seq.).

3 (b) NO EFFECT ON PRECLEARANCE OR OTHER RE-
4 QUIREMENTS UNDER VOTING RIGHTS ACT.—The ap-
5 proval by any person of a payment or grant application
6 under this title, or any other action taken by any person
7 under this title, shall not be considered to have any effect
8 on requirements for preclearance under section 5 of the
9 Voting Rights Act of 1965 (52 U.S.C. 10304) or any other
10 requirements of such Act.

11 (c) NO EFFECT ON AUTHORITY OF STATES TO PRO-
12 VIDE GREATER OPPORTUNITIES FOR VOTING.—Nothing
13 in this title or the amendments made by this title may
14 be construed to prohibit any State from enacting any law
15 which provides greater opportunities for individuals to reg-
16 ister to vote and to vote in elections for Federal office than
17 are provided by this title and the amendments made by
18 this title.

19 **Subtitle O—Severability**

20 **SEC. 1931. SEVERABILITY.**

21 If any provision of this title or amendment made by
22 this title, or the application of a provision or amendment
23 to any person or circumstance, is held to be unconstitu-
24 tional, the remainder of this title and amendments made
25 by this title, and the application of the provisions and

- 1 amendment to any person or circumstance, shall not be
 2 affected by the holding.

3 **TITLE II—ELECTION INTEGRITY**

Subtitle A—Findings Reaffirming Commitment of Congress to Restore the Voting Rights Act

Sec. 2001. Findings reaffirming commitment of Congress to restore the Voting Rights Act.

Subtitle B—Findings Relating to Native American Voting Rights

Sec. 2101. Findings relating to Native American voting rights.

Subtitle C—Findings Relating to District of Columbia Statehood

Sec. 2201. Findings relating to District of Columbia statehood.

Subtitle D—Territorial Voting Rights

Sec. 2301. Findings relating to territorial voting rights.

Sec. 2302. Congressional Task Force on Voting Rights of United States Citizen Residents of Territories of the United States.

Subtitle E—Redistricting Reform

Sec. 2400. Short title; finding of constitutional authority.

PART 1—REQUIREMENTS FOR CONGRESSIONAL REDISTRICTING

Sec. 2401. Requiring congressional redistricting to be conducted through plan of independent State commission.

Sec. 2402. Ban on mid-decade redistricting.

PART 2—INDEPENDENT REDISTRICTING COMMISSIONS

Sec. 2411. Independent redistricting commission.

Sec. 2412. Establishment of selection pool of individuals eligible to serve as members of commission.

Sec. 2413. Criteria for redistricting plan by independent commission; public notice and input.

Sec. 2414. Establishment of related entities.

Sec. 2415. Report on diversity of memberships of independent redistricting commissions.

PART 3—ROLE OF COURTS IN DEVELOPMENT OF REDISTRICTING PLANS

Sec. 2421. Enactment of plan developed by 3-judge court.

Sec. 2422. Special rule for redistricting conducted under order of Federal court.

PART 4—ADMINISTRATIVE AND MISCELLANEOUS PROVISIONS

Sec. 2431. Payments to States for carrying out redistricting.

Sec. 2432. Civil enforcement.

Sec. 2433. State apportionment notice defined.

Sec. 2434. No effect on elections for State and local office.

Sec. 2435. Effective date.

Subtitle F—Saving Eligible Voters From Voter Purging

Sec. 2501. Short title.

Sec. 2502. Conditions for removal of voters from list of registered voters.

Subtitle G—No Effect on Authority of States to Provide Greater Opportunities for Voting

Sec. 2601. No effect on authority of States to provide greater opportunities for voting.

Subtitle H—Residence of Incarcerated Individuals

Sec. 2701. Residence of Incarcerated Individuals.

Subtitle I—Severability

Sec. 2801. Severability.

1 Subtitle A—Findings Reaffirming
2 Commitment of Congress to Re-
3 store the Voting Rights Act

4 SEC. 2001. FINDINGS REAFFIRMING COMMITMENT OF CON-
5 GRESS TO RESTORE THE VOTING RIGHTS
6 ACT.

7 Congress finds the following:

8 (1) The right to vote for all Americans is sac-
 9 rosanct and rules for voting and election administra-
 10 tion should protect the right to vote and promote
 11 voter participation.

12 (2) The Voting Rights Act has empowered the
 13 Department of Justice and Federal courts for nearly
 14 a half a century to block discriminatory voting prac-
 15 tices before their implementation in States and local-

ities with the most troubling histories and ongoing records of racial discrimination.

(3) There continues to be an alarming movement to erect barriers to make it more difficult for Americans to participate in our Nation's democratic process. The Nation has witnessed unprecedented efforts to turn back the clock and erect barriers to voting for communities of color which have faced historic and continuing discrimination, as well as disabled, young, elderly, and low-income Americans.

(4) The Supreme Court's 2013 *Shelby County v. Holder* decision gutted decades-long Federal protections for communities of color that face historic and continuing discrimination, emboldening States and local jurisdictions to pass voter suppression laws and implement procedures, such as those requiring photo identification, limiting early voting hours, eliminating same-day registration, purging voters from the rolls, and reducing the number of polling places. Congress is committed to reversing the devastating impact of this decision.

(5) Racial discrimination in voting is a clear and persistent problem. The actions of States and localities around the country post-*Shelby County*, including at least 10 findings by Federal courts of in-

1 tentional discrimination, underscore the need for
2 Congress to conduct investigatory and evidentiary
3 hearings to determine the legislation necessary to re-
4 store the Voting Rights Act and combat continuing
5 efforts in America that suppress the free exercise of
6 the franchise in communities of color.

7 (6) The 2018 midterm election provides further
8 evidence that systemic voter discrimination and in-
9 timidation continues to occur in communities of
10 color across the country, making it clear that democ-
11 racy reform cannot be achieved until Congress re-
12 stores key provisions of the Voting Rights Act.

13 (7) Congress must remain vigilant in protecting
14 every eligible citizen's right to vote. Congress should
15 respond by modernizing the electoral system to—

16 (A) improve access to the ballot;

17 (B) enhance the integrity and security of
18 our voting systems;

19 (C) ensure greater accountability for the
20 administration of elections;

21 (D) restore protections for voters against
22 practices in States and localities plagued by the
23 persistence of voter disenfranchisement; and

1 (E) ensure that Federal civil rights laws
2 protect the rights of voters against discrimina-
3 tory and deceptive practices.

4 **Subtitle B—Findings Relating to**
5 **Native American Voting Rights**

6 **SEC. 2101. FINDINGS RELATING TO NATIVE AMERICAN VOT-**
7 **ING RIGHTS.**

8 Congress finds the following:

9 (1) The right to vote for all Americans is sa-
10 cred. Congress must fulfill the Federal Government's
11 trust responsibility to protect and promote Native
12 Americans' exercise of their fundamental right to
13 vote, including equal access to voter registration vot-
14 ing mechanisms and locations, and the ability to
15 serve as election officials.

16 (2) The Native American Voting Rights Coali-
17 tion's four-State survey of voter discrimination
18 (2016) and nine field hearings in Indian Country
19 (2017-2018) revealed obstacles that Native Ameri-
20 cans must overcome, including a lack of accessible
21 and proximate registration and polling sites, non-
22 traditional addresses for residents on Indian reserva-
23 tions, inadequate language assistance for Tribal
24 members, and voter identification laws that discrimi-
25 nate against Native Americans. The Department of

1 Justice and courts have recognized that some juris-
2 dictions have been unresponsive to reasonable re-
3 quests from federally recognized Indian Tribes for
4 more accessible and proximate voter registration
5 sites and in-person voting locations.

6 (3) The 2018 elections provide further evidence
7 that systemic voter discrimination and intimidation
8 continues to occur in communities of color and Trib-
9 al lands across the country, making it clear that de-
10 mocracy reform cannot be achieved until Congress
11 restores key provisions of the Voting Rights Act and
12 passes additional protections.

13 (4) Congress has broad, plenary authority to
14 enact legislation to safeguard the voting rights of
15 Native American voters.

16 (5) Congress must conduct investigatory and
17 evidentiary hearings to determine the necessary leg-
18 islation to restore the Voting Rights Act and combat
19 continuous efforts that suppress the voter franchise
20 within Tribal lands, to include, but not to be limited
21 to, the Native American Voting Rights Act
22 (NAVRA) and the Voting Rights Advancement Act
23 (VRAA).

1 **Subtitle C—Findings Relating to**
2 **District of Columbia Statehood**

3 **SEC. 2201. FINDINGS RELATING TO DISTRICT OF COLUMBIA**
4 **STATEHOOD.**

5 Congress finds the following:

6 (1) District of Columbia residents deserve full
7 congressional voting rights and self-government,
8 which only statehood can provide.

9 (2) The 700,000 residents of the District of Co-
10 lumbia pay more Federal taxes per capita than resi-
11 dents of any State in the country, yet do not have
12 full and equal representation in Congress and self-
13 government.

14 (3) Since the founding of the United States, the
15 residents of the District of Columbia have always
16 carried all the obligations of citizenship, including
17 serving in all of the Nation's wars and paying Fed-
18 eral taxes, all without voting representation on the
19 floor in either Chamber of Congress or freedom from
20 congressional interference in purely local matters.

21 (4) There are no constitutional, historical, fi-
22 nancial, or economic reasons why the 700,000 Amer-
23 icans who live in the District of Columbia should not
24 be granted statehood.

1 (5) The District of Columbia has a larger popu-
2 lation than two States, Wyoming and Vermont, and
3 is close to the population of the seven States that
4 have a population of under one million fully rep-
5 resented residents.

6 (6) The District of Columbia government has
7 one of the strongest fiscal positions of any jurisdic-
8 tion in the United States, with a \$14.6 billion budg-
9 et for fiscal year 2019 and a \$2.8 billion general
10 fund balance as of September 30, 2018.

11 (7) The District of Columbia's total personal
12 income is higher than that of seven States, its per
13 capita personal consumption expenditures is higher
14 than those of any State, and its total personal con-
15 sumption expenditures is greater than those of seven
16 States.

17 (8) Congress has authority under article IV,
18 section 3, clause 1, which gives Congress power to
19 admit new states to the Union, and Article I, Sec-
20 tion 8, Clause 17, which grants Congress power over
21 the seat of the Federal Government, to admit the
22 new State carved out of the residential areas of the
23 Federal seat of Government, while maintaining as
24 the Federal seat of Government the United States
25 Capitol Complex, the principal Federal monuments,

1 Federal buildings and grounds, the National Mall,
2 the White House and other Federal property.

3 **Subtitle D—Territorial Voting**
4 **Rights**

5 **SEC. 2301. FINDINGS RELATING TO TERRITORIAL VOTING**
6 **RIGHTS.**

7 Congress finds the following:

8 (1) The right to vote is one of the most power-
9 ful instruments residents of the territories of the
10 United States have to ensure that their voices are
11 heard.

12 (2) These Americans have played an important
13 part in the American democracy for more than 120
14 years.

15 (3) Political participation and the right to vote
16 are among the highest concerns of territorial resi-
17 dents in part because they were not always afforded
18 these rights.

19 (4) Voter participation in the territories consist-
20 ently ranks higher than many communities on the
21 mainland.

22 (5) Territorial residents serve and die, on a per
23 capita basis, at a higher rate in every United States
24 war and conflict since WWI, as an expression of

1 their commitment to American democratic principles
2 and patriotism.

3 **SEC. 2302. CONGRESSIONAL TASK FORCE ON VOTING**
4 **RIGHTS OF UNITED STATES CITIZEN RESI-**
5 **DENTS OF TERRITORIES OF THE UNITED**
6 **STATES.**

7 (a) **ESTABLISHMENT.**—There is established within
8 the legislative branch a Congressional Task Force on Vot-
9 ing Rights of United States Citizen Residents of Terri-
10 tories of the United States (in this section referred to as
11 the “Task Force”).

12 (b) **MEMBERSHIP.**—The Task Force shall be com-
13 posed of 12 members as follows:

14 (1) One Member of the House of Representa-
15 tives, who shall be appointed by the Speaker of the
16 House of Representatives, in coordination with the
17 Chairman of the Committee on Natural Resources of
18 the House of Representatives.

19 (2) One Member of the House of Representa-
20 tives, who shall be appointed by the Speaker of the
21 House of Representatives, in coordination with the
22 Chairman of the Committee on the Judiciary of the
23 House of Representatives.

24 (3) One Member of the House of Representa-
25 tives, who shall be appointed by the Speaker of the

1 House of Representatives, in coordination with the
2 Chairman of the Committee on House Administra-
3 tion of the House of Representatives.

4 (4) One Member of the House of Representa-
5 tives, who shall be appointed by the Minority Leader
6 of the House of Representatives, in coordination
7 with the ranking minority member of the Committee
8 on Natural Resources of the House of Representa-
9 tives.

10 (5) One Member of the House of Representa-
11 tives, who shall be appointed by the Minority Leader
12 of the House of Representatives, in coordination
13 with the ranking minority member of the Committee
14 on the Judiciary of the House of Representatives.

15 (6) One Member of the House of Representa-
16 tives, who shall be appointed by the Minority Leader
17 of the House of Representatives, in coordination
18 with the ranking minority member of the Committee
19 on House Administration of the House of Represent-
20 atives.

21 (7) One Member of the Senate, who shall be ap-
22 pointed by the Majority Leader of the Senate, in co-
23 ordination with the Chairman of the Committee on
24 Energy and Natural Resources of the Senate.

1 (8) One Member of the Senate, who shall be ap-
2 pointed by the Majority Leader of the Senate, in co-
3 ordination with the Chairman of the Committee on
4 the Judiciary of the Senate.

5 (9) One Member of the Senate, who shall be ap-
6 pointed by the Majority Leader of the Senate, in co-
7 ordination with the Chairman of the Committee on
8 Rules and Administration of the Senate.

9 (10) One Member of the Senate, who shall be
10 appointed by the Minority Leader of the Senate, in
11 coordination with the ranking minority member of
12 the Committee on Energy and Natural Resources of
13 the Senate.

14 (11) One Member of the Senate, who shall be
15 appointed by the Minority Leader of the Senate, in
16 coordination with the ranking minority member of
17 the Committee on the Judiciary of the Senate.

18 (12) One Member of the Senate, who shall be
19 appointed by the Minority Leader of the Senate, in
20 coordination with the ranking minority member of
21 the Committee on Rules and Administration of the
22 Senate.

23 (c) DEADLINE FOR APPOINTMENT.—All appoint-
24 ments to the Task Force shall be made not later than 30
25 days after the date of enactment of this Act.

1 (d) CHAIR.—The Speaker shall designate one Mem-
2 ber to serve as chair of the Task Force.

3 (e) VACANCIES.—Any vacancy in the Task Force
4 shall be filled in the same manner as the original appoint-
5 ment.

6 (f) STATUS UPDATE.—Between September 1, 2019,
7 and September 30, 2019, the Task Force shall provide a
8 status update to the House of Representatives and the
9 Senate that includes—

10 (1) information the Task Force has collected;
11 and

12 (2) a discussion on matters that the chairman
13 of the Task Force deems urgent for consideration by
14 Congress.

15 (g) REPORT.—Not later than December 31, 2019,
16 the Task Force shall issue a report of its findings to the
17 House of Representatives and the Senate regarding—

18 (1) the economic and societal consequences
19 (through statistical data and other metrics) that
20 come with political disenfranchisement of United
21 States citizens in territories of the United States;

22 (2) impediments to full and equal voting rights
23 for United States citizens who are residents of terri-
24 tories of the United States in Federal elections, in-

1 including the election of the President and Vice Presi-
2 dent of the United States;

3 (3) impediments to full and equal voting rep-
4 resentation in the House of Representatives for
5 United States citizens who are residents of terri-
6 tories of the United States;

7 (4) recommended changes that, if adopted,
8 would allow for full and equal voting rights for
9 United States citizens who are residents of terri-
10 tories of the United States in Federal elections, in-
11 cluding the election of the President and Vice Presi-
12 dent of the United States;

13 (5) recommended changes that, if adopted,
14 would allow for full and equal voting representation
15 in the House of Representatives for United States
16 citizens who are residents of territories of the United
17 States; and

18 (6) additional information the Task Force
19 deems appropriate.

20 (h) CONSENSUS VIEWS.—To the greatest extent
21 practicable, the report issued under subsection (g) shall
22 reflect the shared views of all 12 Members, except that
23 the report may contain dissenting views.

24 (i) HEARINGS AND SESSIONS.—The Task Force may,
25 for the purpose of carrying out this section, hold hearings,

1 sit and act at times and places, take testimony, and re-
 2 ceive evidence as the Task Force considers appropriate.

3 (j) **STAKEHOLDER PARTICIPATION.**—In carrying out
 4 its duties, the Task Force shall consult with the govern-
 5 ments of American Samoa, Guam, the Commonwealth of
 6 the Northern Mariana Islands, the Commonwealth of
 7 Puerto Rico, and the United States Virgin Islands.

8 (k) **RESOURCES.**—The Task Force shall carry out its
 9 duties by utilizing existing facilities, services, and staff of
 10 the House of Representatives and the Senate.

11 (l) **TERMINATION.**—The Task Force shall terminate
 12 upon issuing the report required under subsection (g).

13 **Subtitle E—Redistricting Reform**

14 **SEC. 2400. SHORT TITLE; FINDING OF CONSTITUTIONAL AU-** 15 **THORITY.**

16 (a) **SHORT TITLE.**—This subtitle may be cited as the
 17 “Redistricting Reform Act of 2019”.

18 (b) **FINDING OF CONSTITUTIONAL AUTHORITY.**—
 19 Congress finds that it has the authority to establish the
 20 terms and conditions States must follow in carrying out
 21 congressional redistricting after an apportionment of
 22 Members of the House of Representatives because—

23 (1) the authority granted to Congress under ar-
 24 ticle I, section 4 of the Constitution of the United
 25 States gives Congress the power to enact laws gov-

erning 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 fourteenth amendment to the Con-
stitution 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.

**PART 1—REQUIREMENTS FOR CONGRESSIONAL
REDISTRICTING**

**SEC. 2401. REQUIRING CONGRESSIONAL REDISTRICTING
TO BE CONDUCTED THROUGH PLAN OF INDE-
PENDENT STATE COMMISSION.**

(a) USE OF PLAN REQUIRED.—Notwithstanding any
other provision of law, and except as provided in sub-
section (c) and subsection (d), any congressional redis-
tricting conducted by a State shall be conducted in accord-
ance with—

(1) the redistricting plan developed and enacted
into law by the independent redistricting commission
established in the State, in accordance with part 2;
or

(2) if a plan developed by such commission is
not enacted into law, the redistricting plan developed

1 and enacted into law by a 3-judge court, in accord-
2 ance with section 2421.

3 (b) CONFORMING AMENDMENT.—Section 22(c) of
4 the Act entitled “An Act to provide for the fifteenth and
5 subsequent decennial censuses and to provide for an ap-
6 portionment of Representatives in Congress”, approved
7 June 18, 1929 (2 U.S.C. 2a(c)), is amended by striking
8 “in the manner provided by the law thereof” and insert-
9 ing: “in the manner provided by the Redistricting Reform
10 Act of 2019”.

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

18 (1) PUBLICLY AVAILABLE APPLICATION PROC-
19 ESS.—Membership on the commission is open to citi-
20 zens of the State through a publicly available appli-
21 cation process.

22 (2) DISQUALIFICATIONS FOR GOVERNMENT
23 SERVICE AND POLITICAL APPOINTMENT.—Individ-
24 uals who, for a covered period of time as established
25 by the State, hold or have held public office, individ-

1 uals who are or have been candidates for elected
2 public office, and individuals who serve or have
3 served as an officer, employee, or paid consultant of
4 a campaign committee of a candidate for public of-
5 fice are disqualified from serving on the commission.

6 (3) SCREENING FOR CONFLICTS.—Individuals
7 who apply to serve on the commission are screened
8 through a process that excludes persons with con-
9 flicts of interest from the pool of potential commis-
10 sioners.

11 (4) MULTI-PARTISAN COMPOSITION.—Member-
12 ship on the commission represents those who are af-
13 filiated with the two political parties whose can-
14 didates received the most votes in the most recent
15 Statewide election for Federal office held in the
16 State, as well as those who are unaffiliated with any
17 party or who are affiliated with political parties
18 other than the two political parties whose candidates
19 received the most votes in the most recent Statewide
20 election for Federal office held in the State.

21 (5) CRITERIA FOR REDISTRICTING.—Members
22 of the commission are required to meet certain cri-
23 teria in the map drawing process, including mini-
24 mizing the division of communities of interest and a
25 ban on drawing maps to favor a political party.

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

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

9 (A) Members who are affiliated with the
10 political party whose candidate received the
11 most votes in the most recent Statewide election
12 for Federal office held in the State.

13 (B) Members who are affiliated with the
14 political party whose candidate received the sec-
15 ond most votes in the most recent Statewide
16 election for Federal office held in the State.

17 (C) Members who not affiliated with any
18 political party or who are affiliated with polit-
19 ical parties other than the political parties de-
20 scribed in subparagraphs (A) and (B).

21 (d) TREATMENT OF STATE OF IOWA.—Subsection (a)
22 does not apply to the State of Iowa, so long as congres-
23 sional redistricting in such State is carried out in accord-
24 ance with a plan developed by the Iowa Legislative Serv-
25 ices Agency with the assistance of a Temporary Redis-

1 trieting Advisory Commission, under law which was in ef-
 2 fect for the most recent congressional redistricting carried
 3 out in the State prior to the date of the enactment of this
 4 Act and which remains in effect continuously on and after
 5 the date of the enactment of this Act.

6 **SEC. 2402. BAN ON MID-DECADE REDISTRICTING.**

7 A State that has been redistricted in accordance with
 8 this subtitle and a State described in section 2401(c) or
 9 section 2401(d) may not be redistricted again until after
 10 the next apportionment of Representatives under section
 11 22(a) of the Act entitled “An Act to provide for the fif-
 12 teenth and subsequent decennial censuses and to provide
 13 for an apportionment of Representatives in Congress”, ap-
 14 proved June 18, 1929 (2 U.S.C. 2a), unless a court re-
 15 quires the State to conduct such subsequent redistricting
 16 to comply with the Constitution of the United States, the
 17 Voting Rights Act of 1965 (52 U.S.C. 10301 et seq.), the
 18 Constitution of the State, or the terms or conditions of
 19 this subtitle.

20 **PART 2—INDEPENDENT REDISTRICTING**

21 **COMMISSIONS**

22 **SEC. 2411. INDEPENDENT REDISTRICTING COMMISSION.**

23 (a) APPOINTMENT OF MEMBERS.—

24 (1) IN GENERAL.—The nonpartisan agency es-
 25 tablished or designated by a State under section

1 2414(a) shall establish an independent redistricting
2 commission for the State, which shall consist of 15
3 members appointed by the agency as follows:

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

9 (i) The agency shall appoint 2 mem-
10 bers on a random basis from the majority
11 category of the approved selection pool (as
12 described in section 2412(b)(1)(A)).

13 (ii) The agency shall appoint 2 mem-
14 bers on a random basis from the minority
15 category of the approved selection pool (as
16 described in section 2412(b)(1)(B)).

17 (iii) The agency shall appoint 2 mem-
18 bers on a random basis from the inde-
19 pendent category of the approved selection
20 pool (as described in section
21 2412(b)(1)(C)).

22 (B) Not later than November 15 of a year
23 ending in the numeral zero, the members ap-
24 pointed by the agency under subparagraph (A)
25 shall, at a public meeting held not earlier than

1 15 days after notice of the meeting has been
2 given to the public, then appoint 9 members as
3 follows:

4 (i) The members shall appoint 3 mem-
5 bers from the majority category of the ap-
6 proved selection pool (as described in sec-
7 tion 2412(b)(1)(A)).

8 (ii) The members shall appoint 3
9 members from the minority category of the
10 approved selection pool (as described in
11 section 2412(b)(1)(B)).

12 (iii) The members shall appoint 3
13 members from the independent category of
14 the approved selection pool (as described in
15 section 2412(b)(1)(C)).

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

18 (A) AFFIRMATIVE VOTE OF AT LEAST 4
19 MEMBERS.—The appointment of any of the 9
20 members of the independent redistricting com-
21 mission who are appointed by the first members
22 of the commission pursuant to subparagraph
23 (B) of paragraph (1), as well as the designation
24 of alternates for such members pursuant to
25 subparagraph (B) of paragraph (3) and the ap-

1 pointment of alternates to fill vacancies pursu-
2 ant to subparagraph (B) of paragraph (4), shall
3 require the affirmative vote of at least 4 of the
4 members appointed by the nonpartisan agency
5 under subparagraph (A) of paragraph (1), in-
6 cluding at least one member from each of the
7 categories referred to in such subparagraph.

8 (B) ENSURING DIVERSITY.—In appointing
9 the 9 members pursuant to subparagraph (B)
10 of paragraph (1), as well as in designating al-
11 ternates pursuant to subparagraph (B) of para-
12 graph (3) and in appointing alternates to fill
13 vacancies pursuant to subparagraph (B) of
14 paragraph (4), the first members of the inde-
15 pendent redistricting commission shall ensure
16 that the membership is representative of the de-
17 mographic groups (including racial, ethnic, eco-
18 nomic, and gender) and geographic regions of
19 the State, and provides racial, ethnic, and lan-
20 guage minorities protected under the Voting
21 Rights Act of 1965 with a meaningful oppor-
22 tunity to participate in the development of the
23 State’s redistricting plan.

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

1 (A) MEMBERS APPOINTED BY AGENCY.—

2 At the time the agency appoints the members
3 of the independent redistricting commission
4 under subparagraph (A) of paragraph (1) from
5 each of the categories referred to in such sub-
6 paragraph, the agency shall, on a random basis,
7 designate 2 other individuals from such cat-
8 egory to serve as alternate members who may
9 be appointed to fill vacancies in the commission
10 in accordance with paragraph (4).

11 (B) MEMBERS APPOINTED BY FIRST MEM-
12 BERS.—At the time the members appointed by
13 the agency appoint the other members of the
14 independent redistricting commission under
15 subparagraph (B) of paragraph (1) from each
16 of the categories referred to in such subpara-
17 graph, the members shall, in accordance with
18 the special rules described in paragraph (2),
19 designate 2 other individuals from such cat-
20 egory to serve as alternate members who may
21 be appointed to fill vacancies in the commission
22 in accordance with paragraph (4).

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

1 (A) MEMBERS APPOINTED BY AGENCY.—If
2 a vacancy occurs in the commission with respect
3 to a member who was appointed by the non-
4 partisan agency under subparagraph (A) of
5 paragraph (1) from one of the categories re-
6 ferred to in such subparagraph, the agency
7 shall fill the vacancy by appointing, on a ran-
8 dom basis, one of the 2 alternates from such
9 category who was designated under subpara-
10 graph (A) of paragraph (3). At the time the
11 agency appoints an alternate to fill a vacancy
12 under the previous sentence, the agency shall
13 designate, on a random basis, another indi-
14 vidual from the same category to serve as an al-
15 ternate member, in accordance with subpara-
16 graph (A) of paragraph (3).

17 (B) MEMBERS APPOINTED BY FIRST MEM-
18 BERS.—If a vacancy occurs in the commission
19 with respect to a member who was appointed by
20 the first members of the commission under sub-
21 paragraph (B) of paragraph (1) from one of the
22 categories referred to in such subparagraph, the
23 first members shall, in accordance with the spe-
24 cial rules described in paragraph (2), fill the va-
25 cancy by appointing one of the 2 alternates

1 from such category who was designated under
2 subparagraph (B) of paragraph (3). At the time
3 the first members appoint an alternate to fill a
4 vacancy under the previous sentence, the first
5 members shall, in accordance with the special
6 rules described in paragraph (2), designate an-
7 other individual from the same category to
8 serve as an alternate member, in accordance
9 with subparagraph (B) of paragraph (3).

10 (5) REMOVAL.—A member of the independent
11 redistricting commission may be removed by a ma-
12 jority vote of the remaining members of the commis-
13 sion if it is shown by a preponderance of the evi-
14 dence that the member is not eligible to serve on the
15 commission under section 2412(a).

16 (b) PROCEDURES FOR CONDUCTING COMMISSION
17 BUSINESS.—

18 (1) CHAIR.—Members of an independent redis-
19 tricting commission established under this section
20 shall select by majority vote one member who was
21 appointed from the independent category of the ap-
22 proved selection pool described in section
23 2412(b)(1)(C) to serve as chair of the commission.
24 The commission may not take any action to develop

1 a redistricting plan for the State under section 2413
2 until the appointment of the commission's chair.

3 (2) REQUIRING MAJORITY APPROVAL FOR AC-
4 TIONS.—The independent redistricting commission
5 of a State may not publish and disseminate any
6 draft or final redistricting plan, or take any other
7 action, without the approval of at least—

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

10 (B) at least one member of the commission
11 appointed from each of the categories of the ap-
12 proved selection pool described in section
13 2412(b)(1).

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

16 (c) STAFF; CONTRACTORS.—

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

24 (2) CONTRACTORS.—The independent redis-
25 tricting commission of a State may enter into such

1 contracts with vendors as it considers appropriate,
2 subject to State law, except that any such contract
3 shall be valid only if approved by the vote of a ma-
4 jority of the members of the commission, including
5 at least one member appointed from each of the cat-
6 egories of the approved selection pool described in
7 section 2412(b)(1).

8 (3) REPORTS ON EXPENDITURES FOR POLIT-
9 ICAL ACTIVITY.—

10 (A) REPORT BY APPLICANTS.—Each indi-
11 vidual who applies for a position as an employee
12 of the independent redistricting commission and
13 each vendor who applies for a contract with the
14 commission shall, at the time of applying, file
15 with the commission a report summarizing—

16 (i) any expenditure for political activ-
17 ity made by such individual or vendor dur-
18 ing the 10 most recent calendar years; and

19 (ii) any income received by such indi-
20 vidual or vendor during the 10 most recent
21 calendar years which is attributable to an
22 expenditure for political activity.

23 (B) ANNUAL REPORTS BY EMPLOYEES
24 AND VENDORS.—Each person who is an em-
25 ployee or vendor of the independent redis-

1 tricting commission shall, not later than one
2 year after the person is appointed as an em-
3 ployee or enters into a contract as a vendor (as
4 the case may be) and annually thereafter for
5 each year during which the person serves as an
6 employee or a vendor, file with the commission
7 a report summarizing the expenditures and in-
8 come described in subparagraph (A) during the
9 10 most recent calendar years.

10 (C) EXPENDITURE FOR POLITICAL ACTIV-
11 ITY DEFINED.—In this paragraph, the term
12 “expenditure for political activity” means a dis-
13 bursement for any of the following:

14 (i) An independent expenditure, as de-
15 fined in section 301(17) of the Federal
16 Election Campaign Act of 1971 (52 U.S.C.
17 30101(17)).

18 (ii) An electioneering communication,
19 as defined in section 304(f)(3) of such Act
20 (52 U.S.C. 30104(f)(3)) or any other pub-
21 lic communication, as defined in section
22 301(22) of such Act (52 U.S.C.
23 30101(22)) that would be an electioneering
24 communication if it were a broadcast,
25 cable, or satellite communication.

1 (iii) Any dues or other payments to
2 trade associations or organizations de-
3 scribed in section 501(c) of the Internal
4 Revenue Code of 1986 and exempt from
5 tax under section 501(a) of such Code that
6 are, or could reasonably be anticipated to
7 be, used or transferred to another associa-
8 tion or organization for a use described in
9 paragraph (1), (2), or (4) of section 501(c)
10 of such Code.

11 (4) GOAL OF IMPARTIALITY.—The commission
12 shall take such steps as it considers appropriate to
13 ensure that any staff appointed under this sub-
14 section, and any vendor with whom the commission
15 enters into a contract under this subsection, will
16 work in an impartial manner, and may require any
17 person who applies for an appointment to a staff po-
18 sition or for a vendor's contract with the commission
19 to provide information on the person's history of po-
20 litical activity beyond the information on the per-
21 son's expenditures for political activity provided in
22 the reports required under paragraph (3) (including
23 donations to candidates, political committees, and
24 political parties) as a condition of the appointment
25 or the contract.

1 (5) DISQUALIFICATION; WAIVER.—

2 (A) IN GENERAL.—The independent redistricting
3 commission may not appoint an individual
4 as an employee, and may not enter into
5 a contract with a vendor, if the individual or
6 vendor meets any of the criteria for the dis-
7 qualification of an individual from serving as a
8 member of the commission which are set forth
9 in section 2412(a)(2).

10 (B) WAIVER.—The commission may by
11 unanimous vote of its members waive the appli-
12 cation of subparagraph (A) to an individual or
13 a vendor after receiving and reviewing the re-
14 port filed by the individual or vendor under
15 paragraph (3).

16 (d) TERMINATION.—

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

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

22 (B) the day on which the nonpartisan
23 agency established or designated by a State
24 under section 2414(a) has, in accordance with
25 section 2412(b)(1), submitted a selection pool

1 to the Select Committee on Redistricting for the
2 State established under section 2414(b).

3 (2) PRESERVATION OF RECORDS.—The State
4 shall ensure that the records of the independent re-
5 districting commission are retained in the appro-
6 priate State archive in such manner as may be nec-
7 essary to enable the State to respond to any civil ac-
8 tion brought with respect to congressional redis-
9 tricting in the State.

10 **SEC. 2412. ESTABLISHMENT OF SELECTION POOL OF INDI-**
11 **VIDUALS ELIGIBLE TO SERVE AS MEMBERS**
12 **OF COMMISSION.**

13 (a) CRITERIA FOR ELIGIBILITY.—

14 (1) IN GENERAL.—An individual is eligible to
15 serve as a member of an independent redistricting
16 commission if the individual meets each of the fol-
17 lowing criteria:

18 (A) As of the date of appointment, the in-
19 dividual is registered to vote in elections for
20 Federal office held in the State.

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

1 (C) The individual submits to the non-
2 partisan agency established or designated by a
3 State under section 2413, at such time and in
4 such form as the agency may require, an appli-
5 cation for inclusion in the selection pool under
6 this section, and includes with the application a
7 written statement, with an attestation under
8 penalty of perjury, containing the following in-
9 formation and assurances:

10 (i) The full current name and any
11 former names of, and the contact informa-
12 tion for, the individual, including an elec-
13 tronic mail address, the address of the in-
14 dividual's residence, mailing address, and
15 telephone numbers.

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

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

21 (iv) The reason or reasons the indi-
22 vidual desires to serve on the independent
23 redistricting commission, the individual's
24 qualifications, and information relevant to

1 the ability of the individual to be fair and
2 impartial, including, but not limited to—

3 (I) any involvement with, or fi-
4 nancial support of, professional, so-
5 cial, political, religious, or community
6 organizations or causes;

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

9 (v) An assurance that the individual
10 shall commit to carrying out the individ-
11 ual's duties under this subtitle in an hon-
12 est, independent, and impartial fashion,
13 and to upholding public confidence in the
14 integrity of the redistricting process.

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

21 (2) DISQUALIFICATIONS.—An individual is not
22 eligible to serve as a member of the commission if
23 any of the following applies during any of the cov-
24 ered periods described in paragraph (3):

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

6 (B) The individual or (in the case of the
7 covered periods described in subparagraphs (A)
8 and (B) of paragraph (3)) an immediate family
9 member of the individual serves as an officer of
10 a political party or as an officer, employee, or
11 paid consultant of a campaign committee of a
12 candidate for public office or of any political ac-
13 tion committee (as determined in accordance
14 with the law of the State).

15 (C) The individual or (in the case of the
16 covered periods described in subparagraphs (A)
17 and (B) of paragraph (3)) an immediate family
18 member of the individual holds a position as a
19 registered lobbyist under the Lobbying Disclo-
20 sure Act of 1995 (2 U.S.C. 1601 et seq.) or an
21 equivalent State or local law.

22 (D) The individual or (in the case of the
23 covered periods described in subparagraphs (A)
24 and (B) of paragraph (3)) an immediate family
25 member of the individual is an employee of an

1 elected public official, a contractor with the gov-
2 ernment of the State, or a donor to the cam-
3 paign of any candidate for public office or to
4 any political action committee (other than a
5 donor who, during any of such covered periods,
6 gives an aggregate amount of \$1,000 or less to
7 the campaigns of all candidates for all public
8 offices and to all political action committees).

9 (E) The individual or (in the case of the
10 covered periods described in subparagraphs (A)
11 and (B) of paragraph (3)) an immediate family
12 member of the individual paid a civil money
13 penalty or criminal fine, or was sentenced to a
14 term of imprisonment, for violating any provi-
15 sion of the Federal Election Campaign Act of
16 1971 (52 U.S.C. 30101 et seq.).

17 (F) The individual or (in the case of the
18 covered periods described in subparagraphs (A)
19 and (B) of paragraph (3)) an immediate family
20 member of the individual is an agent of a for-
21 eign principal under the Foreign Agents Reg-
22 istration Act of 1938, as amended (22 U.S.C.
23 611 et seq.).

24 (3) COVERED PERIODS DESCRIBED.—In this
25 subsection, the term “covered period” means, with

1 respect to the appointment of an individual to the
2 commission, any of the following:

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

5 (B) The period beginning on the date of
6 the individual's appointment and ending on Au-
7 gust 14 of the next year ending in the numeral
8 one.

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

12 (4) IMMEDIATE FAMILY MEMBER DEFINED.—In
13 this subsection, the term “immediate family mem-
14 ber” means, with respect to an individual, a father,
15 stepfather, mother, stepmother, son, stepson, daugh-
16 ter, stepdaughter, brother, stepbrother, sister, step-
17 sister, husband, wife, father-in-law, or mother-in-
18 law.

19 (b) DEVELOPMENT AND SUBMISSION OF SELECTION
20 POOL.—

21 (1) IN GENERAL.—Not later than June 15 of
22 each year ending in the numeral zero, the non-
23 partisan agency established or designated by a State
24 under section 2414(a) shall develop and submit to
25 the Select Committee on Redistricting for the State

1 established under section 2414(b) a selection pool of
2 36 individuals who are eligible to serve as members
3 of the independent redistricting commission of the
4 State under this subtitle, consisting of individuals in
5 the following categories:

6 (A) A majority category, consisting of 12
7 individuals who are affiliated with the political
8 party whose candidate received the most votes
9 in the most recent Statewide election for Fed-
10 eral office held in the State.

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

16 (C) An independent category, consisting of
17 12 individuals who are not affiliated with either
18 of the political parties described in subpara-
19 graph (A) or subparagraph (B).

20 (2) FACTORS TAKEN INTO ACCOUNT IN DEVEL-
21 OPING POOL.—In selecting individuals for the selec-
22 tion pool under this subsection, the nonpartisan
23 agency shall—

24 (A) ensure that the pool is representative
25 of the demographic groups (including racial,

1 ethnic, economic, and gender) and geographic
2 regions of the State, and includes applicants
3 who would allow racial, ethnic, and language
4 minorities protected under the Voting Rights
5 Act of 1965 a meaningful opportunity to par-
6 ticipate in the development of the State's redis-
7 tricting plan; and

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

14 (3) INTERVIEWS OF APPLICANTS.—To assist
15 the nonpartisan agency in developing the selection
16 pool under this subsection, the nonpartisan agency
17 shall conduct interviews of applicants under oath. If
18 an individual is included in a selection pool devel-
19 oped under this section, all of the interviews of the
20 individual shall be transcribed and the transcriptions
21 made available on the nonpartisan agency's website
22 contemporaneously with release of the report under
23 paragraph (6).

24 (4) DETERMINATION OF POLITICAL PARTY AF-
25 FILIATION OF INDIVIDUALS IN SELECTION POOL.—

1 For purposes of this section, an individual shall be
2 considered to be affiliated with a political party only
3 if the nonpartisan agency is able to verify (to the
4 greatest extent possible) the information the indi-
5 vidual provides in the application submitted under
6 subsection (a)(1)(D), including by considering addi-
7 tional information provided by other persons with
8 knowledge of the individual's history of political ac-
9 tivity.

10 (5) ENCOURAGING RESIDENTS TO APPLY FOR
11 INCLUSION IN POOL.—The nonpartisan agency shall
12 take such steps as may be necessary to ensure that
13 residents of the State across various geographic re-
14 gions and demographic groups are aware of the op-
15 portunity to serve on the independent redistricting
16 commission, including publicizing the role of the
17 panel and using newspapers, broadcast media, and
18 online sources, including ethnic media, to encourage
19 individuals to apply for inclusion in the selection
20 pool developed under this subsection.

21 (6) REPORT ON ESTABLISHMENT OF SELEC-
22 TION POOL.—At the time the nonpartisan agency
23 submits the selection pool to the Select Committee
24 on Redistricting under paragraph (1), it shall pub-
25 lish and post on the agency's public website a report

1 describing the process by which the pool was devel-
2 oped, and shall include in the report a description of
3 how the individuals in the pool meet the eligibility
4 criteria of subsection (a) and of how the pool reflects
5 the factors the agency is required to take into con-
6 sideration under paragraph (2).

7 (7) PUBLIC COMMENT ON SELECTION POOL.—
8 During the 14-day period which begins on the date
9 the nonpartisan agency publishes the report under
10 paragraph (6), the agency shall accept comments
11 from the public on the individuals included in the se-
12 lection pool. The agency shall post all such com-
13 ments contemporaneously on the nonpartisan agen-
14 cy's website and shall transmit them to the Select
15 Committee on Redistricting immediately upon the
16 expiration of such period.

17 (8) ACTION BY SELECT COMMITTEE.—

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

23 (i) approve the pool as submitted by
24 the nonpartisan agency, in which case the
25 pool shall be considered the approved selec-

1 tion pool for purposes of section
2 2411(a)(1); or

3 (ii) reject the pool, in which case the
4 nonpartisan agency shall develop and sub-
5 mit a replacement selection pool in accord-
6 ance with subsection (c).

7 (B) INACTION DEEMED REJECTION.—If
8 the Select Committee on Redistricting fails to
9 approve or reject the pool within the deadline
10 set forth in subparagraph (A), the Select Com-
11 mittee shall be deemed to have rejected the pool
12 for purposes of such subparagraph.

13 (c) DEVELOPMENT OF REPLACEMENT SELECTION
14 POOL.—

15 (1) IN GENERAL.—If the Select Committee on
16 Redistricting rejects the selection pool submitted by
17 the nonpartisan agency under subsection (b), not
18 later than 14 days after the rejection, the non-
19 partisan agency shall develop and submit to the Se-
20 lect Committee a replacement selection pool, under
21 the same terms and conditions that applied to the
22 development and submission of the selection pool
23 under paragraphs (1) through (7) of subsection (b).
24 The replacement pool submitted under this para-
25 graph may include individuals who were included in

1 the rejected selection pool submitted under sub-
2 section (b), so long as at least one of the individuals
3 in the replacement pool was not included in such re-
4 jected pool.

5 (2) ACTION BY SELECT COMMITTEE.—

6 (A) IN GENERAL.—Not later than 21 days
7 after receiving the replacement selection pool
8 from the nonpartisan agency under paragraph
9 (1), the Select Committee on Redistricting
10 shall—

11 (i) approve the pool as submitted by
12 the nonpartisan agency, in which case the
13 pool shall be considered the approved selec-
14 tion pool for purposes of section
15 2411(a)(1); or

16 (ii) reject the pool, in which case the
17 nonpartisan agency shall develop and sub-
18 mit a second replacement selection pool in
19 accordance with subsection (d).

20 (B) INACTION DEEMED REJECTION.—If
21 the Select Committee on Redistricting fails to
22 approve or reject the pool within the deadline
23 set forth in subparagraph (A), the Select Com-
24 mittee shall be deemed to have rejected the pool
25 for purposes of such subparagraph.

1 (d) DEVELOPMENT OF SECOND REPLACEMENT SE-
2 LECTION POOL.—

3 (1) IN GENERAL.—If the Select Committee on
4 Redistricting rejects the replacement selection pool
5 submitted by the nonpartisan agency under sub-
6 section (c), not later than 14 days after the rejec-
7 tion, the nonpartisan agency shall develop and sub-
8 mit to the Select Committee a second replacement
9 selection pool, under the same terms and conditions
10 that applied to the development and submission of
11 the selection pool under paragraphs (1) through (7)
12 of subsection (b). The second replacement selection
13 pool submitted under this paragraph may include in-
14 dividuals who were included in the rejected selection
15 pool submitted under subsection (b) or the rejected
16 replacement selection pool submitted under sub-
17 section (c), so long as at least one of the individuals
18 in the replacement pool was not included in either
19 such rejected pool.

20 (2) ACTION BY SELECT COMMITTEE.—

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

1 (i) approve the pool as submitted by
 2 the nonpartisan agency, in which case the
 3 pool shall be considered the approved selec-
 4 tion pool for purposes of section
 5 2411(a)(1); or

6 (ii) reject the pool.

7 (B) INACTION DEEMED REJECTION.—If
 8 the Select Committee on Redistricting fails to
 9 approve or reject the pool within the deadline
 10 set forth in subparagraph (A), the Select Com-
 11 mittee shall be deemed to have rejected the pool
 12 for purposes of such subparagraph.

13 (C) EFFECT OF REJECTION.—If the Select
 14 Committee on Redistricting rejects the second
 15 replacement pool from the nonpartisan agency
 16 under paragraph (1), the redistricting plan for
 17 the State shall be developed and enacted in ac-
 18 cordance with part 3.

19 **SEC. 2413. CRITERIA FOR REDISTRICTING PLAN BY INDE-**
 20 **PENDENT COMMISSION; PUBLIC NOTICE AND**
 21 **INPUT.**

22 (a) DEVELOPMENT OF REDISTRICTING PLAN.—

23 (1) CRITERIA.—In developing a redistricting
 24 plan of a State, the independent redistricting com-
 25 mission of a State shall establish single-member con-

gressional districts using the following criteria as set forth in the following order of priority:

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

(B) Districts shall comply with the Voting Rights Act of 1965 (52 U.S.C. 10301 et seq.) and all applicable Federal laws.

(C) Districts shall provide racial, ethnic, and language minorities with an equal opportunity to participate in the political process and to elect candidates of choice and shall not dilute or diminish their ability to elect candidates of choice whether alone or in coalition with others.

(D) Districts shall respect communities of interest, neighborhoods, and political subdivisions to the extent practicable and after compliance with the requirements of subparagraphs (A) through (C). A community of interest is defined as an area with recognized similarities of interests, including but not limited to ethnic, racial, economic, social, cultural, geographic or historic identities. The term communities of interest may, in certain circumstances, include political subdivisions such as counties, municipi-

1 palities, or school districts, but shall not include
2 common relationships with political parties or
3 political candidates.

4 (2) NO FAVORING OR DISFAVORING OF POLIT-
5 ICAL PARTIES.—Except as may be required to meet
6 the criteria described in paragraph (1), the redis-
7 tricting plan developed by the independent redis-
8 tricting commission shall not, when considered on a
9 Statewide basis, unduly favor or disfavor any polit-
10 ical party.

11 (3) FACTORS PROHIBITED FROM CONSIDER-
12 ATION.—In developing the redistricting plan for the
13 State, the independent redistricting commission may
14 not take into consideration any of the following fac-
15 tors, except to the extent necessary to comply with
16 the criteria described in subparagraphs (A) through
17 (C) of paragraph (1), paragraph (2), and to enable
18 the redistricting plan to be measured against the ex-
19 ternal metrics described in subsection (e):

20 (A) The residence of any Member of the
21 House of Representatives or candidate.

22 (B) The political party affiliation or voting
23 history of the population of a district.

24 (b) PUBLIC NOTICE AND INPUT.—

1 (1) USE OF OPEN AND TRANSPARENT PROC-
2 ESS.—The independent redistricting commission of a
3 State shall hold each of its meetings in public, shall
4 solicit and take into consideration comments from
5 the public, including proposed maps, throughout the
6 process of developing the redistricting plan for the
7 State, and shall carry out its duties in an open and
8 transparent manner which provides for the widest
9 public dissemination reasonably possible of its pro-
10 posed and final redistricting plans.

11 (2) WEBSITE.—

12 (A) FEATURES.—The commission shall
13 maintain a public Internet site which is not af-
14 filiated with or maintained by the office of any
15 elected official and which includes the following
16 features:

17 (i) General information on the com-
18 mission, its role in the redistricting proc-
19 ess, and its members, including contact in-
20 formation.

21 (ii) An updated schedule of commis-
22 sion hearings and activities, including
23 deadlines for the submission of comments.

24 (iii) All draft redistricting plans devel-
25 oped by the commission under subsection

1 (c) and the final redistricting plan devel-
2 oped under subsection (d), including the
3 accompanying written evaluation under
4 subsection (e).

5 (iv) All comments received from the
6 public on the commission's activities, in-
7 cluding any proposed maps submitted
8 under paragraph (1).

9 (v) Live streaming of commission
10 hearings and an archive of previous meet-
11 ings, including any documents considered
12 at any such meeting, which the commission
13 shall post not later than 24 hours after the
14 conclusion of the meeting.

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

22 (vii) A method by which members of
23 the public may submit comments and pro-
24 posed maps directly to the commission.

1 (viii) All records of the commission,
2 including all communications to or from
3 members, employees, and contractors re-
4 garding the work of the commission.

5 (ix) A list of all contractors receiving
6 payment from the commission, together
7 with the annual disclosures submitted by
8 the contractors under section 2411(c)(3).

9 (x) A list of the names of all individ-
10 uals who submitted applications to serve
11 on the commission, together with the appli-
12 cations submitted by individuals included
13 in any selection pool, except that the com-
14 mission may redact from such applications
15 any financial or other personally sensitive
16 information.

17 (B) SEARCHABLE FORMAT.—The commis-
18 sion shall ensure that all information posted
19 and maintained on the site under this para-
20 graph, including information and proposed
21 maps submitted by the public, shall be main-
22 tained in an easily searchable format.

23 (C) DEADLINE.—The commission shall en-
24 sure that the public internet site under this
25 paragraph is operational (in at least a prelimi-

1 nary format) not later than January 1 of the
2 year ending in the numeral one.

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

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

9 (B) which ends 7 days before the date of
10 the meeting at which the commission shall vote
11 on approving the final redistricting plan for en-
12 actment into law under subsection (d)(2).

13 (4) MEETINGS AND HEARINGS IN VARIOUS GEO-
14 GRAPHIC LOCATIONS.—To the greatest extent prac-
15 ticable, the commission shall hold its meetings and
16 hearings in various geographic regions and locations
17 throughout the State.

18 (5) MULTIPLE LANGUAGE REQUIREMENTS FOR
19 ALL NOTICES.—The commission shall make each no-
20 tice which is required to be posted and published
21 under this section available in any language in which
22 the State (or any jurisdiction in the State) is re-
23 quired to provide election materials under section
24 203 of the Voting Rights Act of 1965.

1 (c) DEVELOPMENT AND PUBLICATION OF PRELIMI-
2 NARY REDISTRICTING PLAN.—

3 (1) IN GENERAL.—Prior to developing and pub-
4 lishing a final redistricting plan under subsection
5 (d), the independent redistricting commission of a
6 State shall develop and publish a preliminary redis-
7 tricting plan.

8 (2) MINIMUM PUBLIC HEARINGS AND OPPOR-
9 TUNITY FOR COMMENT PRIOR TO DEVELOPMENT.—

10 (A) 3 HEARINGS REQUIRED.—Prior to de-
11 veloping a preliminary redistricting plan under
12 this subsection, the commission shall hold not
13 fewer than 3 public hearings at which members
14 of the public may provide input and comments
15 regarding the potential contents of redistricting
16 plans for the State and the process by which
17 the commission will develop the preliminary
18 plan under this subsection.

19 (B) MINIMUM PERIOD FOR NOTICE PRIOR
20 TO HEARINGS.—Not fewer than 14 days prior
21 to the date of each hearing held under this
22 paragraph, the commission shall post notices of
23 the hearing in on the website maintained under
24 subsection (b)(2), and shall provide for the pub-
25 lication of such notices in newspapers of general

1 circulation throughout the State. Each such no-
2 tice shall specify the date, time, and location of
3 the hearing.

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

11 (3) PUBLICATION OF PRELIMINARY PLAN.—

12 (A) IN GENERAL.—The commission shall
13 post the preliminary redistricting plan devel-
14 oped under this subsection, together with a re-
15 port that includes the commission’s responses
16 to any public comments received under sub-
17 section (b)(3), on the website maintained under
18 subsection (b)(2), and shall provide for the pub-
19 lication of each such plan in newspapers of gen-
20 eral circulation throughout the State.

21 (B) MINIMUM PERIOD FOR NOTICE PRIOR
22 TO PUBLICATION.—Not fewer than 14 days
23 prior to the date on which the commission posts
24 and publishes the preliminary plan under this
25 paragraph, the commission shall notify the pub-

1 lic through the website maintained under sub-
2 section (b)(2), as well as through publication of
3 notice in newspapers of general circulation
4 throughout the State, of the pending publica-
5 tion of the plan.

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

14 (5) POST-PUBLICATION HEARINGS.—

15 (A) 3 HEARINGS REQUIRED.—After post-
16 ing and publishing the preliminary redistricting
17 plan under paragraph (3), the commission shall
18 hold not fewer than 3 public hearings in dif-
19 ferent geographic areas of the State at which
20 members of the public may provide input and
21 comments regarding the preliminary plan.

22 (B) MINIMUM PERIOD FOR NOTICE PRIOR
23 TO HEARINGS.—Not fewer than 14 days prior
24 to the date of each hearing held under this
25 paragraph, the commission shall post notices of

1 the hearing in on the website maintained under
2 subsection (b)(2), and shall provide for the pub-
3 lication of such notices in newspapers of general
4 circulation throughout the State. Each such no-
5 tice shall specify the date, time, and location of
6 the hearing.

7 (6) PERMITTING MULTIPLE PRELIMINARY
8 PLANS.—At the option of the commission, after de-
9 veloping and publishing the preliminary redistricting
10 plan under this subsection, the commission may de-
11 velop and publish subsequent preliminary redis-
12 tricting plans, so long as the process for the develop-
13 ment and publication of each such subsequent plan
14 meets the requirements set forth in this subsection
15 for the development and publication of the first pre-
16 liminary redistricting plan.

17 (d) PROCESS FOR ENACTMENT OF FINAL REDIS-
18 TRICTING PLAN.—

19 (1) IN GENERAL.—After taking into consider-
20 ation comments from the public on any preliminary
21 redistricting plan developed and published under
22 subsection (c), the independent redistricting commis-
23 sion of a State shall develop and publish a final re-
24 districting plan for the State.

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

6 (3) PUBLICATION OF PLAN AND ACCOMPANYING
7 MATERIALS.—Not fewer than 14 days before the
8 date of the meeting under paragraph (2), the com-
9 mission shall provide the following information to
10 the public through the website maintained under
11 subsection (b)(2), as well as through newspapers of
12 general circulation throughout the State:

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

15 (B) A report by the commission to accom-
16 pany the plan which provides the background
17 for the plan and the commission's reasons for
18 selecting the plan as the final redistricting plan,
19 including responses to the public comments re-
20 ceived on any preliminary redistricting plan de-
21 veloped and published under subsection (c).

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

1 (4) ENACTMENT.—The final redistricting plan
2 developed and published under this subsection shall
3 be deemed to be enacted into law if—

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

6 (B) at least one member of the commission
7 appointed from each of the categories of the ap-
8 proved selection pool described in section
9 2412(b)(1) approves the plan.

10 (e) WRITTEN EVALUATION OF PLAN AGAINST EX-
11 TERNAL METRICS.—The independent redistricting com-
12 mission shall include with each redistricting plan devel-
13 oped and published under this section a written evaluation
14 that measures each such plan against external metrics
15 which cover the criteria set forth in paragraph (1) of sub-
16 section (a), including the impact of the plan on the ability
17 of communities of color to elect candidates of choice,
18 measures of partisan fairness using multiple accepted
19 methodologies, and the degree to which the plan preserves
20 or divides communities of interest.

21 (f) TIMING.—The independent redistricting commis-
22 sion of a State may begin its work on the redistricting
23 plan of the State upon receipt of relevant population infor-
24 mation from the Bureau of the Census, and shall approve
25 a final redistricting plan for the State in each year ending

1 in the numeral one not later than 8 months after the date
2 on which the State receives the State apportionment notice
3 or October 1, whichever occurs later.

4 **SEC. 2414. ESTABLISHMENT OF RELATED ENTITIES.**

5 (a) ESTABLISHMENT OR DESIGNATION OF NON-
6 PARTISAN AGENCY OF STATE LEGISLATURE.—

7 (1) IN GENERAL.—Each State shall establish a
8 nonpartisan agency in the legislative branch of the
9 State government to appoint the members of the
10 independent redistricting commission for the State
11 in accordance with section 2411.

12 (2) NONPARTISANSHIP DESCRIBED.—For pur-
13 poses of this subsection, an agency shall be consid-
14 ered to be nonpartisan if under law the agency—

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

17 (B) is required to maintain impartiality;
18 and

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

21 (3) TRAINING OF MEMBERS APPOINTED TO
22 COMMISSION.—Not later than January 15 of a year
23 ending in the numeral one, the nonpartisan agency
24 established or designated under this subsection shall
25 provide the members of the independent redistricting

1 commission with initial training on their obligations
2 as members of the commission, including obligations
3 under the Voting Rights Act of 1965 and other ap-
4 plicable laws.

5 (4) REGULATIONS.—The nonpartisan agency
6 established or designated under this subsection shall
7 adopt and publish regulations, after notice and op-
8 portunity for comment, establishing the procedures
9 that the agency will follow in fulfilling its duties
10 under this subtitle, including the procedures to be
11 used in vetting the qualifications and political affili-
12 ation of applicants and in creating the selection
13 pools, the randomized process to be used in selecting
14 the initial members of the independent redistricting
15 commission, and the rules that the agency will apply
16 to ensure that the agency carries out its duties
17 under this subtitle in a maximally transparent, pub-
18 licly accessible, and impartial manner.

19 (5) DESIGNATION OF EXISTING AGENCY.—At
20 its option, a State may designate an existing agency
21 in the legislative branch of its government to appoint
22 the members of the independent redistricting com-
23 mission plan for the State under this subtitle, so
24 long as the agency meets the requirements for non-
25 partisanship under this subsection.

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

8 (7) PRESERVATION OF RECORDS.—The State
9 shall ensure that the records of the nonpartisan
10 agency are retained in the appropriate State archive
11 in such manner as may be necessary to enable the
12 State to respond to any civil action brought with re-
13 spect to congressional redistricting in the State.

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

17 (b) ESTABLISHMENT OF SELECT COMMITTEE ON RE-
18 DISTRICTING.—

19 (1) IN GENERAL.—Each State shall appoint a
20 Select Committee on Redistricting to approve or dis-
21 approve a selection pool developed by the inde-
22 pendent redistricting commission for the State under
23 section 2412.

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

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

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

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

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

20 (3) SPECIAL RULE FOR STATES WITH UNICAM-
21 ERAL LEGISLATURE.—In the case of a State with a
22 unicameral legislature, the Select Committee on Re-
23 districting for the State under this subsection shall
24 consist of the following members:

1 (A) Two members of the State legislature
2 appointed by the chair of the political party of
3 the State whose candidate received the highest
4 percentage of votes in the most recent State-
5 wide election for Federal office held in the
6 State.

7 (B) Two members of the State legislature
8 appointed by the chair of the political party
9 whose candidate received the second highest
10 percentage of votes in the most recent State-
11 wide election for Federal office held in the
12 State.

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

16 **SEC. 2415. REPORT ON DIVERSITY OF MEMBERSHIPS OF**
17 **INDEPENDENT REDISTRICTING COMMIS-**
18 **SIONS.**

19 Not later than May 15 of a year ending in the nu-
20 meral one, the Comptroller General of the United States
21 shall submit to Congress a report on the extent to which
22 the memberships of independent redistricting commissions
23 for States established under this part with respect to the
24 immediately preceding year ending in the numeral zero

1 meet the diversity requirements as provided for in sections
2 2411(a)(2)(B) and 2412(b)(2).

3 **PART 3—ROLE OF COURTS IN DEVELOPMENT OF**
4 **REDISTRICTING PLANS**

5 **SEC. 2421. ENACTMENT OF PLAN DEVELOPED BY 3-JUDGE**
6 **COURT.**

7 (a) DEVELOPMENT OF PLAN.—If any of the trig-
8 gering events described in subsection (f) occur with re-
9 spect to a State—

10 (1) not later than December 15 of the year in
11 which the triggering event occurs, the United States
12 district court for the applicable venue, acting
13 through a 3-judge Court convened pursuant to sec-
14 tion 2284 of title 28, United States Code, shall de-
15 velop and publish the congressional redistricting
16 plan for the State; and

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

21 (b) APPLICABLE VENUE DESCRIBED.—For purposes
22 of this section, the “applicable venue” with respect to a
23 State is the District of Columbia or the judicial district
24 in which the capital of the State is located, as selected
25 by the first party to file with the court sufficient evidence

1 of the occurrence of a triggering event described in sub-
2 section (f).

3 (c) PROCEDURES FOR DEVELOPMENT OF PLAN.—

4 (1) CRITERIA.—In developing a redistricting
5 plan for a State under this section, the Court shall
6 adhere to the same terms and conditions that ap-
7 plied (or that would have applied, as the case may
8 be) to the development of a plan by the independent
9 redistricting commission of the State under section
10 2413(a).

11 (2) ACCESS TO INFORMATION AND RECORDS OF
12 COMMISSION.—The Court shall have access to any
13 information, data, software, or other records and
14 material that was used (or that would have been
15 used, as the case may be) by the independent redis-
16 tricting commission of the State in carrying out its
17 duties under this subtitle.

18 (3) HEARING; PUBLIC PARTICIPATION.—In de-
19 veloping a redistricting plan for a State, the Court
20 shall—

21 (A) hold one or more evidentiary hearings
22 at which interested members of the public may
23 appear and be heard and present testimony, in-
24 cluding expert testimony, in accordance with
25 the rules of the Court; and

1 (B) consider other submissions and com-
2 ments by the public, including proposals for re-
3 districting plans to cover the entire State or
4 any portion of the State.

5 (4) USE OF SPECIAL MASTER.—To assist in the
6 development and publication of a redistricting plan
7 for a State under this section, the Court may ap-
8 point a special master to make recommendations to
9 the Court on possible plans for the State.

10 (d) PUBLICATION OF PLAN.—

11 (1) PUBLIC AVAILABILITY OF INITIAL PLAN.—
12 Upon completing the development of one or more
13 initial redistricting plans, the Court shall make the
14 plans available to the public at no cost, and shall
15 also make available the underlying data used by the
16 Court to develop the plans and a written evaluation
17 of the plans against external metrics (as described in
18 section 2413(e)).

19 (2) PUBLICATION OF FINAL PLAN.—At any
20 time after the expiration of the 14-day period which
21 begins on the date the Court makes the plans avail-
22 able to the public under paragraph (1), and taking
23 into consideration any submissions and comments by
24 the public which are received during such period, the

1 Court shall develop and publish the final redis-
2 tricting plan for the State.

3 (e) USE OF INTERIM PLAN.—In the event that the
4 Court is not able to develop and publish a final redis-
5 tricting plan for the State with sufficient time for an up-
6 coming election to proceed, the Court may develop and
7 publish an interim redistricting plan which shall serve as
8 the redistricting plan for the State until the Court devel-
9 ops and publishes a final plan in accordance with this sec-
10 tion. Nothing in this subsection may be construed to limit
11 or otherwise affect the authority or discretion of the Court
12 to develop and publish the final redistricting plan, includ-
13 ing but not limited to the discretion to make any changes
14 the Court deems necessary to an interim redistricting
15 plan.

16 (f) TRIGGERING EVENTS DESCRIBED.—The “trig-
17 gering events” described in this subsection are as follows:

18 (1) The failure of the State to establish or des-
19 ignate a nonpartisan agency of the State legislature
20 under section 2414(a) prior to the expiration of the
21 deadline set forth in section 2414(a)(5).

22 (2) The failure of the State to appoint a Select
23 Committee on Redistricting under section 2414(b)
24 prior to the expiration of the deadline set forth in
25 section 2414(b)(4).

1 (3) The failure of the Select Committee on Re-
2 districting to approve any selection pool under sec-
3 tion 2412 prior to the expiration of the deadline set
4 forth for the approval of the second replacement se-
5 lection pool in section 2412(d)(2).

6 (4) The failure of the independent redistricting
7 commission of the State to approve a final redis-
8 tricting plan for the State prior to the expiration of
9 the deadline set forth in section 2413(f).

10 **SEC. 2422. SPECIAL RULE FOR REDISTRICTING CON-**
11 **DUCTED UNDER ORDER OF FEDERAL COURT.**

12 If a Federal court requires a State to conduct redis-
13 tricting subsequent to an apportionment of Representa-
14 tives in the State in order to comply with the Constitution
15 or to enforce the Voting Rights Act of 1965, section 2413
16 shall apply with respect to the redistricting, except that
17 the court may revise any of the deadlines set forth in such
18 section if the court determines that a revision is appro-
19 priate in order to provide for a timely enactment of a new
20 redistricting plan for the State.

1 **PART 4—ADMINISTRATIVE AND MISCELLANEOUS**
2 **PROVISIONS**

3 **SEC. 2431. PAYMENTS TO STATES FOR CARRYING OUT RE-**
4 **DISTRICTING.**

5 (a) AUTHORIZATION OF PAYMENTS.—Subject to sub-
6 section (d), not later than 30 days after a State receives
7 a State apportionment notice, the Election Assistance
8 Commission shall, subject to the availability of appropria-
9 tions provided pursuant to subsection (e), make a payment
10 to the State in an amount equal to the product of—

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

13 (2) \$150,000.

14 (b) USE OF FUNDS.—A State shall use the payment
15 made under this section to establish and operate the
16 State’s independent redistricting commission, to imple-
17 ment the State redistricting plan, and to otherwise carry
18 out congressional redistricting in the State.

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

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

1 (1) REQUIREMENT.—Except as provided in
2 paragraph (2) and paragraph (3), the Election As-
3 sistance Commission may not make a payment to a
4 State under this section until the State certifies to
5 the Commission that the nonpartisan agency estab-
6 lished or designated by a State under section
7 2414(a) has, in accordance with section 2412(b)(1),
8 submitted a selection pool to the Select Committee
9 on Redistricting for the State established under sec-
10 tion 2414(b).

11 (2) EXCEPTION FOR STATES WITH EXISTING
12 COMMISSIONS.—In the case of a State which, pursu-
13 ant to section 2401(c), is exempt from the require-
14 ments of section 2401(a), the Commission may not
15 make a payment to the State under this section until
16 the State certifies to the Commission that its redis-
17 tricting commission meets the requirements of sec-
18 tion 2401(c).

19 (3) EXCEPTION FOR STATE OF IOWA.—In the
20 case of the State of Iowa, the Commission may not
21 make a payment to the State under this section until
22 the State certifies to the Commission that it will
23 carry out congressional redistricting pursuant to the
24 State’s apportionment notice in accordance with a
25 plan developed by the Iowa Legislative Services

1 Agency with the assistance of a Temporary Redis-
2 tricting Advisory Commission, as provided under the
3 law described in section 2401(d).

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

7 **SEC. 2432. CIVIL ENFORCEMENT.**

8 (a) CIVIL ENFORCEMENT.—

9 (1) ACTIONS BY ATTORNEY GENERAL.—The At-
10 torney General may bring a civil action in an appro-
11 priate district court for such relief as may be appro-
12 priate to carry out this subtitle.

13 (2) AVAILABILITY OF PRIVATE RIGHT OF AC-
14 TION.—Any citizen of a State who is aggrieved by
15 the failure of the State to meet the requirements of
16 this subtitle may bring a civil action in the United
17 States district court for the applicable venue for
18 such relief as may be appropriate to remedy the fail-
19 ure. For purposes of this section, the “applicable
20 venue” is the District of Columbia or the judicial
21 district in which the capital of the State is located,
22 as selected by the person who brings the civil action.

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

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

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

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

12 (4) A copy of the complaint shall be delivered
13 promptly to the Clerk of the House of Representa-
14 tives and the Secretary of the Senate.

15 (5) A final decision in the action shall be re-
16 viewable only by appeal directly to the Supreme
17 Court of the United States. Such appeal shall be
18 taken by the filing of a notice of appeal within 10
19 days, and the filing of a jurisdictional statement
20 within 30 days, of the entry of the final decision.

21 (6) It shall be the duty of the district court and
22 the Supreme Court of the United States to advance
23 on the docket and to expedite to the greatest pos-
24 sible extent the disposition of the action and appeal.

1 (c) ATTORNEY'S FEES.—In a civil action under this
2 section, the court may allow the prevailing party (other
3 than the United States) reasonable attorney fees, includ-
4 ing litigation expenses, and costs.

5 (d) RELATION TO OTHER LAWS.—

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

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

19 **SEC. 2433. STATE APPORTIONMENT NOTICE DEFINED.**

20 In this subtitle, the “State apportionment notice”
21 means, with respect to a State, the notice sent to the State
22 from the Clerk of the House of Representatives under sec-
23 tion 22(b) of the Act entitled “An Act to provide for the
24 fifteenth and subsequent decennial censuses and to pro-
25 vide for an apportionment of Representatives in Con-

gress”, approved June 18, 1929 (2 U.S.C. 2a), of the number of Representatives to which the State is entitled.

SEC. 2434. NO EFFECT ON ELECTIONS FOR STATE AND LOCAL OFFICE.

Nothing in this subtitle or in any amendment made by this subtitle 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. 2435. EFFECTIVE DATE.

This subtitle and the amendments made by this subtitle shall apply with respect to redistricting carried out pursuant to the decennial census conducted during 2020 or any succeeding decennial census.

**Subtitle F—Saving Eligible Voters
From Voter Purging**

SEC. 2501. SHORT TITLE.

This subtitle may be cited as the “Stop Automatically Voiding Eligible Voters Off Their Enlisted Rolls in States Act” or the “Save Voters Act”.

SEC. 2502. CONDITIONS FOR REMOVAL OF VOTERS FROM LIST OF REGISTERED VOTERS.

(a) CONDITIONS DESCRIBED.—The National Voter Registration Act of 1993 (52 U.S.C. 20501 et seq.) is

1 amended by inserting after section 8 the following new
2 section:

3 **“SEC. 8A. CONDITIONS FOR REMOVAL OF VOTERS FROM**
4 **OFFICIAL LIST OF REGISTERED VOTERS.**

5 “(a) VERIFICATION ON BASIS OF OBJECTIVE AND
6 RELIABLE EVIDENCE OF INELIGIBILITY.—

7 “(1) REQUIRING VERIFICATION.—Notwith-
8 standing any other provision of this Act, a State
9 may not remove the name of any registrant from the
10 official list of voters eligible to vote in elections for
11 Federal office in the State unless the State verifies,
12 on the basis of objective and reliable evidence, that
13 the registrant is ineligible to vote in such elections.

14 “(2) FACTORS NOT CONSIDERED AS OBJECTIVE
15 AND RELIABLE EVIDENCE OF INELIGIBILITY.—For
16 purposes of paragraph (1), the following factors, or
17 any combination thereof, shall not be treated as ob-
18 jective and reliable evidence of a registrant’s ineligi-
19 bility to vote:

20 “(A) The failure of the registrant to vote
21 in any election.

22 “(B) The failure of the registrant to re-
23 spond to any notice sent under section 8(d), un-
24 less the notice has been returned as undeliver-
25 able.

1 “(C) The failure of the registrant to take
2 any other action with respect to voting in any
3 election or with respect to the registrant’s sta-
4 tus as a registrant.

5 “(b) NOTICE AFTER REMOVAL.—

6 “(1) NOTICE TO INDIVIDUAL REMOVED.—

7 “(A) IN GENERAL.—Not later than 48
8 hours after a State removes the name of a reg-
9 istrant from the official list of eligible voters for
10 any reason (other than the death of the reg-
11 istrant), the State shall send notice of the re-
12 moval to the former registrant, and shall in-
13 clude in the notice the grounds for the removal
14 and information on how the former registrant
15 may contest the removal or be reinstated, in-
16 cluding a telephone number for the appropriate
17 election official.

18 “(B) EXCEPTIONS.—Subparagraph (A)
19 does not apply in the case of a registrant—

20 “(i) who sends written confirmation to
21 the State that the registrant is no longer
22 eligible to vote in the registrar’s jurisdic-
23 tion in which the registrant was registered;
24 or

1 “(ii) who is removed from the official
2 list of eligible voters by reason of the death
3 of the registrant.

4 “(2) PUBLIC NOTICE.—Not later than 48 hours
5 after conducting any general program to remove the
6 names of ineligible voters from the official list of eli-
7 gible voters (as described in section 8(a)(4)), the
8 State shall disseminate a public notice through such
9 methods as may be reasonable to reach the general
10 public (including by publishing the notice in a news-
11 paper of wide circulation or posting the notice on the
12 websites of the appropriate election officials) that
13 list maintenance is taking place and that registrants
14 should check their registration status to ensure no
15 errors or mistakes have been made. The State shall
16 ensure that the public notice disseminated under this
17 paragraph is in a format that is reasonably conven-
18 ient and accessible to voters with disabilities, includ-
19 ing voters who have low vision or are blind.”.

20 (b) CONDITIONS FOR TRANSMISSION OF NOTICES OF
21 REMOVAL.—Section 8(d) of such Act (52 U.S.C.
22 20507(d)) is amended by adding at the end the following
23 new paragraph:

24 “(4) A State may not transmit a notice to a
25 registrant under this subsection unless the State ob-

1 tains objective and reliable evidence (in accordance
2 with the standards for such evidence which are de-
3 scribed in section 8A(a)(2)) that the registrant has
4 changed residence to a place outside the registrar’s
5 jurisdiction in which the registrant is registered.”.

6 (c) CONFORMING AMENDMENTS.—

7 (1) NATIONAL VOTER REGISTRATION ACT OF
8 1993.—Section 8(a) of such Act (52 U.S.C.
9 20507(a)) is amended—

10 (A) in paragraph (3), by striking “pro-
11 vide” and inserting “subject to section 8A, pro-
12 vide”; and

13 (B) in paragraph (4), by striking “con-
14 duct” and inserting “subject to section 8A, con-
15 duct”.

16 (2) HELP AMERICA VOTE ACT OF 2002.—Section
17 303(a)(4)(A) of the Help America Vote Act of 2002
18 (52 U.S.C. 21083(a)(4)(A)) is amended by striking
19 “, registrants” and inserting “, and subject to sec-
20 tion 8A of such Act, registrants”.

21 (d) EFFECTIVE DATE.—The amendments made by
22 this section shall take effect on the date of the enactment
23 of this Act.

1 **Subtitle G—No Effect on Authority**
2 **of States to Provide Greater Op-**
3 **portunities for Voting**

4 **SEC. 2601. NO EFFECT ON AUTHORITY OF STATES TO PRO-**
5 **VIDE GREATER OPPORTUNITIES FOR VOT-**
6 **ING.**

7 Nothing in this title or the amendments made by this
8 title may be construed to prohibit any State from enacting
9 any law which provides greater opportunities for individ-
10 uals to register to vote and to vote in elections for Federal
11 office than are provided by this title and the amendments
12 made by this title.

13 **Subtitle H—Residence of**
14 **Incarcerated Individuals**

15 **SEC. 2701. RESIDENCE OF INCARCERATED INDIVIDUALS.**

16 Section 141 of title 13, United States Code, is
17 amended—

18 (1) by redesignating subsection (g) as sub-
19 section (h); and

20 (2) by inserting after subsection (f) the fol-
21 lowing:

22 “(g)(1) Effective beginning with the 2020 decennial
23 census of population, in taking any tabulation of total pop-
24 ulation by States under subsection (a) for purposes of the
25 apportionment of Representatives in Congress among the

1 several States, the Secretary shall, with respect to an indi-
 2 vidual incarcerated in a State, Federal, county, or munic-
 3 ipal correctional center as of the date on which such cen-
 4 sus is taken, attribute such individual to such individual's
 5 last place of residence before incarceration.

6 “(2) In carrying out this subsection, the Secretary
 7 shall consult with each State department of corrections to
 8 collect the information necessary to make the determina-
 9 tion required under paragraph (1).”.

10 **Subtitle I—Severability**

11 **SEC. 2801. SEVERABILITY.**

12 If any provision of this title or amendment made by
 13 this title, or the application of a provision or amendment
 14 to any person or circumstance, is held to be unconstitu-
 15 tional, the remainder of this title and amendments made
 16 by this title, and the application of the provisions and
 17 amendment to any person or circumstance, shall not be
 18 affected by the holding.

19 **TITLE III—ELECTION SECURITY**

Sec. 3000. Short title; sense of Congress.

Subtitle A—Financial Support for Election Infrastructure

PART 1—VOTING SYSTEM SECURITY IMPROVEMENT GRANTS

Sec. 3001. Grants for obtaining compliant paper ballot voting systems and car-
 rying out voting system security improvements.

Sec. 3002. Coordination of voting system security activities with use of require-
 ments payments and election administration requirements
 under Help America Vote Act of 2002.

Sec. 3003. Incorporation of definitions.

PART 2—GRANTS FOR RISK-LIMITING AUDITS OF RESULTS OF ELECTIONS

- Sec. 3011. Grants to States for conducting risk-limiting audits of results of elections.
- Sec. 3012. GAO analysis of effects of audits.

PART 3—ELECTION INFRASTRUCTURE INNOVATION GRANT PROGRAM

- Sec. 3021. Election infrastructure innovation grant program.

Subtitle B—Security Measures

- Sec. 3101. Election infrastructure designation.
- Sec. 3102. Timely threat information.
- Sec. 3103. Security clearance assistance for election officials.
- Sec. 3104. Security risk and vulnerability assessments.
- Sec. 3105. Annual reports.
- Sec. 3106. Pre-election threat assessments.

Subtitle C—Enhancing Protections for United States Democratic Institutions

- Sec. 3201. National strategy to protect United States democratic institutions.
- Sec. 3202. National Commission to Protect United States Democratic Institutions.

Subtitle D—Promoting Cybersecurity Through Improvements in Election Administration

- Sec. 3301. Testing of existing voting systems to ensure compliance with election cybersecurity guidelines and other guidelines.
- Sec. 3302. Treatment of electronic poll books as part of voting systems.
- Sec. 3303. Pre-election reports on voting system usage.
- Sec. 3304. Streamlining collection of election information.

Subtitle E—Preventing Election Hacking

- Sec. 3401. Short title.
- Sec. 3402. Election Security Bug Bounty Program.
- Sec. 3403. Definitions.

Subtitle F—Election Security Grants Advisory Committee

- Sec. 3501. Establishment of advisory committee.

Subtitle G—Miscellaneous Provisions

- Sec. 3601. Definitions.
- Sec. 3602. Initial report on adequacy of resources available for implementation.

Subtitle H—Use of Voting Machines Manufactured in the United States

- Sec. 3701. Use of voting machines manufactured in the United States.

Subtitle I—Severability

- Sec. 3801. Severability.

1 **SEC. 3000. SHORT TITLE; SENSE OF CONGRESS.**

2 (a) **SHORT TITLE.**—This title may be cited as the
3 “Election Security Act”.

4 (b) **SENSE OF CONGRESS ON NEED TO IMPROVE**
5 **ELECTION INFRASTRUCTURE SECURITY.**—It is the sense
6 of Congress that, in light of the lessons learned from Rus-
7 sian interference in the 2016 Presidential election, the
8 Federal Government should intensify its efforts to improve
9 the security of election infrastructure in the United States,
10 including through the use of individual, durable, paper
11 ballots marked by the voter by hand.

12 **Subtitle A—Financial Support for**
13 **Election Infrastructure**

14 **PART 1—VOTING SYSTEM SECURITY**

15 **IMPROVEMENT GRANTS**

16 **SEC. 3001. GRANTS FOR OBTAINING COMPLIANT PAPER**
17 **BALLOT VOTING SYSTEMS AND CARRYING**
18 **OUT VOTING SYSTEM SECURITY IMPROVE-**
19 **MENTS.**

20 (a) **AVAILABILITY OF GRANTS.**—Subtitle D of title
21 II of the Help America Vote Act of 2002 (52 U.S.C.
22 21001 et seq.), as amended by section 1905(a), is amend-
23 ed by adding at the end the following new part:

1 **“PART 8—GRANTS FOR OBTAINING COMPLIANT**
2 **PAPER BALLOT VOTING SYSTEMS AND CAR-**
3 **RYING OUT VOTING SYSTEM SECURITY IM-**
4 **PROVEMENTS**

5 **“SEC. 298. GRANTS FOR OBTAINING COMPLIANT PAPER**
6 **BALLOT VOTING SYSTEMS AND CARRYING**
7 **OUT VOTING SYSTEM SECURITY IMPROVE-**
8 **MENTS.**

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

11 “(1) to replace a voting system—

12 “(A) which does not meet the requirements
13 which are first imposed on the State pursuant
14 to the amendments made by the Voter Con-
15 fidence and Increased Accessibility Act of 2019
16 with a voting system which does meet such re-
17 quirements, for use in the regularly scheduled
18 general elections for Federal office held in No-
19 vember 2020, or

20 “(B) which does meet such requirements
21 but which is not in compliance with the most
22 recent voluntary voting system guidelines issued
23 by the Commission prior to the regularly sched-
24 uled general election for Federal office held in
25 November 2020 with another system which does

1 meet such requirements and is in compliance
2 with such guidelines;

3 “(2) to carry out voting system security im-
4 provements described in section 298A with respect
5 to the regularly scheduled general elections for Fed-
6 eral office held in November 2020 and each suc-
7 ceeding election for Federal office; and

8 “(3) to implement and model best practices for
9 ballot design, ballot instructions, and the testing of
10 ballots.

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

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

1 “(d) SURPLUS APPROPRIATIONS.—If the amount of
2 funds appropriated for grants authorized under section
3 298D(a)(2) exceed the amount necessary to meet the re-
4 quirements of subsection (b), the Commission shall con-
5 sider the following in making a determination to award
6 remaining funds to a State:

7 “(1) The record of the State in carrying out the
8 following with respect to the administration of elec-
9 tions for Federal office:

10 “(A) Providing voting machines that are
11 less than 10 years old.

12 “(B) Implementing strong chain of custody
13 procedures for the physical security of voting
14 equipment and paper records at all stages of
15 the process.

16 “(C) Conducting pre-election testing on
17 every voting machine and ensuring that paper
18 ballots are available wherever electronic ma-
19 chines are used.

20 “(D) Maintaining offline backups of voter
21 registration lists.

22 “(E) Providing a secure voter registration
23 database that logs requests submitted to the
24 database.

1 “(F) Publishing and enforcing a policy de-
2 tailing use limitations and security safeguards
3 to protect the personal information of voters in
4 the voter registration process.

5 “(G) Providing secure processes and proce-
6 dures for reporting vote tallies.

7 “(H) Providing a secure platform for dis-
8 seminating vote totals.

9 “(2) Evidence of established conditions of inno-
10 vation and reform in providing voting system secu-
11 rity and the proposed plan of the State for imple-
12 menting additional conditions.

13 “(3) Evidence of collaboration between relevant
14 stakeholders, including local election officials, in de-
15 veloping the grant implementation plan described in
16 section 298B.

17 “(4) The plan of the State to conduct a rig-
18 orous evaluation of the effectiveness of the activities
19 carried out with the grant.

20 “(e) ABILITY OF REPLACEMENT SYSTEMS TO AD-
21 MINISTER RANKED CHOICE ELECTIONS.—To the greatest
22 extent practicable, an eligible State which receives a grant
23 to replace a voting system under this section shall ensure
24 that the replacement system is capable of administering
25 a system of ranked choice voting under which each voter

1 shall rank the candidates for the office in the order of
2 the voter's preference.

3 **“SEC. 298A. VOTING SYSTEM SECURITY IMPROVEMENTS**
4 **DESCRIBED.**

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

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

12 “(2) Cyber and risk mitigation training.

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

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

1 poses other than the administration of elections for
2 public office.

3 “(5) Providing increased technical support for
4 any information technology infrastructure that the
5 chief State election official deems to be part of the
6 State’s election infrastructure or designates as crit-
7 ical to the operation of the State’s election infra-
8 structure.

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

12 “(7) Enhancing the cybersecurity of voter reg-
13 istration systems.

14 “(b) QUALIFIED ELECTION INFRASTRUCTURE VEN-
15 DORS DESCRIBED.—

16 “(1) IN GENERAL.—For purposes of this part,
17 a ‘qualified election infrastructure vendor’ is any
18 person who provides, supports, or maintains, or who
19 seeks to provide, support, or maintain, election in-
20 frastructure on behalf of a State, unit of local gov-
21 ernment, or election agency (as defined in section
22 3501 of the Election Security Act) who meets the
23 criteria described in paragraph (2).

24 “(2) CRITERIA.—The criteria described in this
25 paragraph are such criteria as the Chairman, in co-

1 ordination with the Secretary of Homeland Security,
2 shall establish and publish, and shall include each of
3 the following requirements:

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

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

14 “(C) The vendor agrees to ensure that the
15 election infrastructure will be developed and
16 maintained in a manner that is consistent with
17 the cybersecurity best practices issued by the
18 Technical Guidelines Development Committee.

19 “(D) The vendor agrees to maintain its in-
20 formation technology infrastructure in a man-
21 ner that is consistent with the cybersecurity
22 best practices issued by the Technical Guide-
23 lines Development Committee.

24 “(E) The vendor agrees to meet the re-
25 quirements of paragraph (3) with respect to

1 any known or suspected cybersecurity incidents
2 involving any of the goods and services provided
3 by the vendor pursuant to a grant under this
4 part.

5 “(F) The vendor agrees to permit inde-
6 pendent security testing by the Commission (in
7 accordance with section 231(a)) and by the Sec-
8 retary of the goods and services provided by the
9 vendor pursuant to a grant under this part.

10 “(3) CYBERSECURITY INCIDENT REPORTING
11 REQUIREMENTS.—

12 “(A) IN GENERAL.—A vendor meets the
13 requirements of this paragraph if, upon becom-
14 ing aware of the possibility that an election cy-
15 bersecurity incident has occurred involving any
16 of the goods and services provided by the ven-
17 dor pursuant to a grant under this part—

18 “(i) the vendor promptly assesses
19 whether or not such an incident occurred,
20 and submits a notification meeting the re-
21 quirements of subparagraph (B) to the
22 Secretary and the Chairman of the assess-
23 ment as soon as practicable (but in no case
24 later than 3 days after the vendor first be-

comes aware of the possibility that the incident occurred);

“(ii) if the incident involves goods or services provided to an election agency, the vendor submits a notification meeting the requirements of subparagraph (B) to the agency as soon as practicable (but in no case later than 3 days after the vendor first becomes aware of the possibility that the incident occurred), and cooperates with the agency in providing any other necessary notifications relating to the incident; and

“(iii) the vendor provides all necessary updates to any notification submitted under clause (i) or clause (ii).

“(B) CONTENTS OF NOTIFICATIONS.—

Each notification submitted under clause (i) or clause (ii) of subparagraph (A) shall contain the following information with respect to any election cybersecurity incident covered by the notification:

“(i) The date, time, and time zone when the election cybersecurity incident began, if known.

1 “(ii) The date, time, and time zone
2 when the election cybersecurity incident
3 was detected.

4 “(iii) The date, time, and duration of
5 the election cybersecurity incident.

6 “(iv) The circumstances of the elec-
7 tion cybersecurity incident, including the
8 specific election infrastructure systems be-
9 lieved to have been accessed and informa-
10 tion acquired, if any.

11 “(v) Any planned and implemented
12 technical measures to respond to and re-
13 cover from the incident.

14 “(vi) In the case of any notification
15 which is an update to a prior notification,
16 any additional material information relat-
17 ing to the incident, including technical
18 data, as it becomes available.

19 **“SEC. 298B. ELIGIBILITY OF STATES.**

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

1 “(1) a description of how the State will use the
2 grant to carry out the activities authorized under
3 this part;

4 “(2) a certification and assurance that, not
5 later than 5 years after receiving the grant, the
6 State will carry out risk-limiting audits and will
7 carry out voting system security improvements, as
8 described in section 298A; and

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

11 **“SEC. 298C. REPORTS TO CONGRESS.**

12 “Not later than 90 days after the end of each fiscal
13 year, the Commission shall submit a report to the appro-
14 priate congressional committees, including the Committees
15 on Homeland Security, House Administration, and the Ju-
16 diciary of the House of Representatives and the Commit-
17 tees on Homeland Security and Governmental Affairs, the
18 Judiciary, and Rules and Administration of the Senate,
19 on the activities carried out with the funds provided under
20 this part.

21 **“SEC. 298D. AUTHORIZATION OF APPROPRIATIONS.**

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

24 “(1) \$1,000,000,000 for fiscal year 2019; and

1 “(2) \$175,000,000 for each of the fiscal years
2 2020, 2022, 2024, and 2026.

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

6 (b) CLERICAL AMENDMENT.—The table of contents
7 of such Act, as amended by section 1905(b), is amended
8 by adding at the end of the items relating to subtitle D
9 of title II the following:

“PART 8—GRANTS FOR OBTAINING COMPLIANT PAPER BALLOT VOTING
SYSTEMS AND CARRYING OUT VOTING SYSTEM SECURITY IMPROVEMENTS

“Sec. 298. Grants for obtaining compliant paper ballot voting systems and
carrying out voting system security improvements.

“Sec. 298A. Voting system security improvements described.

“Sec. 298B. Eligibility of States.

“Sec. 298C. Reports to Congress.

“Sec. 298D. Authorization of appropriations.

10 **SEC. 3002. COORDINATION OF VOTING SYSTEM SECURITY**
11 **ACTIVITIES WITH USE OF REQUIREMENTS**
12 **PAYMENTS AND ELECTION ADMINISTRATION**
13 **REQUIREMENTS UNDER HELP AMERICA**
14 **VOTE ACT OF 2002.**

15 (a) DUTIES OF ELECTION ASSISTANCE COMMIS-
16 SION.—Section 202 of the Help America Vote Act of 2002
17 (52 U.S.C. 20922) is amended in the matter preceding
18 paragraph (1) by striking “by” and inserting “and the se-
19 curity of election infrastructure by”.

20 (b) MEMBERSHIP OF SECRETARY OF HOMELAND SE-
21 CURITY ON BOARD OF ADVISORS OF ELECTION ASSIST-

1 ANCE COMMISSION.—Section 214(a) of such Act (52
2 U.S.C. 20944(a)) is amended—

3 (1) by striking “37 members” and inserting
4 “38 members”; and

5 (2) by adding at the end the following new
6 paragraph:

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

9 (c) REPRESENTATIVE OF DEPARTMENT OF HOME-
10 LAND SECURITY ON TECHNICAL GUIDELINES DEVELOP-
11 MENT COMMITTEE.—Section 221(c)(1) of such Act (52
12 U.S.C. 20961(c)(1)) is amended—

13 (1) by redesignating subparagraph (E) as sub-
14 paragraph (F); and

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

17 “(E) A representative of the Department
18 of Homeland Security.”.

19 (d) GOALS OF PERIODIC STUDIES OF ELECTION AD-
20 MINISTRATION ISSUES; CONSULTATION WITH SECRETARY
21 OF HOMELAND SECURITY.—Section 241(a) of such Act
22 (52 U.S.C. 20981(a)) is amended—

23 (1) in the matter preceding paragraph (1), by
24 striking “the Commission shall” and inserting “the

1 Commission, in consultation with the Secretary of
2 Homeland Security (as appropriate), shall”;

3 (2) by striking “and” at the end of paragraph
4 (3);

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

7 (4) by inserting after paragraph (3) the fol-
8 lowing new paragraph:

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

12 (e) REQUIREMENTS PAYMENTS.—

13 (1) USE OF PAYMENTS FOR VOTING SYSTEM
14 SECURITY IMPROVEMENTS.—Section 251(b) of such
15 Act (52 U.S.C. 21001(b)), as amended by section
16 1061(a)(2), is further amended by adding at the end
17 the following new paragraph:

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

22 “(A) Cyber and risk mitigation training.

23 “(B) Providing increased technical support
24 for any information technology infrastructure
25 that the chief State election official deems to be

1 part of the State’s election infrastructure or
2 designates as critical to the operation of the
3 State’s election infrastructure.

4 “(C) Enhancing the cybersecurity and op-
5 erations of the information technology infra-
6 structure described in subparagraph (B).

7 “(D) Enhancing the security of voter reg-
8 istration databases.”.

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

15 (3) COMPOSITION OF COMMITTEE RESPONSIBLE
16 FOR DEVELOPING STATE PLAN FOR USE OF PAY-
17 MENTS.—Section 255 of such Act (52 U.S.C.
18 21005) is amended—

19 (A) by redesignating subsection (b) as sub-
20 section (c); and

21 (B) by inserting after subsection (a) the
22 following new subsection:

23 “(b) GEOGRAPHIC REPRESENTATION.—The mem-
24 bers of the committee shall be a representative group of
25 individuals from the State’s counties, cities, towns, and

1 Indian tribes, and shall represent the needs of rural as
2 well as urban areas of the State, as the case may be.”.

3 (f) ENSURING PROTECTION OF COMPUTERIZED
4 STATEWIDE VOTER REGISTRATION LIST.—Section
5 303(a)(3) of such Act (52 U.S.C. 21083(a)(3)) is amend-
6 ed by striking the period at the end and inserting “, as
7 well as other measures to prevent and deter cybersecurity
8 incidents, as identified by the Commission, the Secretary
9 of Homeland Security, and the Technical Guidelines De-
10 velopment Committee.”.

11 **SEC. 3003. INCORPORATION OF DEFINITIONS.**

12 (a) IN GENERAL.—Section 901 of the Help America
13 Vote Act of 2002 (52 U.S.C. 21141) is amended to read
14 as follows:

15 **“SEC. 901. DEFINITIONS.**

16 “In this Act, the following definitions apply:

17 “(1) The term ‘cybersecurity incident’ has the
18 meaning given the term ‘incident’ in section 227 of
19 the Homeland Security Act of 2002 (6 U.S.C. 148).

20 “(2) The term ‘election infrastructure’ has the
21 meaning given such term in section 3501 of the
22 Election Security Act.

23 “(3) The term ‘State’ means each of the several
24 States, the District of Columbia, the Commonwealth
25 of Puerto Rico, Guam, American Samoa, the United

1 States Virgin Islands, and the Commonwealth of the
 2 Northern Mariana Islands.”.

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

“Sec. 901. Definitions.”.

6 **PART 2—GRANTS FOR RISK-LIMITING AUDITS OF**
 7 **RESULTS OF ELECTIONS**

8 **SEC. 3011. GRANTS TO STATES FOR CONDUCTING RISK-LIM-**
 9 **ITING AUDITS OF RESULTS OF ELECTIONS.**

10 (a) AVAILABILITY OF GRANTS.—Subtitle D of title
 11 II of the Help America Vote Act of 2002 (52 U.S.C.
 12 21001 et seq.), as amended by sections 1905(a) and
 13 3001(a), is amended by adding at the end the following
 14 new part:

15 **“PART 9—GRANTS FOR CONDUCTING RISK-**
 16 **LIMITING AUDITS OF RESULTS OF ELECTIONS**
 17 **“SEC. 299. GRANTS FOR CONDUCTING RISK-LIMITING AU-**
 18 **DITS OF RESULTS OF ELECTIONS.**

19 “(a) AVAILABILITY OF GRANTS.—The Commission
 20 shall make a grant to each eligible State to conduct risk-
 21 limiting audits as described in subsection (b) with respect
 22 to the regularly scheduled general elections for Federal of-
 23 fice held in November 2020 and each succeeding election
 24 for Federal office.

1 “(b) RISK-LIMITING AUDITS DESCRIBED.—In this
2 part, a ‘risk-limiting audit’ is a post-election process—

3 “(1) which is conducted in accordance with
4 rules and procedures established by the chief State
5 election official of the State which meet the require-
6 ments of subsection (c); and

7 “(2) under which, if the reported outcome of
8 the election is incorrect, there is at least a predeter-
9 mined percentage chance that the audit will replace
10 the incorrect outcome with the correct outcome as
11 determined by a full, hand-to-eye tabulation of all
12 votes validly cast in that election that ascertains
13 voter intent manually and directly from voter-
14 verifiable paper records.

15 “(c) REQUIREMENTS FOR RULES AND PROCE-
16 DURES.—The rules and procedures established for con-
17 ducting a risk-limiting audit shall include the following
18 elements:

19 “(1) Rules for ensuring the security of ballots
20 and documenting that prescribed procedures were
21 followed.

22 “(2) Rules and procedures for ensuring the ac-
23 curacy of ballot manifests produced by election agen-
24 cies.

1 “(3) Rules and procedures for governing the
2 format of ballot manifests, cast vote records, and
3 other data involved in the audit.

4 “(4) Methods to ensure that any cast vote
5 records used in the audit are those used by the vot-
6 ing system to tally the election results sent to the
7 chief State election official and made public.

8 “(5) Procedures for the random selection of
9 ballots to be inspected manually during each audit.

10 “(6) Rules for the calculations and other meth-
11 ods to be used in the audit and to determine wheth-
12 er and when the audit of an election is complete.

13 “(7) Procedures and requirements for testing
14 any software used to conduct risk-limiting audits.

15 “(d) DEFINITIONS.—In this part, the following defi-
16 nitions apply:

17 “(1) The term ‘ballot manifest’ means a record
18 maintained by each election agency that meets each
19 of the following requirements:

20 “(A) The record is created without reliance
21 on any part of the voting system used to tab-
22 ulate votes.

23 “(B) The record functions as a sampling
24 frame for conducting a risk-limiting audit.

1 “(C) The record contains the following in-
2 formation with respect to the ballots cast and
3 counted in the election:

4 “(i) The total number of ballots cast
5 and counted by the agency (including
6 undervotes, overvotes, and other invalid
7 votes).

8 “(ii) The total number of ballots cast
9 in each election administered by the agency
10 (including undervotes, overvotes, and other
11 invalid votes).

12 “(iii) A precise description of the
13 manner in which the ballots are physically
14 stored, including the total number of phys-
15 ical groups of ballots, the numbering sys-
16 tem for each group, a unique label for each
17 group, and the number of ballots in each
18 such group.

19 “(2) The term ‘incorrect outcome’ means an
20 outcome that differs from the outcome that would be
21 determined by a full tabulation of all votes validly
22 cast in the election, determining voter intent manu-
23 ally, directly from voter-verifiable paper records.

24 “(3) The term ‘outcome’ means the winner of
25 an election, whether a candidate or a position.

1 “(4) The term ‘reported outcome’ means the
2 outcome of an election which is determined accord-
3 ing to the canvass and which will become the official,
4 certified outcome unless it is revised by an audit, re-
5 count, or other legal process.

6 **“SEC. 299A. ELIGIBILITY OF STATES.**

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

11 “(1) a certification that, not later than 5 years
12 after receiving the grant, the State will conduct risk-
13 limiting audits of the results of elections for Federal
14 office held in the State as described in section 299;

15 “(2) a certification that, not later than one year
16 after the date of the enactment of this section, the
17 chief State election official of the State has estab-
18 lished or will establish the rules and procedures for
19 conducting the audits which meet the requirements
20 of section 299(c);

21 “(3) a certification that the audit shall be com-
22 pleted not later than the date on which the State
23 certifies the results of the election;

24 “(4) a certification that, after completing the
25 audit, the State shall publish a report on the results

1 of the audit, together with such information as nec-
 2 essary to confirm that the audit was conducted prop-
 3 erly;

4 “(5) a certification that, if a risk-limiting audit
 5 conducted under this part leads to a full manual
 6 tally of an election, State law requires that the State
 7 or election agency shall use the results of the full
 8 manual tally as the official results of the election;
 9 and

10 “(6) such other information and assurances as
 11 the Commission may require.

12 **“SEC. 299B. AUTHORIZATION OF APPROPRIATIONS.**

13 “There are authorized to be appropriated for grants
 14 under this part \$20,000,000 for fiscal year 2019, to re-
 15 main available until expended.”.

16 (b) CLERICAL AMENDMENT.—The table of contents
 17 of such Act, as amended by sections 1905(b) and 3001(b),
 18 is further amended by adding at the end of the items relat-
 19 ing to subtitle D of title II the following:

“PART 9—GRANTS FOR CONDUCTING RISK-LIMITING AUDITS OF RESULTS
 OF ELECTIONS

“Sec. 299. Grants for conducting risk-limiting audits of results of elec-
 tions.

“Sec. 299A. Eligibility of States.

“Sec. 299B. Authorization of appropriations.

20 **SEC. 3012. GAO ANALYSIS OF EFFECTS OF AUDITS.**

21 (a) ANALYSIS.—Not later than 6 months after the
 22 first election for Federal office is held after grants are

1 first awarded to States for conducting risk-limiting audits
2 under part 9 of subtitle D of title II of the Help America
3 Vote Act of 2002 (as added by section 3011) for con-
4 ducting risk-limiting audits of elections for Federal office,
5 the Comptroller General of the United States shall con-
6 duct an analysis of the extent to which such audits have
7 improved the administration of such elections and the se-
8 curity of election infrastructure in the States receiving
9 such grants.

10 (b) REPORT.—The Comptroller General of the
11 United States shall submit a report on the analysis con-
12 ducted under subsection (a) to the appropriate congres-
13 sional committees.

14 **PART 3—ELECTION INFRASTRUCTURE**

15 **INNOVATION GRANT PROGRAM**

16 **SEC. 3021. ELECTION INFRASTRUCTURE INNOVATION**
17 **GRANT PROGRAM.**

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

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

23 (2) by adding at the end the following new sec-
24 tion:

1 **“SEC. 321. ELECTION INFRASTRUCTURE INNOVATION**
2 **GRANT PROGRAM.**

3 “(a) ESTABLISHMENT.—The Secretary, acting
4 through the Under Secretary for Science and Technology,
5 in coordination with the Chairman of the Election Assist-
6 ance Commission (established pursuant to the Help Amer-
7 ica Vote Act of 2002) and in consultation with the Direc-
8 tor of the National Science Foundation and the Director
9 of the National Institute of Standards and Technology,
10 shall establish a competitive grant program to award
11 grants to eligible entities, on a competitive basis, for pur-
12 poses of research and development that are determined to
13 have the potential to significantly improve the security (in-
14 cluding cybersecurity), quality, reliability, accuracy, acces-
15 sibility, and affordability of election infrastructure, and in-
16 crease voter participation.

17 “(b) REPORT TO CONGRESS.—Not later than 90 days
18 after the conclusion of each fiscal year for which grants
19 are awarded under this section, the Secretary shall submit
20 to the Committee on Homeland Security and the Com-
21 mittee on House Administration of the House of Rep-
22 resentatives and the Committee on Homeland Security
23 and Governmental Affairs and the Committee on Rules
24 and Administration of the Senate a report describing such
25 grants and analyzing the impact, if any, of such grants

1 on the security and operation of election infrastructure,
2 and on voter participation.

3 “(c) AUTHORIZATION OF APPROPRIATIONS.—There
4 is authorized to be appropriated to the Secretary
5 \$20,000,000 for each of fiscal years 2019 through 2027
6 for purposes of carrying out this section.

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

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

18 “(2) an organization described in section
19 501(c)(3) of the Internal Revenue Code of 1986 and
20 exempt from tax under section 501(a) of such Code;
21 or

22 “(3) an organization, association, or a for-profit
23 company, including a small business concern (as
24 such term is defined under section 3 of the Small
25 Business Act (15 U.S.C. 632)), including a small

1 business concern owned and controlled by socially
2 and economically disadvantaged individuals as de-
3 fined under section 8(d)(3)(C) of the Small Business
4 Act (15 U.S.C. 637(d)(3)(C)).”.

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

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

10 (2) by inserting after paragraph (5) the fol-
11 lowing new paragraph:

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

1 and to report and display election results on behalf
2 of an election agency.”.

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

“Sec. 318. Social media working group.

“Sec. 319. Transparency in research and development.

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

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

8 **Subtitle B—Security Measures**

9 **SEC. 3101. ELECTION INFRASTRUCTURE DESIGNATION.**

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

14 **SEC. 3102. TIMELY THREAT INFORMATION.**

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

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

1 **SEC. 3103. SECURITY CLEARANCE ASSISTANCE FOR ELEC-**
2 **TION OFFICIALS.**

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

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

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

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

21 **SEC. 3104. SECURITY RISK AND VULNERABILITY ASSESS-**
22 **MENTS.**

23 (a) IN GENERAL.—Paragraph (6) of section 2209(c)
24 of the Homeland Security Act of 2002 (6 U.S.C. 659(c))
25 is amended by inserting “(including by carrying out a se-

1 curity risk and vulnerability assessment)” after “risk
2 management support”.

3 (b) PRIORITIZATION TO ENHANCE ELECTION SECU-
4 RITY.—

5 (1) IN GENERAL.—Not later than 90 days after
6 receiving a written request from a chief State elec-
7 tion official, the Secretary shall, to the extent prac-
8 ticable, commence a security risk and vulnerability
9 assessment (pursuant to paragraph (6) of section
10 2209(c) of the Homeland Security Act of 2002, as
11 amended by subsection (a)) on election infrastruc-
12 ture in the State at issue.

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

19 **SEC. 3105. ANNUAL REPORTS.**

20 (a) REPORTS ON ASSISTANCE AND ASSESSMENTS.—
21 Not later than one year after the date of the enactment
22 of this Act and annually thereafter through 2026, the Sec-
23 retary shall submit to the appropriate congressional com-
24 mittees—

1 (1) efforts to carry out section 203 during the
2 prior year, including specific information on which
3 States were helped, how many officials have been
4 helped in each State, how many security clearances
5 have been sponsored in each State, and how many
6 temporary clearances have been issued in each State;
7 and

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

17 (b) REPORTS ON FOREIGN THREATS.—Not later
18 than 90 days after the end of each fiscal year (beginning
19 with fiscal year 2019), the Secretary and the Director of
20 National Intelligence, in coordination with the heads of
21 appropriate offices of the Federal government, shall sub-
22 mit a joint report to the appropriate congressional com-
23 mittees on foreign threats to elections in the United
24 States, including physical and cybersecurity threats.

1 (c) INFORMATION FROM STATES.—For purposes of
2 preparing the reports required under this section, the Sec-
3 retary shall solicit and consider information and comments
4 from States and election agencies, except that the provi-
5 sion of such information and comments by a State or elec-
6 tion agency shall be voluntary and at the discretion of the
7 State or agency.

8 **SEC. 3106. PRE-ELECTION THREAT ASSESSMENTS.**

9 (a) SUBMISSION OF ASSESSMENT BY DNI.—Not
10 later than 180 days before the date of each regularly
11 scheduled general election for Federal office, the Director
12 of National Intelligence shall submit an assessment of the
13 full scope of threats to election infrastructure, including
14 cybersecurity threats posed by state actors and terrorist
15 groups, and recommendations to address or mitigate the
16 threats, as developed by the Secretary and Chairman, to—

17 (1) the chief State election official of each
18 State;

19 (2) the Committees on Homeland Security and
20 House Administration of the House of Representa-
21 tives and the Committees on Homeland Security and
22 Governmental Affairs and Rules and Administration
23 of the Senate; and

24 (3) any other appropriate congressional com-
25 mittees.

1 (b) UPDATES TO INITIAL ASSESSMENTS.—If, at any
2 time after submitting an assessment with respect to an
3 election under subsection (a), the Director of National In-
4 telligence determines that the assessment should be up-
5 dated to reflect new information regarding the threats in-
6 volved, the Director shall submit a revised assessment
7 under such subsection.

8 (c) DEFINITIONS.—In this section, the following defi-
9 nitions apply:

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

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

18 (3) The term “election infrastructure” means
19 storage facilities, polling places, and centralized vote
20 tabulation locations used to support the administra-
21 tion of elections for public office, as well as related
22 information and communications technology, includ-
23 ing voter registration databases, voting machines,
24 electronic mail and other communications systems
25 (including electronic mail and other systems of ven-

dors who have entered into contracts with election agencies to support the administration of elections, manage the election process, and report and display election results), and other systems used to manage the election process and to report and display election results on behalf of an election agency.

(4) The term “Secretary” means the Secretary of Homeland Security.

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

(d) EFFECTIVE DATE.—This Act shall apply with respect to the regularly scheduled general election for Federal office held in November 2020 and each succeeding regularly scheduled general election for Federal office.

Subtitle C—Enhancing Protections for United States Democratic In- stitutions

SEC. 3201. NATIONAL STRATEGY TO PROTECT UNITED STATES DEMOCRATIC INSTITUTIONS.

(a) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the President, acting through the Secretary, in consultation with the Chairman, the Secretary of Defense, the Secretary of State, the Attorney General, the Secretary of Education, the Director

1 of National Intelligence, the Chairman of the Federal
2 Election Commission, and the heads of any other appro-
3 priate Federal agencies, shall issue a national strategy to
4 protect against cyber attacks, influence operations,
5 disinformation campaigns, and other activities that could
6 undermine the security and integrity of United States
7 democratic institutions.

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

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

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

24 (3) Potential consequences, such as an erosion
25 of public trust or an undermining of the rule of law,

1 that could result from a successful cyber attack, in-
2 fluence operation, disinformation campaign, or other
3 activity aimed at undermining the security and in-
4 tegrity of United States democratic institutions.

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

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

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

23 (7) Any findings, conclusions, and recommenda-
24 tions to strengthen protections for United States
25 democratic institutions that have been agreed to by

1 a majority of Commission members on the National
2 Commission to Protect United States Democratic
3 Institutions, authorized pursuant to section 3202.

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

10 (1) Strategic objectives and corresponding
11 tasks.

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

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

16 (d) CLASSIFICATION.—The national strategy re-
17 quired under subsection (a) shall be in unclassified form.

18 (e) CIVIL RIGHTS REVIEW.—Not later than 60 days
19 after the issuance of the national strategy required under
20 subsection (a), and not later than 60 days after the
21 issuance of the implementation plan required under sub-
22 section (c), the Privacy and Civil Liberties Oversight
23 Board (established under section 1061 of the Intelligence
24 Reform and Terrorism Prevention Act of 2004 (42 U.S.C.
25 2000ee)) shall submit a report to Congress on any poten-

1 tial privacy and civil liberties impacts of such strategy and
2 implementation plan, respectively.

3 **SEC. 3202. NATIONAL COMMISSION TO PROTECT UNITED**
4 **STATES DEMOCRATIC INSTITUTIONS.**

5 (a) ESTABLISHMENT.—There is established within
6 the legislative branch the National Commission to Protect
7 United States Democratic Institutions (hereafter in this
8 section referred to as the “Commission”).

9 (b) PURPOSE.—The purpose of the Commission is to
10 counter efforts to undermine democratic institutions with-
11 in the United States.

12 (c) COMPOSITION.—

13 (1) MEMBERSHIP.—The Commission shall be
14 composed of 10 members appointed for the life of
15 the Commission as follows:

16 (A) One member shall be appointed by the
17 Secretary.

18 (B) One member shall be appointed by the
19 Chairman.

20 (C) Two members shall be appointed by
21 the majority leader of the Senate, in consulta-
22 tion with the Chairman of the Committee on
23 Homeland Security and Governmental Affairs,
24 the Chairman of the Committee on the Judici-

1 ary, and the Chairman of the Committee on
2 Rules and Administration.

3 (D) Two members shall be appointed by
4 the minority leader of the Senate, in consulta-
5 tion with the ranking minority member of the
6 Committee on Homeland Security and Govern-
7 mental Affairs, the ranking minority member of
8 the Committee on the Judiciary, and the rank-
9 ing minority member of the Committee on
10 Rules and Administration.

11 (E) Two members shall be appointed by
12 the Speaker of the House of Representatives, in
13 consultation with the Chairman of the Com-
14 mittee on Homeland Security, the Chairman of
15 the Committee on House Administration, and
16 the Chairman of the Committee on the Judici-
17 ary.

18 (F) Two members shall be appointed by
19 the minority leader of the House of Representa-
20 tives, in consultation with the ranking minority
21 member of the Committee on Homeland Secu-
22 rity, the ranking minority member of the Com-
23 mittee on the Judiciary, and the ranking minor-
24 ity member of the Committee on House Admin-
25 istration.

1 (2) QUALIFICATIONS.—Individuals shall be se-
2 lected for appointment to the Commission solely on
3 the basis of their professional qualifications, achieve-
4 ments, public stature, experience, and expertise in
5 relevant fields, including, but not limited to cyberse-
6 curity, national security, and the Constitution of the
7 United States.

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

13 (4) DEADLINE FOR APPOINTMENT.—All mem-
14 bers of the Commission shall be appointed no later
15 than 60 days after the date of the enactment of this
16 Act.

17 (5) VACANCIES.—A vacancy on the Commission
18 shall not affect its powers and shall be filled in the
19 manner in which the original appointment was
20 made. The appointment of the replacement member
21 shall be made not later than 60 days after the date
22 on which the vacancy occurs.

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

25 (e) QUORUM AND MEETINGS.—

1 (1) QUORUM.—The Commission shall meet and
2 begin the operations of the Commission not later
3 than 30 days after the date on which all members
4 have been appointed or, if such meeting cannot be
5 mutually agreed upon, on a date designated by the
6 Speaker of the House of Representatives and the
7 President pro Tempore of the Senate. Each subse-
8 quent meeting shall occur upon the call of the Chair
9 or a majority of its members. A majority of the
10 members of the Commission shall constitute a
11 quorum, but a lesser number may hold meetings.

12 (2) AUTHORITY OF INDIVIDUALS TO ACT FOR
13 COMMISSION.—Any member of the Commission may,
14 if authorized by the Commission, take any action
15 that the Commission is authorized to take under this
16 section.

17 (f) POWERS.—

18 (1) HEARINGS AND EVIDENCE.—The Commis-
19 sion (or, on the authority of the Commission, any
20 subcommittee or member thereof) may, for the pur-
21 pose of carrying out this section, hold hearings and
22 sit and act at such times and places, take such testi-
23 mony, receive such evidence, and administer such
24 oaths as the Commission considers advisable to
25 carry out its duties.

1 (2) CONTRACTING.—The Commission may, to
2 such extent and in such amounts as are provided in
3 appropriation Acts, enter into contracts to enable
4 the Commission to discharge its duties under this
5 section.

6 (g) 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 provided under paragraph
14 (1), the Department of Homeland Security, the
15 Election Assistance Commission, and other appro-
16 priate departments and agencies of the United
17 States shall provide to the Commission such serv-
18 ices, funds, facilities, and staff as they may deter-
19 mine advisable and as may be authorized by law.

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

25 (i) SECURITY CLEARANCES.—

1 (1) IN GENERAL.—The heads of appropriate
2 departments and agencies of the executive branch
3 shall cooperate with the Commission to expeditiously
4 provide Commission members and staff with appro-
5 priate security clearances to the extent possible
6 under applicable procedures and requirements.

7 (2) PREFERENCES.—In appointing staff, ob-
8 taining detailees, and entering into contracts for the
9 provision of services for the Commission, the Com-
10 mission shall give preference to individuals otherwise
11 who have active security clearances.

12 (j) REPORTS.—

13 (1) INTERIM REPORTS.—At any time prior to
14 the submission of the final report under paragraph
15 (2), the Commission may submit interim reports to
16 the President and Congress such findings, conclu-
17 sions, and recommendations to strengthen protec-
18 tions for democratic institutions in the United
19 States as have been agreed to by a majority of the
20 members of the Commission.

21 (2) FINAL REPORT.—Not later than 18 months
22 after the date of the first meeting of the Commis-
23 sion, the Commission shall submit to the President
24 and Congress a final report containing such find-
25 ings, conclusions, and recommendations to strength-

en protections for democratic institutions in the United States as have been agreed to by a majority of the members of the Commission.

(k) TERMINATION.—

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

(2) ADMINISTRATIVE ACTIVITIES PRIOR TO TERMINATION.—During the 60-day period described in paragraph (2), the Commission may carry out such administrative activities as may be required to conclude its work, including providing testimony to committees of Congress concerning the final report and disseminating the final report.

Subtitle D—Promoting Cybersecurity Through Improvements in Election Administration

SEC. 3301. TESTING OF EXISTING VOTING SYSTEMS TO ENSURE COMPLIANCE WITH ELECTION CYBERSECURITY GUIDELINES AND OTHER GUIDELINES.

(a) REQUIRING TESTING OF EXISTING VOTING SYSTEMS.—

1 (1) IN GENERAL.—Section 231(a) of the Help
2 America Vote Act of 2002 (52 U.S.C. 20971(a)) is
3 amended by adding at the end the following new
4 paragraph:

5 “(3) TESTING TO ENSURE COMPLIANCE WITH
6 GUIDELINES.—

7 “(A) TESTING.—Not later than 9 months
8 before the date of each regularly scheduled gen-
9 eral election for Federal office, the Commission
10 shall provide for the testing by accredited lab-
11 oratories under this section of the voting system
12 hardware and software which was certified for
13 use in the most recent such election, on the
14 basis of the most recent voting system guide-
15 lines applicable to such hardware or software
16 (including election cybersecurity guidelines)
17 issued under this Act.

18 “(B) DECERTIFICATION OF HARDWARE OR
19 SOFTWARE FAILING TO MEET GUIDELINES.—If,
20 on the basis of the testing described in subpara-
21 graph (A), the Commission determines that any
22 voting system hardware or software does not
23 meet the most recent guidelines applicable to
24 such hardware or software issued under this

1 Act, the Commission shall decertify such hard-
2 ware or software.”.

3 (2) EFFECTIVE DATE.—The amendment made
4 by paragraph (1) shall apply with respect to the reg-
5 ularly scheduled general election for Federal office
6 held in November 2020 and each succeeding regu-
7 larly scheduled general election for Federal office.

8 (b) ISSUANCE OF CYBERSECURITY GUIDELINES BY
9 TECHNICAL GUIDELINES DEVELOPMENT COMMITTEE.—
10 Section 221(b) of the Help America Vote Act of 2002 (52
11 U.S.C. 20961(b)) is amended by adding at the end the
12 following new paragraph:

13 “(3) ELECTION CYBERSECURITY GUIDE-
14 LINES.—Not later than 6 months after the date of
15 the enactment of this paragraph, the Development
16 Committee shall issue election cybersecurity guide-
17 lines, including standards and best practices for pro-
18 curing, maintaining, testing, operating, and updat-
19 ing election systems to prevent and deter cybersecu-
20 rity incidents.”.

21 **SEC. 3302. TREATMENT OF ELECTRONIC POLL BOOKS AS**
22 **PART OF VOTING SYSTEMS.**

23 (a) INCLUSION IN DEFINITION OF VOTING SYS-
24 TEM.—Section 301(b) of the Help America Vote Act of
25 2002 (52 U.S.C. 21081(b)) is amended—

1 (1) in the matter preceding paragraph (1), by
2 striking “this section” and inserting “this Act”;

3 (2) by striking “and” at the end of paragraph
4 (1);

5 (3) by redesignating paragraph (2) as para-
6 graph (3); and

7 (4) by inserting after paragraph (1) the fol-
8 lowing new paragraph:

9 “(2) any electronic poll book used with respect
10 to the election; and”.

11 (b) DEFINITION.—Section 301 of such Act (52
12 U.S.C. 21081) is amended—

13 (1) by redesignating subsections (c) and (d) as
14 subsections (d) and (e); and

15 (2) by inserting after subsection (b) the fol-
16 lowing new subsection:

17 “(c) ELECTRONIC POLL BOOK DEFINED.—In this
18 Act, the term ‘electronic poll book’ means the total com-
19 bination of mechanical, electromechanical, or electronic
20 equipment (including the software, firmware, and docu-
21 mentation required to program, control, and support the
22 equipment) that is used—

23 “(1) to retain the list of registered voters at a
24 polling location, or vote center, or other location at

1 which voters cast votes in an election for Federal of-
2 fice; and

3 “(2) to identify registered voters who are eligi-
4 ble to vote in an election.”.

5 (c) EFFECTIVE DATE.—Section 301(e) of such Act
6 (52 U.S.C. 21081(e)), as redesignated by subsection (b),
7 is amended by striking the period at the end and inserting
8 the following: “, or, with respect to any requirements re-
9 lating to electronic poll books, on and after January 1,
10 2020.”.

11 **SEC. 3303. PRE-ELECTION REPORTS ON VOTING SYSTEM**
12 **USAGE.**

13 (a) REQUIRING STATES TO SUBMIT REPORTS.—Title
14 III of the Help America Vote Act of 2002 (52 U.S.C.
15 21081 et seq.) is amended by inserting after section 301
16 the following new section:

17 **“SEC. 301A. PRE-ELECTION REPORTS ON VOTING SYSTEM**
18 **USAGE.**

19 “(a) REQUIRING STATES TO SUBMIT REPORTS.—Not
20 later than 120 days before the date of each regularly
21 scheduled general election for Federal office, the chief
22 State election official of a State shall submit a report to
23 the Commission containing a detailed voting system usage
24 plan for each jurisdiction in the State which will admin-
25 ister the election, including a detailed plan for the usage

1 of electronic poll books and other equipment and compo-
2 nents of such system.

3 “(b) EFFECTIVE DATE.—Subsection (a) shall apply
4 with respect to the regularly scheduled general election for
5 Federal office held in November 2020 and each succeeding
6 regularly scheduled general election for Federal office.”.

7 (b) CLERICAL AMENDMENT.—The table of contents
8 of such Act is amended by inserting after the item relating
9 to section 301 the following new item:

“Sec. 301A. Pre-election reports on voting system usage.”.

10 **SEC. 3304. STREAMLINING COLLECTION OF ELECTION IN-**
11 **FORMATION.**

12 Section 202 of the Help America Vote Act of 2002
13 (52 U.S.C. 20922) is amended—

14 (1) by striking “The Commission” and insert-
15 ing “(a) IN GENERAL.—The Commission”; and

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

18 “(b) WAIVER OF CERTAIN REQUIREMENTS.—Sub-
19 chapter I of chapter 35 of title 44, United States Code,
20 shall not apply to the collection of information for pur-
21 poses of maintaining the clearinghouse described in para-
22 graph (1) of subsection (a).”.

1 **Subtitle E—Preventing Election**
2 **Hacking**

3 **SEC. 3401. SHORT TITLE.**

4 This subtitle may be cited as the “Prevent Election
5 Hacking Act of 2019”.

6 **SEC. 3402. ELECTION SECURITY BUG BOUNTY PROGRAM.**

7 (a) ESTABLISHMENT.—Not later than 1 year after
8 the date of the enactment of this Act, the Secretary shall
9 establish a program to be known as the “Election Security
10 Bug Bounty Program” (hereafter in this subtitle referred
11 to as the “Program”) to improve the cybersecurity of the
12 systems used to administer elections for Federal office by
13 facilitating and encouraging assessments by independent
14 technical experts, in cooperation with State and local elec-
15 tion officials and election service providers, to identify and
16 report election cybersecurity vulnerabilities.

17 (b) VOLUNTARY PARTICIPATION BY ELECTION OFFI-
18 CIALS AND ELECTION SERVICE PROVIDERS.—

19 (1) NO REQUIREMENT TO PARTICIPATE IN PRO-
20 GRAM.—Participation in the Program shall be en-
21 tirely voluntary for State and local election officials
22 and election service providers.

23 (2) ENCOURAGING PARTICIPATION AND INPUT
24 FROM ELECTION OFFICIALS.—In developing the Pro-
25 gram, the Secretary shall solicit input from, and en-

1 courage participation by, State and local election of-
2 ficials.

3 (c) ACTIVITIES FUNDED.—In establishing and car-
4 rying out the Program, the Secretary shall—

5 (1) establish a process for State and local elec-
6 tion officials and election service providers to volun-
7 tarily participate in the Program;

8 (2) designate appropriate information systems
9 to be included in the Program;

10 (3) provide compensation to eligible individuals,
11 organizations, and companies for reports of pre-
12 viously unidentified security vulnerabilities within
13 the information systems designated under subpara-
14 graph (A) and establish criteria for individuals, or-
15 ganizations, and companies to be considered eligible
16 for such compensation in compliance with Federal
17 laws;

18 (4) consult with the Attorney General on how
19 to ensure that approved individuals, organizations,
20 or companies that comply with the requirements of
21 the Program are protected from prosecution under
22 section 1030 of title 18, United States Code, and
23 similar provisions of law, and from liability under
24 civil actions for specific activities authorized under
25 the Program;

1 (5) consult with the Secretary of Defense and
2 the heads of other departments and agencies that
3 have implemented programs to provide compensation
4 for reports of previously undisclosed vulnerabilities
5 in information systems, regarding lessons that may
6 be applied from such programs;

7 (6) develop an expeditious process by which an
8 individual, organization, or company can register
9 with the Department, submit to a background check
10 as determined by the Department, and receive a de-
11 termination as to eligibility for participation in the
12 Program; and

13 (7) engage qualified interested persons, includ-
14 ing representatives of private entities, about the
15 structure of the Program and, to the extent prac-
16 ticable, establish a recurring competition for inde-
17 pendent technical experts to assess election systems
18 for the purpose of identifying and reporting election
19 cybersecurity vulnerabilities;

20 (d) USE OF SERVICE PROVIDERS.—The Secretary
21 may award competitive contracts as necessary to manage
22 the Program.

23 **SEC. 3403. DEFINITIONS.**

24 In this subtitle, the following definitions apply:

1 (1) The terms “election” and “Federal office”
2 have the meanings given such terms in section 301
3 of the Federal Election Campaign Act of 1971 (52
4 U.S.C. 30101).

5 (2) The term “election cybersecurity vulner-
6 ability” means any security vulnerability (as defined
7 in section 102 of the Cybersecurity Information
8 Sharing Act of 2015 (6 U.S.C. 1501)) that affects
9 an election system.

10 (3) The term “election service provider” means
11 any person providing, supporting, or maintaining an
12 election system on behalf of a State or local election
13 official, such as a contractor or vendor.

14 (4) The term “election system” means any in-
15 formation system (as defined in section 3502 of title
16 44, United States Code) which is part of an election
17 infrastructure.

18 (5) The term “Secretary” means the Secretary
19 of Homeland Security, or, upon designation by the
20 Secretary of Homeland Security, the Deputy Sec-
21 retary of Homeland Security, the Director of Cyber-
22 security and Infrastructure Security of the Depart-
23 ment of Homeland Security, or a Senate-confirmed
24 official that reports to the Director.

1 (6) The term “State” means each of the several
 2 States, the District of Columbia, the Commonwealth
 3 of Puerto Rico, Guam, American Samoa, the Com-
 4 monwealth of Northern Mariana Islands, and the
 5 United States Virgin Islands.

6 (7) The term “voting system” has the meaning
 7 given such term in section 301(b) of the Help Amer-
 8 ica Vote Act of 2002 (52 U.S.C. 21081(b)).

9 **Subtitle F—Election Security**
 10 **Grants Advisory Committee**

11 **SEC. 3501. ESTABLISHMENT OF ADVISORY COMMITTEE.**

12 (a) IN GENERAL.—Subtitle A of title II of the Help
 13 America Vote Act of 2002 (52 U.S.C. 20921 et seq.) is
 14 amended by adding at the end the following:

15 **“PART 4—ELECTION SECURITY GRANTS**
 16 **ADVISORY COMMITTEE**

17 **“SEC. 225. ELECTION SECURITY GRANTS ADVISORY COM-**
 18 **MITTEE.**

19 “(a) ESTABLISHMENT.—There is hereby established
 20 an advisory committee (hereinafter in this part referred
 21 to as the ‘Committee’) to assist the Commission with re-
 22 spect to the award of grants to States under this Act for
 23 the purpose of election security.

24 “(b) DUTIES.—

1 “(1) IN GENERAL.—The Committee shall, with
2 respect to an application for a grant received by the
3 Commission—

4 “(A) review such application; and

5 “(B) recommend to the Commission
6 whether to award the grant to the applicant.

7 “(2) CONSIDERATIONS.—In reviewing an appli-
8 cation pursuant to paragraph (1)(A), the Committee
9 shall consider—

10 “(A) the record of the applicant with re-
11 spect to—

12 “(i) compliance of the applicant with
13 the requirements under subtitle A of title
14 III; and

15 “(ii) adoption of voluntary guidelines
16 issued by the Commission under subtitle B
17 of title III; and

18 “(B) the goals and requirements of elec-
19 tion security as described in title III of the For
20 the People Act of 2019.

21 “(c) MEMBERSHIP.—The Committee shall be com-
22 posed of 15 individuals appointed by the Executive Direc-
23 tor of the Commission with experience and expertise in
24 election security.

1 “(d) NO COMPENSATION FOR SERVICE.—Members of
2 the Committee shall not receive any compensation for
3 their service, but shall be paid travel expenses, including
4 per diem in lieu of subsistence, at rates authorized for em-
5 ployees of agencies under subchapter I of chapter 57 of
6 title 5, United States Code, while away from their homes
7 or regular places of business in the performance of services
8 for the Committee.”.

9 (b) EFFECTIVE DATE.—The amendments made by
10 this section shall take effect 1 year after the date of enact-
11 ment of this Act.

12 **Subtitle G—Miscellaneous** 13 **Provisions**

14 **SEC. 3601. DEFINITIONS.**

15 Except as provided in section 3403, in this title, the
16 following definitions apply:

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

19 (2) The term “appropriate congressional com-
20 mittees” means the Committees on Homeland Secu-
21 rity and House Administration of the House of Rep-
22 resentatives and the Committees on Homeland Secu-
23 rity and Governmental Affairs and Rules and Ad-
24 ministration of the Senate.

1 (3) The term “chief State election official”
2 means, with respect to a State, the individual des-
3 ignated by the State under section 10 of the Na-
4 tional Voter Registration Act of 1993 (52 U.S.C.
5 20509) to be responsible for coordination of the
6 State’s responsibilities under such Act.

7 (4) The term “Commission” means the Election
8 Assistance Commission.

9 (5) The term “democratic institutions” means
10 the diverse range of institutions that are essential to
11 ensuring an independent judiciary, free and fair elec-
12 tions, and rule of law.

13 (6) The term “election agency” means any com-
14 ponent of a State, or any component of a unit of
15 local government in a State, which is responsible for
16 the administration of elections for Federal office in
17 the State.

18 (7) The term “election infrastructure” means
19 storage facilities, polling places, and centralized vote
20 tabulation locations used to support the administra-
21 tion of elections for public office, as well as related
22 information and communications technology, includ-
23 ing voter registration databases, voting machines,
24 electronic mail and other communications systems
25 (including electronic mail and other systems of ven-

1 dors who have entered into contracts with election
2 agencies to support the administration of elections,
3 manage the election process, and report and display
4 election results), and other systems used to manage
5 the election process and to report and display elec-
6 tion results on behalf of an election agency.

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

9 (9) The term “State” has the meaning given
10 such term in section 901 of the Help America Vote
11 Act of 2002 (52 U.S.C. 21141).

12 **SEC. 3602. INITIAL REPORT ON ADEQUACY OF RESOURCES**
13 **AVAILABLE FOR IMPLEMENTATION.**

14 Not later than 120 days after enactment of this Act,
15 the Chairman and the Secretary shall submit a report to
16 the appropriate committees of Congress, including the
17 Committees on Homeland Security and House Adminis-
18 tration of the House of Representatives and the Com-
19 mittee on Homeland Security and Governmental Affairs
20 of the Senate, analyzing the adequacy of the funding, re-
21 sources, and personnel available to carry out this title and
22 the amendments made by this title.

1 **Subtitle H—Use of Voting Machines**
2 **Manufactured in the United States**

3 **SEC. 3701. USE OF VOTING MACHINES MANUFACTURED IN**
4 **THE UNITED STATES.**

5 Section 301(a) of the Help America Vote Act of 2002
6 (52 U.S.C. 21081(a)), as amended by section 1504, is
7 amended by adding at the end the following new para-
8 graph:

9 “(8) VOTING MACHINE REQUIREMENTS.—By
10 not later than the date of the regularly scheduled
11 general election for Federal office occurring in No-
12 vember 2022, each State shall seek to ensure that
13 any voting machine used in such election and in any
14 subsequent election for Federal office is manufac-
15 tured in the United States.”.

16 **Subtitle I—Severability**

17 **SEC. 3801. SEVERABILITY.**

18 If any provision of this title or amendment made by
19 this title, or the application of a provision or amendment
20 to any person or circumstance, is held to be unconstitu-
21 tional, the remainder of this title and amendments made
22 by this title, and the application of the provisions and
23 amendment to any person or circumstance, shall not be
24 affected by the holding.

1 **DIVISION B—CAMPAIGN**
 2 **FINANCE**
 3 **TITLE IV—CAMPAIGN FINANCE**
 4 **TRANSPARENCY**

Subtitle A—Findings Relating to Illicit Money Undermining Our Democracy

Sec. 4001. Findings relating to illicit money undermining our democracy.

Subtitle B—DISCLOSE Act

Sec. 4100. Short title.

PART 1—REGULATION OF CERTAIN POLITICAL SPENDING

Sec. 4101. Clarification of prohibition on participation by foreign nationals in election-related activities.

Sec. 4102. Clarification of application of foreign money ban to certain disbursements and activities.

Sec. 4103. Audit and report on illicit foreign money in Federal elections.

Sec. 4104. Prohibition on contributions and donations by foreign nationals in connections with ballot initiatives and referenda.

Sec. 4105. Disbursements and activities subject to foreign money ban.

PART 2—REPORTING OF CAMPAIGN-RELATED DISBURSEMENTS

Sec. 4111. Reporting of campaign-related disbursements.

Sec. 4112. Application of foreign money ban to disbursements for campaign-related disbursements consisting of covered transfers.

Sec. 4113. Effective date.

PART 3—OTHER ADMINISTRATIVE REFORMS

Sec. 4121. Petition for certiorari.

Sec. 4122. Judicial review of actions related to campaign finance laws.

Subtitle C—Honest Ads

Sec. 4201. Short title.

Sec. 4202. Purpose.

Sec. 4203. Findings.

Sec. 4204. Sense of Congress.

Sec. 4205. Expansion of definition of public communication.

Sec. 4206. Expansion of definition of electioneering communication.

Sec. 4207. Application of disclaimer statements to online communications.

Sec. 4208. Political record requirements for online platforms.

Sec. 4209. Preventing contributions, expenditures, independent expenditures, and disbursements for electioneering communications by foreign nationals in the form of online advertising.

Subtitle D—Stand By Every Ad

Sec. 4301. Short title.

Sec. 4302. Stand By Every Ad.

- Sec. 4303. Disclaimer requirements for communications made through prerecorded telephone calls.
- Sec. 4304. No expansion of persons subject to disclaimer requirements on Internet communications.
- Sec. 4305. Effective date.

Subtitle E—Secret Money Transparency

- Sec. 4401. Repeal of restriction of use of funds by Internal Revenue Service to bring transparency to political activity of certain nonprofit organizations.
- Sec. 4402. Repeal of Revenue Procedure That Eliminated Requirement to Report Information Regarding Contributors to Certain Tax-Exempt Organizations.

Subtitle F—Shareholder Right-to-Know

- Sec. 4501. Repeal of restriction on use of funds by Securities and Exchange Commission to ensure shareholders of corporations have knowledge of corporation political activity.
- Sec. 4502. Assessment of shareholder preferences for disbursements for political purposes.

Subtitle G—Disclosure of Political Spending by Government Contractors

- Sec. 4601. Repeal of restriction on use of funds to require disclosure of political spending by government contractors.

Subtitle H—Limitation and Disclosure Requirements for Presidential Inaugural Committees

- Sec. 4701. Short title.
- Sec. 4702. Limitations and disclosure of certain donations to, and disbursements by, Inaugural Committees.

Subtitle I—Severability

- Sec. 4801. Severability.

1 **Subtitle A—Findings Relating to Il-**
 2 **licit Money Undermining Our**
 3 **Democracy**

4 **SEC. 4001. FINDINGS RELATING TO ILLICIT MONEY UNDER-**
 5 **MINING OUR DEMOCRACY.**

6 Congress finds the following:

- 7 (1) Criminals, terrorists, and corrupt govern-
 8 ment officials frequently abuse anonymously held
 9 Limited Liability Companies (LLCs), also known as

1 “shell companies,” to hide, move, and launder the
2 dirty money derived from illicit activities such as
3 trafficking, bribery, exploitation, and embezzlement.
4 Ownership and control of the finances that run
5 through shell companies are obscured to regulators
6 and law enforcement because little information is re-
7 quired and collected when establishing these entities.

8 (2) The public release of the “Panama Papers”
9 in 2016 and the “Paradise Papers” in 2017 revealed
10 that these shell companies often purchase and sell
11 United States real estate. United States anti-money
12 laundering laws do not apply to cash transactions in-
13 volving real estate effectively concealing the bene-
14 ficiaries and transactions from regulators and law
15 enforcement.

16 (3) Congress should curb the use of anonymous
17 shell companies for illicit purposes by requiring
18 United States companies to disclose their beneficial
19 owners, strengthening anti-money laundering and
20 counter-terrorism finance laws.

21 (4) Congress should examine the money laun-
22 dering and terrorist financing risks in the real estate
23 market, including the role of anonymous parties, and
24 review legislation to address any vulnerabilities iden-
25 tified in this sector.

(5) Congress should examine the methods by which corruption flourishes and the means to detect and deter the financial misconduct that fuels this driver of global instability. Congress should monitor government efforts to enforce United States anti-corruption laws and regulations.

Subtitle B—DISCLOSE Act

SEC. 4100. SHORT TITLE.

This subtitle may be cited as the “Democracy Is Strengthened by Casting Light On Spending in Elections Act of 2019” or the “DISCLOSE Act of 2019”.

PART 1—REGULATION OF CERTAIN POLITICAL SPENDING

SEC. 4101. CLARIFICATION OF PROHIBITION ON PARTICI- PATION BY FOREIGN NATIONALS IN ELEC- TION-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:

1 “(3) a foreign national to direct, dictate, con-
2 trol, or directly or indirectly participate in the deci-
3 sion making process of any person (including a cor-
4 poration, labor organization, political committee, or
5 political organization) with regard to such person’s
6 Federal or non-Federal election-related activity, in-
7 cluding any decision concerning the making of con-
8 tributions, donations, expenditures, or disbursements
9 in connection with an election for any Federal,
10 State, or local office or any decision concerning the
11 administration of a political committee.”.

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

15 “(c) CERTIFICATION OF COMPLIANCE REQUIRED
16 PRIOR TO CARRYING OUT ACTIVITY.—Prior to the mak-
17 ing in connection with an election for Federal office of any
18 contribution, donation, expenditure, independent expendi-
19 ture, or disbursement for an electioneering communication
20 by a corporation, limited liability corporation, or partner-
21 ship during a year, the chief executive officer of the cor-
22 poration, limited liability corporation, or partnership (or,
23 if the corporation, limited liability corporation, or partner-
24 ship does not have a chief executive officer, the highest
25 ranking official of the corporation, limited liability cor-

1 poration, or partnership), shall file a certification with the
2 Commission, under penalty of perjury, that a foreign na-
3 tional did not direct, dictate, control, or directly or indi-
4 rectly participate in the decision making process relating
5 to such activity in violation of subsection (a)(3), unless
6 the chief executive officer has previously filed such a cer-
7 tification during that calendar year.”.

8 (c) EFFECTIVE DATE.—The amendments made by
9 this section shall take effect upon the expiration of the
10 180-day period which begins on the date of the enactment
11 of this Act, and shall take effect without regard to whether
12 or not the Federal Election Commission has promulgated
13 regulations to carry out such amendments.

14 **SEC. 4102. CLARIFICATION OF APPLICATION OF FOREIGN**
15 **MONEY BAN TO CERTAIN DISBURSEMENTS**
16 **AND ACTIVITIES.**

17 (a) APPLICATION TO DISBURSEMENTS TO SUPER
18 PACs.—Section 319(a)(1)(A) of the Federal Election
19 Campaign Act of 1971 (52 U.S.C. 30121(a)(1)(A)) is
20 amended by striking the semicolon and inserting the fol-
21 lowing: “, including any disbursement to a political com-
22 mittee which accepts donations or contributions that do
23 not comply with the limitations, prohibitions, and report-
24 ing requirements of this Act (or any disbursement to or
25 on behalf of any account of a political committee which

1 is established for the purpose of accepting such donations
2 or contributions);”.

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

7 “(8) A separate segregated fund established by a cor-
8 poration may not make a contribution or expenditure dur-
9 ing a year unless the fund has certified to the Commission
10 the following during the year:

11 “(A) Each individual who manages the fund,
12 and who is responsible for exercising decisionmaking
13 authority for the fund, is a citizen of the United
14 States or is lawfully admitted for permanent resi-
15 dence in the United States.

16 “(B) No foreign national under section 319
17 participates in any way in the decisionmaking proc-
18 esses of the fund with regard to contributions or ex-
19 penditures under this Act.

20 “(C) The fund does not solicit or accept rec-
21 ommendations from any foreign national under sec-
22 tion 319 with respect to the contributions or expend-
23 itures made by the fund.

24 “(D) Any member of the board of directors of
25 the corporation who is a foreign national under sec-

1 tion 319 abstains from voting on matters concerning
2 the fund or its activities.”.

3 **SEC. 4103. AUDIT AND REPORT ON ILLICIT FOREIGN**
4 **MONEY IN FEDERAL ELECTIONS.**

5 (a) IN GENERAL.—Title III of the Federal Election
6 Campaign Act of 1971 (52 U.S.C. 30101 et seq.), as
7 amended by section 1821, is further amended by inserting
8 after section 319A the following new section:

9 **“SEC. 319B. AUDIT AND REPORT ON DISBURSEMENTS BY**
10 **FOREIGN NATIONALS.**

11 “(a) AUDIT.—

12 “(1) IN GENERAL.—The Commission shall con-
13 duct an audit after each Federal election cycle to de-
14 termine the incidence of illicit foreign money in such
15 Federal election cycle.

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

21 “(b) REPORT.—Not later than 180 days after the end
22 of each Federal election cycle, the Commission shall sub-
23 mit to Congress a report containing—

24 “(1) results of the audit required by subsection
25 (a)(1); and

1 “(2) recommendations to address the presence
2 of illicit foreign money in elections, as appropriate.

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

4 “(1) The term ‘Federal election cycle’ means
5 the period which begins on the day after the date of
6 a regularly scheduled general election for Federal of-
7 fice and which ends on the date of the first regularly
8 scheduled general election for Federal office held
9 after such date.

10 “(2) The term ‘illicit foreign money’ means any
11 disbursement by a foreign national (as defined in
12 section 319(b)) prohibited under such section.”.

13 (b) EFFECTIVE DATE.—The amendment made by
14 subsection (a) shall apply with respect to the Federal elec-
15 tion cycle that began during November 2018, and each
16 succeeding Federal election cycle.

17 **SEC. 4104. PROHIBITION ON CONTRIBUTIONS AND DONA-**
18 **TIONS BY FOREIGN NATIONALS IN CONNEC-**
19 **TIONS WITH BALLOT INITIATIVES AND**
20 **REFERENDA.**

21 (a) IN GENERAL.—Section 319(a)(1)(A) of the Fed-
22 eral Election Campaign Act of 1971 (52 U.S.C.
23 30121(a)(1)(A)) is amended by striking “election;” and
24 inserting the following: “election, including a State or local
25 ballot initiative or referendum;”.

1 (b) EFFECTIVE DATE.—The amendment made by
2 this section shall apply with respect to elections held in
3 2020 or any succeeding year.

4 **SEC. 4105. DISBURSEMENTS AND ACTIVITIES SUBJECT TO**
5 **FOREIGN MONEY BAN.**

6 (a) DISBURSEMENTS DESCRIBED.—Section
7 319(a)(1) of the Federal Election Campaign Act of 1971
8 (52 U.S.C. 30121(a)(1)) is amended—

9 (1) by striking “or” at the end of subparagraph
10 (B); and

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

13 “(C) an expenditure;

14 “(D) an independent expenditure;

15 “(E) a disbursement for an electioneering
16 communication (within the meaning of section
17 304(f)(3));

18 “(F) a disbursement for a paid internet or
19 paid digital communication that refers to a
20 clearly identified candidate for election for Fed-
21 eral office and is disseminated within 60 days
22 before a general, special or runoff election for
23 the office sought by the candidate or 30 days
24 before a primary or preference election, or a
25 convention or caucus of a political party that

1 has authority to nominate a candidate for the
2 office sought by the candidate;

3 “(G) a disbursement for a broadcast, cable
4 or satellite communication, or for a paid inter-
5 net or paid digital communication, that pro-
6 motes, supports, attacks or opposes the election
7 of a clearly identified candidate for Federal,
8 State, or local office (regardless of whether the
9 communication contains express advocacy or the
10 functional equivalent of express advocacy); or

11 “(H) a disbursement for a broadcast,
12 cable, or satellite communication, or for a paid
13 internet or paid digital communication, that
14 discusses a national legislative issue of public
15 importance in year in which a regularly sched-
16 uled general election for Federal office is held
17 and is made for the purpose of influencing an
18 election held during that year, but only if the
19 disbursement is made by a foreign principal
20 who is a government of a foreign country or a
21 foreign political party or an agent of such a for-
22 eign principal under the Foreign Agents Reg-
23 istration Act of 1938, as amended.”.

1 (b) EFFECTIVE DATE.—The amendments made by
2 subsection (a) shall apply with respect to disbursements
3 made on or after the date of the enactment of this Act.

4 **PART 2—REPORTING OF CAMPAIGN-RELATED**
5 **DISBURSEMENTS**

6 **SEC. 4111. REPORTING OF CAMPAIGN-RELATED DISBURSE-**
7 **MENTS.**

8 (a) DISCLOSURE REQUIREMENTS FOR CORPORA-
9 TIONS, LABOR ORGANIZATIONS, AND CERTAIN OTHER
10 ENTITIES.—

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

14 **“SEC. 324. DISCLOSURE OF CAMPAIGN-RELATED DISBURSE-**
15 **MENTS BY COVERED ORGANIZATIONS.**

16 **“(a) DISCLOSURE STATEMENT.—**

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

21 **“(A) in the case of the first statement filed**
22 **under this subsection, for the period beginning**

1 on the first day of the election reporting cycle
2 (or, if earlier, the period beginning one year be-
3 fore the first such disclosure date) and ending
4 on the first such disclosure date; and

5 “(B) in the case of any subsequent state-
6 ment filed under this subsection, for the period
7 beginning on the previous disclosure date and
8 ending on such disclosure date.

9 “(2) INFORMATION DESCRIBED.—The informa-
10 tion described in this paragraph is as follows:

11 “(A) The name of the covered organization
12 and the principal place of business of such or-
13 ganization and, in the case of a covered organi-
14 zation that is a corporation (other than a busi-
15 ness concern that is an issuer of a class of secu-
16 rities registered under section 12 of the Securi-
17 ties Exchange Act of 1934 (15 U.S.C. 78l) or
18 that is required to file reports under section
19 15(d) of that Act (15 U.S.C. 78o(d))) or an en-
20 tity described in subsection (e)(2), a list of the
21 beneficial owners (as defined in paragraph
22 (4)(A)) of the entity that—

23 “(i) identifies each beneficial owner by
24 name and current residential or business
25 street address; and

1 “(ii) if any beneficial owner exercises
2 control over the entity through another
3 legal entity, such as a corporation, partner-
4 ship, limited liability company, or trust,
5 identifies each such other legal entity and
6 each such beneficial owner who will use
7 that other entity to exercise control over
8 the entity.

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

14 “(C) In the case of a campaign-related dis-
15 bursement that is not a covered transfer, the
16 election to which the campaign-related disburse-
17 ment pertains and if the disbursement is made
18 for a public communication, the name of any
19 candidate identified in such communication and
20 whether such communication is in support of or
21 in opposition to a candidate.

22 “(D) A certification by the chief executive
23 officer or person who is the head of the covered
24 organization that the campaign-related dis-
25 bursement is not made in cooperation, consulta-

tion, 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 aggre-

1 gate amount of \$10,000 or more during the pe-
2 riod beginning on the first day of the election
3 reporting cycle (or, if earlier, the period begin-
4 ning one year before the disclosure date) and
5 ending on the disclosure date.

6 “(ii) In any calendar year after 2020, sec-
7 tion 315(c)(1)(B) shall apply to the amount de-
8 scribed in clause (i) in the same manner as
9 such section applies to the limitations estab-
10 lished under subsections (a)(1)(A), (a)(1)(B),
11 (a)(3), and (h) of such section, except that for
12 purposes of applying such section to the
13 amounts described in subsection (b), the ‘base
14 period’ shall be 2020.

15 “(F)(i) If the covered organization makes
16 campaign-related disbursements using funds
17 other than funds in a segregated bank account
18 described in subparagraph (E), for each pay-
19 ment to the covered organization—

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

23 “(II) the date and amount of such
24 payment; and

1 “(III) the aggregate amount of all
2 such payments made by the person during
3 the period beginning on the first day of the
4 election reporting cycle (or, if earlier, the
5 period beginning one year before the dis-
6 closure date) and ending on the disclosure
7 date,

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

15 “(ii) In any calendar year after 2020, sec-
16 tion 315(c)(1)(B) shall apply to the amount de-
17 scribed in clause (i) in the same manner as
18 such section applies to the limitations estab-
19 lished under subsections (a)(1)(A), (a)(1)(B),
20 (a)(3), and (h) of such section, except that for
21 purposes of applying such section to the
22 amounts described in subsection (b), the ‘base
23 period’ shall be 2020.

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

4 “(3) EXCEPTIONS.—

5 “(A) AMOUNTS RECEIVED IN ORDINARY
6 COURSE OF BUSINESS.—The requirement to in-
7 clude in a statement filed under paragraph (1)
8 the information described in paragraph (2)
9 shall not apply to amounts received by the cov-
10 ered organization in commercial transactions in
11 the ordinary course of any trade or business
12 conducted by the covered organization or in the
13 form of investments (other than investments by
14 the principal shareholder in a limited liability
15 corporation) in the covered organization. For
16 purposes of this subparagraph, amounts re-
17 ceived by a covered organization as remittances
18 from an employee to the employee’s collective
19 bargaining representative shall be treated as
20 amounts received in commercial transactions in
21 the ordinary course of the business conducted
22 by the covered organization.

23 “(B) DONOR RESTRICTION ON USE OF
24 FUNDS.—The requirement to include in a state-
25 ment submitted under paragraph (1) the infor-

1 mation described in subparagraph (F) of para-
2 graph (2) shall not apply if—

3 “(i) the person described in such sub-
4 paragraph prohibited, in writing, the use of
5 the payment made by such person for cam-
6 paign-related disbursements; and

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

12 “(C) THREAT OF HARASSMENT OR RE-
13 PRISAL.—The requirement to include any infor-
14 mation relating to the name or address of any
15 person (other than a candidate) in a statement
16 submitted under paragraph (1) shall not apply
17 if the inclusion of the information would subject
18 the person to serious threats, harassment, or
19 reprisals.

20 “(4) OTHER DEFINITIONS.—For purposes of
21 this section:

22 “(A) BENEFICIAL OWNER DEFINED.—

23 “(i) IN GENERAL.—Except as pro-
24 vided in clause (ii), the term ‘beneficial
25 owner’ means, with respect to any entity,

1 a natural person who, directly or indi-
2 rectly—

3 “(I) exercises substantial control
4 over an entity through ownership, vot-
5 ing rights, agreement, or otherwise; or

6 “(II) has a substantial interest in
7 or receives substantial economic bene-
8 fits from the assets of an entity.

9 “(ii) EXCEPTIONS.—The term ‘bene-
10 ficial owner’ shall not include—

11 “(I) a minor child;

12 “(II) a person acting as a nomi-
13 nee, intermediary, custodian, or agent
14 on behalf of another person;

15 “(III) a person acting solely as
16 an employee of an entity and whose
17 control over or economic benefits from
18 the entity derives solely from the em-
19 ployment status of the person;

20 “(IV) a person whose only inter-
21 est in an entity is through a right of
22 inheritance, unless the person also
23 meets the requirements of clause (i);
24 or

1 “(V) a creditor of an entity, un-
2 less the creditor also meets the re-
3 quirements of clause (i).

4 “(iii) ANTI-ABUSE RULE.—The excep-
5 tions under clause (ii) shall not apply if
6 used for the purpose of evading, circum-
7 venting, or abusing the provisions of clause
8 (i) or paragraph (2)(A).

9 “(B) DISCLOSURE DATE.—The term ‘dis-
10 closure date’ means—

11 “(i) the first date during any election
12 reporting cycle by which a person has
13 made campaign-related disbursements ag-
14 gregating more than \$10,000; and

15 “(ii) any other date during such elec-
16 tion reporting cycle by which a person has
17 made campaign-related disbursements ag-
18 gregating more than \$10,000 since the
19 most recent disclosure date for such elec-
20 tion reporting cycle.

21 “(C) ELECTION REPORTING CYCLE.—The
22 term ‘election reporting cycle’ means the 2-year
23 period beginning on the date of the most recent
24 general election for Federal office.

1 “(D) PAYMENT.—The term ‘payment’ in-
2 cludes any contribution, donation, transfer, pay-
3 ment of dues, or other payment.

4 “(b) COORDINATION WITH OTHER PROVISIONS.—

5 “(1) OTHER REPORTS FILED WITH THE COM-
6 MISSION.—Information included in a statement filed
7 under this section may be excluded from statements
8 and reports filed under section 304.

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

14 “(c) FILING.—Statements required to be filed under
15 subsection (a) shall be subject to the requirements of sec-
16 tion 304(d) to the same extent and in the same manner
17 as if such reports had been required under subsection (c)
18 or (g) of section 304.

19 “(d) CAMPAIGN-RELATED DISBURSEMENT DE-
20 FINED.—

21 “(1) IN GENERAL.—In this section, the term
22 ‘campaign-related disbursement’ means a disburse-
23 ment by a covered organization for any of the fol-
24 lowing:

1 “(A) An independent expenditure which ex-
2 pressly advocates the election or defeat of a
3 clearly identified candidate for election for Fed-
4 eral office, or is the functional equivalent of ex-
5 press advocacy because, when taken as a whole,
6 it can be interpreted by a reasonable person
7 only as advocating the election or defeat of a
8 candidate for election for Federal office.

9 “(B) Any public communication which re-
10 fers to a clearly identified candidate for election
11 for Federal office and which promotes or sup-
12 ports the election of a candidate for that office,
13 or attacks or opposes the election of a candidate
14 for that office, without regard to whether the
15 communication expressly advocates a vote for or
16 against a candidate for that office.

17 “(C) An electioneering communication, as
18 defined in section 304(f)(3).

19 “(D) A covered transfer.

20 “(2) INTENT NOT REQUIRED.—A disbursement
21 for an item described in subparagraph (A), (B), (C),
22 or (D) of paragraph (1) shall be treated as a cam-
23 paign-related disbursement regardless of the intent
24 of the person making the disbursement.

1 “(e) COVERED ORGANIZATION DEFINED.—In this
2 section, the term ‘covered organization’ means any of the
3 following:

4 “(1) A corporation (other than an organization
5 described in section 501(c)(3) of the Internal Rev-
6 enue Code of 1986).

7 “(2) A limited liability corporation that is not
8 otherwise treated as a corporation for purposes of
9 this Act (other than an organization described in
10 section 501(c)(3) of the Internal Revenue Code of
11 1986).

12 “(3) An organization described in section
13 501(c) of such Code and exempt from taxation
14 under section 501(a) of such Code (other than an
15 organization described in section 501(c)(3) of such
16 Code).

17 “(4) A labor organization (as defined in section
18 316(b)).

19 “(5) Any political organization under section
20 527 of the Internal Revenue Code of 1986, other
21 than a political committee under this Act (except as
22 provided in paragraph (6)).

23 “(6) A political committee with an account that
24 accepts donations or contributions that do not com-
25 ply with the contribution limits or source prohibi-

1 tions under this Act, but only with respect to such
2 accounts.

3 “(f) COVERED TRANSFER DEFINED.—

4 “(1) IN GENERAL.—In this section, the term
5 ‘covered transfer’ means any transfer or payment of
6 funds by a covered organization to another person if
7 the covered organization—

8 “(A) designates, requests, or suggests that
9 the amounts be used for—

10 “(i) campaign-related disbursements
11 (other than covered transfers); or

12 “(ii) making a transfer to another
13 person for the purpose of making or pay-
14 ing for such campaign-related disburse-
15 ments;

16 “(B) made such transfer or payment in re-
17 sponse to a solicitation or other request for a
18 donation or payment for—

19 “(i) the making of or paying for cam-
20 paign-related disbursements (other than
21 covered transfers); or

22 “(ii) making a transfer to another
23 person for the purpose of making or pay-
24 ing for such campaign-related disburse-
25 ments;

1 “(C) engaged in discussions with the re-
2 cipient of the transfer or payment regarding—

3 “(i) the making of or paying for cam-
4 paign-related disbursements (other than
5 covered transfers); or

6 “(ii) donating or transferring any
7 amount of such transfer or payment to an-
8 other person for the purpose of making or
9 paying for such campaign-related disburse-
10 ments;

11 “(D) made campaign-related disburse-
12 ments (other than a covered transfer) in an ag-
13 gregate amount of \$50,000 or more during the
14 2-year period ending on the date of the transfer
15 or payment, or knew or had reason to know
16 that the person receiving the transfer or pay-
17 ment made such disbursements in such an ag-
18 gregate amount during that 2-year period; or

19 “(E) knew or had reason to know that the
20 person receiving the transfer or payment would
21 make campaign-related disbursements in an ag-
22 gregate amount of \$50,000 or more during the
23 2-year period beginning on the date of the
24 transfer or payment.

1 “(2) EXCLUSIONS.—The term ‘covered transfer’
2 does not include any of the following:

3 “(A) A disbursement made by a covered
4 organization in a commercial transaction in the
5 ordinary course of any trade or business con-
6 ducted by the covered organization or in the
7 form of investments made by the covered orga-
8 nization.

9 “(B) A disbursement made by a covered
10 organization if—

11 “(i) the covered organization prohib-
12 ited, in writing, the use of such disburse-
13 ment for campaign-related disbursements;
14 and

15 “(ii) the recipient of the disbursement
16 agreed to follow the prohibition and depos-
17 ited the disbursement in an account which
18 is segregated from any account used to
19 make campaign-related disbursements.

20 “(3) SPECIAL RULE REGARDING TRANSFERS
21 AMONG AFFILIATES.—

22 “(A) SPECIAL RULE.—A transfer of an
23 amount by one covered organization to another
24 covered organization which is treated as a
25 transfer between affiliates under subparagraph

1 (C) shall be considered a covered transfer by
2 the covered organization which transfers the
3 amount only if the aggregate amount trans-
4 ferred during the year by such covered organi-
5 zation to that same covered organization is
6 equal to or greater than \$50,000.

7 “(B) DETERMINATION OF AMOUNT OF
8 CERTAIN PAYMENTS AMONG AFFILIATES.—In
9 determining the amount of a transfer between
10 affiliates for purposes of subparagraph (A), to
11 the extent that the transfer consists of funds
12 attributable to dues, fees, or assessments which
13 are paid by individuals on a regular, periodic
14 basis in accordance with a per-individual cal-
15 culation which is made on a regular basis, the
16 transfer shall be attributed to the individuals
17 paying the dues, fees, or assessments and shall
18 not be attributed to the covered organization.

19 “(C) DESCRIPTION OF TRANSFERS BE-
20 TWEEN AFFILIATES.—A transfer of amounts
21 from one covered organization to another cov-
22 ered organization shall be treated as a transfer
23 between affiliates if—

24 “(i) one of the organizations is an af-
25 filiate of the other organization; or

1 “(ii) each of the organizations is an
2 affiliate of the same organization,
3 except that the transfer shall not be treated as
4 a transfer between affiliates if one of the orga-
5 nizations is established for the purpose of mak-
6 ing campaign-related disbursements.

7 “(D) DETERMINATION OF AFFILIATE STA-
8 TUS.—For purposes of subparagraph (C), a
9 covered organization is an affiliate of another
10 covered organization if—

11 “(i) the governing instrument of the
12 organization requires it to be bound by de-
13 cisions of the other organization;

14 “(ii) the governing board of the orga-
15 nization includes persons who are specifi-
16 cally designated representatives of the
17 other organization or are members of the
18 governing board, officers, or paid executive
19 staff members of the other organization, or
20 whose service on the governing board is
21 contingent upon the approval of the other
22 organization; or

23 “(iii) the organization is chartered by
24 the other organization.

1 “(E) COVERAGE OF TRANSFERS TO AF-
2 FILATED SECTION 501(c)(3) ORGANIZA-
3 TIONS.—This paragraph shall apply with re-
4 spect to an amount transferred by a covered or-
5 ganization to an organization described in para-
6 graph (3) of section 501(c) of the Internal Rev-
7 enue Code of 1986 and exempt from tax under
8 section 501(a) of such Code in the same man-
9 ner as this paragraph applies to an amount
10 transferred by a covered organization to an-
11 other covered organization.

12 “(g) NO EFFECT ON OTHER REPORTING REQUIRE-
13 MENTS.—Nothing in this section shall be construed to
14 waive or otherwise affect any other requirement of this
15 Act which relates to the reporting of campaign-related dis-
16 bursements.”.

17 (2) CONFORMING AMENDMENT.—Section
18 304(f)(6) of such Act (52 U.S.C. 30104) is amended
19 by striking “Any requirement” and inserting “Ex-
20 cept as provided in section 324(b), any require-
21 ment”.

22 (b) COORDINATION WITH FINCEN.—

23 (1) IN GENERAL.—The Director of the Finan-
24 cial Crimes Enforcement Network of the Depart-
25 ment of the Treasury shall provide the Federal Elec-

1 tion Commission with such information as necessary
2 to assist in administering and enforcing section 324
3 of the Federal Election Campaign Act of 1971, as
4 added by this section.

5 (2) REPORT.—Not later than 6 months after
6 the date of the enactment of this Act, the Chairman
7 of the Federal Election Commission, in consultation
8 with the Director of the Financial Crimes Enforce-
9 ment Network of the Department of the Treasury,
10 shall submit to Congress a report with recommenda-
11 tions for providing further legislative authority to as-
12 sist in the administration and enforcement of such
13 section 324.

14 **SEC. 4112. APPLICATION OF FOREIGN MONEY BAN TO DIS-**
15 **BURSEMENTS FOR CAMPAIGN-RELATED DIS-**
16 **BURSEMENTS CONSISTING OF COVERED**
17 **TRANSFERS.**

18 Section 319(a)(1)(A) of the Federal Election Cam-
19 paign Act of 1971 (52 U.S.C. 30121(a)(1)(A)), as amend-
20 ed by section 4102, is amended by striking the semicolon
21 and inserting the following: “, and any disbursement,
22 other than an disbursement described in section
23 324(a)(3)(A), to another person who made a campaign-
24 related disbursement consisting of a covered transfer (as

1 described in section 324) during the 2-year period ending
 2 on the date of the disbursement;”.

3 **SEC. 4113. EFFECTIVE DATE.**

4 The amendments made by this part shall apply with
 5 respect to disbursements made on or after January 1,
 6 2020, and shall take effect without regard to whether or
 7 not the Federal Election Commission has promulgated
 8 regulations to carry out such amendments.

9 **PART 3—OTHER ADMINISTRATIVE REFORMS**

10 **SEC. 4121. PETITION FOR CERTIORARI.**

11 Section 307(a)(6) of the Federal Election Campaign
 12 Act of 1971 (52 U.S.C. 30107(a)(6)) is amended by in-
 13 serting “(including a proceeding before the Supreme
 14 Court on certiorari)” after “appeal”.

15 **SEC. 4122. JUDICIAL REVIEW OF ACTIONS RELATED TO**
 16 **CAMPAIGN FINANCE LAWS.**

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

21 **“SEC. 407. JUDICIAL REVIEW.**

22 “(a) IN GENERAL.—Notwithstanding section 373(f),
 23 if any action is brought for declaratory or injunctive relief
 24 to challenge the constitutionality of any provision of this
 25 Act or of chapter 95 or 96 of the Internal Revenue Code

1 of 1986, or is brought to with respect to any action of
2 the Commission under chapter 95 or 96 of the Internal
3 Revenue Code of 1986, the following rules shall apply:

4 “(1) The action shall be filed in the United
5 States District Court for the District of Columbia
6 and an appeal from the decision of the district court
7 may be taken to the Court of Appeals for the Dis-
8 trict of Columbia Circuit.

9 “(2) In the case of an action relating to declar-
10 atory or injunctive relief to challenge the constitu-
11 tionality of a provision—

12 “(A) a copy of the complaint shall be deliv-
13 ered promptly to the Clerk of the House of
14 Representatives and the Secretary of the Sen-
15 ate; and

16 “(B) it shall be the duty of the United
17 States District Court for the District of Colum-
18 bia, the Court of Appeals for the District of Co-
19 lumbia, and the Supreme Court of the United
20 States to advance on the docket and to expedite
21 to the greatest possible extent the disposition of
22 the action and appeal.

23 “(b) INTERVENTION BY MEMBERS OF CONGRESS.—
24 In any action in which the constitutionality of any provi-
25 sion of this Act or chapter 95 or 96 of the Internal Rev-

1 enue Code of 1986 is raised, any Member of the House
 2 of Representatives (including a Delegate or Resident Com-
 3 missioner to the Congress) or Senate shall have the right
 4 to intervene either in support of or opposition to the posi-
 5 tion of a party to the case regarding the constitutionality
 6 of the provision. To avoid duplication of efforts and reduce
 7 the burdens placed on the parties to the action, the court
 8 in any such action may make such orders as it considers
 9 necessary, including orders to require interveners taking
 10 similar positions to file joint papers or to be represented
 11 by a single attorney at oral argument.

12 “(c) CHALLENGE BY MEMBERS OF CONGRESS.—Any
 13 Member of Congress may bring an action, subject to the
 14 special rules described in subsection (a), for declaratory
 15 or injunctive relief to challenge the constitutionality of any
 16 provision of this Act or chapter 95 or 96 of the Internal
 17 Revenue Code of 1986.”.

18 (b) CONFORMING AMENDMENTS.—

19 (1) IN GENERAL.—

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

22 **“SEC. 9011. JUDICIAL REVIEW.**

23 “For provisions relating to judicial review of certifi-
 24 cations, determinations, and actions by the Commission

1 under this chapter, see section 407 of the Federal Election
2 Campaign Act of 1971.”.

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

5 **“SEC. 9041. JUDICIAL REVIEW.**

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

9 (C) Section 403 of the Bipartisan Cam-
10 paign Reform Act of 2002 (52 U.S.C. 30110
11 note) is repealed.

12 (c) EFFECTIVE DATE.—The amendments made by
13 this section shall apply to actions brought on or after Jan-
14 uary 1, 2019.

15 **Subtitle C—Honest Ads**

16 **SEC. 4201. SHORT TITLE.**

17 This subtitle may be cited as the “Honest Ads Act”.

18 **SEC. 4202. PURPOSE.**

19 The purpose of this subtitle is to enhance the integ-
20 rity of American democracy and national security by im-
21 proving disclosure requirements for online political adver-
22 tisements in order to uphold the Supreme Court’s well-
23 established standard that the electorate bears the right to
24 be fully informed.

1 **SEC. 4203. FINDINGS.**

2 Congress makes the following findings:

3 (1) On January 6, 2017, the Office of the Di-
4 rector of National Intelligence published a report ti-
5 tled “Assessing Russian Activities and Intentions in
6 Recent U.S. Elections”, noting that “Russian Presi-
7 dent Vladimir Putin ordered an influence campaign
8 in 2016 aimed at the US presidential election * *
9 *”. Moscow’s influence campaign followed a Russian
10 messaging strategy that blends covert intelligence
11 operation—such as cyber activity—with overt efforts
12 by Russian Government agencies, state-funded
13 media, third-party intermediaries, and paid social
14 media users or “trolls”.

15 (2) On November 24, 2016, The Washington
16 Post reported findings from 2 teams of independent
17 researchers that concluded Russians “exploited
18 American-made technology platforms to attack U.S.
19 democracy at a particularly vulnerable moment * *
20 * as part of a broadly effective strategy of sowing
21 distrust in U.S. democracy and its leaders.”.

22 (3) Findings from a 2017 study on the manipu-
23 lation of public opinion through social media con-
24 ducted by the Computational Propaganda Research
25 Project at the Oxford Internet Institute found that
26 the Kremlin is using pro-Russian bots to manipulate

1 public discourse to a highly targeted audience. With
2 a sample of nearly 1,300,000 tweets, researchers
3 found that in the 2016 election’s 3 decisive States,
4 propaganda constituted 40 percent of the sampled
5 election-related tweets that went to Pennsylvanians,
6 34 percent to Michigan voters, and 30 percent to
7 those in Wisconsin. In other swing States, the figure
8 reached 42 percent in Missouri, 41 percent in Flor-
9 ida, 40 percent in North Carolina, 38 percent in
10 Colorado, and 35 percent in Ohio.

11 (4) On September 6, 2017, the nation’s largest
12 social media platform disclosed that between June
13 2015 and May 2017, Russian entities purchased
14 \$100,000 in political advertisements, publishing
15 roughly 3,000 ads linked to fake accounts associated
16 with the Internet Research Agency, a pro-Kremlin
17 organization. According to the company, the ads
18 purchased focused “on amplifying divisive social and
19 political messages * * *”.

20 (5) In 2002, the Bipartisan Campaign Reform
21 Act became law, establishing disclosure requirements
22 for political advertisements distributed from a tele-
23 vision or radio broadcast station or provider of cable
24 or satellite television. In 2003, the Supreme Court
25 upheld regulations on electioneering communications

1 established under the Act, noting that such require-
2 ments “provide the electorate with information and
3 insure that the voters are fully informed about the
4 person or group who is speaking.”.

5 (6) According to a study from Borrell Associ-
6 ates, in 2016, \$1,415,000,000 was spent on online
7 advertising, more than quadruple the amount in
8 2012.

9 (7) The reach of a few large internet plat-
10 forms—larger than any broadcast, satellite, or cable
11 provider—has greatly facilitated the scope and effec-
12 tiveness of disinformation campaigns. For instance,
13 the largest platform has over 210,000,000 Ameri-
14 cans users—over 160,000,000 of them on a daily
15 basis. By contrast, the largest cable television pro-
16 vider has 22,430,000 subscribers, while the largest
17 satellite television provider has 21,000,000 sub-
18 scribers. And the most-watched television broadcast
19 in United States history had 118,000,000 viewers.

20 (8) The public nature of broadcast television,
21 radio, and satellite ensures a level of publicity for
22 any political advertisement. These communications
23 are accessible to the press, fact-checkers, and polit-
24 ical opponents; this creates strong disincentives for
25 a candidate to disseminate materially false, inflam-

1 matory, or contradictory messages to the public. So-
2 cial media platforms, in contrast, can target portions
3 of the electorate with direct, ephemeral advertise-
4 ments often on the basis of private information the
5 platform has on individuals, enabling political adver-
6 tisements that are contradictory, racially or socially
7 inflammatory, or materially false.

8 (9) According to comScore, 2 companies own 8
9 of the 10 most popular smartphone applications as
10 of June 2017, including the most popular social
11 media and email services—which deliver information
12 and news to users without requiring proactivity by
13 the user. Those same 2 companies accounted for 99
14 percent of revenue growth from digital advertising in
15 2016, including 77 percent of gross spending. 79
16 percent of online Americans—representing 68 per-
17 cent of all Americans—use the single largest social
18 network, while 66 percent of these users are most
19 likely to get their news from that site.

20 (10) In its 2006 rulemaking, the Federal Elec-
21 tion Commission noted that only 18 percent of all
22 Americans cited the internet as their leading source
23 of news about the 2004 Presidential election; by con-
24 trast, the Pew Research Center found that 65 per-
25 cent of Americans identified an internet-based

1 source as their leading source of information for the
2 2016 election.

3 (11) The Federal Election Commission, the
4 independent Federal agency charged with protecting
5 the integrity of the Federal campaign finance proc-
6 ess by providing transparency and administering
7 campaign finance laws, has failed to take action to
8 address online political advertisements.

9 (12) In testimony before the Senate Select
10 Committee on Intelligence titled, “Disinformation: A
11 Primer in Russian Active Measures and Influence
12 Campaigns”, multiple expert witnesses testified that
13 while the disinformation tactics of foreign adver-
14 saries have not necessarily changed, social media
15 services now provide “platform[s] practically pur-
16 pose-built for active measures[.]” Similarly, as Gen.
17 Keith B. Alexander (RET.), the former Director of
18 the National Security Agency, testified, during the
19 Cold War “if the Soviet Union sought to manipulate
20 information flow, it would have to do so principally
21 through its own propaganda outlets or through ac-
22 tive measures that would generate specific news:
23 planting of leaflets, inciting of violence, creation of
24 other false materials and narratives. But the news
25 itself was hard to manipulate because it would have

1 required actual control of the organs of media, which
2 took long-term efforts to penetrate. Today, however,
3 because the clear majority of the information on so-
4 cial media sites is uncured and there is a rapid
5 proliferation of information sources and other sites
6 that can reinforce information, there is an increasing
7 likelihood that the information available to average
8 consumers may be inaccurate (whether intentionally
9 or otherwise) and may be more easily manipulable
10 than in prior eras.”.

11 (13) Current regulations on political advertise-
12 ments do not provide sufficient transparency to up-
13 hold the public’s right to be fully informed about po-
14 litical advertisements made online.

15 **SEC. 4204. SENSE OF CONGRESS.**

16 It is the sense of Congress that—

17 (1) the dramatic increase in digital political ad-
18 vertisements, and the growing centrality of online
19 platforms in the lives of Americans, requires the
20 Congress and the Federal Election Commission to
21 take meaningful action to ensure that laws and reg-
22 ulations provide the accountability and transparency
23 that is fundamental to our democracy;

24 (2) free and fair elections require both trans-
25 parency and accountability which give the public a

1 right to know the true sources of funding for polit-
2 ical advertisements in order to make informed polit-
3 ical choices and hold elected officials accountable;
4 and

5 (3) transparency of funding for political adver-
6 tisements is essential to enforce other campaign fi-
7 nance laws, including the prohibition on campaign
8 spending by foreign nationals.

9 **SEC. 4205. EXPANSION OF DEFINITION OF PUBLIC COMMU-**
10 **NICATION.**

11 (a) IN GENERAL.—Paragraph (22) of section 301 of
12 the Federal Election Campaign Act of 1971 (52 U.S.C.
13 30101(22)) is amended by striking “or satellite commu-
14 nication” and inserting “satellite, paid internet, or paid
15 digital communication”.

16 (b) TREATMENT OF CONTRIBUTIONS AND EXPENDI-
17 TURES.—Section 301 of such Act (52 U.S.C. 30101) is
18 amended—

19 (1) in paragraph (8)(B)(v), by striking “on
20 broadcasting stations, or in newspapers, magazines,
21 or similar types of general public political adver-
22 tising” and inserting “in any public communica-
23 tion”; and

24 (2) in paragraph (9)(B)—

1 (A) by amending clause (i) to read as fol-
2 lows:

3 “(i) any news story, commentary, or
4 editorial distributed through the facilities
5 of any broadcasting station or any print,
6 online, or digital newspaper, magazine,
7 blog, publication, or periodical, unless such
8 broadcasting, print, online, or digital facili-
9 ties are owned or controlled by any polit-
10 ical party, political committee, or can-
11 didate;” and

12 (B) in clause (iv), by striking “on broad-
13 casting stations, or in newspapers, magazines,
14 or similar types of general public political ad-
15 vertising” and inserting “in any public commu-
16 nication”.

17 (c) DISCLOSURE AND DISCLAIMER STATEMENTS.—
18 Subsection (a) of section 318 of such Act (52 U.S.C.
19 30120) is amended—

20 (1) by striking “financing any communication
21 through any broadcasting station, newspaper, maga-
22 zine, outdoor advertising facility, mailing, or any
23 other type of general public political advertising”
24 and inserting “financing any public communication”;
25 and

1 (2) by striking “solicits any contribution
 2 through any broadcasting station, newspaper, maga-
 3 zine, outdoor advertising facility, mailing, or any
 4 other type of general public political advertising”
 5 and inserting “solicits any contribution through any
 6 public communication”.

7 **SEC. 4206. EXPANSION OF DEFINITION OF ELECTION-**
 8 **EERING COMMUNICATION.**

9 (a) EXPANSION TO ONLINE COMMUNICATIONS.—

10 (1) APPLICATION TO QUALIFIED INTERNET AND
 11 DIGITAL COMMUNICATIONS.—

12 (A) IN GENERAL.—Subparagraph (A) of
 13 section 304(f)(3) of the Federal Election Cam-
 14 paign Act of 1971 (52 U.S.C. 30104(f)(3)(A))
 15 is amended by striking “or satellite communica-
 16 tion” each place it appears in clauses (i) and
 17 (ii) and inserting “satellite, or qualified internet
 18 or digital communication”.

19 (B) QUALIFIED INTERNET OR DIGITAL
 20 COMMUNICATION.—Paragraph (3) of section
 21 304(f) of such Act (52 U.S.C. 30104(f)) is
 22 amended by adding at the end the following
 23 new subparagraph:

24 “(D) QUALIFIED INTERNET OR DIGITAL
 25 COMMUNICATION.—The term ‘qualified internet

1 or digital communication’ means any commu-
2 nication which is placed or promoted for a fee
3 on an online platform (as defined in subsection
4 (j)(3)).”.

5 (2) NONAPPLICATION OF RELEVANT ELEC-
6 TORATE TO ONLINE COMMUNICATIONS.—Section
7 304(f)(3)(A)(i)(III) of such Act (52 U.S.C.
8 30104(f)(3)(A)(i)(III)) is amended by inserting “any
9 broadcast, cable, or satellite” before “communica-
10 tion”.

11 (3) NEWS EXEMPTION.—Section
12 304(f)(3)(B)(i) of such Act (52 U.S.C.
13 30104(f)(3)(B)(i)) is amended to read as follows:

14 “(i) a communication appearing in a
15 news story, commentary, or editorial dis-
16 tributed through the facilities of any
17 broadcasting station or any online or dig-
18 ital newspaper, magazine, blog, publica-
19 tion, or periodical, unless such broad-
20 casting, online, or digital facilities are
21 owned or controlled by any political party,
22 political committee, or candidate;”.

23 (b) EFFECTIVE DATE.—The amendments made by
24 this section shall apply with respect to communications
25 made on or after January 1, 2020.

1 **SEC. 4207. APPLICATION OF DISCLAIMER STATEMENTS TO**
2 **ONLINE COMMUNICATIONS.**

3 (a) CLEAR AND CONSPICUOUS MANNER REQUIRE-
4 MENT.—Subsection (a) of section 318 of the Federal Elec-
5 tion Campaign Act of 1971 (52 U.S.C. 30120(a)) is
6 amended—

7 (1) by striking “shall clearly state” each place
8 it appears in paragraphs (1), (2), and (3) and in-
9 serting “shall state in a clear and conspicuous man-
10 ner”; and

11 (2) by adding at the end the following flush
12 sentence: “For purposes of this section, a commu-
13 nication does not make a statement in a clear and
14 conspicuous manner if it is difficult to read or hear
15 or if the placement is easily overlooked.”.

16 (b) SPECIAL RULES FOR QUALIFIED INTERNET OR
17 DIGITAL COMMUNICATIONS.—

18 (1) IN GENERAL.—Section 318 of such Act (52
19 U.S.C. 30120) is amended by adding at the end the
20 following new subsection:

21 “(e) SPECIAL RULES FOR QUALIFIED INTERNET OR
22 DIGITAL COMMUNICATIONS.—

23 “(1) SPECIAL RULES WITH RESPECT TO STATE-
24 MENTS.—In the case of any qualified internet or
25 digital communication (as defined in section
26 304(f)(3)(D)) which is disseminated through a me-

1 dium in which the provision of all of the information
2 specified in this section is not possible, the commu-
3 nication shall, in a clear and conspicuous manner—

4 “(A) state the name of the person who
5 paid for the communication; and

6 “(B) provide a means for the recipient of
7 the communication to obtain the remainder of
8 the information required under this section with
9 minimal effort and without receiving or viewing
10 any additional material other than such re-
11 quired information.

12 “(2) SAFE HARBOR FOR DETERMINING CLEAR
13 AND CONSPICUOUS MANNER.—A statement in quali-
14 fied internet or digital communication (as defined in
15 section 304(f)(3)(D)) shall be considered to be made
16 in a clear and conspicuous manner as provided in
17 subsection (a) if the communication meets the fol-
18 lowing requirements:

19 “(A) TEXT OR GRAPHIC COMMUNICA-
20 TIONS.—In the case of a text or graphic com-
21 munication, the statement—

22 “(i) appears in letters at least as large
23 as the majority of the text in the commu-
24 nication; and

1 “(ii) meets the requirements of para-
2 graphs (2) and (3) of subsection (c).

3 “(B) AUDIO COMMUNICATIONS.—In the
4 case of an audio communication, the statement
5 is spoken in a clearly audible and intelligible
6 manner at the beginning or end of the commu-
7 nication and lasts at least 3 seconds.

8 “(C) VIDEO COMMUNICATIONS.—In the
9 case of a video communication which also in-
10 cludes audio, the statement—

11 “(i) is included at either the beginning
12 or the end of the communication; and

13 “(ii) is made both in—

14 “(I) a written format that meets
15 the requirements of subparagraph (A)
16 and appears for at least 4 seconds;
17 and

18 “(II) an audible format that
19 meets the requirements of subpara-
20 graph (B).

21 “(D) OTHER COMMUNICATIONS.—In the
22 case of any other type of communication, the
23 statement is at least as clear and conspicuous
24 as the statement specified in subparagraph (A),
25 (B), or (C).”.

1 (2) NONAPPLICATION OF CERTAIN EXCEP-
2 TIONS.—The exceptions provided in section
3 110.11(f)(1)(i) and (ii) of title 11, Code of Federal
4 Regulations, or any successor to such rules, shall
5 have no application to qualified internet or digital
6 communications (as defined in section 304(f)(3)(D)
7 of the Federal Election Campaign Act of 1971).

8 (c) MODIFICATION OF ADDITIONAL REQUIREMENTS
9 FOR CERTAIN COMMUNICATIONS.—Section 318(d) of such
10 Act (52 U.S.C. 30120(d)) is amended—

11 (1) in paragraph (1)(A)—

12 (A) by striking “which is transmitted
13 through radio” and inserting “which is in an
14 audio format”; and

15 (B) by striking “BY RADIO” in the heading
16 and inserting “AUDIO FORMAT”;

17 (2) in paragraph (1)(B)—

18 (A) by striking “which is transmitted
19 through television” and inserting “which is in
20 video format”; and

21 (B) by striking “BY TELEVISION” in the
22 heading and inserting “VIDEO FORMAT”; and

23 (3) in paragraph (2)—

1 (A) by striking “transmitted through radio
2 or television” and inserting “made in audio or
3 video format”; and

4 (B) by striking “through television” in the
5 second sentence and inserting “in video for-
6 mat”.

7 **SEC. 4208. POLITICAL RECORD REQUIREMENTS FOR ON-**
8 **LINE PLATFORMS.**

9 (a) IN GENERAL.—Section 304 of the Federal Elec-
10 tion Campaign Act of 1971 (52 U.S.C. 30104) is amended
11 by adding at the end the following new subsection:

12 “(j) DISCLOSURE OF CERTAIN ONLINE ADVERTISE-
13 MENTS.—

14 “(1) IN GENERAL.—

15 “(A) REQUIREMENTS FOR ONLINE PLAT-
16 FORMS.—An online platform shall maintain,
17 and make available for online public inspection
18 in machine readable format, a complete record
19 of any request to purchase on such online plat-
20 form a qualified political advertisement which is
21 made by a person whose aggregate requests to
22 purchase qualified political advertisements on
23 such online platform during the calendar year
24 exceeds \$500.

1 “(B) REQUIREMENTS FOR ADVER-
2 TISERS.—Any person who requests to purchase
3 a qualified political advertisement on an online
4 platform shall provide the online platform with
5 such information as is necessary for the online
6 platform to comply with the requirements of
7 subparagraph (A).

8 “(2) CONTENTS OF RECORD.—A record main-
9 tained under paragraph (1)(A) shall contain—

10 “(A) a digital copy of the qualified political
11 advertisement;

12 “(B) a description of the audience targeted
13 by the advertisement, the number of views gen-
14 erated from the advertisement, and the date
15 and time that the advertisement is first dis-
16 played and last displayed; and

17 “(C) information regarding—

18 “(i) the average rate charged for the
19 advertisement;

20 “(ii) the name of the candidate to
21 which the advertisement refers and the of-
22 fice to which the candidate is seeking elec-
23 tion, the election to which the advertise-
24 ment refers, or the national legislative

1 issue to which the advertisement refers (as
2 applicable);

3 “(iii) in the case of a request made
4 by, or on behalf of, a candidate, the name
5 of the candidate, the authorized committee
6 of the candidate, and the treasurer of such
7 committee; and

8 “(iv) in the case of any request not
9 described in clause (iii), the name of the
10 person purchasing the advertisement, the
11 name and address of a contact person for
12 such person, and a list of the chief execu-
13 tive officers or members of the executive
14 committee or of the board of directors of
15 such person.

16 “(3) ONLINE PLATFORM.—For purposes of this
17 subsection, the term ‘online platform’ means any
18 public-facing website, web application, or digital ap-
19 plication (including a social network, ad network, or
20 search engine) which—

21 “(A) sells qualified political advertise-
22 ments; and

23 “(B) has 50,000,000 or more unique
24 monthly United States visitors or users for a

1 majority of months during the preceding 12
2 months.

3 “(4) QUALIFIED POLITICAL ADVERTISEMENT.—

4 For purposes of this subsection, the term ‘qualified
5 political advertisement’ means any advertisement
6 (including search engine marketing, display adver-
7 tisements, video advertisements, native advertise-
8 ments, and sponsorships) that—

9 “(A) is made by or on behalf of a can-
10 didate; or

11 “(B) communicates a message relating to
12 any political matter of national importance, in-
13 cluding—

14 “(i) a candidate;

15 “(ii) any election to Federal office; or

16 “(iii) a national legislative issue of
17 public importance.

18 “(5) TIME TO MAINTAIN FILE.—The informa-
19 tion required under this subsection shall be made
20 available as soon as possible and shall be retained by
21 the online platform for a period of not less than 4
22 years.

23 “(6) SAFE HARBOR FOR PLATFORMS MAKING
24 BEST EFFORTS TO IDENTIFY REQUESTS WHICH ARE

1 SUBJECT TO RECORD MAINTENANCE REQUIRE-
2 MENTS.—

3 “(A) AVAILABILITY OF SAFE HARBOR.—In
4 accordance with rules established by the Com-
5 mission, if an online platform shows that the
6 platform used best efforts to determine whether
7 or not a request to purchase a qualified political
8 advertisement was subject to the requirements
9 of this subsection, the online platform shall not
10 be considered to be in violation of such require-
11 ments.

12 “(B) SPECIAL RULES FOR DISBURSEMENT
13 PAID WITH CREDIT CARD.—For purposes of
14 subparagraph (A), an online platform shall be
15 considered to have used best efforts in the case
16 of a purchase of a qualified political advertise-
17 ment which is made with a credit card if—

18 “(i) the individual or entity making
19 such purchase is required, at the time of
20 making such purchase, to disclose the cred-
21 it verification value of such credit card;
22 and

23 “(ii) the billing address associated
24 with such credit card is located in the
25 United States or, in the case of a purchase

1 made by an individual who is a United
2 States citizen living outside of the United
3 States, the individual provides the online
4 platform with the United States mailing
5 address the individual uses for voter reg-
6 istration purposes.

7 “(7) PENALTIES.—For penalties for failure by
8 online platforms, and persons requesting to purchase
9 a qualified political advertisement on online plat-
10 forms, to comply with the requirements of this sub-
11 section, see section 309.”.

12 (b) RULEMAKING.—Not later than 120 days after the
13 date of the enactment of this Act, the Federal Election
14 Commission shall establish rules—

15 (1) requiring common data formats for the
16 record required to be maintained under section
17 304(j) of the Federal Election Campaign Act of
18 1971 (as added by subsection (a)) so that all online
19 platforms submit and maintain data online in a com-
20 mon, machine-readable and publicly accessible for-
21 mat;

22 (2) establishing search interface requirements
23 relating to such record, including searches by can-
24 didate name, issue, purchaser, and date; and

1 (3) establishing the criteria for the safe harbor
2 exception provided under paragraph (6) of section
3 304(j) of such Act (as added by subsection (a)).

4 (c) REPORTING.—Not later than 2 years after the
5 date of the enactment of this Act, and biannually there-
6 after, the Chairman of the Federal Election Commission
7 shall submit a report to Congress on—

8 (1) matters relating to compliance with and the
9 enforcement of the requirements of section 304(j) of
10 the Federal Election Campaign Act of 1971, as
11 added by subsection (a);

12 (2) recommendations for any modifications to
13 such section to assist in carrying out its purposes;
14 and

15 (3) identifying ways to bring transparency and
16 accountability to political advertisements distributed
17 online for free.

18 **SEC. 4209. PREVENTING CONTRIBUTIONS, EXPENDITURES,**
19 **INDEPENDENT EXPENDITURES, AND DIS-**
20 **BURSEMENTS FOR ELECTIONEERING COM-**
21 **MUNICATIONS BY FOREIGN NATIONALS IN**
22 **THE FORM OF ONLINE ADVERTISING.**

23 Section 319 of the Federal Election Campaign Act
24 of 1971 (52 U.S.C. 30121), as amended by section

1 4101(a)(2) and section 4101(b), is further amended by
2 adding at the end the following new subsection:

3 “(e) RESPONSIBILITIES OF BROADCAST STATIONS,
4 PROVIDERS OF CABLE AND SATELLITE TELEVISION, AND
5 ONLINE PLATFORMS.—Each television or radio broadcast
6 station, provider of cable or satellite television, or online
7 platform (as defined in section 304(j)(3)) shall make rea-
8 sonable efforts to ensure that communications described
9 in section 318(a) and made available by such station, pro-
10 vider, or platform are not purchased by a foreign national,
11 directly or indirectly.”.

12 **Subtitle D—Stand By Every Ad**

13 **SEC. 4301. SHORT TITLE.**

14 This subtitle may be cited as the “Stand By Every
15 Ad Act”.

16 **SEC. 4302. STAND BY EVERY AD.**

17 (a) EXPANDED DISCLAIMER REQUIREMENTS FOR
18 CERTAIN COMMUNICATIONS.—Section 318 of the Federal
19 Election Campaign Act of 1971 (52 U.S.C. 30120), as
20 amended by section 4207(b)(1), is further amended—

21 (1) by redesignating subsection (e) as sub-
22 section (f); and

23 (2) by inserting after subsection (d) the fol-
24 lowing new subsection:

1 “(e) EXPANDED DISCLAIMER REQUIREMENTS FOR
2 COMMUNICATIONS NOT AUTHORIZED BY CANDIDATES OR
3 COMMITTEES.—

4 “(1) IN GENERAL.—Except as provided in para-
5 graph (6), any communication described in para-
6 graph (3) of subsection (a) which is transmitted in
7 an audio or video format (including an Internet or
8 digital communication), or which is an Internet or
9 digital communication transmitted in a text or
10 graphic format, shall include, in addition to the re-
11 quirements of paragraph (3) of subsection (a), the
12 following:

13 “(A) The individual disclosure statement
14 described in paragraph (2)(A) (if the person
15 paying for the communication is an individual)
16 or the organizational disclosure statement de-
17 scribed in paragraph (2)(B) (if the person pay-
18 ing for the communication is not an individual).

19 “(B) If the communication is transmitted
20 in a video format, or is an Internet or digital
21 communication which is transmitted in a text or
22 graphic format, and is paid for in whole or in
23 part with a payment which is treated as a cam-
24 paign-related disbursement under section 324—

1 “(i) the Top Five Funders list (if ap-
2 plicable); or

3 “(ii) in the case of a communication
4 which, as determined on the basis of cri-
5 teria established in regulations issued by
6 the Commission, is of such short duration
7 that including the Top Five Funders list in
8 the communication would constitute a
9 hardship to the person paying for the com-
10 munication by requiring a disproportionate
11 amount of the content of the communica-
12 tion to consist of the Top Five Funders
13 list, the name of a website which contains
14 the Top Five Funders list (if applicable)
15 or, in the case of an Internet or digital
16 communication, a hyperlink to such
17 website.

18 “(C) If the communication is transmitted
19 in an audio format and is paid for in whole or
20 in part with a payment which is treated as a
21 campaign-related disbursement under section
22 324—

23 “(i) the Top Two Funders list (if ap-
24 plicable); or

1 “(ii) in the case of a communication
2 which, as determined on the basis of cri-
3 teria established in regulations issued by
4 the Commission, is of such short duration
5 that including the Top Two Funders list in
6 the communication would constitute a
7 hardship to the person paying for the com-
8 munication by requiring a disproportionate
9 amount of the content of the communica-
10 tion to consist of the Top Two Funders
11 list, the name of a website which contains
12 the Top Two Funders list (if applicable).

13 “(2) DISCLOSURE STATEMENTS DESCRIBED.—

14 “(A) INDIVIDUAL DISCLOSURE STATE-
15 MENTS.—The individual disclosure statement
16 described in this subparagraph is the following:
17 ‘I am _____, and I approve this
18 message.’, with the blank filled in with the
19 name of the applicable individual.

20 “(B) ORGANIZATIONAL DISCLOSURE
21 STATEMENTS.—The organizational disclosure
22 statement described in this subparagraph is the
23 following: ‘I am _____, the
24 _____ of _____, and

1 _____ approves this message.’,
2 with—

3 “(i) the first blank to be filled in with
4 the name of the applicable individual;

5 “(ii) the second blank to be filled in
6 with the title of the applicable individual;
7 and

8 “(iii) the third and fourth blank each
9 to be filled in with the name of the organi-
10 zation or other person paying for the com-
11 munication.

12 “(3) METHOD OF CONVEYANCE OF STATE-
13 MENT.—

14 “(A) COMMUNICATIONS IN TEXT OR
15 GRAPHIC FORMAT.—In the case of a commu-
16 nication to which this subsection applies which
17 is transmitted in a text or graphic format, the
18 disclosure statements required under paragraph
19 (1) shall appear in letters at least as large as
20 the majority of the text in the communication.

21 “(B) COMMUNICATIONS TRANSMITTED IN
22 AUDIO FORMAT.—In the case of a communica-
23 tion to which this subsection applies which is
24 transmitted in an audio format, the disclosure
25 statements required under paragraph (1) shall

1 be made by audio by the applicable individual
2 in a clear and conspicuous manner.

3 “(C) COMMUNICATIONS TRANSMITTED IN
4 VIDEO FORMAT.—In the case of a communica-
5 tion to which this subsection applies which is
6 transmitted in a video format, the information
7 required under paragraph (1)—

8 “(i) shall appear in writing at the end
9 of the communication or in a crawl along
10 the bottom of the communication in a clear
11 and conspicuous manner, with a reasonable
12 degree of color contrast between the back-
13 ground and the printed statement, for a
14 period of at least 6 seconds; and

15 “(ii) shall also be conveyed by an
16 unobscured, full-screen view of the applica-
17 ble individual or by the applicable indi-
18 vidual making the statement in voice-over
19 accompanied by a clearly identifiable pho-
20 tograph or similar image of the individual,
21 except in the case of a Top Five Funders
22 list.

23 “(4) APPLICABLE INDIVIDUAL DEFINED.—The
24 term ‘applicable individual’ means, with respect to a
25 communication to which this subsection applies—

1 “(A) if the communication is paid for by
2 an individual, the individual involved;

3 “(B) if the communication is paid for by a
4 corporation, the chief executive officer of the
5 corporation (or, if the corporation does not have
6 a chief executive officer, the highest ranking of-
7 ficial of the corporation);

8 “(C) if the communication is paid for by a
9 labor organization, the highest ranking officer
10 of the labor organization; and

11 “(D) if the communication is paid for by
12 any other person, the highest ranking official of
13 such person.

14 “(5) TOP FIVE FUNDERS LIST AND TOP TWO
15 FUNDERS LIST DEFINED.—

16 “(A) TOP FIVE FUNDERS LIST.—The term
17 ‘Top Five Funders list’ means, with respect to
18 a communication which is paid for in whole or
19 in part with a campaign-related disbursement
20 (as defined in section 324), a list of the five
21 persons who, during the 12-month period end-
22 ing on the date of the disbursement, provided
23 the largest payments of any type in an aggre-
24 gate amount equal to or exceeding \$10,000 to
25 the person who is paying for the communication

1 and the amount of the payments each such per-
2 son provided. If two or more people provided
3 the fifth largest of such payments, the person
4 paying for the communication shall select one of
5 those persons to be included on the Top Five
6 Funders list.

7 “(B) TOP TWO FUNDERS LIST.—The term
8 ‘Top Two Funders list’ means, with respect to
9 a communication which is paid for in whole or
10 in part with a campaign-related disbursement
11 (as defined in section 324), a list of the persons
12 who, during the 12-month period ending on the
13 date of the disbursement, provided the largest
14 and the second largest payments of any type in
15 an aggregate amount equal to or exceeding
16 \$10,000 to the person who is paying for the
17 communication and the amount of the pay-
18 ments each such person provided. If two or
19 more persons provided the second largest of
20 such payments, the person paying for the com-
21 munication shall select one of those persons to
22 be included on the Top Two Funders list.

23 “(C) EXCLUSION OF CERTAIN PAY-
24 MENTS.—For purposes of subparagraphs (A)
25 and (B), in determining the amount of pay-

1 ments made by a person to a person paying for
2 a communication, there shall be excluded the
3 following:

4 “(i) Any amounts provided in the or-
5 dinary course of any trade or business con-
6 ducted by the person paying for the com-
7 munication or in the form of investments
8 in the person paying for the communica-
9 tion.

10 “(ii) Any payment which the person
11 prohibited, in writing, from being used for
12 campaign-related disbursements, but only
13 if the person paying for the communication
14 agreed to follow the prohibition and depos-
15 ited the payment in an account which is
16 segregated from any account used to make
17 campaign-related disbursements.

18 “(6) SPECIAL RULES FOR CERTAIN COMMU-
19 NICATIONS.—

20 “(A) EXCEPTION FOR COMMUNICATIONS
21 PAID FOR BY POLITICAL PARTIES AND CERTAIN
22 POLITICAL COMMITTEES.—This subsection does
23 not apply to any communication to which sub-
24 section (d)(2) applies.

1 “(B) TREATMENT OF VIDEO COMMUNICA-
2 TIONS LASTING 10 SECONDS OR LESS.—In the
3 case of a communication to which this sub-
4 section applies which is transmitted in a video
5 format, or is an Internet or digital communica-
6 tion which is transmitted in a text or graphic
7 format, the communication shall meet the fol-
8 lowing requirements:

9 “(i) The communication shall include
10 the individual disclosure statement de-
11 scribed in paragraph (2)(A) (if the person
12 paying for the communication is an indi-
13 vidual) or the organizational disclosure
14 statement described in paragraph (2)(B)
15 (if the person paying for the communica-
16 tion is not an individual).

17 “(ii) The statement described in
18 clause (i) shall appear in writing at the
19 end of the communication, or in a crawl
20 along the bottom of the communication, in
21 a clear and conspicuous manner, with a
22 reasonable degree of color contrast between
23 the background and the printed statement,
24 for a period of at least 4 seconds.

1 “(iii) The communication shall in-
2 clude, in a clear and conspicuous manner,
3 a website address with a landing page
4 which will provide all of the information
5 described in paragraph (1) with respect to
6 the communication. Such address shall ap-
7 pear for the full duration of the commu-
8 nication.

9 “(iv) To the extent that the format in
10 which the communication is made permits
11 the use of a hyperlink, the communication
12 shall include a hyperlink to the website ad-
13 dress described in clause (iii).”.

14 (b) APPLICATION OF EXPANDED REQUIREMENTS TO
15 PUBLIC COMMUNICATIONS CONSISTING OF CAMPAIGN-
16 RELATED DISBURSEMENTS.—Section 318(a) of such Act
17 (52 U.S.C. 30120(a)) is amended by striking “for the pur-
18 pose of financing communications expressly advocating the
19 election or defeat of a clearly identified candidate” and
20 inserting “for a campaign-related disbursement, as de-
21 fined in section 324, consisting of a public communica-
22 tion”.

23 (c) EXCEPTION FOR COMMUNICATIONS PAID FOR BY
24 POLITICAL PARTIES AND CERTAIN POLITICAL COMMIT-

1 TEES.—Section 318(d)(2) of such Act (52 U.S.C.
2 30120(d)(2)) is amended—

3 (1) in the heading, by striking “OTHERS” and
4 inserting “CERTAIN POLITICAL COMMITTEES”;

5 (2) by striking “Any communication” and in-
6 serting “(A) Any communication”;

7 (3) by inserting “which (except to the extent
8 provided in subparagraph (B)) is paid for by a polit-
9 ical committee (including a political committee of a
10 political party) and” after “subsection (a)”;

11 (4) by striking “or other person” each place it
12 appears; and

13 (5) by adding at the end the following new sub-
14 paragraph:

15 “(B)(i) This paragraph does not apply to a
16 communication paid for in whole or in part during
17 a calendar year with a campaign-related disburse-
18 ment, but only if the covered organization making
19 the campaign-related disbursement made campaign-
20 related disbursements (as defined in section 324) ag-
21 gregating more than \$10,000 during such calendar
22 year.

23 “(ii) For purposes of clause (i), in determining
24 the amount of campaign-related disbursements made

1 by a covered organization during a year, there shall
2 be excluded the following:

3 “(I) Any amounts received by the covered
4 organization in the ordinary course of any trade
5 or business conducted by the covered organiza-
6 tion or in the form of investments in the cov-
7 ered organization.

8 “(II) Any amounts received by the covered
9 organization from a person who prohibited, in
10 writing, the organization from using such
11 amounts for campaign-related disbursements,
12 but only if the covered organization agreed to
13 follow the prohibition and deposited the
14 amounts in an account which is segregated
15 from any account used to make campaign-re-
16 lated disbursements.”.

17 **SEC. 4303. DISCLAIMER REQUIREMENTS FOR COMMUNICA-**
18 **TIONS MADE THROUGH PRERECORDED TELE-**
19 **PHONE CALLS.**

20 (a) APPLICATION OF REQUIREMENTS.—

21 (1) IN GENERAL.—Section 318(a) of the Fed-
22 eral Election Campaign Act of 1971 (52 U.S.C.
23 30120(a)), as amended by section 4205(c), is
24 amended by inserting after “public communication”
25 each place it appears the following: “(including a

1 telephone call consisting in substantial part of a
2 prerecorded audio message)”.
3

4 (2) APPLICATION TO COMMUNICATIONS SUB-
5 JECT TO EXPANDED DISCLAIMER REQUIREMENTS.—
6 Section 318(e)(1) of such Act (52 U.S.C.
7 30120(e)(1)), as added by section 4302(a), is
8 amended in the matter preceding subparagraph (A)
9 by striking “which is transmitted in an audio or
10 video format” and inserting “which is transmitted in
11 an audio or video format or which consists of a tele-
12 phone call consisting in substantial part of a
13 prerecorded audio message”.

14 (b) TREATMENT AS COMMUNICATION TRANSMITTED
15 IN AUDIO FORMAT.—

16 (1) COMMUNICATIONS BY CANDIDATES OR AU-
17 THORIZED PERSONS.—Section 318(d) of such Act
18 (52 U.S.C. 30120(d)) is amended by adding at the
19 end the following new paragraph:

20 “(3) PRERECORDED TELEPHONE CALLS.—Any
21 communication described in paragraph (1), (2), or
22 (3) of subsection (a) (other than a communication
23 which is subject to subsection (e)) which is a tele-
24 phone call consisting in substantial part of a
25 prerecorded audio message shall include, in addition
to the requirements of such paragraph, the audio

1 statement required under subparagraph (A) of para-
 2 graph (1) or the audio statement required under
 3 paragraph (2) (whichever is applicable), except that
 4 the statement shall be made at the beginning of the
 5 telephone call.”.

6 (2) COMMUNICATIONS SUBJECT TO EXPANDED
 7 DISCLAIMER REQUIREMENTS.—Section 318(e)(3) of
 8 such Act (52 U.S.C. 30120(e)(3)), as added by sec-
 9 tion 4302(a), is amended by adding at the end the
 10 following new subparagraph:

11 “(D) PRERECORDED TELEPHONE
 12 CALLS.—In the case of a communication to
 13 which this subsection applies which is a tele-
 14 phone call consisting in substantial part of a
 15 prerecorded audio message, the communication
 16 shall be considered to be transmitted in an
 17 audio format.”.

18 **SEC. 4304. NO EXPANSION OF PERSONS SUBJECT TO DIS-**
 19 **CLAIMER REQUIREMENTS ON INTERNET**
 20 **COMMUNICATIONS.**

21 Nothing in this subtitle or the amendments made by
 22 this subtitle may be construed to require any person who
 23 is not required under section 318 of the Federal Election
 24 Campaign Act of 1971 (as provided under section 110.11
 25 of title 11 of the Code of Federal Regulations) to include

1 a disclaimer on communications made by the person
2 through the internet to include any disclaimer on any such
3 communications.

4 **SEC. 4305. EFFECTIVE DATE.**

5 The amendments made by this subtitle shall apply
6 with respect to communications made on or after January
7 1, 2020, and shall take effect without regard to whether
8 or not the Federal Election Commission has promulgated
9 regulations to carry out such amendments.

10 **Subtitle E—Secret Money**
11 **Transparency**

12 **SEC. 4401. REPEAL OF RESTRICTION OF USE OF FUNDS BY**
13 **INTERNAL REVENUE SERVICE TO BRING**
14 **TRANSPARENCY TO POLITICAL ACTIVITY OF**
15 **CERTAIN NONPROFIT ORGANIZATIONS.**

16 Section 124 of the Financial Services and General
17 Government Appropriations Act, 2019 (division D of Pub-
18 lic Law 116–6) is hereby repealed.

19 **SEC. 4402. REPEAL OF REVENUE PROCEDURE THAT ELIMI-**
20 **NATED REQUIREMENT TO REPORT INFORMA-**
21 **TION REGARDING CONTRIBUTORS TO CER-**
22 **TAIN TAX-EXEMPT ORGANIZATIONS.**

23 Revenue Procedure 2018–38 shall have no force and
24 effect.

1 **Subtitle F—Shareholder Right-to-**
 2 **Know**

3 **SEC. 4501. REPEAL OF RESTRICTION ON USE OF FUNDS BY**
 4 **SECURITIES AND EXCHANGE COMMISSION TO**
 5 **ENSURE SHAREHOLDERS OF CORPORATIONS**
 6 **HAVE KNOWLEDGE OF CORPORATION POLIT-**
 7 **ICAL ACTIVITY.**

8 Section 629 of the Financial Services and General
 9 Government Appropriations Act, 2019 (division D of Pub-
 10 lic Law 116–6) is hereby repealed.

11 **SEC. 4502. ASSESSMENT OF SHAREHOLDER PREFERENCES**
 12 **FOR DISBURSEMENTS FOR POLITICAL PUR-**
 13 **POSES.**

14 (a) ASSESSMENT REQUIRED.—The Securities Ex-
 15 change Act of 1934 (15 U.S.C. 78a et seq.) is amended
 16 by inserting after section 10D the following:

17 **“SEC. 10E. ASSESSMENT OF SHAREHOLDER PREFERENCES**
 18 **FOR DISBURSEMENTS FOR POLITICAL PUR-**
 19 **POSES.**

20 “(a) ASSESSMENT REQUIRED BEFORE MAKING A
 21 DISBURSEMENT FOR A POLITICAL PURPOSE.—

22 “(1) REQUIREMENT.—An issuer with an equity
 23 security listed on a national securities exchange may
 24 not make a disbursement for a political purpose un-
 25 less—

1 “(A) the issuer has in place procedures to
2 assess the preferences of the shareholders of the
3 issuer with respect to making such disburse-
4 ments; and

5 “(B) such an assessment has been made
6 within the 1-year period ending on the date of
7 such disbursement.

8 “(2) TREATMENT OF ISSUERS WHOSE SHARE-
9 HOLDERS ARE PROHIBITED FROM EXPRESSING
10 PREFERENCES.—Notwithstanding paragraph (1), an
11 issuer described under such paragraph with proce-
12 dures in place to assess the preferences of its share-
13 holders with respect to making disbursements for
14 political purposes shall not be considered to meet the
15 requirements of such paragraph if a majority of the
16 number of the outstanding equity securities of the
17 issuer are held by persons who are prohibited from
18 expressing partisan or political preferences by law,
19 contract, or the requirement to meet a fiduciary
20 duty.

21 “(b) ASSESSMENT REQUIREMENTS.—The assess-
22 ment described under subsection (a) shall assess—

23 “(1) which types of disbursements for a polit-
24 ical purpose the shareholder believes the issuer
25 should make;

1 “(2) whether the shareholder believes that such
2 disbursements should be made in support of, or in
3 opposition to, Republican, Democratic, Independent,
4 or other political party candidates and political com-
5 mittees;

6 “(3) whether the shareholder believes that such
7 disbursements should be made with respect to elec-
8 tions for Federal, State, or local office; and

9 “(4) such other information as the Commission
10 may specify, by rule.

11 “(c) DISBURSEMENT FOR A POLITICAL PURPOSE DE-
12 FINED.—

13 “(1) IN GENERAL.—For purposes of this sec-
14 tion, the term ‘disbursement for a political purpose’
15 means any of the following:

16 “(A) A disbursement for an independent
17 expenditure, as defined in section 301(17) of
18 the Federal Election Campaign Act of 1971 (52
19 U.S.C. 30101(17)).

20 “(B) A disbursement for an electioneering
21 communication, as defined in section 304(f) of
22 the Federal Election Campaign Act of 1971 (52
23 U.S.C. 30104(f)).

24 “(C) A disbursement for any public com-
25 munication, as defined in section 301(22) of the

1 Federal Election Campaign Act of 1971 (52
2 U.S.C. 30101(22)—

3 “(i) which expressly advocates the
4 election or defeat of a clearly identified
5 candidate for election for Federal office, or
6 is the functional equivalent of express ad-
7 vocacy because, when taken as a whole, it
8 can be interpreted by a reasonable person
9 only as advocating the election or defeat of
10 a candidate for election for Federal office;
11 or

12 “(ii) which refers to a clearly identi-
13 fied candidate for election for Federal of-
14 fice and which promotes or support a can-
15 didate for that office, or attacks or opposes
16 a candidate for that office, without regard
17 to whether the communication expressly
18 advocates a vote for or against a candidate
19 for that office.

20 “(D) Any other disbursement which is
21 made for the purpose of influencing the out-
22 come of an election for a public office.

23 “(E) Any transfer of funds to another per-
24 son which is made with the intent that such
25 person will use the funds to make a disburse-

1 ment described in subparagraphs (A) through
2 (D), or with the knowledge that the person will
3 use the funds to make such a disbursement.

4 “(2) EXCEPTIONS.—The term ‘disbursement
5 for a political purpose’ does not include any of the
6 following:

7 “(A) Any disbursement made from a sepa-
8 rate segregated fund of the corporation under
9 section 316 of the Federal Election Campaign
10 Act of 1971 (52 U.S.C. 30118).

11 “(B) Any transfer of funds to another per-
12 son which is made in a commercial transaction
13 in the ordinary course of any trade or business
14 conducted by the corporation or in the form of
15 investments made by the corporation.

16 “(C) Any transfer of funds to another per-
17 son which is subject to a written prohibition
18 against the use of the funds for a disbursement
19 for a political purpose.

20 “(d) OTHER DEFINITIONS.—In this section, each of
21 the terms ‘candidate’, ‘election’, ‘political committee’, and
22 ‘political party’ has the meaning given such term under
23 section 301 of the Federal Election Campaign Act of 1971
24 (52 U.S.C. 30101).”.

1 (b) CONFORMING AMENDMENT TO FEDERAL ELEC-
2 TION CAMPAIGN ACT OF 1971 TO PROHIBIT DISBURSE-
3 MENTS BY CORPORATIONS FAILING TO ASSESS PREF-
4 ERENCES.—Section 316 of the Federal Election Campaign
5 Act of 1971 (52 U.S.C. 30118) is amended by adding at
6 the end the following new subsection:

7 “(d) PROHIBITING DISBURSEMENTS BY CORPORA-
8 TIONS FAILING TO ASSESS SHAREHOLDER PREF-
9 ERENCES.—

10 “(1) PROHIBITION.—It shall be unlawful for a
11 corporation to make a disbursement for a political
12 purpose unless the corporation has in place proce-
13 dures to assess the preferences of its shareholders
14 with respect to making such disbursements, as pro-
15 vided in section 10E of the Securities Exchange Act
16 of 1934.

17 “(2) DEFINITION.—In this section, the term
18 ‘disbursement for a political purpose’ has the mean-
19 ing given such term in section 10E(c) of the Securi-
20 ties Exchange Act of 1934.”.

21 (c) EFFECTIVE DATE.—The amendments made by
22 this section shall apply with respect to disbursements
23 made on or after December 31, 2019.

1 **Subtitle G—Disclosure of Political**
 2 **Spending by Government Con-**
 3 **tractors**

4 **SEC. 4601. REPEAL OF RESTRICTION ON USE OF FUNDS TO**
 5 **REQUIRE DISCLOSURE OF POLITICAL SPEND-**
 6 **ING BY GOVERNMENT CONTRACTORS.**

7 Section 735 of the Financial Services and General
 8 Government Appropriations Act, 2019 (division D of Pub-
 9 lic Law 116–6) is hereby repealed.

10 **Subtitle H—Limitation and Disclo-**
 11 **sure Requirements for Presi-**
 12 **dential Inaugural Committees**

13 **SEC. 4701. SHORT TITLE.**

14 This subtitle may be cited as the “Presidential Inau-
 15 gural Committee Oversight Act”.

16 **SEC. 4702. LIMITATIONS AND DISCLOSURE OF CERTAIN DO-**
 17 **NATIONS TO, AND DISBURSEMENTS BY, INAU-**
 18 **GURAL COMMITTEES.**

19 (a) REQUIREMENTS FOR INAUGURAL COMMIT-
 20 TEES.—Title III of the Federal Election Campaign Act
 21 of 1971 (52 U.S.C. 30101 et seq.) is amended by adding
 22 at the end the following new section:

23 **“SEC. 325. INAUGURAL COMMITTEES.**

24 **“(a) PROHIBITED DONATIONS.—**

25 **“(1) IN GENERAL.—It shall be unlawful—**

1 “(A) for an Inaugural Committee—

2 “(i) to solicit, accept, or receive a do-
3 nation from a person that is not an indi-
4 vidual; or

5 “(ii) to solicit, accept, or receive a do-
6 nation from a foreign national;

7 “(B) for a person—

8 “(i) to make a donation to an Inau-
9 gural Committee in the name of another
10 person, or to knowingly authorize his or
11 her name to be used to effect such a dona-
12 tion;

13 “(ii) to knowingly accept a donation
14 to an Inaugural Committee made by a per-
15 son in the name of another person; or

16 “(iii) to convert a donation to an In-
17 augural Committee to personal use as de-
18 scribed in paragraph (2); and

19 “(C) for a foreign national to, directly or
20 indirectly, make a donation, or make an express
21 or implied promise to make a donation, to an
22 Inaugural Committee.

23 “(2) CONVERSION OF DONATION TO PERSONAL
24 USE.—For purposes of paragraph (1)(B)(iii), a do-
25 nation shall be considered to be converted to per-

1 sonal use if any part of the donated amount is used
2 to fulfill a commitment, obligation, or expense of a
3 person that would exist irrespective of the respon-
4 sibilities of the Inaugural Committee under chapter
5 5 of title 36, United States Code.

6 “(3) NO EFFECT ON DISBURSEMENT OF UN-
7 USED FUNDS TO NONPROFIT ORGANIZATIONS.—
8 Nothing in this subsection may be construed to pro-
9 hibit an Inaugural Committee from disbursing un-
10 used funds to an organization which is described in
11 section 501(c)(3) of the Internal Revenue Code of
12 1986 and is exempt from taxation under section
13 501(a) of such Code.

14 “(b) LIMITATION ON DONATIONS.—

15 “(1) IN GENERAL.—It shall be unlawful for an
16 individual to make donations to an Inaugural Com-
17 mittee which, in the aggregate, exceed \$50,000.

18 “(2) INDEXING.—At the beginning of each
19 Presidential election year (beginning with 2024), the
20 amount described in paragraph (1) shall be in-
21 creased by the cumulative percent difference deter-
22 mined in section 315(c)(1)(A) since the previous
23 Presidential election year. If any amount after such
24 increase is not a multiple of \$1,000, such amount
25 shall be rounded to the nearest multiple of \$1,000.

1 “(c) DISCLOSURE OF CERTAIN DONATIONS AND DIS-
2 BURSEMENTS.—

3 “(1) DONATIONS OVER \$1,000.—

4 “(A) IN GENERAL.—An Inaugural Com-
5 mittee shall file with the Commission a report
6 disclosing any donation by an individual to the
7 committee in an amount of \$1,000 or more not
8 later than 24 hours after the receipt of such do-
9 nation.

10 “(B) CONTENTS OF REPORT.—A report
11 filed under subparagraph (A) shall contain—

12 “(i) the amount of the donation;

13 “(ii) the date the donation is received;

14 and

15 “(iii) the name and address of the in-
16 dividual making the donation.

17 “(2) FINAL REPORT.—Not later than the date
18 that is 90 days after the date of the Presidential in-
19 augural ceremony, the Inaugural Committee shall
20 file with the Commission a report containing the fol-
21 lowing information:

22 “(A) For each donation of money or any-
23 thing of value made to the committee in an ag-
24 gregate amount equal to or greater than
25 \$200—

1 “(i) the amount of the donation;

2 “(ii) the date the donation is received;

3 and

4 “(iii) the name and address of the in-
5 dividual making the donation.

6 “(B) The total amount of all disburse-
7 ments, and all disbursements in the following
8 categories:

9 “(i) Disbursements made to meet
10 committee operating expenses.

11 “(ii) Repayment of all loans.

12 “(iii) Donation refunds and other off-
13 sets to donations.

14 “(iv) Any other disbursements.

15 “(C) The name and address of each per-
16 son—

17 “(i) to whom a disbursement in an ag-
18 gregate amount or value in excess of \$200
19 is made by the committee to meet a com-
20 mittee operating expense, together with
21 date, amount, and purpose of such oper-
22 ating expense;

23 “(ii) who receives a loan repayment
24 from the committee, together with the date
25 and amount of such loan repayment;

1 “(iii) who receives a donation refund
2 or other offset to donations from the com-
3 mittee, together with the date and amount
4 of such disbursement; and

5 “(iv) to whom any other disbursement
6 in an aggregate amount or value in excess
7 of \$200 is made by the committee, to-
8 gether with the date and amount of such
9 disbursement.

10 “(d) DEFINITIONS.—For purposes of this section:

11 “(1)(A) The term ‘donation’ includes—

12 “(i) any gift, subscription, loan, ad-
13 vance, or deposit of money or anything of
14 value made by any person to the com-
15 mittee; or

16 “(ii) the payment by any person of
17 compensation for the personal services of
18 another person which are rendered to the
19 committee without charge for any purpose.

20 “(B) The term ‘donation’ does not include
21 the value of services provided without com-
22 pensation by any individual who volunteers on
23 behalf of the committee.

24 “(2) The term ‘foreign national’ has the mean-
25 ing given that term by section 319(b).

1 “(3) The term ‘Inaugural Committee’ has the
2 meaning given that term by section 501 of title 36,
3 United States Code.”.

4 (b) CONFIRMING AMENDMENT RELATED TO RE-
5 PORTING REQUIREMENTS.—Section 304 of the Federal
6 Election Campaign Act of 1971 (52 U.S.C. 30104) is
7 amended—

8 (1) by striking subsection (h); and

9 (2) by redesignating subsection (i) as subsection
10 (h).

11 (c) CONFORMING AMENDMENT RELATED TO STATUS
12 OF COMMITTEE.—Section 510 of title 36, United States
13 Code, is amended to read as follows:

14 **“§ 510. Disclosure of and prohibition on certain dona-**
15 **tions**

16 “A committee shall not be considered to be the Inau-
17 gural Committee for purposes of this chapter unless the
18 committee agrees to, and meets, the requirements of sec-
19 tion 325 of the Federal Election Campaign Act of 1971.”.

20 (d) EFFECTIVE DATE.—The amendments made by
21 this Act shall apply with respect to Inaugural Committees
22 established under chapter 5 of title 36, United States
23 Code, for inaugurations held in 2021 and any succeeding
24 year.

1 **Subtitle I—Severability**

2 **SEC. 4801. SEVERABILITY.**

3 If any provision of this title or amendment made by
 4 this title, or the application of a provision or amendment
 5 to any person or circumstance, is held to be unconstitu-
 6 tional, the remainder of this title and amendments made
 7 by this title, and the application of the provisions and
 8 amendment to any person or circumstance, shall not be
 9 affected by the holding.

10 **TITLE V—CAMPAIGN FINANCE** 11 **EMPOWERMENT**

Subtitle A—Findings Relating to *Citizens United* Decision

Sec. 5001. Findings relating to *Citizens United* decision.

Subtitle B—Congressional Elections

Sec. 5100. Short title.

PART 1—MY VOICE VOUCHER PILOT PROGRAM

Sec. 5101. Establishment of pilot program.

Sec. 5102. Voucher program described.

Sec. 5103. Reports.

Sec. 5104. Definitions.

PART 2—SMALL DOLLAR FINANCING OF CONGRESSIONAL ELECTION CAMPAIGNS

Sec. 5111. Benefits and eligibility requirements for candidates.

“TITLE V—SMALL DOLLAR FINANCING OF CONGRESSIONAL ELECTION CAMPAIGNS

“Subtitle A—Benefits

 “Sec. 501. Benefits for participating candidates.

 “Sec. 502. Procedures for making payments.

 “Sec. 503. Use of funds.

 “Sec. 504. Qualified small dollar contributions described.

“Subtitle B—Eligibility and Certification

 “Sec. 511. Eligibility.

“Sec. 512. Qualifying requirements.

“Sec. 513. Certification.

“Subtitle C—Requirements for Candidates Certified as Participating
Candidates

“Sec. 521. Contribution and expenditure requirements.

“Sec. 522. Administration of campaign.

“Sec. 523. Preventing unnecessary spending of public funds.

“Sec. 524. Remitting unspent funds after election.

“Subtitle D—Enhanced Match Support

“Sec. 531. Enhanced support for general election.

“Sec. 532. Eligibility.

“Sec. 533. Amount.

“Sec. 534. Waiver of authority to retain portion of unspent funds after
election.

“Subtitle E—Administrative Provisions

“Sec. 541. Freedom From Influence Fund.

“Sec. 542. Reviews and reports by Government Accountability Office.

“Sec. 543. Administration by Commission.

“Sec. 544. Violations and penalties.

“Sec. 545. Appeals process.

“Sec. 546. Indexing of amounts.

“Sec. 547. Election cycle defined.

Sec. 5112. Contributions and expenditures by multicandidate and political
party committees on behalf of participating candidates.

Sec. 5113. Prohibiting use of contributions by participating candidates for pur-
poses other than campaign for election.

Sec. 5114. Assessments against fines and penalties.

Sec. 5115. Study and report on small dollar financing program.

Sec. 5116. Effective date.

Subtitle C—Presidential Elections

Sec. 5200. Short title.

PART 1—PRIMARY ELECTIONS

Sec. 5201. Increase in and modifications to matching payments.

Sec. 5202. Eligibility requirements for matching payments.

Sec. 5203. Repeal of expenditure limitations.

Sec. 5204. Period of availability of matching payments.

Sec. 5205. Examination and audits of matchable contributions.

Sec. 5206. Modification to limitation on contributions for Presidential primary
candidates.

Sec. 5207. Use of Freedom From Influence Fund as source of payments.

PART 2—GENERAL ELECTIONS

Sec. 5211. Modification of eligibility requirements for public financing.

Sec. 5212. Repeal of expenditure limitations and use of qualified campaign con-
tributions.

Sec. 5213. Matching payments and other modifications to payment amounts.

Sec. 5214. Increase in limit on coordinated party expenditures.

- Sec. 5215. Establishment of uniform date for release of payments.
 Sec. 5216. Amounts in Presidential Election Campaign Fund.
 Sec. 5217. Use of general election payments for general election legal and accounting compliance.
 Sec. 5218. Use of Freedom From Influence Fund as source of payments.

PART 3—EFFECTIVE DATE

- Sec. 5221. Effective date.

Subtitle D—Personal Use Services as Authorized Campaign Expenditures

- Sec. 5301. Short title; findings; purpose.
 Sec. 5302. Treatment of payments for child care and other personal use services as authorized campaign expenditure.

Subtitle E—Empowering Small Dollar Donations

- Sec. 5401. Permitting political party committees to provide enhanced support for candidates through use of separate small dollar accounts.

Subtitle F—Severability

- Sec. 5501. Severability.

1 **Subtitle A—Findings Relating to** 2 ***Citizens United* Decision**

3 **SEC. 5001. FINDINGS RELATING TO *CITIZENS UNITED* DECISION.** 4

5 Congress finds the following:

- 6 (1) The American Republic was founded on the
 7 principle that all people are created equal, with
 8 rights and responsibilities as citizens to vote, be rep-
 9 resented, speak, debate, and participate in self-gov-
 10 ernment on equal terms regardless of wealth. To se-
 11 cure these rights and responsibilities, our Constitu-
 12 tion not only protects the equal rights of all Ameri-
 13 cans but also provides checks and balances to pre-
 14 vent corruption and prevent concentrated power and
 15 wealth from undermining effective self-government.

1 (2) The Supreme Court’s decisions in *Citizens*
2 *United v. Federal Election Commission*, 558 U.S.
3 310 (2010) and *McCutcheon v. FEC*, 572 U.S. 185
4 (2014), as well as other court decisions, erroneously
5 invalidated even-handed rules about the spending of
6 money in local, State, and Federal elections. These
7 flawed decisions have empowered large corporations,
8 extremely wealthy individuals, and special interests
9 to dominate election spending, corrupt our politics,
10 and degrade our democracy through tidal waves of
11 unlimited and anonymous spending. These decisions
12 also stand in contrast to a long history of efforts by
13 Congress and the States to regulate money in poli-
14 tics to protect democracy, and they illustrate a trou-
15 bling deregulatory trend in campaign finance-related
16 court decisions. Additionally, an unknown amount of
17 foreign money continues to be spent in our political
18 system as subsidiaries of foreign-based corporations
19 and hostile foreign actors sometimes connected to
20 nation-States work to influence our elections.

21 (3) The Supreme Court’s misinterpretation of
22 the Constitution to empower monied interests at the
23 expense of the American people in elections has seri-
24 ously eroded over 100 years of congressional action

1 to promote fairness and protect elections from the
2 toxic influence of money.

3 (4) In 1907, Congress passed the Tillman Act
4 in response to the concentration of corporate power
5 in the post-Civil War Gilded Age. The Act prohibited
6 corporations from making contributions in connec-
7 tion with Federal elections, aiming “not merely to
8 prevent the subversion of the integrity of the elec-
9 toral process [but] * * * to sustain the active, alert
10 responsibility of the individual citizen in a democ-
11 racy for the wise conduct of government”.

12 (5) By 1910, Congress began passing disclosure
13 requirements and campaign expenditure limits, and
14 dozens of States passed corrupt practices Acts to
15 prohibit corporate spending in elections. States also
16 enacted campaign spending limits, and some States
17 limited the amount that people could contribute to
18 campaigns.

19 (6) In 1947, the Taft-Hartley Act prohibited
20 corporations and unions from making campaign con-
21 tributions or other expenditures to influence elec-
22 tions. In 1962, a Presidential commission on election
23 spending recommended spending limits and incen-
24 tives to increase small contributions from more peo-
25 ple.

1 (7) The Federal Election Campaign Act of
2 1971 (FECA), as amended in 1974, required disclo-
3 sure of contributions and expenditures, imposed con-
4 tribution and expenditure limits for individuals and
5 groups, set spending limits for campaigns, can-
6 didates, and groups, implemented a public funding
7 system for Presidential campaigns, and created the
8 Federal Election Commission to oversee and enforce
9 the new rules.

10 (8) In the wake of *Citizens United* and other
11 damaging Federal court decisions, Americans have
12 witnessed an explosion of outside spending in elec-
13 tions. Outside spending increased nearly 900 percent
14 between the 2008 and 2016 Presidential election
15 years. Indeed, the 2018 elections once again made
16 clear the overwhelming political power of wealthy
17 special interests, to the tune of over \$5,000,000,000.
18 And as political entities adapt to a post- *Citizens*
19 *United*, post-*McCutcheon* landscape, these trends are
20 getting worse, as evidenced by the experience in the
21 2018 midterm congressional elections, where outside
22 spending more than doubled from the previous mid-
23 term cycle.

24 (9) The torrent of money flowing into our polit-
25 ical system has a profound effect on the democratic

1 process for everyday Americans, whose voices and
2 policy preferences are increasingly being drowned
3 out by those of wealthy special interests. The more
4 campaign cash from wealthy special interests can
5 flood our elections, the more policies that favor those
6 interests are reflected in the national political agen-
7 da. When it comes to policy preferences, our Na-
8 tion's wealthiest tend to have fundamentally dif-
9 ferent views than do average Americans when it
10 comes to issues ranging from unemployment benefits
11 to the minimum wage to health care coverage.

12 (10) The Court has tied the hands of Congress
13 and the States, severely restricting them from set-
14 ting reasonable limits on campaign spending. For
15 example, the Court has held that only the Govern-
16 ment's interest in preventing quid pro quo corrup-
17 tion, like bribery, or the appearance of such corrup-
18 tion, can justify limits on campaign contributions.
19 More broadly, the Court has severely curtailed at-
20 tempts to reduce the ability of the Nation's wealthi-
21 est and most powerful to skew our democracy in
22 their favor by buying outsized influence in our elec-
23 tions. Because this distortion of the Constitution has
24 prevented truly meaningful regulation or reform of
25 the way we finance elections in America, a constitu-

1 tional amendment is needed to achieve a democracy
2 for all the people.

3 (11) Since the landmark *Citizens United* deci-
4 sion, 19 States and nearly 800 municipalities, in-
5 cluding large cities like New York, Los Angeles, Chi-
6 cago, and Philadelphia, have gone on record sup-
7 porting a constitutional amendment. Transcending
8 political leanings and geographic location, voters in
9 States and municipalities across the country that
10 have placed amendment questions on the ballot have
11 routinely supported these initiatives by considerably
12 large margins.

13 (12) At the same time millions of Americans
14 have signed petitions, marched, called their Members
15 of Congress, written letters to the editor, and other-
16 wise demonstrated their public support for a con-
17 stitutional amendment to overturn *Citizens United*
18 that will allow Congress to reign in the outsized in-
19 fluence of unchecked money in politics. Dozens of
20 organizations, representing tens of millions of indi-
21 viduals, have come together in a shared strategy of
22 supporting such an amendment.

23 (13) In order to protect the integrity of democ-
24 racy and the electoral process and to ensure political
25 equality for all, the Constitution should be amended

1 so that Congress and the States may regulate and
2 set limits on the raising and spending of money to
3 influence elections and may distinguish between nat-
4 ural persons and artificial entities, like corporations,
5 that are created by law, including by prohibiting
6 such artificial entities from spending money to influ-
7 ence elections.

8 **Subtitle B—Congressional**
9 **Elections**

10 **SEC. 5100. SHORT TITLE.**

11 This subtitle may be cited as the “Government By
12 the People Act of 2019”.

13 **PART 1—MY VOICE VOUCHER PILOT PROGRAM**

14 **SEC. 5101. ESTABLISHMENT OF PILOT PROGRAM.**

15 (a) **ESTABLISHMENT.**—The Federal Election Com-
16 mission (hereafter in this part referred to as the “Commis-
17 sion”) shall establish a pilot program under which the
18 Commission shall select 3 eligible States to operate a
19 voucher pilot program which is described in section 5102
20 during the program operation period.

21 (b) **ELIGIBILITY OF STATES.**—A State is eligible to
22 be selected to operate a voucher pilot program under this
23 part if, not later than 180 days after the beginning of the
24 program application period, the State submits to the Com-
25 mission an application containing—

1 (1) information and assurances that the State
2 will operate a voucher program which contains the
3 elements described in section 5102(a);

4 (2) information and assurances that the State
5 will establish fraud prevention mechanisms described
6 in section 5102(b);

7 (3) information and assurances that the State
8 will establish a commission to oversee and implement
9 the program as described in section 5102(c);

10 (4) information and assurances that the State
11 will carry out a public information campaign as de-
12 scribed in section 5102(d);

13 (5) information and assurances that the State
14 will submit reports as required under section 5103;
15 and

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

18 (c) SELECTION OF PARTICIPATING STATES.—

19 (1) IN GENERAL.—Not later than 1 year after
20 the beginning of the program application period, the
21 Commission shall select the 3 States which will oper-
22 ate voucher pilot programs under this part.

23 (2) CRITERIA.—In selecting States for the oper-
24 ation of the voucher pilot programs under this part,
25 the Commission shall apply such criteria and metrics

1 as the Commission considers appropriate to deter-
2 mine the ability of a State to operate the program
3 successfully, and shall attempt to select States in a
4 variety of geographic regions and with a variety of
5 political party preferences.

6 (3) NO SUPERMAJORITY REQUIRED FOR SELEC-
7 TION.—The selection of States by the Commission
8 under this subsection shall require the approval of
9 only half of the Members of the Commission.

10 (d) DUTIES OF STATES DURING PROGRAM PREPARA-
11 TION PERIOD.—During the program preparation period,
12 each State selected to operate a voucher pilot program
13 under this part shall take such actions as may be nec-
14 essary to ensure that the State will be ready to operate
15 the program during the program operation period, and
16 shall complete such actions not later than 90 days before
17 the beginning of the program operation period.

18 (e) TERMINATION.—Each voucher pilot program
19 under this part shall terminate as of the first day after
20 the program operation period.

21 (f) REIMBURSEMENT OF COSTS.—

22 (1) REIMBURSEMENT.—Upon receiving the re-
23 port submitted by a State under section 5103(a)
24 with respect to an election cycle, the Commission
25 shall transmit a payment to the State in an amount

1 equal to the reasonable costs incurred by the State
2 in operating the voucher pilot program under this
3 part during the cycle.

4 (2) SOURCE OF FUNDS.—Payments to States
5 under the program shall be made using amounts in
6 the Freedom From Influence Fund under section
7 541 of the Federal Election Campaign Act of 1971
8 (as added by section 5111), hereafter referred to as
9 the “Fund”.

10 (3) MANDATORY REDUCTION OF PAYMENTS IN
11 CASE OF INSUFFICIENT AMOUNTS IN FREEDOM
12 FROM INFLUENCE FUND.—

13 (A) ADVANCE AUDITS BY COMMISSION.—

14 Not later than 90 days before the first day of
15 each program operation period, the Commission
16 shall—

17 (i) audit the Fund to determine
18 whether, after first making payments to
19 participating candidates under title V of
20 the Federal Election Campaign Act of
21 1971 (as added by section 5111), the
22 amounts remaining in the Fund will be
23 sufficient to make payments to States
24 under this part in the amounts provided
25 under this subsection; and

1 (ii) submit a report to Congress de-
2 scribing the results of the audit.

3 (B) REDUCTIONS IN AMOUNT OF PAY-
4 MENTS.—

5 (i) AUTOMATIC REDUCTION ON PRO
6 RATA BASIS.—If, on the basis of the audit
7 described in subparagraph (A), the Com-
8 mission determines that the amount antici-
9 pated to be available in the Fund with re-
10 spect to an election cycle involved is not, or
11 may not be, sufficient to make payments to
12 States under this part in the full amount
13 provided under this subsection, the Com-
14 mission shall reduce each amount which
15 would otherwise be paid to a State under
16 this subsection by such pro rata amount as
17 may be necessary to ensure that the aggre-
18 gate amount of payments anticipated to be
19 made with respect to the cycle will not ex-
20 ceed the amount anticipated to be available
21 for such payments in the Fund with re-
22 spect to such cycle.

23 (ii) RESTORATION OF REDUCTIONS IN
24 CASE OF AVAILABILITY OF SUFFICIENT
25 FUNDS DURING ELECTION CYCLE.—If,

1 after reducing the amounts paid to States
2 with respect to an election cycle under
3 clause (i), the Commission determines that
4 there are sufficient amounts in the Fund
5 to restore the amount by which such pay-
6 ments were reduced (or any portion there-
7 of), to the extent that such amounts are
8 available, the Commission may make a
9 payment on a pro rata basis to each such
10 State with respect to the cycle in the
11 amount by which such State's payments
12 were reduced under clause (i) (or any por-
13 tion thereof, as the case may be).

14 (iii) NO USE OF AMOUNTS FROM
15 OTHER SOURCES.—In any case in which
16 the Commission determines that there are
17 insufficient moneys in the Fund to make
18 payments to States under this part, mon-
19 eys shall not be made available from any
20 other source for the purpose of making
21 such payments.

22 (4) CAP ON AMOUNT OF PAYMENT.—The aggre-
23 gate amount of payments made to any State with re-
24 spect to any program operation period may not ex-
25 ceed \$10,000,000. If the State determines that the

1 maximum payment amount under this paragraph
2 with respect to the program operation period in-
3 volved is not, or may not be, sufficient to cover the
4 reasonable costs incurred by the State in operating
5 the program under this part for such period, the
6 State shall reduce the amount of the voucher pro-
7 vided to each qualified individual by such pro rata
8 amount as may be necessary to ensure that the rea-
9 sonable costs incurred by the State in operating the
10 program will not exceed the amount paid to the
11 State with respect to such period.

12 **SEC. 5102. VOUCHER PROGRAM DESCRIBED.**

13 (a) GENERAL ELEMENTS OF PROGRAM.—

14 (1) ELEMENTS DESCRIBED.—The elements of a
15 voucher pilot program operated by a State under
16 this part are as follows:

17 (A) The State shall provide each qualified
18 individual upon the individual's request with a
19 voucher worth \$25 to be known as a "My Voice
20 Voucher" during the election cycle which will be
21 assigned a routing number and which at the op-
22 tion of the individual will be provided in either
23 paper or electronic form.

24 (B) Using the routing number assigned to
25 the My Voice Voucher, the individual may sub-

1 mit the My Voice Voucher in either electronic
2 or paper form to qualified candidates for elec-
3 tion for the office of Representative in, or Dele-
4 gate or Resident Commissioner to, the Congress
5 and allocate such portion of the value of the My
6 Voice Voucher in increments of \$5 as the indi-
7 vidual may select to any such candidate.

8 (C) If the candidate transmits the My
9 Voice Voucher to the Commission, the Commis-
10 sion shall pay the candidate the portion of the
11 value of the My Voice Voucher that the indi-
12 vidual allocated to the candidate, which shall be
13 considered a contribution by the individual to
14 the candidate for purposes of the Federal Elec-
15 tion Campaign Act of 1971.

16 (2) DESIGNATION OF QUALIFIED INDIVID-
17 UALS.—For purposes of paragraph (1)(A), a “quali-
18 fied individual” with respect to a State means an in-
19 dividual—

20 (A) who is a resident of the State;

21 (B) who will be of voting age as of the
22 date of the election for the candidate to whom
23 the individual submits a My Voice Voucher; and

1 (C) who is not prohibited under Federal
2 law from making contributions to candidates
3 for election for Federal office.

4 (3) TREATMENT AS CONTRIBUTION TO CAN-
5 DIDATE.—For purposes of the Federal Election
6 Campaign Act of 1971, the submission of a My
7 Voice Voucher to a candidate by an individual shall
8 be treated as a contribution to the candidate by the
9 individual in the amount of the portion of the value
10 of the Voucher that the individual allocated to the
11 candidate.

12 (b) FRAUD PREVENTION MECHANISM.—In addition
13 to the elements described in subsection (a), a State oper-
14 ating a voucher pilot program under this part shall permit
15 an individual to revoke a My Voice Voucher not later than
16 2 days after submitting the My Voice Voucher to a can-
17 didate.

18 (c) OVERSIGHT COMMISSION.—In addition to the ele-
19 ments described in subsection (a), a State operating a
20 voucher pilot program under this part shall establish a
21 commission or designate an existing entity to oversee and
22 implement the program in the State, except that no such
23 commission or entity may be comprised of elected officials.

24 (d) PUBLIC INFORMATION CAMPAIGN.—In addition
25 to the elements described in subsection (a), a State oper-

1 ating a voucher pilot program under this part shall carry
2 out a public information campaign to disseminate aware-
3 ness of the program among qualified individuals.

4 **SEC. 5103. REPORTS.**

5 (a) PRELIMINARY REPORT.—Not later than 6
6 months after the first election cycle of the program oper-
7 ation period, a State which operates a voucher pilot pro-
8 gram under this part shall submit a report to the Commis-
9 sion analyzing the operation and effectiveness of the pro-
10 gram during the cycle and including such other informa-
11 tion as the Commission may require.

12 (b) FINAL REPORT.—Not later than 6 months after
13 the end of the program operation period, the State shall
14 submit a final report to the Commission analyzing the op-
15 eration and effectiveness of the program and including
16 such other information as the Commission may require.

17 (c) REPORT BY COMMISSION.—Not later than the
18 end of the first election cycle which begins after the pro-
19 gram operation period, the Commission shall submit a re-
20 port to Congress which summarizes and analyzes the re-
21 sults of the voucher pilot program, and shall include in
22 the report such recommendations as the Commission con-
23 siders appropriate regarding the expansion of the pilot
24 program to all States and territories, along with such

1 other recommendations and other information as the Com-
2 mission considers appropriate.

3 **SEC. 5104. DEFINITIONS.**

4 (a) **ELECTION CYCLE.**—In this part, the term “elec-
5 tion cycle” means the period beginning on the day after
6 the date of the most recent regularly scheduled general
7 election for Federal office and ending on the date of the
8 next regularly scheduled general election for Federal of-
9 fice.

10 (b) **DEFINITIONS RELATING TO PERIODS.**—In this
11 part, the following definitions apply:

12 (1) **PROGRAM APPLICATION PERIOD.**—The term
13 “program application period” means the first elec-
14 tion cycle which begins after the date of the enact-
15 ment of this Act.

16 (2) **PROGRAM PREPARATION PERIOD.**—The
17 term “program preparation period” means the first
18 election cycle which begins after the program appli-
19 cation period.

20 (3) **PROGRAM OPERATION PERIOD.**—The term
21 “program operation period” means the first 2 elec-
22 tion cycles which begin after the program prepara-
23 tion period.

1 **PART 2—SMALL DOLLAR FINANCING OF**
2 **CONGRESSIONAL ELECTION CAMPAIGNS**
3 **SEC. 5111. BENEFITS AND ELIGIBILITY REQUIREMENTS**
4 **FOR CANDIDATES.**

5 The Federal Election Campaign Act of 1971 (52
6 U.S.C. 30101 et seq.) is amended by adding at the end
7 the following:

8 **“TITLE V—SMALL DOLLAR FI-**
9 **NANCING OF CONGRES-**
10 **SIONAL ELECTION CAM-**
11 **PAIGNS**

12 **“Subtitle A—Benefits**

13 **“SEC. 501. BENEFITS FOR PARTICIPATING CANDIDATES.**

14 “(a) IN GENERAL.—If a candidate for election to the
15 office of Representative in, or Delegate or Resident Com-
16 missioner to, the Congress is certified as a participating
17 candidate under this title with respect to an election for
18 such office, the candidate shall be entitled to payments
19 as provided under this title.

20 “(b) AMOUNT OF PAYMENT.—The amount of a pay-
21 ment made under this title shall be equal to 600 percent
22 of the amount of qualified small dollar contributions re-
23 ceived by the candidate since the most recent payment
24 made to the candidate under this title during the election
25 cycle, without regard to whether or not the candidate re-
26 ceived any of the contributions before, during, or after the

1 Small Dollar Democracy qualifying period applicable to
2 the candidate under section 511(c).

3 “(c) LIMIT ON AGGREGATE AMOUNT OF PAY-
4 MENTS.—The aggregate amount of payments made to a
5 participating candidate with respect to an election cycle
6 under this title may not exceed 50 percent of the average
7 of the 20 greatest amounts of disbursements made by the
8 authorized committees of any winning candidate for the
9 office of Representative in, or Delegate or Resident Com-
10 missioner to, the Congress during the most recent election
11 cycle, rounded to the nearest \$100,000.

12 **“SEC. 502. PROCEDURES FOR MAKING PAYMENTS.**

13 “(a) IN GENERAL.—The Commission shall make a
14 payment under section 501 to a candidate who is certified
15 as a participating candidate upon receipt from the can-
16 didate of a request for a payment which includes—

17 “(1) a statement of the number and amount of
18 qualified small dollar contributions received by the
19 candidate since the most recent payment made to
20 the candidate under this title during the election
21 cycle;

22 “(2) a statement of the amount of the payment
23 the candidate anticipates receiving with respect to
24 the request;

1 “(3) a statement of the total amount of pay-
2 ments the candidate has received under this title as
3 of the date of the statement; and

4 “(4) such other information and assurances as
5 the Commission may require.

6 “(b) RESTRICTIONS ON SUBMISSION OF RE-
7 QUESTS.—A candidate may not submit a request under
8 subsection (a) unless each of the following applies:

9 “(1) The amount of the qualified small dollar
10 contributions in the statement referred to in sub-
11 section (a)(1) is equal to or greater than \$5,000, un-
12 less the request is submitted during the 30-day pe-
13 riod which ends on the date of a general election.

14 “(2) The candidate did not receive a payment
15 under this title during the 7-day period which ends
16 on the date the candidate submits the request.

17 “(c) TIME OF PAYMENT.—The Commission shall, in
18 coordination with the Secretary of the Treasury, take such
19 steps as may be necessary to ensure that the Secretary
20 is able to make payments under this section from the
21 Treasury not later than 2 business days after the receipt
22 of a request submitted under subsection (a).

23 **“SEC. 503. USE OF FUNDS.**

24 “(a) USE OF FUNDS FOR AUTHORIZED CAMPAIGN
25 EXPENDITURES.—A candidate shall use payments made

1 under this title, including payments provided with respect
 2 to a previous election cycle which are withheld from remit-
 3 tance to the Commission in accordance with section
 4 524(a)(2), only for making direct payments for the receipt
 5 of goods and services which constitute authorized expendi-
 6 tures (as determined in accordance with title III) in con-
 7 nection with the election cycle involved.

8 “(b) PROHIBITING USE OF FUNDS FOR LEGAL EX-
 9 PENSES, FINES, OR PENALTIES.—Notwithstanding title
 10 III, a candidate may not use payments made under this
 11 title for the payment of expenses incurred in connection
 12 with any action, claim, or other matter before the Commis-
 13 sion or before any court, hearing officer, arbitrator, or
 14 other dispute resolution entity, or for the payment of any
 15 fine or civil monetary penalty.

16 **“SEC. 504. QUALIFIED SMALL DOLLAR CONTRIBUTIONS DE-**
 17 **SCRIBED.**

18 “(a) IN GENERAL.—In this title, the term ‘qualified
 19 small dollar contribution’ means, with respect to a can-
 20 didate and the authorized committees of a candidate, a
 21 contribution that meets the following requirements:

- 22 “(1) The contribution is in an amount that is—
 23 “(A) not less than \$1; and
 24 “(B) not more than \$200.

1 “(2)(A) The contribution is made directly by an
2 individual to the candidate or an authorized com-
3 mittee of the candidate and is not—

4 “(i) forwarded from the individual making
5 the contribution to the candidate or committee
6 by another person; or

7 “(ii) received by the candidate or com-
8 mittee with the knowledge that the contribution
9 was made at the request, suggestion, or rec-
10 ommendation of another person.

11 “(B) In this paragraph—

12 “(i) the term ‘person’ does not include an
13 individual (other than an individual described in
14 section 304(i)(7) of the Federal Election Cam-
15 paign Act of 1971), a political committee of a
16 political party, or any political committee which
17 is not a separate segregated fund described in
18 section 316(b) of the Federal Election Cam-
19 paign Act of 1971 and which does not make
20 contributions or independent expenditures, does
21 not engage in lobbying activity under the Lob-
22 bying Disclosure Act of 1995 (2 U.S.C. 1601 et
23 seq.), and is not established by, controlled by,
24 or affiliated with a registered lobbyist under
25 such Act, an agent of a registered lobbyist

1 under such Act, or an organization which re-
2 tains or employs a registered lobbyist under
3 such Act; and

4 “(ii) a contribution is not ‘made at the re-
5 quest, suggestion, or recommendation of an-
6 other person’ solely on the grounds that the
7 contribution is made in response to information
8 provided to the individual making the contribu-
9 tion by any person, so long as the candidate or
10 authorized committee does not know the iden-
11 tity of the person who provided the information
12 to such individual.

13 “(3) The individual who makes the contribution
14 does not make contributions to the candidate or the
15 authorized committees of the candidate with respect
16 to the election involved in an aggregate amount that
17 exceeds the amount described in paragraph (1)(B),
18 or any contribution to the candidate or the author-
19 ized committees of the candidate with respect to the
20 election involved that otherwise is not a qualified
21 small dollar contribution.

22 “(b) TREATMENT OF MY VOICE VOUCHERS.—Any
23 payment received by a candidate and the authorized com-
24 mittees of a candidate which consists of a My Voice
25 Voucher under the Government By the People Act of 2019

1 shall be considered a qualified small dollar contribution
2 for purposes of this title, so long as the individual making
3 the payment meets the requirements of paragraphs (2)
4 and (3) of subsection (a).

5 “(c) RESTRICTION ON SUBSEQUENT CONTRIBU-
6 TIONS.—

7 “(1) PROHIBITING DONOR FROM MAKING SUB-
8 SEQUENT NONQUALIFIED CONTRIBUTIONS DURING
9 ELECTION CYCLE.—

10 “(A) IN GENERAL.—An individual who
11 makes a qualified small dollar contribution to a
12 candidate or the authorized committees of a
13 candidate with respect to an election may not
14 make any subsequent contribution to such can-
15 didate or the authorized committees of such
16 candidate with respect to the election cycle
17 which is not a qualified small dollar contribu-
18 tion.

19 “(B) EXCEPTION FOR CONTRIBUTIONS TO
20 CANDIDATES WHO VOLUNTARILY WITHDRAW
21 FROM PARTICIPATION DURING QUALIFYING PE-
22 RIOD.—Subparagraph (A) does not apply with
23 respect to a contribution made to a candidate
24 who, during the Small Dollar Democracy quali-
25 fying period described in section 511(c), sub-

mits a statement to the Commission under section 513(c) to voluntarily withdraw from participating in the program under this title.

“(2) TREATMENT OF SUBSEQUENT NON-QUALIFIED CONTRIBUTIONS.—If, notwithstanding the prohibition described in paragraph (1), an individual who makes a qualified small dollar contribution to a candidate or the authorized committees of a candidate with respect to an election makes a subsequent contribution to such candidate or the authorized committees of such candidate with respect to the election which is prohibited under paragraph (1) because it is not a qualified small dollar contribution, the candidate may take one of the following actions:

“(A) Not later than 2 weeks after receiving the contribution, the candidate may return the subsequent contribution to the individual. In the case of a subsequent contribution which is not a qualified small dollar contribution because the contribution fails to meet the requirements of paragraph (3) of subsection (a) (relating to the aggregate amount of contributions made to the candidate or the authorized committees of the candidate by the individual making the con-

1 tribution), the candidate may return an amount
2 equal to the difference between the amount of
3 the subsequent contribution and the amount de-
4 scribed in paragraph (1)(B) of subsection (a).

5 “(B) The candidate may retain the subse-
6 quent contribution, so long as not later than 2
7 weeks after receiving the subsequent contribu-
8 tion, the candidate remits to the Commission
9 for deposit in the Freedom From Influence
10 Fund under section 541 an amount equal to
11 any payments received by the candidate under
12 this title which are attributable to the qualified
13 small dollar contribution made by the individual
14 involved.

15 “(3) NO EFFECT ON ABILITY TO MAKE MUL-
16 TIPLE CONTRIBUTIONS.—Nothing in this section
17 may be construed to prohibit an individual from
18 making multiple qualified small dollar contributions
19 to any candidate or any number of candidates, so
20 long as each contribution meets each of the require-
21 ments of paragraphs (1), (2), and (3) of subsection
22 (a).

23 “(d) NOTIFICATION REQUIREMENTS FOR CAN-
24 DIDATES.—

1 “(1) NOTIFICATION.—Each authorized com-
2 mittee of a candidate who seeks to be a participating
3 candidate under this title shall provide the following
4 information in any materials for the solicitation of
5 contributions, including any internet site through
6 which individuals may make contributions to the
7 committee:

8 “(A) A statement that if the candidate is
9 certified as a participating candidate under this
10 title, the candidate will receive matching pay-
11 ments in an amount which is based on the total
12 amount of qualified small dollar contributions
13 received.

14 “(B) A statement that a contribution
15 which meets the requirements set forth in sub-
16 section (a) shall be treated as a qualified small
17 dollar contribution under this title.

18 “(C) A statement that if a contribution is
19 treated as qualified small dollar contribution
20 under this title, the individual who makes the
21 contribution may not make any contribution to
22 the candidate or the authorized committees of
23 the candidate during the election cycle which is
24 not a qualified small dollar contribution.

1 “(2) ALTERNATIVE METHODS OF MEETING RE-
2 QUIREMENTS.—An authorized committee may meet
3 the requirements of paragraph (1)—

4 “(A) by including the information de-
5 scribed in paragraph (1) in the receipt provided
6 under section 512(b)(3) to a person making a
7 qualified small dollar contribution; or

8 “(B) by modifying the information it pro-
9 vides to persons making contributions which is
10 otherwise required under title III (including in-
11 formation it provides through the internet).

12 **“Subtitle B—Eligibility and**
13 **Certification**

14 **“SEC. 511. ELIGIBILITY.**

15 “(a) IN GENERAL.—A candidate for the office of
16 Representative in, or Delegate or Resident Commissioner
17 to, the Congress is eligible to be certified as a participating
18 candidate under this title with respect to an election if
19 the candidate meets the following requirements:

20 “(1) The candidate files with the Commission a
21 statement of intent to seek certification as a partici-
22 pating candidate.

23 “(2) The candidate meets the qualifying re-
24 quirements of section 512.

1 “(3) The candidate files with the Commission a
2 statement certifying that the authorized committees
3 of the candidate meet the requirements of section
4 504(d).

5 “(4) Not later than the last day of the Small
6 Dollar Democracy qualifying period, the candidate
7 files with the Commission an affidavit signed by the
8 candidate and the treasurer of the candidate’s prin-
9 cipal campaign committee declaring that the can-
10 didate—

11 “(A) has complied and, if certified, will
12 comply with the contribution and expenditure
13 requirements of section 521;

14 “(B) if certified, will run only as a partici-
15 pating candidate for all elections for the office
16 that such candidate is seeking during that elec-
17 tion cycle; and

18 “(C) has either qualified or will take steps
19 to qualify under State law to be on the ballot.

20 “(b) GENERAL ELECTION.—Notwithstanding sub-
21 section (a), a candidate shall not be eligible to be certified
22 as a participating candidate under this title for a general
23 election or a general runoff election unless the candidate’s
24 party nominated the candidate to be placed on the ballot

1 for the general election or the candidate is otherwise quali-
2 fied to be on the ballot under State law.

3 “(c) SMALL DOLLAR DEMOCRACY QUALIFYING PE-
4 RIOD DEFINED.—The term ‘Small Dollar Democracy
5 qualifying period’ means, with respect to any candidate
6 for an office, the 180-day period (during the election cycle
7 for such office) which begins on the date on which the
8 candidate files a statement of intent under section
9 511(a)(1), except that such period may not continue after
10 the date that is 30 days before the date of the general
11 election for the office.

12 **“SEC. 512. QUALIFYING REQUIREMENTS.**

13 “(a) RECEIPT OF QUALIFIED SMALL DOLLAR CON-
14 TRIBUTIONS.—A candidate for the office of Representative
15 in, or Delegate or Resident Commissioner to, the Congress
16 meets the requirement of this section if, during the Small
17 Dollar Democracy qualifying period described in section
18 511(c), each of the following occurs:

19 “(1) Not fewer than 1,000 individuals make a
20 qualified small dollar contribution to the candidate.

21 “(2) The candidate obtains a total dollar
22 amount of qualified small dollar contributions which
23 is equal to or greater than \$50,000.

1 “(b) REQUIREMENTS RELATING TO RECEIPT OF
2 QUALIFIED SMALL DOLLAR CONTRIBUTION.—Each
3 qualified small dollar contribution—

4 “(1) may be made by means of a personal
5 check, money order, debit card, credit card, elec-
6 tronic payment account, or any other method
7 deemed appropriate by the Commission;

8 “(2) shall be accompanied by a signed state-
9 ment (or, in the case of a contribution made online
10 or through other electronic means, an electronic
11 equivalent) containing the contributor’s name and
12 address; and

13 “(3) shall be acknowledged by a receipt that is
14 sent to the contributor with a copy (in paper or elec-
15 tronic form) kept by the candidate for the Commis-
16 sion.

17 “(c) VERIFICATION OF CONTRIBUTIONS.—The Com-
18 mission shall establish procedures for the auditing and
19 verification of the contributions received and expenditures
20 made by participating candidates under this title, includ-
21 ing procedures for random audits, to ensure that such con-
22 tributions and expenditures meet the requirements of this
23 title.

24 **“SEC. 513. CERTIFICATION.**

25 “(a) DEADLINE AND NOTIFICATION.—

1 “(1) IN GENERAL.—Not later than 5 business
2 days after a candidate files an affidavit under sec-
3 tion 511(a)(4), the Commission shall—

4 “(A) determine whether or not the can-
5 didate meets the requirements for certification
6 as a participating candidate;

7 “(B) if the Commission determines that
8 the candidate meets such requirements, certify
9 the candidate as a participating candidate; and

10 “(C) notify the candidate of the Commis-
11 sion’s determination.

12 “(2) DEEMED CERTIFICATION FOR ALL ELEC-
13 TIONS IN ELECTION CYCLE.—If the Commission cer-
14 tifies a candidate as a participating candidate with
15 respect to the first election of the election cycle in-
16 volved, the Commission shall be deemed to have cer-
17 tified the candidate as a participating candidate with
18 respect to all subsequent elections of the election
19 cycle.

20 “(b) REVOCATION OF CERTIFICATION.—

21 “(1) IN GENERAL.—The Commission shall re-
22 voke a certification under subsection (a) if—

23 “(A) a candidate fails to qualify to appear
24 on the ballot at any time after the date of cer-
25 tification (other than a candidate certified as a

1 participating candidate with respect to a pri-
2 mary election who fails to qualify to appear on
3 the ballot for a subsequent election in that elec-
4 tion cycle);

5 “(B) a candidate ceases to be a candidate
6 for the office involved, as determined on the
7 basis of an official announcement by an author-
8 ized committee of the candidate or on the basis
9 of a reasonable determination by the Commis-
10 sion; or

11 “(C) a candidate otherwise fails to comply
12 with the requirements of this title, including
13 any regulatory requirements prescribed by the
14 Commission.

15 “(2) EXISTENCE OF CRIMINAL SANCTION.—The
16 Commission shall revoke a certification under sub-
17 section (a) if a penalty is assessed against the can-
18 didate under section 309(d) with respect to the elec-
19 tion.

20 “(3) EFFECT OF REVOCATION.—If a can-
21 didate’s certification is revoked under this sub-
22 section—

23 “(A) the candidate may not receive pay-
24 ments under this title during the remainder of
25 the election cycle involved; and

1 “(B) in the case of a candidate whose cer-
2 tification is revoked pursuant to subparagraph
3 (A) or subparagraph (C) of paragraph (1)—

4 “(i) the candidate shall repay to the
5 Freedom From Influence Fund established
6 under section 541 an amount equal to the
7 payments received under this title with re-
8 spect to the election cycle involved plus in-
9 terest (at a rate determined by the Com-
10 mission on the basis of an appropriate an-
11 nual percentage rate for the month in-
12 volved) on any such amount received; and

13 “(ii) the candidate may not be cer-
14 tified as a participating candidate under
15 this title with respect to the next election
16 cycle.

17 “(4) PROHIBITING PARTICIPATION IN FUTURE
18 ELECTIONS FOR CANDIDATES WITH MULTIPLE REV-
19 OCATIONS.—If the Commission revokes the certifi-
20 cation of an individual as a participating candidate
21 under this title pursuant to subparagraph (A) or
22 subparagraph (C) of paragraph (1) a total of 3
23 times, the individual may not be certified as a par-
24 ticipating candidate under this title with respect to
25 any subsequent election.

1 “(c) VOLUNTARY WITHDRAWAL FROM PARTICI-
2 PATING DURING QUALIFYING PERIOD.—At any time dur-
3 ing the Small Dollar Democracy qualifying period de-
4 scribed in section 511(c), a candidate may withdraw from
5 participation in the program under this title by submitting
6 to the Commission a statement of withdrawal (without re-
7 gard to whether or not the Commission has certified the
8 candidate as a participating candidate under this title as
9 of the time the candidate submits such statement), so long
10 as the candidate has not submitted a request for payment
11 under section 502.

12 “(d) PARTICIPATING CANDIDATE DEFINED.—In this
13 title, a ‘participating candidate’ means a candidate for the
14 office of Representative in, or Delegate or Resident Com-
15 missioner to, the Congress who is certified under this sec-
16 tion as eligible to receive benefits under this title.

17 **“Subtitle C—Requirements for Can-**
18 **didates Certified as Partici-**
19 **pating Candidates**

20 **“SEC. 521. CONTRIBUTION AND EXPENDITURE REQUIRE-**
21 **MENTS.**

22 “(a) PERMITTED SOURCES OF CONTRIBUTIONS AND
23 EXPENDITURES.—Except as provided in subsection (c), a
24 participating candidate with respect to an election shall,
25 with respect to all elections occurring during the election

1 cycle for the office involved, accept no contributions from
2 any source and make no expenditures from any amounts,
3 other than the following:

4 “(1) Qualified small dollar contributions.

5 “(2) Payments under this title.

6 “(3) Contributions from political committees es-
7 tablished and maintained by a national or State po-
8 litical party, subject to the applicable limitations of
9 section 315.

10 “(4) Subject to subsection (b), personal funds
11 of the candidate or of any immediate family member
12 of the candidate (other than funds received through
13 qualified small dollar contributions).

14 “(5) Contributions from individuals who are
15 otherwise permitted to make contributions under
16 this Act, subject to the applicable limitations of sec-
17 tion 315, except that the aggregate amount of con-
18 tributions a participating candidate may accept from
19 any individual with respect to any election during
20 the election cycle may not exceed \$1,000.

21 “(6) Contributions from multicandidate political
22 committees, subject to the applicable limitations of
23 section 315.

24 “(b) SPECIAL RULES FOR PERSONAL FUNDS.—

1 “(1) LIMIT ON AMOUNT.—A candidate who is
2 certified as a participating candidate may use per-
3 sonal funds (including personal funds of any imme-
4 diate family member of the candidate) so long as—

5 “(A) the aggregate amount used with re-
6 spect to the election cycle (including any period
7 of the cycle occurring prior to the candidate’s
8 certification as a participating candidate) does
9 not exceed \$50,000; and

10 “(B) the funds are used only for making
11 direct payments for the receipt of goods and
12 services which constitute authorized expendi-
13 tures in connection with the election cycle in-
14 volved.

15 “(2) IMMEDIATE FAMILY MEMBER DEFINED.—
16 In this subsection, the term ‘immediate family mem-
17 ber’ means, with respect to a candidate—

18 “(A) the candidate’s spouse;

19 “(B) a child, stepchild, parent, grand-
20 parent, brother, half-brother, sister, or half-sis-
21 ter of the candidate or the candidate’s spouse;
22 and

23 “(C) the spouse of any person described in
24 subparagraph (B).

25 “(c) EXCEPTIONS.—

1 “(1) EXCEPTION FOR CONTRIBUTIONS RE-
2 CEIVED PRIOR TO FILING OF STATEMENT OF IN-
3 TENT.—A candidate who has accepted contributions
4 that are not described in subsection (a) is not in vio-
5 lation of subsection (a), but only if all such contribu-
6 tions are—

7 “(A) returned to the contributor;

8 “(B) submitted to the Commission for de-
9 posit in the Freedom From Influence Fund es-
10 tablished under section 541; or

11 “(C) spent in accordance with paragraph
12 (2).

13 “(2) EXCEPTION FOR EXPENDITURES MADE
14 PRIOR TO FILING OF STATEMENT OF INTENT.—If a
15 candidate has made expenditures prior to the date
16 the candidate files a statement of intent under sec-
17 tion 511(a)(1) that the candidate is prohibited from
18 making under subsection (a) or subsection (b), the
19 candidate is not in violation of such subsection if the
20 aggregate amount of the prohibited expenditures is
21 less than the amount referred to in section
22 512(a)(2) (relating to the total dollar amount of
23 qualified small dollar contributions which the can-
24 didate is required to obtain) which is applicable to
25 the candidate.

1 “(3) EXCEPTION FOR CAMPAIGN SURPLUSES
2 FROM A PREVIOUS ELECTION.—Notwithstanding
3 paragraph (1), unexpended contributions received by
4 the candidate or an authorized committee of the
5 candidate with respect to a previous election may be
6 retained, but only if the candidate places the funds
7 in escrow and refrains from raising additional funds
8 for or spending funds from that account during the
9 election cycle in which a candidate is a participating
10 candidate.

11 “(4) EXCEPTION FOR CONTRIBUTIONS RE-
12 CEIVED BEFORE THE EFFECTIVE DATE OF THIS
13 TITLE.—Contributions received and expenditures
14 made by the candidate or an authorized committee
15 of the candidate prior to the effective date of this
16 title shall not constitute a violation of subsection (a)
17 or (b). Unexpended contributions shall be treated
18 the same as campaign surpluses under paragraph
19 (3), and expenditures made shall count against the
20 limit in paragraph (2).

21 “(d) SPECIAL RULE FOR COORDINATED PARTY EX-
22 PENDITURES.—For purposes of this section, a payment
23 made by a political party in coordination with a partici-
24 pating candidate shall not be treated as a contribution to
25 or as an expenditure made by the participating candidate.

1 “(e) PROHIBITION ON JOINT FUNDRAISING COMMIT-
2 TEES.—

3 “(1) PROHIBITION.—An authorized committee
4 of a candidate who is certified as a participating
5 candidate under this title with respect to an election
6 may not establish a joint fundraising committee with
7 a political committee other than another authorized
8 committee of the candidate.

9 “(2) STATUS OF EXISTING COMMITTEES FOR
10 PRIOR ELECTIONS.—If a candidate established a
11 joint fundraising committee described in paragraph
12 (1) with respect to a prior election for which the
13 candidate was not certified as a participating can-
14 didate under this title and the candidate does not
15 terminate the committee, the candidate shall not be
16 considered to be in violation of paragraph (1) so
17 long as that joint fundraising committee does not re-
18 ceive any contributions or make any disbursements
19 during the election cycle for which the candidate is
20 certified as a participating candidate under this title.

21 “(f) PROHIBITION ON LEADERSHIP PACS.—

22 “(1) PROHIBITION.—A candidate who is cer-
23 tified as a participating candidate under this title
24 with respect to an election may not associate with,

1 establish, finance, maintain, or control a leadership
2 PAC.

3 “(2) STATUS OF EXISTING LEADERSHIP
4 PACS.—If a candidate established, financed, main-
5 tained, or controlled a leadership PAC prior to being
6 certified as a participating candidate under this title
7 and the candidate does not terminate the leadership
8 PAC, the candidate shall not be considered to be in
9 violation of paragraph (1) so long as the leadership
10 PAC does not receive any contributions or make any
11 disbursements during the election cycle for which the
12 candidate is certified as a participating candidate
13 under this title.

14 “(3) LEADERSHIP PAC DEFINED.—In this sub-
15 section, the term ‘leadership PAC’ has the meaning
16 given such term in section 304(i)(8)(B).

17 **“SEC. 522. ADMINISTRATION OF CAMPAIGN.**

18 “(a) SEPARATE ACCOUNTING FOR VARIOUS PER-
19 MITTED CONTRIBUTIONS.—Each authorized committee of
20 a candidate certified as a participating candidate under
21 this title—

22 “(1) shall provide for separate accounting of
23 each type of contribution described in section 521(a)
24 which is received by the committee; and

1 “(2) shall provide for separate accounting for
2 the payments received under this title.

3 “(b) ENHANCED DISCLOSURE OF INFORMATION ON
4 DONORS.—

5 “(1) MANDATORY IDENTIFICATION OF INDIVID-
6 UALS MAKING QUALIFIED SMALL DOLLAR CON-
7 TRIBUTIONS.—Each authorized committee of a par-
8 ticipating candidate under this title shall elect, in ac-
9 cordance with section 304(b)(3)(A), to include in the
10 reports the committee submits under section 304 the
11 identification of each person who makes a qualified
12 small dollar contribution to the committee.

13 “(2) MANDATORY DISCLOSURE THROUGH
14 INTERNET.—Each authorized committee of a partici-
15 pating candidate under this title shall ensure that all
16 information reported to the Commission under this
17 Act with respect to contributions and expenditures
18 of the committee is available to the public on the
19 internet (whether through a site established for pur-
20 poses of this subsection, a hyperlink on another pub-
21 lic site of the committee, or a hyperlink on a report
22 filed electronically with the Commission) in a search-
23 able, sortable, and downloadable manner.

1 **“SEC. 523. PREVENTING UNNECESSARY SPENDING OF PUB-**
2 **LIC FUNDS.**

3 “(a) MANDATORY SPENDING OF AVAILABLE PRI-
4 VATE FUNDS.—An authorized committee of a candidate
5 certified as a participating candidate under this title may
6 not make any expenditure of any payments received under
7 this title in any amount unless the committee has made
8 an expenditure in an equivalent amount of funds received
9 by the committee which are described in paragraphs (1),
10 (3), (4), (5), and (6) of section 521(a).

11 “(b) LIMITATION.—Subsection (a) applies to an au-
12 thorized committee only to the extent that the funds re-
13 ferred to in such subsection are available to the committee
14 at the time the committee makes an expenditure of a pay-
15 ment received under this title.

16 **“SEC. 524. REMITTING UNSPENT FUNDS AFTER ELECTION.**

17 “(a) REMITTANCE REQUIRED.—Not later than the
18 date that is 180 days after the last election for which a
19 candidate certified as a participating candidate qualifies
20 to be on the ballot during the election cycle involved, such
21 participating candidate shall remit to the Commission for
22 deposit in the Freedom From Influence Fund established
23 under section 541 an amount equal to the balance of the
24 payments received under this title by the authorized com-
25 mittees of the candidate which remain unexpended as of
26 such date.

1 “(b) PERMITTING CANDIDATES PARTICIPATING IN
2 NEXT ELECTION CYCLE TO RETAIN PORTION OF
3 UNSPENT FUNDS.—Notwithstanding subsection (a), a
4 participating candidate may withhold not more than
5 \$100,000 from the amount required to be remitted under
6 subsection (a) if the candidate files a signed affidavit with
7 the Commission that the candidate will seek certification
8 as a participating candidate with respect to the next elec-
9 tion cycle, except that the candidate may not use any por-
10 tion of the amount withheld until the candidate is certified
11 as a participating candidate with respect to that next elec-
12 tion cycle. If the candidate fails to seek certification as
13 a participating candidate prior to the last day of the Small
14 Dollar Democracy qualifying period for the next election
15 cycle (as described in section 511), or if the Commission
16 notifies the candidate of the Commission’s determination
17 does not meet the requirements for certification as a par-
18 ticipating candidate with respect to such cycle, the can-
19 didate shall immediately remit to the Commission the
20 amount withheld.

21 **“Subtitle D—Enhanced Match** 22 **Support**

23 **“SEC. 531. ENHANCED SUPPORT FOR GENERAL ELECTION.**

24 “(a) AVAILABILITY OF ENHANCED SUPPORT.—In
25 addition to the payments made under subtitle A, the Com-

1 mission shall make an additional payment to an eligible
2 candidate under this subtitle.

3 “(b) USE OF FUNDS.—A candidate shall use the ad-
4 ditional payment under this subtitle only for authorized
5 expenditures in connection with the election involved.

6 **“SEC. 532. ELIGIBILITY.**

7 “(a) IN GENERAL.—A candidate is eligible to receive
8 an additional payment under this subtitle if the candidate
9 meets each of the following requirements:

10 “(1) The candidate is on the ballot for the gen-
11 eral election for the office the candidate seeks.

12 “(2) The candidate is certified as a partici-
13 pating candidate under this title with respect to the
14 election.

15 “(3) During the enhanced support qualifying
16 period, the candidate receives qualified small dollar
17 contributions in a total amount of not less than
18 \$50,000.

19 “(4) During the enhanced support qualifying
20 period, the candidate submits to the Commission a
21 request for the payment which includes—

22 “(A) a statement of the number and
23 amount of qualified small dollar contributions
24 received by the candidate during the enhanced
25 support qualifying period;

1 “(B) a statement of the amount of the
2 payment the candidate anticipates receiving
3 with respect to the request; and

4 “(C) such other information and assur-
5 ances as the Commission may require.

6 “(5) After submitting a request for the addi-
7 tional payment under paragraph (4), the candidate
8 does not submit any other application for an addi-
9 tional payment under this subtitle.

10 “(b) ENHANCED SUPPORT QUALIFYING PERIOD DE-
11 SCRIBED.—In this subtitle, the term ‘enhanced support
12 qualifying period’ means, with respect to a general elec-
13 tion, the period which begins 60 days before the date of
14 the election and ends 14 days before the date of the elec-
15 tion.

16 **“SEC. 533. AMOUNT.**

17 “(a) IN GENERAL.—Subject to subsection (b), the
18 amount of the additional payment made to an eligible can-
19 didate under this subtitle shall be an amount equal to 50
20 percent of—

21 “(1) the amount of the payment made to the
22 candidate under section 501(b) with respect to the
23 qualified small dollar contributions which are re-
24 ceived by the candidate during the enhanced support

1 qualifying period (as included in the request sub-
2 mitted by the candidate under section 532(a)(4)); or

3 “(2) in the case of a candidate who is not eligi-
4 ble to receive a payment under section 501(b) with
5 respect to such qualified small dollar contributions
6 because the candidate has reached the limit on the
7 aggregate amount of payments under subtitle A for
8 the election cycle under section 501(c), the amount
9 of the payment which would have been made to the
10 candidate under section 501(b) with respect to such
11 qualified small dollar contributions if the candidate
12 had not reached such limit.

13 “(b) LIMIT.—The amount of the additional payment
14 determined under subsection (a) with respect to a can-
15 didate may not exceed \$500,000.

16 “(c) NO EFFECT ON AGGREGATE LIMIT.—The
17 amount of the additional payment made to a candidate
18 under this subtitle shall not be included in determining
19 the aggregate amount of payments made to a participating
20 candidate with respect to an election cycle under section
21 501(c).

22 **“SEC. 534. WAIVER OF AUTHORITY TO RETAIN PORTION OF**
23 **UNSPENT FUNDS AFTER ELECTION.**

24 “Notwithstanding section 524(a)(2), a candidate who
25 receives an additional payment under this subtitle with re-

1 spect to an election is not permitted to withhold any por-
 2 tion from the amount of unspent funds the candidate is
 3 required to remit to the Commission under section
 4 524(a)(1).

5 **“Subtitle E—Administrative** 6 **Provisions**

7 **“SEC. 541. FREEDOM FROM INFLUENCE FUND.**

8 “(a) ESTABLISHMENT.—There is established in the
 9 Treasury a fund to be known as the ‘Freedom From Infl-
 10 uence Fund’.

11 “(b) AMOUNTS HELD BY FUND.—The Fund shall
 12 consist of the following amounts:

13 “(1) ASSESSMENTS AGAINST FINES, SETTLE-
 14 MENTS, AND PENALTIES.—Amounts transferred
 15 under section 3015 of title 18, United States Code,
 16 section 9707 of title 31, United States Code, and
 17 section 6761 of the Internal Revenue Code of 1986.

18 “(2) DEPOSITS.—Amounts deposited into the
 19 Fund under—

20 “(A) section 521(c)(1)(B) (relating to ex-
 21 ceptions to contribution requirements);

22 “(B) section 523 (relating to remittance of
 23 unused payments from the Fund); and

24 “(C) section 544 (relating to violations).

1 “(3) INVESTMENT RETURNS.—Interest on, and
2 the proceeds from, the sale or redemption of any ob-
3 ligations held by the Fund under subsection (c).

4 “(c) INVESTMENT.—The Commission shall invest
5 portions of the Fund in obligations of the United States
6 in the same manner as provided under section 9602(b)
7 of the Internal Revenue Code of 1986.

8 “(d) USE OF FUND TO MAKE PAYMENTS TO PAR-
9 TICIPATING CANDIDATES.—

10 “(1) PAYMENTS TO PARTICIPATING CAN-
11 DIDATES.—Amounts in the Fund shall be available
12 without further appropriation or fiscal year limita-
13 tion to make payments to participating candidates
14 as provided in this title.

15 “(2) MANDATORY REDUCTION OF PAYMENTS IN
16 CASE OF INSUFFICIENT AMOUNTS IN FUND.—

17 “(A) ADVANCE AUDITS BY COMMISSION.—
18 Not later than 90 days before the first day of
19 each election cycle (beginning with the first
20 election cycle that begins after the date of the
21 enactment of this title), the Commission shall—

22 “(i) audit the Fund to determine
23 whether the amounts in the Fund will be
24 sufficient to make payments to partici-

1 pating candidates in the amounts provided
2 in this title during such election cycle; and

3 “(ii) submit a report to Congress de-
4 scribing the results of the audit.

5 “(B) REDUCTIONS IN AMOUNT OF PAY-
6 MENTS.—

7 “(i) AUTOMATIC REDUCTION ON PRO
8 RATA BASIS.—If, on the basis of the audit
9 described in subparagraph (A), the Com-
10 mission determines that the amount antici-
11 pated to be available in the Fund with re-
12 spect to the election cycle involved is not,
13 or may not be, sufficient to satisfy the full
14 entitlements of participating candidates to
15 payments under this title for such election
16 cycle, the Commission shall reduce each
17 amount which would otherwise be paid to
18 a participating candidate under this title
19 by such pro rata amount as may be nec-
20 essary to ensure that the aggregate
21 amount of payments anticipated to be
22 made with respect to the election cycle will
23 not exceed the amount anticipated to be
24 available for such payments in the Fund
25 with respect to such election cycle.

1 “(ii) RESTORATION OF REDUCTIONS
2 IN CASE OF AVAILABILITY OF SUFFICIENT
3 FUNDS DURING ELECTION CYCLE.—If,
4 after reducing the amounts paid to partici-
5 pating candidates with respect to an elec-
6 tion cycle under clause (i), the Commission
7 determines that there are sufficient
8 amounts in the Fund to restore the
9 amount by which such payments were re-
10 duced (or any portion thereof), to the ex-
11 tent that such amounts are available, the
12 Commission may make a payment on a pro
13 rata basis to each such participating can-
14 didate with respect to the election cycle in
15 the amount by which such candidate’s pay-
16 ments were reduced under clause (i) (or
17 any portion thereof, as the case may be).

18 “(iii) NO USE OF AMOUNTS FROM
19 OTHER SOURCES.—In any case in which
20 the Commission determines that there are
21 insufficient moneys in the Fund to make
22 payments to participating candidates under
23 this title, moneys shall not be made avail-
24 able from any other source for the purpose
25 of making such payments.

1 “(e) USE OF FUND TO MAKE OTHER PAYMENTS.—

2 In addition to the use described in subsection (d), amounts
3 in the Fund shall be available without further appropria-
4 tion or fiscal year limitation—

5 “(1) to make payments to States under the My
6 Voice Voucher Program under the Government By
7 the People Act of 2019, subject to reductions under
8 section 5101(f)(3) of such Act;

9 “(2) to make payments to candidates under
10 chapter 95 of subtitle H of the Internal Revenue
11 Code of 1986, subject to reductions under section
12 9013(b) of such Code; and

13 “(3) to make payments to candidates under
14 chapter 96 of subtitle H of the Internal Revenue
15 Code of 1986, subject to reductions under section
16 9043(b) of such Code.

17 “(f) EFFECTIVE DATE.—This section shall take ef-
18 fect on the date of the enactment of this title.

19 **“SEC. 542. REVIEWS AND REPORTS BY GOVERNMENT AC-**
20 **COUNTABILITY OFFICE.**

21 “(a) REVIEW OF SMALL DOLLAR FINANCING.—

22 “(1) IN GENERAL.—After each regularly sched-
23 uled general election for Federal office, the Comp-
24 troller General of the United States shall conduct a

1 comprehensive review of the Small Dollar financing
2 program under this title, including—

3 “(A) the maximum and minimum dollar
4 amounts of qualified small dollar contributions
5 under section 504;

6 “(B) the number and value of qualified
7 small dollar contributions a candidate is re-
8 quired to obtain under section 512(a) to be eli-
9 gible for certification as a participating can-
10 didate;

11 “(C) the maximum amount of payments a
12 candidate may receive under this title;

13 “(D) the overall satisfaction of partici-
14 pating candidates and the American public with
15 the program; and

16 “(E) such other matters relating to financ-
17 ing of campaigns as the Comptroller General
18 determines are appropriate.

19 “(2) CRITERIA FOR REVIEW.—In conducting
20 the review under subparagraph (A), the Comptroller
21 General shall consider the following:

22 “(A) QUALIFIED SMALL DOLLAR CON-
23 TRIBUTIONS.—Whether the number and dollar
24 amounts of qualified small dollar contributions
25 required strikes an appropriate balance regard-

1 ing the importance of voter involvement, the
2 need to assure adequate incentives for partici-
3 pating, and fiscal responsibility, taking into
4 consideration the number of primary and gen-
5 eral election participating candidates, the elec-
6 toral performance of those candidates, program
7 cost, and any other information the Comptroller
8 General determines is appropriate.

9 “(B) REVIEW OF PAYMENT LEVELS.—

10 Whether the totality of the amount of funds al-
11 lowed to be raised by participating candidates
12 (including through qualified small dollar con-
13 tributions) and payments under this title are
14 sufficient for voters in each State to learn about
15 the candidates to cast an informed vote, taking
16 into account the historic amount of spending by
17 winning candidates, media costs, primary elec-
18 tion dates, and any other information the
19 Comptroller General determines is appropriate.

20 “(3) RECOMMENDATIONS FOR ADJUSTMENT OF

21 AMOUNTS.—Based on the review conducted under
22 subparagraph (A), the Comptroller General may rec-
23 ommend to Congress adjustments of the following
24 amounts:

1 “(A) The number and value of qualified
2 small dollar contributions a candidate is re-
3 quired to obtain under section 512(a) to be eli-
4 gible for certification as a participating can-
5 didate.

6 “(B) The maximum amount of payments a
7 candidate may receive under this title.

8 “(b) REPORTS.—Not later than each June 1 which
9 follows a regularly scheduled general election for Federal
10 office for which payments were made under this title, the
11 Comptroller General shall submit to the Committee on
12 House Administration of the House of Representatives a
13 report—

14 “(1) containing an analysis of the review con-
15 ducted under subsection (a), including a detailed
16 statement of Comptroller General’s findings, conclu-
17 sions, and recommendations based on such review,
18 including any recommendations for adjustments of
19 amounts described in subsection (a)(3); and

20 “(2) documenting, evaluating, and making rec-
21 ommendations relating to the administrative imple-
22 mentation and enforcement of the provisions of this
23 title.

1 “(c) AUTHORIZATION OF APPROPRIATIONS.—There
2 are authorized to be appropriated such sums as are nec-
3 essary to carry out the purposes of this section.

4 **“SEC. 543. ADMINISTRATION BY COMMISSION.**

5 “The Commission shall prescribe regulations to carry
6 out the purposes of this title, including regulations to es-
7 tablish procedures for—

8 “(1) verifying the amount of qualified small dol-
9 lar contributions with respect to a candidate;

10 “(2) effectively and efficiently monitoring and
11 enforcing the limits on the raising of qualified small
12 dollar contributions;

13 “(3) effectively and efficiently monitoring and
14 enforcing the limits on the use of personal funds by
15 participating candidates; and

16 “(4) monitoring the use of allocations from the
17 Freedom From Influence Fund established under
18 section 541 and matching contributions under this
19 title through audits of not fewer than $\frac{1}{10}$ (or, in the
20 case of the first 3 election cycles during which the
21 program under this title is in effect, not fewer than
22 $\frac{1}{3}$) of all participating candidates or other mecha-
23 nisms.

1 **“SEC. 544. VIOLATIONS AND PENALTIES.**

2 “(a) CIVIL PENALTY FOR VIOLATION OF CONTRIBU-
3 TION AND EXPENDITURE REQUIREMENTS.—If a can-
4 didate who has been certified as a participating candidate
5 accepts a contribution or makes an expenditure that is
6 prohibited under section 521, the Commission may assess
7 a civil penalty against the candidate in an amount that
8 is not more than 3 times the amount of the contribution
9 or expenditure. Any amounts collected under this sub-
10 section shall be deposited into the Freedom From Influe-
11 ence Fund established under section 541.

12 “(b) REPAYMENT FOR IMPROPER USE OF FREEDOM
13 FROM INFLUENCE FUND.—

14 “(1) IN GENERAL.—If the Commission deter-
15 mines that any payment made to a participating
16 candidate was not used as provided for in this title
17 or that a participating candidate has violated any of
18 the dates for remission of funds contained in this
19 title, the Commission shall so notify the candidate
20 and the candidate shall pay to the Fund an amount
21 equal to—

22 “(A) the amount of payments so used or
23 not remitted, as appropriate; and

24 “(B) interest on any such amounts (at a
25 rate determined by the Commission).

1 “(2) OTHER ACTION NOT PRECLUDED.—Any
2 action by the Commission in accordance with this
3 subsection shall not preclude enforcement pro-
4 ceedings by the Commission in accordance with sec-
5 tion 309(a), including a referral by the Commission
6 to the Attorney General in the case of an apparent
7 knowing and willful violation of this title.

8 “(c) PROHIBITING CERTAIN CANDIDATES FROM
9 QUALIFYING AS PARTICIPATING CANDIDATES.—

10 “(1) CANDIDATES WITH MULTIPLE CIVIL PEN-
11 ALTIES.—If the Commission assesses 3 or more civil
12 penalties under subsection (a) against a candidate
13 (with respect to either a single election or multiple
14 elections), the Commission may refuse to certify the
15 candidate as a participating candidate under this
16 title with respect to any subsequent election, except
17 that if each of the penalties were assessed as the re-
18 sult of a knowing and willful violation of any provi-
19 sion of this Act, the candidate is not eligible to be
20 certified as a participating candidate under this title
21 with respect to any subsequent election.

22 “(2) CANDIDATES SUBJECT TO CRIMINAL PEN-
23 ALTY.—A candidate is not eligible to be certified as
24 a participating candidate under this title with re-
25 spect to an election if a penalty has been assessed

1 against the candidate under section 309(d) with re-
2 spect to any previous election.

3 “(d) IMPOSITION OF CRIMINAL PENALTIES.—For
4 criminal penalties for the failure of a participating can-
5 didate to comply with the requirements of this title, see
6 section 309(d).

7 **“SEC. 545. APPEALS PROCESS.**

8 “(a) REVIEW OF ACTIONS.—Any action by the Com-
9 mission in carrying out this title shall be subject to review
10 by the United States Court of Appeals for the District
11 of Columbia upon petition filed in the Court not later than
12 30 days after the Commission takes the action for which
13 the review is sought.

14 “(b) PROCEDURES.—The provisions of chapter 7 of
15 title 5, United States Code, apply to judicial review under
16 this section.

17 **“SEC. 546. INDEXING OF AMOUNTS.**

18 “(a) INDEXING.—In any calendar year after 2024,
19 section 315(c)(1)(B) shall apply to each amount described
20 in subsection (b) in the same manner as such section ap-
21 plies to the limitations established under subsections
22 (a)(1)(A), (a)(1)(B), (a)(3), and (h) of such section, ex-
23 cept that for purposes of applying such section to the
24 amounts described in subsection (b), the ‘base period’
25 shall be 2024.

1 “(b) AMOUNTS DESCRIBED.—The amounts described
2 in this subsection are as follows:

3 “(1) The amount referred to in section
4 502(b)(1) (relating to the minimum amount of quali-
5 fied small dollar contributions included in a request
6 for payment).

7 “(2) The amounts referred to in section
8 504(a)(1) (relating to the amount of a qualified
9 small dollar contribution).

10 “(3) The amount referred to in section
11 512(a)(2) (relating to the total dollar amount of
12 qualified small dollar contributions).

13 “(4) The amount referred to in section
14 521(a)(5) (relating to the aggregate amount of con-
15 tributions a participating candidate may accept from
16 any individual with respect to an election).

17 “(5) The amount referred to in section
18 521(b)(1)(A) (relating to the amount of personal
19 funds that may be used by a candidate who is cer-
20 tified as a participating candidate).

21 “(6) The amounts referred to in section
22 524(a)(2) (relating to the amount of unspent funds
23 a candidate may retain for use in the next election
24 cycle).

1 “(7) The amount referred to in section
 2 532(a)(3) (relating to the total dollar amount of
 3 qualified small dollar contributions for a candidate
 4 seeking an additional payment under subtitle D).

5 “(8) The amount referred to in section 533(b)
 6 (relating to the limit on the amount of an additional
 7 payment made to a candidate under subtitle D).

8 **“SEC. 547. ELECTION CYCLE DEFINED.**

9 “‘In this title, the term ‘election cycle’ means, with
 10 respect to an election for an office, the period beginning
 11 on the day after the date of the most recent general elec-
 12 tion for that office (or, if the general election resulted in
 13 a runoff election, the date of the runoff election) and end-
 14 ing on the date of the next general election for that office
 15 (or, if the general election resulted in a runoff election,
 16 the date of the runoff election).’”.

17 **SEC. 5112. CONTRIBUTIONS AND EXPENDITURES BY MULTI-**
 18 **CANDIDATE AND POLITICAL PARTY COMMIT-**
 19 **TEES ON BEHALF OF PARTICIPATING CAN-**
 20 **DIDATES.**

21 (a) AUTHORIZING CONTRIBUTIONS ONLY FROM SEP-
 22 ARATE ACCOUNTS CONSISTING OF QUALIFIED SMALL
 23 DOLLAR CONTRIBUTIONS.—Section 315(a) of the Federal
 24 Election Campaign Act of 1971 (52 U.S.C. 30116(a)) is

1 amended by adding at the end the following new para-
2 graph:

3 “(10) In the case of a multicandidate political com-
4 mittee or any political committee of a political party, the
5 committee may make a contribution to a candidate who
6 is a participating candidate under title V with respect to
7 an election only if the contribution is paid from a separate,
8 segregated account of the committee which consists solely
9 of contributions which meet the following requirements:

10 “(A) Each such contribution is in an amount
11 which meets the requirements for the amount of a
12 qualified small dollar contribution under section
13 504(a)(1) with respect to the election involved.

14 “(B) Each such contribution is made by an in-
15 dividual who is not otherwise prohibited from mak-
16 ing a contribution under this Act.

17 “(C) The individual who makes the contribution
18 does not make contributions to the committee during
19 the year in an aggregate amount that exceeds the
20 limit described in section 504(a)(1).”.

21 (b) PERMITTING UNLIMITED COORDINATED EX-
22 PENDITURES FROM SMALL DOLLAR SOURCES BY POLIT-
23 ICAL PARTIES.—Section 315(d) of such Act (52 U.S.C.
24 30116(d)) is amended—

1 (1) in paragraph (3), by striking “The national
2 committee” and inserting “Except as provided in
3 paragraph (6), the national committee”; and

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

6 “(6) The limits described in paragraph (3) do not
7 apply in the case of expenditures in connection with the
8 general election campaign of a candidate for the office of
9 Representative in, or Delegate or Resident Commissioner
10 to, the Congress who is a participating candidate under
11 title V with respect to the election, but only if—

12 “(A) the expenditures are paid from a separate,
13 segregated account of the committee which is de-
14 scribed in subsection (a)(9); and

15 “(B) the expenditures are the sole source of
16 funding provided by the committee to the can-
17 didate.”.

18 **SEC. 5113. PROHIBITING USE OF CONTRIBUTIONS BY PAR-**
19 **TICIPATING CANDIDATES FOR PURPOSES**
20 **OTHER THAN CAMPAIGN FOR ELECTION.**

21 Section 313 of the Federal Election Campaign Act
22 of 1971 (52 U.S.C. 30114) is amended by adding at the
23 end the following new subsection:

24 “(d) RESTRICTIONS ON PERMITTED USES OF FUNDS
25 BY CANDIDATES RECEIVING SMALL DOLLAR FINANC-

1 ING.—Notwithstanding paragraph (2), (3), or (4) of sub-
 2 section (a), if a candidate for election for the office of Rep-
 3 resentative in, or Delegate or Resident Commissioner to,
 4 the Congress is certified as a participating candidate
 5 under title V with respect to the election, any contribution
 6 which the candidate is permitted to accept under such title
 7 may be used only for authorized expenditures in connec-
 8 tion with the candidate’s campaign for such office, subject
 9 to section 503(b).”.

10 **SEC. 5114. ASSESSMENTS AGAINST FINES AND PENALTIES.**

11 (a) ASSESSMENTS RELATING TO CRIMINAL OF-
 12 FENSES.—

13 (1) IN GENERAL.—Chapter 201 of title 18,
 14 United States Code, is amended by adding at the
 15 end the following new section:

16 **“§ 3015. Special assessments for Freedom From Infl-**
 17 **ence Fund**

18 “(a) ASSESSMENTS.—

19 “(1) CONVICTIONS OF CRIMES.—In addition to
 20 any assessment imposed under this chapter, the
 21 court shall assess on any organizational defendant or
 22 any defendant who is a corporate officer or person
 23 with equivalent authority in any other organization
 24 who is convicted of a criminal offense under Federal
 25 law an amount equal to 2.75 percent of any fine im-

1 posed on that defendant in the sentence imposed for
2 that conviction.

3 “(2) SETTLEMENTS.—The court shall assess on
4 any organizational defendant or defendant who is a
5 corporate officer or person with equivalent authority
6 in any other organization who has entered into a
7 settlement agreement or consent decree with the
8 United States in satisfaction of any allegation that
9 the defendant committed a criminal offense under
10 Federal law an amount equal to 2.75 percent of the
11 amount of the settlement.

12 “(b) MANNER OF COLLECTION.—An amount as-
13 sessed under subsection (a) shall be collected in the man-
14 ner in which fines are collected in criminal cases.

15 “(c) TRANSFERS.—In a manner consistent with sec-
16 tion 3302(b) of title 31, there shall be transferred from
17 the General Fund of the Treasury to the Freedom From
18 Influence Fund under section 541 of the Federal Election
19 Campaign Act of 1971 an amount equal to the amount
20 of the assessments collected under this section.”.

21 (2) CLERICAL AMENDMENT.—The table of sec-
22 tions of chapter 201 of title 18, United States Code,
23 is amended by adding at the end the following:

“3015. Special assessments for Freedom From Influence Fund.”.

24 (b) ASSESSMENTS RELATING TO CIVIL PEN-
25 ALTIES.—

1 (1) IN GENERAL.—Chapter 97 of title 31,
2 United States Code, is amended by adding at the
3 end the following new section:

4 **“§ 9707. Special assessments for Freedom From Influ-**
5 **ence Fund**

6 “(a) ASSESSMENTS.—

7 “(1) CIVIL PENALTIES.—Any entity of the Fed-
8 eral Government which is authorized under any law,
9 rule, or regulation to impose a civil penalty shall as-
10 sess on each person, other than a natural person
11 who is not a corporate officer or person with equiva-
12 lent authority in any other organization, on whom
13 such a penalty is imposed an amount equal to 2.75
14 percent of the amount of the penalty.

15 “(2) ADMINISTRATIVE PENALTIES.—Any entity
16 of the Federal Government which is authorized
17 under any law, rule, or regulation to impose an ad-
18 ministrative penalty shall assess on each person,
19 other than a natural person who is not a corporate
20 officer or person with equivalent authority in any
21 other organization, on whom such a penalty is im-
22 posed an amount equal to 2.75 percent of the
23 amount of the penalty.

24 “(3) SETTLEMENTS.—Any entity of the Federal
25 Government which is authorized under any law, rule,

1 or regulation to enter into a settlement agreement or
2 consent decree with any person, other than a natural
3 person who is not a corporate officer or person with
4 equivalent authority in any other organization, in
5 satisfaction of any allegation of an action or omis-
6 sion by the person which would be subject to a civil
7 penalty or administrative penalty shall assess on
8 such person an amount equal to 2.75 percent of the
9 amount of the settlement.

10 “(b) MANNER OF COLLECTION.—An amount as-
11 sessed under subsection (a) shall be collected—

12 “(1) in the case of an amount assessed under
13 paragraph (1) of such subsection, in the manner in
14 which civil penalties are collected by the entity of the
15 Federal Government involved;

16 “(2) in the case of an amount assessed under
17 paragraph (2) of such subsection, in the manner in
18 which administrative penalties are collected by the
19 entity of the Federal Government involved; and

20 “(3) in the case of an amount assessed under
21 paragraph (3) of such subsection, in the manner in
22 which amounts are collected pursuant to settlement
23 agreements or consent decrees entered into by the
24 entity of the Federal Government involved.

1 “(c) TRANSFERS.—In a manner consistent with sec-
 2 tion 3302(b) of this title, there shall be transferred from
 3 the General Fund of the Treasury to the Freedom From
 4 Influence Fund under section 541 of the Federal Election
 5 Campaign Act of 1971 an amount equal to the amount
 6 of the assessments collected under this section.

7 “(d) EXCEPTION FOR PENALTIES AND SETTLE-
 8 MENTS UNDER AUTHORITY OF THE INTERNAL REVENUE
 9 CODE OF 1986.—

10 “(1) IN GENERAL.—No assessment shall be
 11 made under subsection (a) with respect to any civil
 12 or administrative penalty imposed, or any settlement
 13 agreement or consent decree entered into, under the
 14 authority of the Internal Revenue Code of 1986.

15 “(2) CROSS REFERENCE.—For application of
 16 special assessments for the Freedom From Influence
 17 Fund with respect to certain penalties under the In-
 18 ternal Revenue Code of 1986, see section 6761 of
 19 the Internal Revenue Code of 1986.”.

20 “(2) CLERICAL AMENDMENT.—The table of sec-
 21 tions of chapter 97 of title 31, United States Code,
 22 is amended by adding at the end the following:

“9707. Special assessments for Freedom From Influence Fund.”.

23 “(c) ASSESSMENTS RELATING TO CERTAIN PEN-
 24 ALTIES UNDER THE INTERNAL REVENUE CODE OF
 25 1986.—

1 (1) IN GENERAL.—Chapter 68 of the Internal
2 Revenue Code of 1986 is amended by adding at the
3 end the following new subchapter:

4 **“Subchapter D—Special Assessments for**
5 **Freedom From Influence Fund**

6 **“SEC. 6761. SPECIAL ASSESSMENTS FOR FREEDOM FROM**
7 **INFLUENCE FUND.**

8 “(a) IN GENERAL.—Each person required to pay a
9 covered penalty shall pay an additional amount equal to
10 2.75 percent of the amount of such penalty.

11 “(b) COVERED PENALTY.—For purposes of this sec-
12 tion, the term ‘covered penalty’ means any addition to tax,
13 additional amount, penalty, or other liability provided
14 under subchapter A or B.

15 “(c) EXCEPTION FOR CERTAIN INDIVIDUALS.—

16 “(1) IN GENERAL.—In the case of a taxpayer
17 who is an individual, subsection (a) shall not apply
18 to any covered penalty if such taxpayer is an exempt
19 taxpayer for the taxable year for which such covered
20 penalty is assessed.

21 “(2) EXEMPT TAXPAYER.—For purposes of this
22 subsection, a taxpayer is an exempt taxpayer for any
23 taxable year if the taxable income of such taxpayer
24 for such taxable year does not exceed the dollar
25 amount at which begins the highest rate bracket in

1 effect under section 1 with respect to such taxpayer
 2 for such taxable year.

3 “(d) APPLICATION OF CERTAIN RULES.—Except as
 4 provided in subsection (e), the additional amount deter-
 5 mined under subsection (a) shall be treated for purposes
 6 of this title in the same manner as the covered penalty
 7 to which such additional amount relates.

8 “(e) TRANSFER TO FREEDOM FROM INFLUENCE
 9 FUND.—The Secretary shall deposit any additional
 10 amount under subsection (a) in the General Fund of the
 11 Treasury and shall transfer from such General Fund to
 12 the Freedom From Influence Fund established under sec-
 13 tion 541 of the Federal Election Campaign Act of 1971
 14 an amount equal to the amounts so deposited (and, not-
 15 withstanding subsection (d), such additional amount shall
 16 not be the basis for any deposit, transfer, credit, appro-
 17 priation, or any other payment, to any other trust fund
 18 or account). Rules similar to the rules of section 9601
 19 shall apply for purposes of this subsection.”.

20 (2) CLERICAL AMENDMENT.—The table of sub-
 21 chapters for chapter 68 of such Code is amended by
 22 adding at the end the following new item:

“SUBCHAPTER D—SPECIAL ASSESSMENTS FOR FREEDOM FROM INFLUENCE
 FUND”.

23 (d) EFFECTIVE DATES.—

1 (1) IN GENERAL.—Except as provided in para-
2 graph (2), the amendments made by this section
3 shall apply with respect to convictions, agreements,
4 and penalties which occur on or after the date of the
5 enactment of this Act.

6 (2) ASSESSMENTS RELATING TO CERTAIN PEN-
7 ALTIES UNDER THE INTERNAL REVENUE CODE OF
8 1986.—The amendments made by subsection (c)
9 shall apply to covered penalties assessed after the
10 date of the enactment of this Act.

11 **SEC. 5115. STUDY AND REPORT ON SMALL DOLLAR FINANC-**
12 **ING PROGRAM.**

13 (a) STUDY AND REPORT.—Not later than 2 years
14 after the completion of the first election cycle in which
15 the program established under title V of the Federal Elec-
16 tion Campaign Act of 1971, as added by section 5111,
17 is in effect, the Federal Election Commission shall—

18 (1) assess—

19 (A) the amount of payment referred to in
20 section 501 of such Act; and

21 (B) the amount of a qualified small dollar
22 contribution referred to in section 504(a)(1) of
23 such Act; and

1 (2) submit to Congress a report that discusses
2 whether such amounts are sufficient to meet the
3 goals of the program.

4 (b) UPDATE.—The Commission shall update and re-
5 vise the study and report required by subsection (a) on
6 a biennial basis.

7 (c) TERMINATION.—The requirements of this section
8 shall terminate ten years after the date on which the first
9 study and report required by subsection (a) is submitted
10 to Congress.

11 **SEC. 5116. EFFECTIVE DATE.**

12 (a) IN GENERAL.—Except as may otherwise be pro-
13 vided in this part and in the amendments made by this
14 part, this part and the amendments made by this part
15 shall apply with respect to elections occurring during 2026
16 or any succeeding year, without regard to whether or not
17 the Federal Election Commission has promulgated the
18 final regulations necessary to carry out this part and the
19 amendments made by this part by the deadline set forth
20 in subsection (b).

21 (b) DEADLINE FOR REGULATIONS.—Not later than
22 June 30, 2024, the Federal Election Commission shall
23 promulgate such regulations as may be necessary to carry
24 out this part and the amendments made by this part.

1 **Subtitle C—Presidential Elections**

2 **SEC. 5200. SHORT TITLE.**

3 This subtitle may be cited as the “Empower Act of
4 2019”.

5 **PART 1—PRIMARY ELECTIONS**

6 **SEC. 5201. INCREASE IN AND MODIFICATIONS TO MATCH-** 7 **ING PAYMENTS.**

8 (a) INCREASE AND MODIFICATION.—

9 (1) IN GENERAL.—The first sentence of section
10 9034(a) of the Internal Revenue Code of 1986 is
11 amended—

12 (A) by striking “an amount equal to the
13 amount of each contribution” and inserting “an
14 amount equal to 600 percent of the amount of
15 each matchable contribution (disregarding any
16 amount of contributions from any person to the
17 extent that the total of the amounts contributed
18 by such person for the election exceeds \$200)”;
19 and

20 (B) by striking “authorized committees”
21 and all that follows through “\$250” and insert-
22 ing “authorized committees”.

23 (2) MATCHABLE CONTRIBUTIONS.—Section
24 9034 of such Code is amended—

1 (A) by striking the last sentence of sub-
2 section (a); and

3 (B) by adding at the end the following new
4 subsection:

5 “(c) MATCHABLE CONTRIBUTION DEFINED.—For
6 purposes of this section and section 9033(b)—

7 “(1) MATCHABLE CONTRIBUTION.—The term
8 ‘matchable contribution’ means, with respect to the
9 nomination for election to the office of President of
10 the United States, a contribution by an individual to
11 a candidate or an authorized committee of a can-
12 didate with respect to which the candidate has cer-
13 tified in writing that—

14 “(A) the individual making such contribu-
15 tion has not made aggregate contributions (in-
16 cluding such matchable contribution) to such
17 candidate and the authorized committees of
18 such candidate in excess of \$1,000 for the elec-
19 tion;

20 “(B) such candidate and the authorized
21 committees of such candidate will not accept
22 contributions from such individual (including
23 such matchable contribution) aggregating more
24 than the amount described in subparagraph
25 (A); and

1 “(C) such contribution was a direct con-
2 tribution.

3 “(2) CONTRIBUTION.—For purposes of this
4 subsection, the term ‘contribution’ means a gift of
5 money made by a written instrument which identi-
6 fies the individual making the contribution by full
7 name and mailing address, but does not include a
8 subscription, loan, advance, or deposit of money, or
9 anything of value or anything described in subpara-
10 graph (B), (C), or (D) of section 9032(4).

11 “(3) DIRECT CONTRIBUTION.—

12 “(A) IN GENERAL.—For purposes of this
13 subsection, the term ‘direct contribution’
14 means, with respect to a candidate, a contribu-
15 tion which is made directly by an individual to
16 the candidate or an authorized committee of the
17 candidate and is not—

18 “(i) forwarded from the individual
19 making the contribution to the candidate
20 or committee by another person; or

21 “(ii) received by the candidate or com-
22 mittee with the knowledge that the con-
23 tribution was made at the request, sugges-
24 tion, or recommendation of another person.

1 “(B) OTHER DEFINITIONS.—In subpara-
2 graph (A)—

3 “(i) the term ‘person’ does not include
4 an individual (other than an individual de-
5 scribed in section 304(i)(7) of the Federal
6 Election Campaign Act of 1971), a polit-
7 ical committee of a political party, or any
8 political committee which is not a separate
9 segregated fund described in section
10 316(b) of the Federal Election Campaign
11 Act of 1971 and which does not make con-
12 tributions or independent expenditures,
13 does not engage in lobbying activity under
14 the Lobbying Disclosure Act of 1995 (2
15 U.S.C. 1601 et seq.), and is not estab-
16 lished by, controlled by, or affiliated with
17 a registered lobbyist under such Act, an
18 agent of a registered lobbyist under such
19 Act, or an organization which retains or
20 employs a registered lobbyist under such
21 Act; and

22 “(ii) a contribution is not ‘made at
23 the request, suggestion, or recommendation
24 of another person’ solely on the grounds
25 that the contribution is made in response

1 to information provided to the individual
2 making the contribution by any person, so
3 long as the candidate or authorized com-
4 mittee does not know the identity of the
5 person who provided the information to
6 such individual.”.

7 (3) CONFORMING AMENDMENTS.—

8 (A) Section 9032(4) of such Code is
9 amended by striking “section 9034(a)” and in-
10 serting “section 9034”.

11 (B) Section 9033(b)(3) of such Code is
12 amended by striking “matching contributions”
13 and inserting “matchable contributions”.

14 (b) MODIFICATION OF PAYMENT LIMITATION.—Sec-
15 tion 9034(b) of such Code is amended—

16 (1) by striking “The total” and inserting the
17 following:

18 “(1) IN GENERAL.—The total”;

19 (2) by striking “shall not exceed” and all that
20 follows and inserting “shall not exceed
21 \$250,000,000.”; and

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

24 “(2) INFLATION ADJUSTMENT.—

1 “(A) IN GENERAL.—In the case of any ap-
2 plicable period beginning after 2029, the dollar
3 amount in paragraph (1) shall be increased by
4 an amount equal to—

5 “(i) such dollar amount, multiplied by

6 “(ii) the cost-of-living adjustment de-
7 termined under section 1(f)(3) for the cal-
8 endar year following the year which such
9 applicable period begins, determined by
10 substituting ‘calendar year 2028’ for ‘cal-
11 endar year 1992’ in subparagraph (B)
12 thereof.

13 “(B) APPLICABLE PERIOD.—For purposes
14 of this paragraph, the term ‘applicable period’
15 means the 4-year period beginning with the
16 first day following the date of the general elec-
17 tion for the office of President and ending on
18 the date of the next such general election.

19 “(C) ROUNDING.—If any amount as ad-
20 justed under subparagraph (1) is not a multiple
21 of \$10,000, such amount shall be rounded to
22 the nearest multiple of \$10,000.”.

1 **SEC. 5202. ELIGIBILITY REQUIREMENTS FOR MATCHING**
2 **PAYMENTS.**

3 (a) AMOUNT OF AGGREGATE CONTRIBUTIONS PER
4 STATE; DISREGARDING OF AMOUNTS CONTRIBUTED IN
5 EXCESS OF \$200.—Section 9033(b)(3) of the Internal
6 Revenue Code of 1986 is amended—

7 (1) by striking “\$5,000” and inserting
8 “\$25,000”; and

9 (2) by striking “20 States” and inserting the
10 following: “20 States (disregarding any amount of
11 contributions from any such resident to the extent
12 that the total of the amounts contributed by such
13 resident for the election exceeds \$200)”.

14 (b) CONTRIBUTION LIMIT.—

15 (1) IN GENERAL.—Paragraph (4) of section
16 9033(b) of such Code is amended to read as follows:

17 “(4) the candidate and the authorized commit-
18 tees of the candidate will not accept aggregate con-
19 tributions from any person with respect to the nomi-
20 nation for election to the office of President of the
21 United States in excess of \$1,000 for the election.”.

22 (2) CONFORMING AMENDMENTS.—

23 (A) Section 9033(b) of such Code is
24 amended by adding at the end the following
25 new flush sentence:

1 “For purposes of paragraph (4), the term ‘contribution’
2 has the meaning given such term in section 301(8) of the
3 Federal Election Campaign Act of 1971.”.

4 (B) Section 9032(4) of such Code, as
5 amended by section 5201(a)(3)(A), is amended
6 by inserting “or 9033(b)” after “9034”.

7 (c) PARTICIPATION IN SYSTEM FOR PAYMENTS FOR
8 GENERAL ELECTION.—Section 9033(b) of such Code is
9 amended—

10 (1) by striking “and” at the end of paragraph
11 (3);

12 (2) by striking the period at the end of para-
13 graph (4) and inserting “, and”; and

14 (3) by inserting after paragraph (4) the fol-
15 lowing new paragraph:

16 “(5) if the candidate is nominated by a political
17 party for election to the office of President, the can-
18 didate will apply for and accept payments with re-
19 spect to the general election for such office in ac-
20 cordance with chapter 95.”.

21 (d) PROHIBITION ON JOINT FUNDRAISING COMMIT-
22 TEES.—Section 9033(b) of such Code, as amended by sub-
23 section (c), is amended—

24 (1) by striking “and” at the end of paragraph
25 (4);

1 (2) by striking the period at the end of para-
2 graph (5) and inserting “; and”; and

3 (3) by inserting after paragraph (5) adding at
4 the end the following new paragraph:

5 “(6) the candidate will not establish a joint
6 fundraising committee with a political committee
7 other than another authorized committee of the can-
8 didate, except that candidate established a joint
9 fundraising committee with respect to a prior elec-
10 tion for which the candidate was not eligible to re-
11 ceive payments under section 9037 and the can-
12 didate does not terminate the committee, the can-
13 didate shall not be considered to be in violation of
14 this paragraph so long as that joint fundraising
15 committee does not receive any contributions or
16 make any disbursements during the election cycle for
17 which the candidate is eligible to receive payments
18 under such section.”.

19 **SEC. 5203. REPEAL OF EXPENDITURE LIMITATIONS.**

20 (a) IN GENERAL.—Subsection (a) of section 9035 of
21 the Internal Revenue Code of 1986 is amended to read
22 as follows:

23 “(a) PERSONAL EXPENDITURE LIMITATION.—No
24 candidate shall knowingly make expenditures from his per-
25 sonal funds, or the personal funds of his immediate family,

1 in connection with his campaign for nomination for elec-
2 tion to the office of President in excess of, in the aggre-
3 gate, \$50,000.”.

4 (b) CONFORMING AMENDMENT.—Paragraph (1) of
5 section 9033(b) of the Internal Revenue Code of 1986 is
6 amended to read as follows:

7 “(1) the candidate will comply with the per-
8 sonal expenditure limitation under section 9035,”.

9 **SEC. 5204. PERIOD OF AVAILABILITY OF MATCHING PAY-**
10 **MENTS.**

11 Section 9032(6) of the Internal Revenue Code of
12 1986 is amended by striking “the beginning of the cal-
13 endar year in which a general election for the office of
14 President of the United States will be held” and inserting
15 “the date that is 6 months prior to the date of the earliest
16 State primary election”.

17 **SEC. 5205. EXAMINATION AND AUDITS OF MATCHABLE CON-**
18 **TRIBUTIONS.**

19 Section 9038(a) of the Internal Revenue Code of
20 1986 is amended by inserting “and matchable contribu-
21 tions accepted by” after “qualified campaign expenses of”.

1 **SEC. 5206. MODIFICATION TO LIMITATION ON CONTRIBU-**
2 **TIONS FOR PRESIDENTIAL PRIMARY CAN-**
3 **DIDATES.**

4 Section 315(a)(6) of the Federal Election Campaign
5 Act of 1971 (52 U.S.C. 30116(a)(6)) is amended by strik-
6 ing “calendar year” and inserting “four-year election
7 cycle”.

8 **SEC. 5207. USE OF FREEDOM FROM INFLUENCE FUND AS**
9 **SOURCE OF PAYMENTS.**

10 (a) IN GENERAL.—Chapter 96 of subtitle H of the
11 Internal Revenue Code of 1986 is amended by adding at
12 the end the following new section:

13 **“SEC. 9043. USE OF FREEDOM FROM INFLUENCE FUND AS**
14 **SOURCE OF PAYMENTS.**

15 “(a) IN GENERAL.—Notwithstanding any other pro-
16 vision of this chapter, effective with respect to the Presi-
17 dential election held in 2028 and each succeeding Presi-
18 dential election, all payments made to candidates under
19 this chapter shall be made from the Freedom From Infl-
20 uence Fund established under section 541 of the Federal
21 Election Campaign Act of 1971 (hereafter in this section
22 referred to as the ‘Fund’).

23 “(b) MANDATORY REDUCTION OF PAYMENTS IN
24 CASE OF INSUFFICIENT AMOUNTS IN FUND.—

25 “(1) ADVANCE AUDITS BY COMMISSION.—Not
26 later than 90 days before the first day of each Presi-

dential election cycle (beginning with the cycle for the election held in 2028), the Commission shall—

“(A) audit the Fund to determine whether, after first making payments to participating candidates under title V of the Federal Election Campaign Act of 1971 and then making payments to States under the My Voice Voucher Program under the Government By the People Act of 2019, the amounts remaining in the Fund will be sufficient to make payments to candidates under this chapter in the amounts provided under this chapter during such election cycle; and

“(B) submit a report to Congress describing the results of the audit.

“(2) REDUCTIONS IN AMOUNT OF PAYMENTS.—

“(A) AUTOMATIC REDUCTION ON PRO RATA BASIS.—If, on the basis of the audit described in paragraph (1), the Commission determines that the amount anticipated to be available in the Fund with respect to the Presidential election cycle involved is not, or may not be, sufficient to satisfy the full entitlements of candidates to payments under this chapter for such cycle, the Commission shall reduce each

1 amount which would otherwise be paid to a can-
2 didate under this chapter by such pro rata
3 amount as may be necessary to ensure that the
4 aggregate amount of payments anticipated to
5 be made with respect to the cycle will not ex-
6 ceed the amount anticipated to be available for
7 such payments in the Fund with respect to such
8 cycle.

9 “(B) RESTORATION OF REDUCTIONS IN
10 CASE OF AVAILABILITY OF SUFFICIENT FUNDS
11 DURING ELECTION CYCLE.—If, after reducing
12 the amounts paid to candidates with respect to
13 an election cycle under subparagraph (A), the
14 Commission determines that there are sufficient
15 amounts in the Fund to restore the amount by
16 which such payments were reduced (or any por-
17 tion thereof), to the extent that such amounts
18 are available, the Commission may make a pay-
19 ment on a pro rata basis to each such candidate
20 with respect to the election cycle in the amount
21 by which such candidate’s payments were re-
22 duced under subparagraph (A) (or any portion
23 thereof, as the case may be).

24 “(C) NO USE OF AMOUNTS FROM OTHER
25 SOURCES.—In any case in which the Commis-

sion determines that there are insufficient mon-
 eys in the Fund to make payments to can-
 didates under this chapter, moneys shall not be
 made available from any other source for the
 purpose of making such payments.

“(3) NO EFFECT ON AMOUNTS TRANSFERRED
 FOR PEDIATRIC RESEARCH INITIATIVE.—This sec-
 tion does not apply to the transfer of funds under
 section 9008(i).

“(4) PRESIDENTIAL ELECTION CYCLE DE-
 FINED.—In this section, the term ‘Presidential elec-
 tion cycle’ means, with respect to a Presidential elec-
 tion, the period beginning on the day after the date
 of the previous Presidential general election and
 ending on the date of the Presidential election.”.

(b) CLERICAL AMENDMENT.—The table of sections
 for chapter 96 of subtitle H of such Code is amended by
 adding at the end the following new item:

“Sec. 9043. Use of Freedom From Influence Fund as source of payments.”.

PART 2—GENERAL ELECTIONS

SEC. 5211. MODIFICATION OF ELIGIBILITY REQUIREMENTS FOR PUBLIC FINANCING.

Subsection (a) of section 9003 of the Internal Rev-
 enue Code of 1986 is amended to read as follows:

“(a) IN GENERAL.—In order to be eligible to receive
 any payments under section 9006, the candidates of a po-

1 litical party in a Presidential election shall meet the fol-
2 lowing requirements:

3 “(1) PARTICIPATION IN PRIMARY PAYMENT
4 SYSTEM.—The candidate for President received pay-
5 ments under chapter 96 for the campaign for nomi-
6 nation for election to be President.

7 “(2) AGREEMENTS WITH COMMISSION.—The
8 candidates, in writing—

9 “(A) agree to obtain and furnish to the
10 Commission such evidence as it may request of
11 the qualified campaign expenses of such can-
12 didates,

13 “(B) agree to keep and furnish to the
14 Commission such records, books, and other in-
15 formation as it may request, and

16 “(C) agree to an audit and examination by
17 the Commission under section 9007 and to pay
18 any amounts required to be paid under such
19 section.

20 “(3) PROHIBITION ON JOINT FUNDRAISING
21 COMMITTEES.—

22 “(A) PROHIBITION.—The candidates cer-
23 tifies in writing that the candidates will not es-
24 tablish a joint fundraising committee with a po-

1 litical committee other than another authorized
2 committee of the candidate.

3 “(B) STATUS OF EXISTING COMMITTEES
4 FOR PRIOR ELECTIONS.—If a candidate estab-
5 lished a joint fundraising committee described
6 in subparagraph (A) with respect to a prior
7 election for which the candidate was not eligible
8 to receive payments under section 9006 and the
9 candidate does not terminate the committee,
10 the candidate shall not be considered to be in
11 violation of subparagraph (A) so long as that
12 joint fundraising committee does not receive
13 any contributions or make any disbursements
14 with respect to the election for which the can-
15 didate is eligible to receive payments under sec-
16 tion 9006.”.

17 **SEC. 5212. REPEAL OF EXPENDITURE LIMITATIONS AND**
18 **USE OF QUALIFIED CAMPAIGN CONTRIBU-**
19 **TIONS.**

20 (a) USE OF QUALIFIED CAMPAIGN CONTRIBUTIONS
21 WITHOUT EXPENDITURE LIMITS; APPLICATION OF SAME
22 REQUIREMENTS FOR MAJOR, MINOR, AND NEW PAR-
23 TIES.—Section 9003 of the Internal Revenue Code of
24 1986 is amended by striking subsections (b) and (c) and
25 inserting the following:

1 “(b) USE OF QUALIFIED CAMPAIGN CONTRIBUTIONS
2 TO DEFRAY EXPENSES.—

3 “(1) IN GENERAL.—In order to be eligible to
4 receive any payments under section 9006, the can-
5 didates of a party in a Presidential election shall
6 certify to the Commission, under penalty of perjury,
7 that—

8 “(A) such candidates and their authorized
9 committees have not and will not accept any
10 contributions to defray qualified campaign ex-
11 penses other than—

12 “(i) qualified campaign contributions,
13 and

14 “(ii) contributions to the extent nec-
15 essary to make up any deficiency payments
16 received out of the fund on account of the
17 application of section 9006(c), and

18 “(B) such candidates and their authorized
19 committees have not and will not accept any
20 contribution to defray expenses which would be
21 qualified campaign expenses but for subpara-
22 graph (C) of section 9002(11).

23 “(2) TIMING OF CERTIFICATION.—The can-
24 didate shall make the certification required under
25 this subsection at the same time the candidate

1 makes the certification required under subsection
2 (a)(3).”.

3 (b) DEFINITION OF QUALIFIED CAMPAIGN CON-
4 TRIBUTION.—Section 9002 of such Code is amended by
5 adding at the end the following new paragraph:

6 “(13) QUALIFIED CAMPAIGN CONTRIBUTION.—
7 The term ‘qualified campaign contribution’ means,
8 with respect to any election for the office of Presi-
9 dent of the United States, a contribution from an in-
10 dividual to a candidate or an authorized committee
11 of a candidate which—

12 “(A) does not exceed \$1,000 for the elec-
13 tion; and

14 “(B) with respect to which the candidate
15 has certified in writing that—

16 “(i) the individual making such con-
17 tribution has not made aggregate contribu-
18 tions (including such qualified contribu-
19 tion) to such candidate and the authorized
20 committees of such candidate in excess of
21 the amount described in subparagraph (A),
22 and

23 “(ii) such candidate and the author-
24 ized committees of such candidate will not
25 accept contributions from such individual

1 (including such qualified contribution) ag-
2 gregating more than the amount described
3 in subparagraph (A) with respect to such
4 election.”.

5 (c) CONFORMING AMENDMENTS.—

6 (1) REPEAL OF EXPENDITURE LIMITS.—

7 (A) IN GENERAL.—Section 315 of the Fed-
8 eral Election Campaign Act of 1971 (52 U.S.C.
9 30116) is amended by striking subsection (b).

10 (B) CONFORMING AMENDMENTS.—Section
11 315(c) of such Act (52 U.S.C. 30116(c)) is
12 amended—

13 (i) in paragraph (1)(B)(i), by striking
14 “, (b)”;

15 (ii) in paragraph (2)(B)(i), by striking
16 “subsections (b) and (d)” and inserting
17 “subsection (d)”.

18 (2) REPEAL OF REPAYMENT REQUIREMENT.—

19 (A) IN GENERAL.—Section 9007(b) of the
20 Internal Revenue Code of 1986 is amended by
21 striking paragraph (2) and redesignating para-
22 graphs (3), (4), and (5) as paragraphs (2), (3),
23 and (4), respectively.

24 (B) CONFORMING AMENDMENT.—Para-
25 graph (2) of section 9007(b) of such Code, as

redesignated by subparagraph (A), is amended—

(i) by striking “a major party” and inserting “a party”;

(ii) by inserting “qualified contributions and” after “contributions (other than”; and

(iii) by striking “(other than qualified campaign expenses with respect to which payment is required under paragraph (2))”.

(3) CRIMINAL PENALTIES.—

(A) REPEAL OF PENALTY FOR EXCESS EXPENSES.—Section 9012 of the Internal Revenue Code of 1986 is amended by striking subsection (a).

(B) PENALTY FOR ACCEPTANCE OF DISALLOWED CONTRIBUTIONS; APPLICATION OF SAME PENALTY FOR CANDIDATES OF MAJOR, MINOR, AND NEW PARTIES.—Subsection (b) of section 9012 of such Code is amended to read as follows:

“(b) CONTRIBUTIONS.—

“(1) ACCEPTANCE OF DISALLOWED CONTRIBUTIONS.—It shall be unlawful for an eligible can-

1 didate of a party in a Presidential election or any of
 2 his authorized committees knowingly and willfully to
 3 accept—

4 “(A) any contribution other than a quali-
 5 fied campaign contribution to defray qualified
 6 campaign expenses, except to the extent nec-
 7 essary to make up any deficiency in payments
 8 received out of the fund on account of the ap-
 9 plication of section 9006(c); or

10 “(B) any contribution to defray expenses
 11 which would be qualified campaign expenses but
 12 for subparagraph (C) of section 9002(11).

13 “(2) PENALTY.—Any person who violates para-
 14 graph (1) shall be fined not more than \$5,000, or
 15 imprisoned not more than one year, or both. In the
 16 case of a violation by an authorized committee, any
 17 officer or member of such committee who knowingly
 18 and willfully consents to such violation shall be fined
 19 not more than \$5,000, or imprisoned not more than
 20 one year, or both.”.

21 **SEC. 5213. MATCHING PAYMENTS AND OTHER MODIFICA-**
 22 **TIONS TO PAYMENT AMOUNTS.**

23 (a) IN GENERAL.—

24 (1) AMOUNT OF PAYMENTS; APPLICATION OF
 25 SAME AMOUNT FOR CANDIDATES OF MAJOR, MINOR,

1 AND NEW PARTIES.—Subsection (a) of section 9004
2 of the Internal Revenue Code of 1986 is amended to
3 read as follows:

4 “(a) IN GENERAL.—Subject to the provisions of this
5 chapter, the eligible candidates of a party in a Presidential
6 election shall be entitled to equal payment under section
7 9006 in an amount equal to 600 percent of the amount
8 of each matchable contribution received by such candidate
9 or by the candidate’s authorized committees (disregarding
10 any amount of contributions from any person to the extent
11 that the total of the amounts contributed by such person
12 for the election exceeds \$200), except that total amount
13 to which a candidate is entitled under this paragraph shall
14 not exceed \$250,000,000.”.

15 (2) REPEAL OF SEPARATE LIMITATIONS FOR
16 CANDIDATES OF MINOR AND NEW PARTIES; INFLA-
17 TION ADJUSTMENT.—Subsection (b) of section 9004
18 of such Code is amended to read as follows:

19 “(b) INFLATION ADJUSTMENT.—

20 “(1) IN GENERAL.—In the case of any applica-
21 ble period beginning after 2029, the \$250,000,000
22 dollar amount in subsection (a) shall be increased by
23 an amount equal to—

24 “(A) such dollar amount; multiplied by

1 “(B) the cost-of-living adjustment deter-
2 mined under section 1(f)(3) for the calendar
3 year following the year which such applicable
4 period begins, determined by substituting ‘cal-
5 endar year 2028’ for ‘calendar year 1992’ in
6 subparagraph (B) thereof.

7 “(2) APPLICABLE PERIOD.—For purposes of
8 this subsection, the term ‘applicable period’ means
9 the 4-year period beginning with the first day fol-
10 lowing the date of the general election for the office
11 of President and ending on the date of the next such
12 general election.

13 “(3) ROUNDING.—If any amount as adjusted
14 under paragraph (1) is not a multiple of \$10,000,
15 such amount shall be rounded to the nearest mul-
16 tiple of \$10,000.”.

17 (3) CONFORMING AMENDMENT.—Section
18 9005(a) of such Code is amended by adding at the
19 end the following new sentence: “The Commission
20 shall make such additional certifications as may be
21 necessary to receive payments under section 9004.”.

22 (b) MATCHABLE CONTRIBUTION.—Section 9002 of
23 such Code, as amended by section 5212(b), is amended
24 by adding at the end the following new paragraph:

1 “(14) MATCHABLE CONTRIBUTION.—The term
2 ‘matchable contribution’ means, with respect to the
3 election to the office of President of the United
4 States, a contribution by an individual to a can-
5 didate or an authorized committee of a candidate
6 with respect to which the candidate has certified in
7 writing that—

8 “(A) the individual making such contribu-
9 tion has not made aggregate contributions (in-
10 cluding such matchable contribution) to such
11 candidate and the authorized committees of
12 such candidate in excess of \$1,000 for the elec-
13 tion;

14 “(B) such candidate and the authorized
15 committees of such candidate will not accept
16 contributions from such individual (including
17 such matchable contribution) aggregating more
18 than the amount described in subparagraph (A)
19 with respect to such election; and

20 “(C) such contribution was a direct con-
21 tribution (as defined in section 9034(c)(3)).”.

1 **SEC. 5214. INCREASE IN LIMIT ON COORDINATED PARTY**
2 **EXPENDITURES.**

3 (a) IN GENERAL.—Section 315(d)(2) of the Federal
4 Election Campaign Act of 1971 (52 U.S.C. 30116(d)(2))
5 is amended to read as follows:

6 “(2)(A) The national committee of a political party
7 may not make any expenditure in connection with the gen-
8 eral election campaign of any candidate for President of
9 the United States who is affiliated with such party which
10 exceeds \$100,000,000.

11 “(B) For purposes of this paragraph—

12 “(i) any expenditure made by or on behalf of a
13 national committee of a political party and in con-
14 nection with a Presidential election shall be consid-
15 ered to be made in connection with the general elec-
16 tion campaign of a candidate for President of the
17 United States who is affiliated with such party; and

18 “(ii) any communication made by or on behalf
19 of such party shall be considered to be made in con-
20 nection with the general election campaign of a can-
21 didate for President of the United States who is af-
22 filiated with such party if any portion of the commu-
23 nication is in connection with such election.

24 “(C) Any expenditure under this paragraph shall be
25 in addition to any expenditure by a national committee
26 of a political party serving as the principal campaign com-

1 mittee of a candidate for the office of President of the
2 United States.”.

3 (b) CONFORMING AMENDMENTS RELATING TO TIM-
4 ING OF COST-OF-LIVING ADJUSTMENT.—

5 (1) IN GENERAL.—Section 315(c)(1) of such
6 Act (52 U.S.C. 30116(c)(1)) is amended—

7 (A) in subparagraph (B), by striking “(d)”
8 and inserting “(d)(2)”; and

9 (B) by adding at the end the following new
10 subparagraph:

11 “(D) In any calendar year after 2028—

12 “(i) the dollar amount in subsection (d)(2) shall
13 be increased by the percent difference determined
14 under subparagraph (A);

15 “(ii) the amount so increased shall remain in
16 effect for the calendar year; and

17 “(iii) if the amount after adjustment under
18 clause (i) is not a multiple of \$100, such amount
19 shall be rounded to the nearest multiple of \$100.”.

20 (2) BASE YEAR.—Section 315(c)(2)(B) of such
21 Act (52 U.S.C. 30116(c)(2)(B)) is amended—

22 (A) in clause (i)—

23 (i) by striking “(d)” and inserting
24 “(d)(3)”; and

25 (ii) by striking “and” at the end;

1 (B) in clause (ii), by striking the period at
2 the end and inserting “; and”; and

3 (C) by adding at the end the following new
4 clause:

5 “(iii) for purposes of subsection (d)(2), cal-
6 endar year 2027.”.

7 **SEC. 5215. ESTABLISHMENT OF UNIFORM DATE FOR RE-**
8 **LEASE OF PAYMENTS.**

9 (a) DATE FOR PAYMENTS.—

10 (1) IN GENERAL.—Section 9006(b) of the In-
11 ternal Revenue Code of 1986 is amended to read as
12 follows:

13 “(b) PAYMENTS FROM THE FUND.—If the Secretary
14 of the Treasury receives a certification from the Commis-
15 sion under section 9005 for payment to the eligible can-
16 didates of a political party, the Secretary shall pay to such
17 candidates out of the fund the amount certified by the
18 Commission on the later of—

19 “(1) the last Friday occurring before the first
20 Monday in September; or

21 “(2) 24 hours after receiving the certifications
22 for the eligible candidates of all major political par-
23 ties.

24 Amounts paid to any such candidates shall be under the
25 control of such candidates.”.

1 (2) CONFORMING AMENDMENT.—The first sen-
2 tence of section 9006(c) of such Code is amended by
3 striking “the time of a certification by the Commis-
4 sion under section 9005 for payment” and inserting
5 “the time of making a payment under subsection
6 (b)”.

7 (b) TIME FOR CERTIFICATION.—Section 9005(a) of
8 the Internal Revenue Code of 1986 is amended by striking
9 “10 days” and inserting “24 hours”.

10 **SEC. 5216. AMOUNTS IN PRESIDENTIAL ELECTION CAM-**
11 **PAIGN FUND.**

12 Section 9006(c) of the Internal Revenue Code of
13 1986 is amended by adding at the end the following new
14 sentence: “In making a determination of whether there are
15 insufficient moneys in the fund for purposes of the pre-
16 vious sentence, the Secretary shall take into account in
17 determining the balance of the fund for a Presidential
18 election year the Secretary’s best estimate of the amount
19 of moneys which will be deposited into the fund during
20 the year, except that the amount of the estimate may not
21 exceed the average of the annual amounts deposited in the
22 fund during the previous 3 years.”.

1 **SEC. 5217. USE OF GENERAL ELECTION PAYMENTS FOR**
2 **GENERAL ELECTION LEGAL AND ACCOUNT-**
3 **ING COMPLIANCE.**

4 Section 9002(11) of the Internal Revenue Code of
5 1986 is amended by adding at the end the following new
6 sentence: “For purposes of subparagraph (A), an expense
7 incurred by a candidate or authorized committee for gen-
8 eral election legal and accounting compliance purposes
9 shall be considered to be an expense to further the election
10 of such candidate.”.

11 **SEC. 5218. USE OF FREEDOM FROM INFLUENCE FUND AS**
12 **SOURCE OF PAYMENTS.**

13 (a) IN GENERAL.—Chapter 95 of subtitle H of the
14 Internal Revenue Code of 1986 is amended by adding at
15 the end the following new section:

16 **“SEC. 9013. USE OF FREEDOM FROM INFLUENCE FUND AS**
17 **SOURCE OF PAYMENTS.**

18 “(a) IN GENERAL.—Notwithstanding any other pro-
19 vision of this chapter, effective with respect to the Presi-
20 dential election held in 2028 and each succeeding Presi-
21 dential election, all payments made under this chapter
22 shall be made from the Freedom From Influence Fund
23 established under section 541 of the Federal Election
24 Campaign Act of 1971.

25 “(b) MANDATORY REDUCTION OF PAYMENTS IN
26 CASE OF INSUFFICIENT AMOUNTS IN FUND.—

1 “(1) ADVANCE AUDITS BY COMMISSION.—Not
2 later than 90 days before the first day of each Presi-
3 dential election cycle (beginning with the cycle for
4 the election held in 2028), the Commission shall—

5 “(A) audit the Fund to determine whether,
6 after first making payments to participating
7 candidates under title V of the Federal Election
8 Campaign Act of 1971 and then making pay-
9 ments to States under the My Voice Voucher
10 Program under the Government By the People
11 Act of 2019 and then making payments to can-
12 didates under chapter 96, the amounts remain-
13 ing in the Fund will be sufficient to make pay-
14 ments to candidates under this chapter in the
15 amounts provided under this chapter during
16 such election cycle; and

17 “(B) submit a report to Congress describ-
18 ing the results of the audit.

19 “(2) REDUCTIONS IN AMOUNT OF PAYMENTS.—

20 “(A) AUTOMATIC REDUCTION ON PRO
21 RATA BASIS.—If, on the basis of the audit de-
22 scribed in paragraph (1), the Commission deter-
23 mines that the amount anticipated to be avail-
24 able in the Fund with respect to the Presi-
25 dential election cycle involved is not, or may not

1 be, sufficient to satisfy the full entitlements of
2 candidates to payments under this chapter for
3 such cycle, the Commission shall reduce each
4 amount which would otherwise be paid to a can-
5 didate under this chapter by such pro rata
6 amount as may be necessary to ensure that the
7 aggregate amount of payments anticipated to
8 be made with respect to the cycle will not ex-
9 ceed the amount anticipated to be available for
10 such payments in the Fund with respect to such
11 cycle.

12 “(B) RESTORATION OF REDUCTIONS IN
13 CASE OF AVAILABILITY OF SUFFICIENT FUNDS
14 DURING ELECTION CYCLE.—If, after reducing
15 the amounts paid to candidates with respect to
16 an election cycle under subparagraph (A), the
17 Commission determines that there are sufficient
18 amounts in the Fund to restore the amount by
19 which such payments were reduced (or any por-
20 tion thereof), to the extent that such amounts
21 are available, the Commission may make a pay-
22 ment on a pro rata basis to each such candidate
23 with respect to the election cycle in the amount
24 by which such candidate’s payments were re-

1 duced under subparagraph (A) (or any portion
2 thereof, as the case may be).

3 “(C) NO USE OF AMOUNTS FROM OTHER
4 SOURCES.—In any case in which the Commis-
5 sion determines that there are insufficient mon-
6 eys in the Fund to make payments to can-
7 didates under this chapter, moneys shall not be
8 made available from any other source for the
9 purpose of making such payments.

10 “(3) NO EFFECT ON AMOUNTS TRANSFERRED
11 FOR PEDIATRIC RESEARCH INITIATIVE.—This sec-
12 tion does not apply to the transfer of funds under
13 section 9008(i).

14 “(4) PRESIDENTIAL ELECTION CYCLE DE-
15 FINED.—In this section, the term ‘Presidential elec-
16 tion cycle’ means, with respect to a Presidential elec-
17 tion, the period beginning on the day after the date
18 of the previous Presidential general election and
19 ending on the date of the Presidential election.”.

20 (b) CLERICAL AMENDMENT.—The table of sections
21 for chapter 95 of subtitle H of such Code is amended by
22 adding at the end the following new item:

“Sec. 9013. Use of Freedom From Influence Fund as source of payments.”.

PART 3—EFFECTIVE DATE**SEC. 5221. EFFECTIVE DATE.**

(a) IN GENERAL.—Except as otherwise provided, this subtitle and the amendments made by this subtitle shall apply with respect to the Presidential election held in 2028 and each succeeding Presidential election, without regard to whether or not the Federal Election Commission has promulgated the final regulations necessary to carry out this part and the amendments made by this part by the deadline set forth in subsection (b).

(b) DEADLINE FOR REGULATIONS.—Not later than June 30, 2026, the Federal Election Commission shall promulgate such regulations as may be necessary to carry out this part and the amendments made by this part.

**Subtitle D—Personal Use Services
as Authorized Campaign Ex-
penditures****SEC. 5301. SHORT TITLE; FINDINGS; PURPOSE.**

(a) SHORT TITLE.—This subtitle may be cited as the “Help America Run Act”.

(b) FINDINGS.—Congress finds the following:

(1) Everyday Americans experience barriers to entry before they can consider running for office to serve their communities.

(2) Current law states that campaign funds cannot be spent on everyday expenses that would

1 exist whether or not a candidate were running for
2 office, like childcare and food. While the law seems
3 neutral, its actual effect is to privilege the independ-
4 ently wealthy who want to run, because given the de-
5 mands of running for office, candidates who must
6 work to pay for childcare or to afford health insur-
7 ance are effectively being left out of the process,
8 even if they have sufficient support to mount a via-
9 ble campaign.

10 (3) Thus current practice favors those prospec-
11 tive candidates who do not need to rely on a regular
12 paycheck to make ends meet. The consequence is
13 that everyday Americans who have firsthand knowl-
14 edge of the importance of stable childcare, a safety
15 net, or great public schools are less likely to get a
16 seat at the table. This governance by the few is anti-
17 thetical to the democratic experiment, but most im-
18 portantly, when lawmakers do not share the con-
19 cerns of everyday Americans, their policies reflect
20 that.

21 (4) These circumstances have contributed to a
22 Congress that does not always reflect everyday
23 Americans. The New York Times reported in 2019
24 that fewer than 5 percent of representatives cite
25 blue-collar or service jobs in their biographies. A

1 2015 survey by the Center for Responsive Politics
2 showed that the median net worth of lawmakers was
3 just over \$1 million in 2013, or 18 times the wealth
4 of the typical American household.

5 (5) These circumstances have also contributed
6 to a governing body that does not reflect the nation
7 it serves. For instance, women are 51% of the
8 American population. Yet even with a record number
9 of women serving in the One Hundred Sixteenth
10 Congress, the Pew Research Center notes that more
11 than three out of four Members of this Congress are
12 male. The Center for American Women And Politics
13 found that one third of women legislators surveyed
14 had been actively discouraged from running for of-
15 fice, often by political professionals. This type of dis-
16 couragement, combined with the prohibitions on
17 using campaign funds for domestic needs like
18 childcare, burdens that still fall disproportionately
19 on American women, particularly disadvantages
20 working mothers. These barriers may explain why
21 only 10 women in history have given birth while
22 serving in Congress, in spite of the prevalence of
23 working parents in other professions. Yet working
24 mothers and fathers are best positioned to create

1 policy that reflects the lived experience of most
2 Americans.

3 (6) Working mothers, those caring for their el-
4 derly parents, and young professionals who rely on
5 their jobs for health insurance should have the free-
6 dom to run to serve the people of the United States.
7 Their networks and net worth are simply not the
8 best indicators of their strength as prospective pub-
9 lic servants. In fact, helping ordinary Americans to
10 run may create better policy for all Americans.

11 (c) PURPOSE.—It is the purpose of this subtitle to
12 ensure that all Americans who are otherwise qualified to
13 serve this Nation are able to run for office, regardless of
14 their economic status. By expanding permissible uses of
15 campaign funds and providing modest assurance that test-
16 ing a run for office will not cost one’s livelihood, the Help
17 America Run Act will facilitate the candidacy of represent-
18 atives who more accurately reflect the experiences, chal-
19 lenges, and ideals of everyday Americans.

20 **SEC. 5302. TREATMENT OF PAYMENTS FOR CHILD CARE**
21 **AND OTHER PERSONAL USE SERVICES AS AU-**
22 **THORIZED CAMPAIGN EXPENDITURE.**

23 (a) PERSONAL USE SERVICES AS AUTHORIZED CAM-
24 PAIGN EXPENDITURE.—Section 313 of the Federal Elec-
25 tion Campaign Act of 1971 (52 U.S.C. 30114), as amend-

1 ed by section 5113, is amended by adding at the end the
2 following new subsection:

3 “(e) TREATMENT OF PAYMENTS FOR CHILD CARE
4 AND OTHER PERSONAL USE SERVICES AS AUTHORIZED
5 CAMPAIGN EXPENDITURE.—

6 “(1) AUTHORIZED EXPENDITURES.—For pur-
7 poses of subsection (a), the payment by an author-
8 ized committee of a candidate for any of the per-
9 sonal use services described in paragraph (3) shall
10 be treated as an authorized expenditure if the serv-
11 ices are necessary to enable the participation of the
12 candidate in campaign-connected activities.

13 “(2) LIMITATIONS.—

14 “(A) LIMIT ON TOTAL AMOUNT OF PAY-
15 MENTS.—The total amount of payments made
16 by an authorized committee of a candidate for
17 personal use services described in paragraph (3)
18 may not exceed the limit which is applicable
19 under any law, rule, or regulation on the
20 amount of payments which may be made by the
21 committee for the salary of the candidate (with-
22 out regard to whether or not the committee
23 makes payments to the candidate for that pur-
24 pose).

1 “(B) CORRESPONDING REDUCTION IN
2 AMOUNT OF SALARY PAID TO CANDIDATE.—To
3 the extent that an authorized committee of a
4 candidate makes payments for the salary of the
5 candidate, any limit on the amount of such pay-
6 ments which is applicable under any law, rule,
7 or regulation shall be reduced by the amount of
8 any payments made to or on behalf of the can-
9 didate for personal use services described in
10 paragraph (3), other than personal use services
11 described in subparagraph (E) of such para-
12 graph.

13 “(C) EXCLUSION OF CANDIDATES WHO
14 ARE OFFICEHOLDERS.—Paragraph (1) does not
15 apply with respect to an authorized committee
16 of a candidate who is a holder of Federal office.

17 “(3) PERSONAL USE SERVICES DESCRIBED.—
18 The personal use services described in this para-
19 graph are as follows:

20 “(A) Child care services.

21 “(B) Elder care services.

22 “(C) Services similar to the services de-
23 scribed in subparagraph (A) or subparagraph
24 (B) which are provided on behalf of any de-

1 pendent who is a qualifying relative under sec-
2 tion 152 of the Internal Revenue Code of 1986.

3 “(D) Health insurance premiums.”.

4 (b) EFFECTIVE DATE.—The amendments made by
5 this section shall take effect on the date of the enactment
6 of this Act.

7 **Subtitle E—Empowering Small** 8 **Dollar Donations**

9 **SEC. 5401. PERMITTING POLITICAL PARTY COMMITTEES TO** 10 **PROVIDE ENHANCED SUPPORT FOR CAN-** 11 **DIDATES THROUGH USE OF SEPARATE** 12 **SMALL DOLLAR ACCOUNTS.**

13 (a) INCREASE IN LIMIT ON CONTRIBUTIONS TO CAN-
14 DIDATES.—Section 315(a)(2)(A) of the Federal Election
15 Campaign Act of 1971 (52 U.S.C. 30116(a)(2)(A)) is
16 amended by striking “exceed \$5,000” and inserting “ex-
17 ceed \$5,000 or, in the case of a contribution made by a
18 national committee of a political party from an account
19 described in paragraph (11), exceed \$10,000”.

20 (b) ELIMINATION OF LIMIT ON COORDINATED EX-
21 PENDITURES.—Section 315(d)(5) of such Act (52 U.S.C.
22 30116(d)(5)) is amended by striking “subsection (a)(9)”
23 and inserting “subsection (a)(9) or subsection (a)(11)”.

24 (c) ACCOUNTS DESCRIBED.—Section 315(a) of such
25 Act (52 U.S.C. 30116(a)), as amended by section 5112(a),

1 is amended by adding at the end the following new para-
 2 graph:

3 “(11) An account described in this paragraph is a
 4 separate, segregated account of a national committee of
 5 a political party (including a national congressional cam-
 6 paign committee of a political party) consisting exclusively
 7 of contributions made during a calendar year by individ-
 8 uals whose aggregate contributions to the committee dur-
 9 ing the year do not exceed \$200.”.

10 (d) EFFECTIVE DATE.—The amendments made by
 11 this section shall apply with respect to elections held on
 12 or after the date of the enactment of this Act.

13 **Subtitle F—Severability**

14 **SEC. 5501. SEVERABILITY.**

15 If any provision of this title or amendment made by
 16 this title, or the application of a provision or amendment
 17 to any person or circumstance, is held to be unconstitu-
 18 tional, the remainder of this title and amendments made
 19 by this title, and the application of the provisions and
 20 amendment to any person or circumstance, shall not be
 21 affected by the holding.

22 **TITLE VI—CAMPAIGN FINANCE** 23 **OVERSIGHT**

Subtitle A—Restoring Integrity to America’s Elections

Sec. 6001. Short title.

Sec. 6002. Membership of Federal Election Commission.

Sec. 6003. Assignment of powers to Chair of Federal Election Commission.

- Sec. 6004. Revision to enforcement process.
- Sec. 6005. Permitting appearance at hearings on requests for advisory opinions by persons opposing the requests.
- Sec. 6006. Permanent extension of administrative penalty authority.
- Sec. 6007. Requiring forms to permit use of accent marks.
- Sec. 6008. Restrictions on ex parte communications.
- Sec. 6009. Clarifying Authority of FEC Attorneys to Represent FEC in Supreme Court.
- Sec. 6010. Effective date; transition.

Subtitle B—Stopping Super PAC-Candidate Coordination

- Sec. 6101. Short title.
- Sec. 6102. Clarification of treatment of coordinated expenditures as contributions to candidates.
- Sec. 6103. Clarification of ban on fundraising for super PACs by Federal candidates and officeholders.

Subtitle C—Disposal of Contributions or Donations

- Sec. 6201. Timeframe for and prioritization of disposal of contributions or donations.
- Sec. 6202. 1-year transition period for certain individuals.

Subtitle D—Recommendations to Ensure Filing of Reports Before Date of Election

- Sec. 6301. Recommendations to Ensure Filing of Reports Before Date of Election.

Subtitle E—Severability

- Sec. 6401. Severability.

1 **Subtitle A—Restoring Integrity to** 2 **America’s Elections**

3 **SEC. 6001. SHORT TITLE.**

4 This subtitle may be cited as the “Restoring Integrity
5 to America’s Elections Act”.

6 **SEC. 6002. MEMBERSHIP OF FEDERAL ELECTION COMMIS-** 7 **SION.**

8 (a) REDUCTION IN NUMBER OF MEMBERS; REMOVAL
9 OF SECRETARY OF SENATE AND CLERK OF HOUSE AS
10 EX OFFICIO MEMBERS.—

1 (1) IN GENERAL; QUORUM.—Section 306(a)(1)
2 of the Federal Election Campaign Act of 1971 (52
3 U.S.C. 30106(a)(1)) is amended by striking the sec-
4 ond and third sentences and inserting the following:
5 “The Commission is composed of 5 members ap-
6 pointed by the President by and with the advice and
7 consent of the Senate, of whom no more than 2 may
8 be affiliated with the same political party. A member
9 shall be treated as affiliated with a political party if
10 the member was affiliated, including as a registered
11 voter, employee, consultant, donor, officer, or attor-
12 ney, with such political party or any of its can-
13 didates or elected public officials at any time during
14 the 5-year period ending on the date on which such
15 individual is nominated to be a member of the Com-
16 mission. A majority of the number of members of
17 the Commission who are serving at the time shall
18 constitute a quorum, except that 3 members shall
19 constitute a quorum if there are 4 members serving
20 at the time.”.

21 (2) CONFORMING AMENDMENTS RELATING TO
22 REDUCTION IN NUMBER OF MEMBERS.—(A) The
23 second sentence of section 306(c) of such Act (52
24 U.S.C. 30106(c)) is amended by striking “affirma-
25 tive vote of 4 members of the Commission” and in-

1 serting “affirmative vote of a majority of the mem-
2 bers of the Commission who are serving at the
3 time”.

4 (B) Such Act is further amended by striking
5 “affirmative vote of 4 of its members” and inserting
6 “affirmative vote of a majority of the members of
7 the Commission who are serving at the time” each
8 place it appears in the following sections:

9 (i) Section 309(a)(2) (52 U.S.C.
10 30109(a)(2)).

11 (ii) Section 309(a)(4)(A)(i) (52 U.S.C.
12 30109(a)(4)(A)(i)).

13 (iii) Section 309(a)(5)(C) (52 U.S.C.
14 30109(a)(5)(C)).

15 (iv) Section 309(a)(6)(A) (52 U.S.C.
16 30109(a)(6)(A)).

17 (v) Section 311(b) (52 U.S.C. 30111(b)).

18 (3) CONFORMING AMENDMENT RELATING TO
19 REMOVAL OF EX OFFICIO MEMBERS.—Section
20 306(a) of such Act (52 U.S.C. 30106(a)) is amend-
21 ed by striking “(other than the Secretary of the Sen-
22 ate and the Clerk of the House of Representatives)”
23 each place it appears in paragraphs (4) and (5).

1 (b) TERMS OF SERVICE.—Section 306(a)(2) of such
2 Act (52 U.S.C. 30106(a)(2)) is amended to read as fol-
3 lows:

4 “(2) TERMS OF SERVICE.—

5 “(A) IN GENERAL.—Each member of the
6 Commission shall serve for a single term of 6
7 years.

8 “(B) SPECIAL RULE FOR INITIAL APPOINT-
9 MENTS.—Of the members first appointed to
10 serve terms that begin in January 2022, the
11 President shall designate 2 to serve for a 3-year
12 term.

13 “(C) NO REAPPOINTMENT PERMITTED.—
14 An individual who served a term as a member
15 of the Commission may not serve for an addi-
16 tional term, except that—

17 “(i) an individual who served a 3-year
18 term under subparagraph (B) may also be
19 appointed to serve a 6-year term under
20 subparagraph (A); and

21 “(ii) for purposes of this subpara-
22 graph, an individual who is appointed to
23 fill a vacancy under subparagraph (D)
24 shall not be considered to have served a
25 term if the portion of the unexpired term

1 the individual fills is less than 50 percent
2 of the period of the term.

3 “(D) VACANCIES.—Any vacancy occurring
4 in the membership of the Commission shall be
5 filled in the same manner as in the case of the
6 original appointment. Except as provided in
7 subparagraph (C), an individual appointed to
8 fill a vacancy occurring other than by the expi-
9 ration of a term of office shall be appointed
10 only for the unexpired term of the member he
11 or she succeeds.

12 “(E) LIMITATION ON SERVICE AFTER EX-
13 PIRATION OF TERM.—A member of the Com-
14 mission may continue to serve on the Commis-
15 sion after the expiration of the member’s term
16 for an additional period, but only until the ear-
17 lier of—

18 “(i) the date on which the member’s
19 successor has taken office as a member of
20 the Commission; or

21 “(ii) the expiration of the 1-year pe-
22 riod that begins on the last day of the
23 member’s term.”.

24 (c) QUALIFICATIONS.—Section 306(a)(3) of such Act
25 (52 U.S.C. 30106(a)(3)) is amended to read as follows:

1 “(3) QUALIFICATIONS.—

2 “(A) IN GENERAL.—The President may
3 select an individual for service as a member of
4 the Commission if the individual has experience
5 in election law and has a demonstrated record
6 of integrity, impartiality, and good judgment.

7 “(B) ASSISTANCE OF BLUE RIBBON ADVI-
8 SORY PANEL.—

9 “(i) IN GENERAL.—Prior to the regu-
10 larly scheduled expiration of the term of a
11 member of the Commission and upon the
12 occurrence of a vacancy in the membership
13 of the Commission prior to the expiration
14 of a term, the President shall convene a
15 Blue Ribbon Advisory Panel, that includes
16 individuals representing each major polit-
17 ical party and individuals who are inde-
18 pendent of a political party and that con-
19 sists of an odd number of individuals se-
20 lected by the President from retired Fed-
21 eral judges, former law enforcement offi-
22 cials, or individuals with experience in elec-
23 tion law, except that the President may not
24 select any individual to serve on the panel
25 who holds any public office at the time of

1 selection. The President shall also make
2 reasonable efforts to encourage racial, eth-
3 nic, and gender diversity on the panel.

4 “(ii) RECOMMENDATIONS.—With re-
5 spect to each member of the Commission
6 whose term is expiring or each vacancy in
7 the membership of the Commission (as the
8 case may be), the Blue Ribbon Advisory
9 Panel shall recommend to the President at
10 least one but not more than 3 individuals
11 for nomination for appointment as a mem-
12 ber of the Commission.

13 “(iii) PUBLICATION.—At the time the
14 President submits to the Senate the nomi-
15 nations for individuals to be appointed as
16 members of the Commission, the President
17 shall publish the Blue Ribbon Advisory
18 Panel’s recommendations for such nomina-
19 tions.

20 “(iv) EXEMPTION FROM FEDERAL AD-
21 VISORY COMMITTEE ACT.—The Federal
22 Advisory Committee Act (5 U.S.C. App.)
23 does not apply to a Blue Ribbon Advisory
24 Panel convened under this subparagraph.

1 “(C) PROHIBITING ENGAGEMENT WITH
 2 OTHER BUSINESS OR EMPLOYMENT DURING
 3 SERVICE.—A member of the Commission shall
 4 not engage in any other business, vocation, or
 5 employment. Any individual who is engaging in
 6 any other business, vocation, or employment at
 7 the time of his or her appointment to the Com-
 8 mission shall terminate or liquidate such activ-
 9 ity no later than 90 days after such appoint-
 10 ment.”.

11 **SEC. 6003. ASSIGNMENT OF POWERS TO CHAIR OF FED-**
 12 **ERAL ELECTION COMMISSION.**

13 (a) APPOINTMENT OF CHAIR BY PRESIDENT.—

14 (1) IN GENERAL.—Section 306(a)(5) of the
 15 Federal Election Campaign Act of 1971 (52 U.S.C.
 16 30106(a)(5)) is amended to read as follows:

17 “(5) CHAIR.—

18 “(A) INITIAL APPOINTMENT.—Of the
 19 members first appointed to serve terms that
 20 begin in January 2022, one such member (as
 21 designated by the President at the time the
 22 President submits nominations to the Senate)
 23 shall serve as Chair of the Commission.

24 “(B) SUBSEQUENT APPOINTMENTS.—Any
 25 individual who is appointed to succeed the

1 member who serves as Chair of the Commission
 2 for the term beginning in January 2022 (as
 3 well as any individual who is appointed to fill
 4 a vacancy if such member does not serve a full
 5 term as Chair) shall serve as Chair of the Com-
 6 mission.

7 “(C) VICE CHAIR.—The Commission shall
 8 select, by majority vote of its members, one of
 9 its members to serve as Vice Chair, who shall
 10 act as Chair in the absence or disability of the
 11 Chair or in the event of a vacancy in the posi-
 12 tion of Chair.”.

13 (2) CONFORMING AMENDMENT.—Section
 14 309(a)(2) of such Act (52 U.S.C. 30109(a)(2)) is
 15 amended by striking “through its chairman or vice
 16 chairman” and inserting “through the Chair”.

17 (b) POWERS.—

18 (1) ASSIGNMENT OF CERTAIN POWERS TO
 19 CHAIR.—Section 307(a) of such Act (52 U.S.C.
 20 30107(a)) is amended to read as follows:

21 “(a) DISTRIBUTION OF POWERS BETWEEN CHAIR
 22 AND COMMISSION.—

23 “(1) POWERS ASSIGNED TO CHAIR.—

24 “(A) ADMINISTRATIVE POWERS.—The
 25 Chair of the Commission shall be the chief ad-

1 ministrative officer of the Commission and shall
2 have the authority to administer the Commis-
3 sion and its staff, and (in consultation with the
4 other members of the Commission) shall have
5 the power—

6 “(i) to appoint and remove the staff
7 director of the Commission;

8 “(ii) to request the assistance (includ-
9 ing personnel and facilities) of other agen-
10 cies and departments of the United States,
11 whose heads may make such assistance
12 available to the Commission with or with-
13 out reimbursement; and

14 “(iii) to prepare and establish the
15 budget of the Commission and to make
16 budget requests to the President, the Di-
17 rector of the Office of Management and
18 Budget, and Congress.

19 “(B) OTHER POWERS.—The Chair of the
20 Commission shall have the power—

21 “(i) to appoint and remove the gen-
22 eral counsel of the Commission with the
23 concurrence of at least 2 other members of
24 the Commission;

1 “(ii) to require by special or general
2 orders, any person to submit, under oath,
3 such written reports and answers to ques-
4 tions as the Chair may prescribe;

5 “(iii) to administer oaths or affirma-
6 tions;

7 “(iv) to require by subpoena, signed
8 by the Chair, the attendance and testimony
9 of witnesses and the production of all doc-
10 umentary evidence relating to the execu-
11 tion of its duties;

12 “(v) in any proceeding or investiga-
13 tion, to order testimony to be taken by
14 deposition before any person who is des-
15 ignated by the Chair, and shall have the
16 power to administer oaths and, in such in-
17 stances, to compel testimony and the pro-
18 duction of evidence in the same manner as
19 authorized under clause (iv); and

20 “(vi) to pay witnesses the same fees
21 and mileage as are paid in like cir-
22 cumstances in the courts of the United
23 States.

24 “(2) POWERS ASSIGNED TO COMMISSION.—The
25 Commission shall have the power—

1 “(A) to initiate (through civil actions for
2 injunctive, declaratory, or other appropriate re-
3 lief), defend (in the case of any civil action
4 brought under section 309(a)(8) of this Act) or
5 appeal (including a proceeding before the Su-
6 preme Court on certiorari) any civil action in
7 the name of the Commission to enforce the pro-
8 visions of this Act and chapter 95 and chapter
9 96 of the Internal Revenue Code of 1986,
10 through its general counsel;

11 “(B) to render advisory opinions under
12 section 308 of this Act;

13 “(C) to develop such prescribed forms and
14 to make, amend, and repeal such rules, pursu-
15 ant to the provisions of chapter 5 of title 5,
16 United States Code, as are necessary to carry
17 out the provisions of this Act and chapter 95
18 and chapter 96 of the Internal Revenue Code of
19 1986;

20 “(D) to conduct investigations and hear-
21 ings expeditiously, to encourage voluntary com-
22 pliance, and to report apparent violations to the
23 appropriate law enforcement authorities; and

24 “(E) to transmit to the President and Con-
25 gress not later than June 1 of each year a re-

1 port which states in detail the activities of the
2 Commission in carrying out its duties under
3 this Act, and which includes any recommenda-
4 tions for any legislative or other action the
5 Commission considers appropriate.

6 “(3) PERMITTING COMMISSION TO EXERCISE
7 OTHER POWERS OF CHAIR.—With respect to any in-
8 vestigation, action, or proceeding, the Commission,
9 by an affirmative vote of a majority of the members
10 who are serving at the time, may exercise any of the
11 powers of the Chair described in paragraph (1)(B).”.

12 (2) CONFORMING AMENDMENTS RELATING TO
13 PERSONNEL AUTHORITY.—Section 306(f) of such
14 Act (52 U.S.C. 30106(f)) is amended—

15 (A) by amending the first sentence of
16 paragraph (1) to read as follows: “The Com-
17 mission shall have a staff director who shall be
18 appointed by the Chair of the Commission in
19 consultation with the other members and a gen-
20 eral counsel who shall be appointed by the
21 Chair with the concurrence of at least two other
22 members.”;

23 (B) in paragraph (2), by striking “With
24 the approval of the Commission” and inserting

1 “With the approval of the Chair of the Commis-
 2 sion”; and

3 (C) by striking paragraph (3).

4 (3) CONFORMING AMENDMENT RELATING TO
 5 BUDGET SUBMISSION.—Section 307(d)(1) of such
 6 Act (52 U.S.C. 30107(d)(1)) is amended by striking
 7 “the Commission submits any budget” and inserting
 8 “the Chair (or, pursuant to subsection (a)(3), the
 9 Commission) submits any budget”.

10 (4) OTHER CONFORMING AMENDMENTS.—Sec-
 11 tion 306(c) of such Act (52 U.S.C. 30106(c)) is
 12 amended by striking “All decisions” and inserting
 13 “Subject to section 307(a), all decisions”.

14 (5) TECHNICAL AMENDMENT.—The heading of
 15 section 307 of such Act (52 U.S.C. 30107) is
 16 amended by striking “THE COMMISSION” and insert-
 17 ing “THE CHAIR AND THE COMMISSION”.

18 **SEC. 6004. REVISION TO ENFORCEMENT PROCESS.**

19 (a) STANDARD FOR INITIATING INVESTIGATIONS AND
 20 DETERMINING WHETHER VIOLATIONS HAVE OC-
 21 CURRED.—

22 (1) REVISION OF STANDARDS.—Section 309(a)
 23 of the Federal Election Campaign Act of 1971 (52
 24 U.S.C. 30109(a)) is amended by striking paragraphs
 25 (2) and (3) and inserting the following:

1 “(2)(A) The general counsel, upon receiving a com-
2 plaint filed with the Commission under paragraph (1) or
3 upon the basis of information ascertained by the Commis-
4 sion in the normal course of carrying out its supervisory
5 responsibilities, shall make a determination as to whether
6 or not there is reason to believe that a person has com-
7 mitted, or is about to commit, a violation of this Act or
8 chapter 95 or chapter 96 of the Internal Revenue Code
9 of 1986, and as to whether or not the Commission should
10 either initiate an investigation of the matter or that the
11 complaint should be dismissed. The general counsel shall
12 promptly provide notification to the Commission of such
13 determination and the reasons therefore, together with
14 any written response submitted under paragraph (1) by
15 the person alleged to have committed the violation. Upon
16 the expiration of the 30-day period which begins on the
17 date the general counsel provides such notification, the
18 general counsel’s determination shall take effect, unless
19 during such 30-day period the Commission, by vote of a
20 majority of the members of the Commission who are serv-
21 ing at the time, overrules the general counsel’s determina-
22 tion. If the determination by the general counsel that the
23 Commission should investigate the matter takes effect, or
24 if the determination by the general counsel that the com-
25 plaint should be dismissed is overruled as provided under

1 the previous sentence, the general counsel shall initiate an
2 investigation of the matter on behalf of the Commission.

3 “(B) If the Commission initiates an investigation
4 pursuant to subparagraph (A), the Commission, through
5 the Chair, shall notify the subject of the investigation of
6 the alleged violation. Such notification shall set forth the
7 factual basis for such alleged violation. The Commission
8 shall make an investigation of such alleged violation, which
9 may include a field investigation or audit, in accordance
10 with the provisions of this section. The general counsel
11 shall provide notification to the Commission of any intent
12 to issue a subpoena or conduct any other form of discovery
13 pursuant to the investigation. Upon the expiration of the
14 15-day period which begins on the date the general counsel
15 provides such notification, the general counsel may issue
16 the subpoena or conduct the discovery, unless during such
17 15-day period the Commission, by vote of a majority of
18 the members of the Commission who are serving at the
19 time, prohibits the general counsel from issuing the sub-
20 poena or conducting the discovery.

21 “(3)(A) Upon completion of an investigation under
22 paragraph (2), the general counsel shall promptly submit
23 to the Commission the general counsel’s recommendation
24 that the Commission find either that there is probable
25 cause or that there is not probable cause to believe that

1 a person has committed, or is about to commit, a violation
2 of this Act or chapter 95 or chapter 96 of the Internal
3 Revenue Code of 1986, and shall include with the rec-
4 ommendation a brief stating the position of the general
5 counsel on the legal and factual issues of the case.

6 “(B) At the time the general counsel submits to the
7 Commission the recommendation under subparagraph (A),
8 the general counsel shall simultaneously notify the re-
9 spondent of such recommendation and the reasons there-
10 fore, shall provide the respondent with an opportunity to
11 submit a brief within 30 days stating the position of the
12 respondent on the legal and factual issues of the case and
13 replying to the brief of the general counsel. The general
14 counsel and shall promptly submit such brief to the Com-
15 mission upon receipt.

16 “(C) Not later than 30 days after the general counsel
17 submits the recommendation to the Commission under
18 subparagraph (A) (or, if the respondent submits a brief
19 under subparagraph (B), not later than 30 days after the
20 general counsel submits the respondent’s brief to the Com-
21 mission under such subparagraph), the Commission shall
22 approve or disapprove the recommendation by vote of a
23 majority of the members of the Commission who are serv-
24 ing at the time.”.

1 (2) CONFORMING AMENDMENT RELATING TO
2 INITIAL RESPONSE TO FILING OF COMPLAINT.—Sec-
3 tion 309(a)(1) of such Act (52 U.S.C. 30109(a)(1))
4 is amended—

5 (A) in the third sentence, by striking “the
6 Commission” and inserting “the general coun-
7 sel”; and

8 (B) by amending the fourth sentence to
9 read as follows: “Not later than 15 days after
10 receiving notice from the general counsel under
11 the previous sentence, the person may provide
12 the general counsel with a written response that
13 no action should be taken against such person
14 on the basis of the complaint.”.

15 (b) REVISION OF STANDARD FOR REVIEW OF DIS-
16 MISSAL OF COMPLAINTS.—

17 (1) IN GENERAL.—Section 309(a)(8) of such
18 Act (52 U.S.C. 30109(a)(8)) is amended to read as
19 follows:

20 “(8)(A)(i) Any party aggrieved by an order of the
21 Commission dismissing a complaint filed by such party
22 after finding either no reason to believe a violation has
23 occurred or no probable cause a violation has occurred
24 may file a petition with the United States District Court
25 for the District of Columbia. Any petition under this sub-

1 paragraph shall be filed within 60 days after the date on
2 which the party received notice of the dismissal of the
3 complaint.

4 “(ii) In any proceeding under this subparagraph, the
5 court shall determine by de novo review whether the agen-
6 cy’s dismissal of the complaint is contrary to law. In any
7 matter in which the penalty for the alleged violation is
8 greater than \$50,000, the court should disregard any
9 claim or defense by the Commission of prosecutorial dis-
10 cretion as a basis for dismissing the complaint.

11 “(B)(i) Any party who has filed a complaint with the
12 Commission and who is aggrieved by a failure of the Com-
13 mission, within one year after the filing of the complaint,
14 to either dismiss the complaint or to find reason to believe
15 a violation has occurred or is about to occur, may file a
16 petition with the United States District Court for the Dis-
17 trict of Columbia.

18 “(ii) In any proceeding under this subparagraph, the
19 court shall treat the failure to act on the complaint as
20 a dismissal of the complaint, and shall determine by de
21 novo review whether the agency’s failure to act on the
22 complaint is contrary to law.

23 “(C) In any proceeding under this paragraph the
24 court may declare that the dismissal of the complaint or
25 the failure to act is contrary to law, and may direct the

1 Commission to conform with such declaration within 30
 2 days, failing which the complainant may bring, in the
 3 name of such complainant, a civil action to remedy the
 4 violation involved in the original complaint.”.

5 (2) EFFECTIVE DATE.—The amendments made
 6 by paragraph (1) shall apply—

7 (A) in the case of complaints which are
 8 dismissed by the Federal Election Commission,
 9 with respect to complaints which are dismissed
 10 on or after the date of the enactment of this
 11 Act; and

12 (B) in the case of complaints upon which
 13 the Federal Election Commission failed to act,
 14 with respect to complaints which were filed on
 15 or after the date of the enactment of this Act.

16 **SEC. 6005. PERMITTING APPEARANCE AT HEARINGS ON RE-**
 17 **QUESTS FOR ADVISORY OPINIONS BY PER-**
 18 **SONS OPPOSING THE REQUESTS.**

19 (a) IN GENERAL.—Section 308 of such Act (52
 20 U.S.C. 30108) is amended by adding at the end the fol-
 21 lowing new subsection:

22 “(e) To the extent that the Commission provides an
 23 opportunity for a person requesting an advisory opinion
 24 under this section (or counsel for such person) to appear
 25 before the Commission to present testimony in support of

1 the request, and the person (or counsel) accepts such op-
2 portunity, the Commission shall provide a reasonable op-
3 portunity for an interested party who submitted written
4 comments under subsection (d) in response to the request
5 (or counsel for such interested party) to appear before the
6 Commission to present testimony in response to the re-
7 quest.”.

8 (b) EFFECTIVE DATE.—The amendment made by
9 subsection (a) shall apply with respect to requests for advi-
10 sory opinions under section 308 of the Federal Election
11 Campaign Act of 1971 which are made on or after the
12 date of the enactment of this Act.

13 **SEC. 6006. PERMANENT EXTENSION OF ADMINISTRATIVE**
14 **PENALTY AUTHORITY.**

15 (a) EXTENSION OF AUTHORITY.—Section
16 309(a)(4)(C)(v) of the Federal Election Campaign Act of
17 1971 (52 U.S.C. 30109(a)(4)(C)(v)), as amended by Pub-
18 lic Law 115–386, is amended by striking “, and that end
19 on or before December 31, 2023”.

20 (b) EFFECTIVE DATE.—The amendment made by
21 subsection (a) shall take effect on December 31, 2018.

22 **SEC. 6007. REQUIRING FORMS TO PERMIT USE OF ACCENT**
23 **MARKS.**

24 (a) REQUIREMENT.—Section 311(a)(1) of the Fed-
25 eral Election Campaign Act of 1971 (52 U.S.C.

1 30111(a)(1)) is amended by striking the semicolon at the
2 end and inserting the following: “, and shall ensure that
3 all such forms (including forms in an electronic format)
4 permit the person using the form to include an accent
5 mark as part of the person’s identification;”.

6 (b) EFFECTIVE DATE.—The amendment made by
7 subsection (a) shall take effect upon the expiration of the
8 90-day period which begins on the date of the enactment
9 of this Act.

10 **SEC. 6008. RESTRICTIONS ON EX PARTE COMMUNICATIONS.**

11 Section 306(e) of the Federal Election Campaign Act
12 of 1971 (52 U.S.C. 30106(e)) is amended—

13 (1) by striking “(e) The Commission” and in-
14 serting “(e)(1) The Commission”; and

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

17 “(2) Members and employees of the Commission shall
18 be subject to limitations on ex parte communications, as
19 provided in the regulations promulgated by the Commis-
20 sion regarding such communications which are in effect
21 on the date of the enactment of this paragraph.”.

22 **SEC. 6009. CLARIFYING AUTHORITY OF FEC ATTORNEYS TO**
23 **REPRESENT FEC IN SUPREME COURT.**

24 (a) CLARIFYING AUTHORITY.—Section 306(f)(4) of
25 the Federal Election Campaign Act of 1971 (52 U.S.C.

1 30106(f)(4)) is amended by striking “any action instituted
2 under this Act, either (A) by attorneys” and inserting
3 “any action instituted under this Act, including an action
4 before the Supreme Court of the United States, either (A)
5 by the General Counsel of the Commission and other at-
6 torneys”.

7 (b) EFFECTIVE DATE.—The amendment made by
8 paragraph (1) shall apply with respect to actions insti-
9 tuted before, on, or after the date of the enactment of
10 this Act.

11 **SEC. 6010. EFFECTIVE DATE; TRANSITION.**

12 (a) IN GENERAL.—Except as otherwise provided, the
13 amendments made by this subtitle shall apply beginning
14 January 1, 2022.

15 (b) TRANSITION.—

16 (1) TERMINATION OF SERVICE OF CURRENT
17 MEMBERS.—Notwithstanding any provision of the
18 Federal Election Campaign Act of 1971, the term of
19 any individual serving as a member of the Federal
20 Election Commission as of December 31, 2021, shall
21 expire on that date.

22 (2) NO EFFECT ON EXISTING CASES OR PRO-
23 CEEDINGS.—Nothing in this subtitle or in any
24 amendment made by this subtitle shall affect any of
25 the powers exercised by the Federal Election Com-

1 mission prior to December 31, 2021, including any
 2 investigation initiated by the Commission prior to
 3 such date or any proceeding (including any enforce-
 4 ment action) pending as of such date.

5 **Subtitle B—Stopping Super PAC-** 6 **Candidate Coordination**

7 **SEC. 6101. SHORT TITLE.**

8 This subtitle may be cited as the “Stop Super PAC–
 9 Candidate Coordination Act”.

10 **SEC. 6102. CLARIFICATION OF TREATMENT OF COORDI-** 11 **NATED EXPENDITURES AS CONTRIBUTIONS** 12 **TO CANDIDATES.**

13 (a) TREATMENT AS CONTRIBUTION TO CAN-
 14 DIDATE.—Section 301(8)(A) of the Federal Election Cam-
 15 paign Act of 1971 (52 U.S.C. 30101(8)(A)) is amended—

16 (1) by striking “or” at the end of clause (i);

17 (2) by striking the period at the end of clause

18 (ii) and inserting “; or”; and

19 (3) by adding at the end the following new
 20 clause:

21 “(iii) any payment made by any person
 22 (other than a candidate, an authorized com-
 23 mittee of a candidate, or a political committee
 24 of a political party) for a coordinated expendi-
 25 ture (as such term is defined in section 326)

1 which is not otherwise treated as a contribution
2 under clause (i) or clause (ii).”.

3 (b) DEFINITIONS.—Title III of such Act (52 U.S.C.
4 30101 et seq.), as amended by section 4702(a), is amend-
5 ed by adding at the end the following new section:

6 **“SEC. 326. PAYMENTS FOR COORDINATED EXPENDITURES.**

7 “(a) COORDINATED EXPENDITURES.—

8 “(1) IN GENERAL.—For purposes of section
9 301(8)(A)(iii), the term ‘coordinated expenditure’
10 means—

11 “(A) any expenditure, or any payment for
12 a covered communication described in sub-
13 section (d), which is made in cooperation, con-
14 sultation, or concert with, or at the request or
15 suggestion of, a candidate, an authorized com-
16 mittee of a candidate, a political committee of
17 a political party, or agents of the candidate or
18 committee, as defined in subsection (b); or

19 “(B) any payment for any communication
20 which republishes, disseminates, or distributes,
21 in whole or in part, any video or broadcast or
22 any written, graphic, or other form of campaign
23 material prepared by the candidate or com-
24 mittee or by agents of the candidate or com-
25 mittee (including any excerpt or use of any

1 video from any such broadcast or written,
2 graphic, or other form of campaign material).

3 “(2) EXCEPTION FOR PAYMENTS FOR CERTAIN
4 COMMUNICATIONS.—A payment for a communication
5 (including a covered communication described in
6 subsection (d)) shall not be treated as a coordinated
7 expenditure under this subsection if—

8 “(A) the communication appears in a news
9 story, commentary, or editorial distributed
10 through the facilities of any broadcasting sta-
11 tion, newspaper, magazine, or other periodical
12 publication, unless such facilities are owned or
13 controlled by any political party, political com-
14 mittee, or candidate; or

15 “(B) the communication constitutes a can-
16 didate debate or forum conducted pursuant to
17 regulations adopted by the Commission pursu-
18 ant to section 304(f)(3)(B)(iii), or which solely
19 promotes such a debate or forum and is made
20 by or on behalf of the person sponsoring the de-
21 bate or forum.

22 “(b) COORDINATION DESCRIBED.—

23 “(1) IN GENERAL.—For purposes of this sec-
24 tion, a payment is made ‘in cooperation, consulta-
25 tion, or concert with, or at the request or suggestion

1 of,' a candidate, an authorized committee of a can-
2 didate, a political committee of a political party, or
3 agents of the candidate or committee, if the pay-
4 ment, or any communication for which the payment
5 is made, is not made entirely independently of the
6 candidate, committee, or agents. For purposes of the
7 previous sentence, a payment or communication not
8 made entirely independently of the candidate or
9 committee includes any payment or communication
10 made pursuant to any general or particular under-
11 standing with, or pursuant to any communication
12 with, the candidate, committee, or agents about the
13 payment or communication.

14 “(2) NO FINDING OF COORDINATION BASED
15 SOLELY ON SHARING OF INFORMATION REGARDING
16 LEGISLATIVE OR POLICY POSITION.—For purposes
17 of this section, a payment shall not be considered to
18 be made by a person in cooperation, consultation, or
19 concert with, or at the request or suggestion of, a
20 candidate or committee, solely on the grounds that
21 the person or the person’s agent engaged in discus-
22 sions with the candidate or committee, or with any
23 agent of the candidate or committee, regarding that
24 person’s position on a legislative or policy matter
25 (including urging the candidate or committee to

1 adopt that person’s position), so long as there is no
2 communication between the person and the can-
3 didate or committee, or any agent of the candidate
4 or committee, regarding the candidate’s or commit-
5 tee’s campaign advertising, message, strategy, pol-
6 icy, polling, allocation of resources, fundraising, or
7 other campaign activities.

8 “(3) NO EFFECT ON PARTY COORDINATION
9 STANDARD.—Nothing in this section shall be con-
10 strued to affect the determination of coordination
11 between a candidate and a political committee of a
12 political party for purposes of section 315(d).

13 “(4) NO SAFE HARBOR FOR USE OF FIRE-
14 WALL.—A person shall be determined to have made
15 a payment in cooperation, consultation, or concert
16 with, or at the request or suggestion of, a candidate
17 or committee, in accordance with this section with-
18 out regard to whether or not the person established
19 and used a firewall or similar procedures to restrict
20 the sharing of information between individuals who
21 are employed by or who are serving as agents for the
22 person making the payment.

23 “(c) PAYMENTS BY COORDINATED SPENDERS FOR
24 COVERED COMMUNICATIONS.—

1 “(1) PAYMENTS MADE IN COOPERATION, CON-
2 SULTATION, OR CONCERT WITH CANDIDATES.—For
3 purposes of subsection (a)(1)(A), if the person who
4 makes a payment for a covered communication, as
5 defined in subsection (d), is a coordinated spender
6 under paragraph (2) with respect to the candidate
7 as described in subsection (d)(1), the payment for
8 the covered communication is made in cooperation,
9 consultation, or concert with the candidate.

10 “(2) COORDINATED SPENDER DEFINED.—For
11 purposes of this subsection, the term ‘coordinated
12 spender’ means, with respect to a candidate or an
13 authorized committee of a candidate, a person (other
14 than a political committee of a political party) for
15 which any of the following applies:

16 “(A) During the 4-year period ending on
17 the date on which the person makes the pay-
18 ment, the person was directly or indirectly
19 formed or established by or at the request or
20 suggestion of, or with the encouragement of,
21 the candidate (including an individual who later
22 becomes a candidate) or committee or agents of
23 the candidate or committee, including with the
24 approval of the candidate or committee or
25 agents of the candidate or committee.

1 “(B) The candidate or committee or any
2 agent of the candidate or committee solicits
3 funds, appears at a fundraising event, or en-
4 gages in other fundraising activity on the per-
5 son’s behalf during the election cycle involved,
6 including by providing the person with names of
7 potential donors or other lists to be used by the
8 person in engaging in fundraising activity, re-
9 gardless of whether the person pays fair market
10 value for the names or lists provided. For pur-
11 poses of this subparagraph, the term ‘election
12 cycle’ means, with respect to an election for
13 Federal office, the period beginning on the day
14 after the date of the most recent general elec-
15 tion for that office (or, if the general election
16 resulted in a runoff election, the date of the
17 runoff election) and ending on the date of the
18 next general election for that office (or, if the
19 general election resulted in a runoff election,
20 the date of the runoff election).

21 “(C) The person is established, directed, or
22 managed by the candidate or committee or by
23 any person who, during the 4-year period end-
24 ing on the date on which the person makes the
25 payment, has been employed or retained as a

1 political, campaign media, or fundraising ad-
2 viser or consultant for the candidate or com-
3 mittee or for any other entity directly or indi-
4 rectly controlled by the candidate or committee,
5 or has held a formal position with the candidate
6 or committee (including a position as an em-
7 ployee of the office of the candidate at any time
8 the candidate held any Federal, State, or local
9 public office during the 4-year period).

10 “(D) The person has retained the profes-
11 sional services of any person who, during the 2-
12 year period ending on the date on which the
13 person makes the payment, has provided or is
14 providing professional services relating to the
15 campaign to the candidate or committee, with-
16 out regard to whether the person providing the
17 professional services used a firewall. For pur-
18 poses of this subparagraph, the term ‘profes-
19 sional services’ includes any services in support
20 of the candidate’s or committee’s campaign ac-
21 tivities, including advertising, message, strat-
22 egy, policy, polling, allocation of resources,
23 fundraising, and campaign operations, but does
24 not include accounting or legal services.

1 “(E) The person is established, directed, or
2 managed by a member of the immediate family
3 of the candidate, or the person or any officer or
4 agent of the person has had more than inci-
5 dental discussions about the candidate’s cam-
6 paign with a member of the immediate family
7 of the candidate. For purposes of this subpara-
8 graph, the term ‘immediate family’ has the
9 meaning given such term in section 9004(e) of
10 the Internal Revenue Code of 1986.

11 “(d) COVERED COMMUNICATION DEFINED.—

12 “(1) IN GENERAL.—For purposes of this sec-
13 tion, the term ‘covered communication’ means, with
14 respect to a candidate or an authorized committee of
15 a candidate, a public communication (as defined in
16 section 301(22)) which—

17 “(A) expressly advocates the election of the
18 candidate or the defeat of an opponent of the
19 candidate (or contains the functional equivalent
20 of express advocacy);

21 “(B) promotes or supports the election of
22 the candidate, or attacks or opposes the election
23 of an opponent of the candidate (regardless of
24 whether the communication expressly advocates
25 the election or defeat of a candidate or contains

1 the functional equivalent of express advocacy);
2 or

3 “(C) refers to the candidate or an oppo-
4 nent of the candidate but is not described in
5 subparagraph (A) or subparagraph (B), but
6 only if the communication is disseminated dur-
7 ing the applicable election period.

8 “(2) APPLICABLE ELECTION PERIOD.—In para-
9 graph (1)(C), the ‘applicable election period’ with re-
10 spect to a communication means—

11 “(A) in the case of a communication which
12 refers to a candidate in a general, special, or
13 runoff election, the 120-day period which ends
14 on the date of the election; or

15 “(B) in the case of a communication which
16 refers to a candidate in a primary or preference
17 election, or convention or caucus of a political
18 party that has authority to nominate a can-
19 didate, the 60-day period which ends on the
20 date of the election or convention or caucus.

21 “(3) SPECIAL RULES FOR COMMUNICATIONS IN-
22 VOLVING CONGRESSIONAL CANDIDATES.—For pur-
23 poses of this subsection, a public communication
24 shall not be considered to be a covered communica-
25 tion with respect to a candidate for election for an

1 office other than the office of President or Vice
2 President unless it is publicly disseminated or dis-
3 tributed in the jurisdiction of the office the can-
4 didate is seeking.

5 “(e) PENALTY.—

6 “(1) DETERMINATION OF AMOUNT.—Any per-
7 son who knowingly and willfully commits a violation
8 of this Act by making a contribution which consists
9 of a payment for a coordinated expenditure shall be
10 fined an amount equal to the greater of—

11 “(A) in the case of a person who makes a
12 contribution which consists of a payment for a
13 coordinated expenditure in an amount exceeding
14 the applicable contribution limit under this Act,
15 300 percent of the amount by which the
16 amount of the payment made by the person ex-
17 ceeds such applicable contribution limit; or

18 “(B) in the case of a person who is prohib-
19 ited under this Act from making a contribution
20 in any amount, 300 percent of the amount of
21 the payment made by the person for the coordi-
22 nated expenditure.

23 “(2) JOINT AND SEVERAL LIABILITY.—Any di-
24 rector, manager, or officer of a person who is subject
25 to a penalty under paragraph (1) shall be jointly and

1 severally liable for any amount of such penalty that
2 is not paid by the person prior to the expiration of
3 the 1-year period which begins on the date the Com-
4 mission imposes the penalty or the 1-year period
5 which begins on the date of the final judgment fol-
6 lowing any judicial review of the Commission's ac-
7 tion, whichever is later."

8 (c) EFFECTIVE DATE.—

9 (1) REPEAL OF EXISTING REGULATIONS ON CO-
10 ORDINATION.—Effective upon the expiration of the
11 90-day period which begins on the date of the enact-
12 ment of this Act—

13 (A) the regulations on coordinated commu-
14 nications adopted by the Federal Election Com-
15 mission which are in effect on the date of the
16 enactment of this Act (as set forth in 11 CFR
17 Part 109, Subpart C, under the heading "Co-
18 ordination") are repealed; and

19 (B) the Federal Election Commission shall
20 promulgate new regulations on coordinated
21 communications which reflect the amendments
22 made by this Act.

23 (2) EFFECTIVE DATE.—The amendments made
24 by this section shall apply with respect to payments
25 made on or after the expiration of the 120-day pe-

1 riod which begins on the date of the enactment of
 2 this Act, without regard to whether or not the Fed-
 3 eral Election Commission has promulgated regula-
 4 tions in accordance with paragraph (1)(B) as of the
 5 expiration of such period.

6 **SEC. 6103. CLARIFICATION OF BAN ON FUNDRAISING FOR**
 7 **SUPER PACS BY FEDERAL CANDIDATES AND**
 8 **OFFICEHOLDERS.**

9 (a) IN GENERAL.—Section 323(e)(1) of the Federal
 10 Election Campaign Act of 1971 (52 U.S.C. 30125(e)(1))
 11 is amended—

12 (1) by striking “or” at the end of subparagraph
 13 (A);

14 (2) by striking the period at the end of sub-
 15 paragraph (B) and inserting “; or”; and

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

18 “(C) solicit, receive, direct, or transfer
 19 funds to or on behalf of any political committee
 20 which accepts donations or contributions that
 21 do not comply with the limitations, prohibitions,
 22 and reporting requirements of this Act (or to or
 23 on behalf of any account of a political com-
 24 mittee which is established for the purpose of
 25 accepting such donations or contributions), or

1 to or on behalf of any political organization
 2 under section 527 of the Internal Revenue Code
 3 of 1986 which accepts such donations or con-
 4 tributions (other than a committee of a State or
 5 local political party or a candidate for election
 6 for State or local office).”.

7 (b) EFFECTIVE DATE.—The amendment made by
 8 subsection (a) shall apply with respect to elections occur-
 9 ring after January 1, 2020.

10 **Subtitle C—Disposal of** 11 **Contributions or Donations**

12 **SEC. 6201. TIMEFRAME FOR AND PRIORITIZATION OF DIS-** 13 **POSAL OF CONTRIBUTIONS OR DONATIONS.**

14 Section 313 of the Federal Election Campaign Act
 15 of 1971 (52 U.S.C. 30114), as amended by section 5113
 16 and section 5302, is amended—

17 (1) by redesignating subsections (c), (d), and
 18 (e) as subsections (d), (e), and (f), respectively; and

19 (2) by inserting after subsection (b) the fol-
 20 lowing new subsection:

21 “(c) DISPOSAL.—

22 “(1) TIMEFRAME.—Contributions or donations
 23 described in subsection (a) may only be used—

24 “(A) in the case of an individual who is
 25 not a candidate with respect to an election for

1 any Federal office for a 6-year period beginning
2 on the day after the date of the most recent
3 such election in which the individual was a can-
4 didate for any such office, during such 6-year
5 period; or

6 “(B) in the case of an individual who be-
7 comes a registered lobbyist under the Lobbying
8 Disclosure Act of 1995, before the date on
9 which such individual becomes such a registered
10 lobbyist.

11 “(2) MEANS OF DISPOSAL; PRIORITIZATION.—

12 Beginning on the date the 6-year period described in
13 subparagraph (A) of paragraph (1) ends (or, in the
14 case of an individual described in subparagraph (B)
15 of such paragraph, the date on which the individual
16 becomes a registered lobbyist under the Lobbying
17 Disclosure Act of 1995), contributions or donations
18 that remain available to an individual described in
19 such paragraph shall be disposed of, not later than
20 30 days after such date, as follows:

21 “(A) First, to pay any debts or obligations
22 owed in connection with the campaign for elec-
23 tion for Federal office of the individual.

24 “(B) Second, to the extent such contribu-
25 tion or donations remain available after the ap-

1 plication of subparagraph (A), through any of
2 the following means of disposal (or a combina-
3 tion thereof), in any order the individual con-
4 siders appropriate:

5 “(i) Returning such contributions or
6 donations to the individuals, entities, or
7 both, who made such contributions or do-
8 nations.

9 “(ii) Making contributions to an orga-
10 nization described in section 170(c) of the
11 Internal Revenue Code of 1986.

12 “(iii) Making transfers to a national,
13 State, or local committee of a political
14 party.”.

15 **SEC. 6202. 1-YEAR TRANSITION PERIOD FOR CERTAIN INDIVIDUALS.**
16

17 (a) IN GENERAL.—In the case of an individual de-
18 scribed in subsection (b), any contributions or donations
19 remaining available to the individual shall be disposed of—

20 (1) not later than one year after the date of the
21 enactment of this section; and

22 (2) in accordance with the prioritization speci-
23 fied in subparagraphs (A) through (D) of subsection
24 (c)(2) of section 313 of the Federal Election Cam-

1 campaign Act of 1971 (52 U.S.C. 30114), as amended
2 by section 6201 of this subtitle.

3 (b) INDIVIDUALS DESCRIBED.—An individual de-
4 scribed in this subsection is an individual who, as of the
5 date of the enactment of this section—

6 (1)(A) is not a candidate with respect to an
7 election for any Federal office for a period of not
8 less than 6 years beginning on the day after the date
9 of the most recent such election in which the indi-
10 vidual was a candidate for any such office; or

11 (B) is an individual who becomes a registered
12 lobbyist under the Lobbying Disclosure Act of 1995;
13 and

14 (2) would be in violation of subsection (c) of
15 section 313 of the Federal Election Campaign Act of
16 1971 (52 U.S.C. 30114), as amended by section
17 6201 of this subtitle.

18 **Subtitle D—Recommendations to**
19 **Ensure Filing of Reports Before**
20 **Date of Election**

21 **SEC. 6301. RECOMMENDATIONS TO ENSURE FILING OF RE-**
22 **PORTS BEFORE DATE OF ELECTION.**

23 Not later than 180 days after the date of the enact-
24 ment of this Act, the Federal Election Commission shall
25 submit a report to Congress providing recommendations,

1 including recommendations for changes to existing law, on
2 how to ensure that each political committee under the
3 Federal Election Campaign Act of 1971, including a com-
4 mittee which accepts donations or contributions that do
5 not comply with the limitations, prohibitions, and report-
6 ing requirements of such Act, will file a report under sec-
7 tion 304 of such Act prior to the date of the election for
8 which the committee receives contributions or makes dis-
9 bursements, without regard to the date on which the com-
10 mittee first registered under such Act, and shall include
11 specific recommendations to ensure that such committees
12 will not delay until after the date of the election the re-
13 porting of the identification of persons making contribu-
14 tions that will be used to repay debt incurred by the com-
15 mittee.

16 **Subtitle E—Severability**

17 **SEC. 6401. SEVERABILITY.**

18 If any provision of this title or amendment made by
19 this title, or the application of a provision or amendment
20 to any person or circumstance, is held to be unconstitu-
21 tional, the remainder of this title and amendments made
22 by this title, and the application of the provisions and
23 amendment to any person or circumstance, shall not be
24 affected by the holding.

1 **DIVISION C—ETHICS**
 2 **TITLE VII—ETHICAL STANDARDS**

Subtitle A—Supreme Court Ethics

Sec. 7001. Code of conduct for Federal judges.

Subtitle B—Foreign Agents Registration

Sec. 7101. Establishment of FARA investigation and enforcement unit within Department of Justice.

Sec. 7102. Authority to impose civil money penalties.

Sec. 7103. Disclosure of transactions involving things of financial value conferred on officeholders.

Sec. 7104. Ensuring online access to registration statements.

Subtitle C—Lobbying Disclosure Reform

Sec. 7201. Expanding scope of individuals and activities subject to requirements of Lobbying Disclosure Act of 1995.

Sec. 7202. Prohibiting receipt of compensation for lobbying activities on behalf of foreign countries violating human rights.

Sec. 7203. Requiring lobbyists to disclose status as lobbyists upon making any lobbying contacts.

Subtitle D—Recusal of Presidential Appointees

Sec. 7301. Recusal of appointees.

Subtitle E—Clearinghouse on Lobbying Information

Sec. 7401. Establishment of clearinghouse.

Subtitle F—Severability

Sec. 7501. Severability.

3 **Subtitle A—Supreme Court Ethics**

4 **SEC. 7001. CODE OF CONDUCT FOR FEDERAL JUDGES.**

5 (a) IN GENERAL.—Chapter 57 of title 28, United
 6 States Code, is amended by adding at the end the fol-
 7 lowing:

8 **“§ 964. Code of conduct**

9 “Not later than one year after the date of the enact-
 10 ment of this section, the Judicial Conference shall issue
 11 a code of conduct, which applies to each justice and judge

1 of the United States, except that the code of conduct may
 2 include provisions that are applicable only to certain cat-
 3 egories of judges or justices.”.

4 (b) CLERICAL AMENDMENT.—The table of sections
 5 for chapter 57 of title 28, United States Code, is amended
 6 by adding after the item related to section 963 the fol-
 7 lowing:

“964. Code of conduct.”.

8 **Subtitle B—Foreign Agents** 9 **Registration**

10 **SEC. 7101. ESTABLISHMENT OF FARA INVESTIGATION AND** 11 **ENFORCEMENT UNIT WITHIN DEPARTMENT** 12 **OF JUSTICE.**

13 Section 8 of the Foreign Agents Registration Act of
 14 1938, as amended (22 U.S.C. 618) is amended by adding
 15 at the end the following new subsection:

16 “(i) DEDICATED ENFORCEMENT UNIT.—

17 “(1) ESTABLISHMENT.—Not later than 180
 18 days after the date of enactment of this subsection,
 19 the Attorney General shall establish a unit within
 20 the counterespionage section of the National Secu-
 21 rity Division of the Department of Justice with re-
 22 sponsibility for the enforcement of this Act.

23 “(2) POWERS.—The unit established under this
 24 subsection is authorized to—

1 “(A) take appropriate legal action against
2 individuals suspected of violating this Act; and

3 “(B) coordinate any such legal action with
4 the United States Attorney for the relevant ju-
5 risdiction.

6 “(3) CONSULTATION.—In operating the unit es-
7 tablished under this subsection, the Attorney Gen-
8 eral shall, as appropriate, consult with the Director
9 of National Intelligence, the Secretary of Homeland
10 Security, and the Secretary of State.

11 “(4) AUTHORIZATION OF APPROPRIATIONS.—
12 There are authorized to be appropriated to carry out
13 the activities of the unit established under this sub-
14 section \$10,000,000 for fiscal year 2019 and each
15 succeeding fiscal year.”.

16 **SEC. 7102. AUTHORITY TO IMPOSE CIVIL MONEY PEN-**
17 **ALTIES.**

18 (a) ESTABLISHING AUTHORITY.—Section 8 of the
19 Foreign Agents Registration Act of 1938, as amended (22
20 U.S.C. 618) is amended by inserting after subsection (c)
21 the following new subsection:

22 “(d) CIVIL MONEY PENALTIES.—

23 “(1) REGISTRATION STATEMENTS.—Whoever
24 fails to file timely or complete a registration state-
25 ment as provided under section 2(a) shall be subject

1 to a civil money penalty of not more than \$10,000
2 per violation.

3 “(2) SUPPLEMENTS.—Whoever fails to file
4 timely or complete supplements as provided under
5 section 2(b) shall be subject to a civil money penalty
6 of not more than \$1,000 per violation.

7 “(3) OTHER VIOLATIONS.—Whoever knowingly
8 fails to—

9 “(A) remedy a defective filing within 60
10 days after notice of such defect by the Attorney
11 General; or

12 “(B) comply with any other provision of
13 this Act,

14 shall upon proof of such knowing violation by a pre-
15 ponderance of the evidence, be subject to a civil
16 money penalty of not more than \$200,000, depend-
17 ing on the extent and gravity of the violation.

18 “(4) NO FINES PAID BY FOREIGN PRIN-
19 CIPALS.—A civil money penalty paid under para-
20 graph (1) may not be paid, directly or indirectly, by
21 a foreign principal.

22 “(5) USE OF FINES.—All civil money penalties
23 collected under this subsection shall be used to de-
24 fray the cost of the enforcement unit established
25 under subsection (i).”.

1 (b) EFFECTIVE DATE.—The amendment made by
2 subsection (a) shall take effect on the date of the enact-
3 ment of this Act.

4 **SEC. 7103. DISCLOSURE OF TRANSACTIONS INVOLVING**
5 **THINGS OF FINANCIAL VALUE CONFERRED**
6 **ON OFFICEHOLDERS.**

7 (a) REQUIRING AGENTS TO DISCLOSE KNOWN
8 TRANSACTIONS.—

9 (1) IN GENERAL.—Section 2(a) of the Foreign
10 Agents Registration Act of 1938, as amended (22
11 U.S.C. 612(a)) is amended—

12 (A) by redesignating paragraphs (10) and
13 (11) as paragraphs (11) and (12); and

14 (B) by inserting after paragraph (9) the
15 following new paragraph:

16 “(10) To the extent that the registrant has
17 knowledge of any transaction which occurred in the
18 preceding 60 days and in which the foreign principal
19 for whom the registrant is acting as an agent con-
20 ferred on a Federal or State officeholder any thing
21 of financial value, including a gift, profit, salary, fa-
22 vorable regulatory treatment, or any other direct or
23 indirect economic or financial benefit, a detailed
24 statement describing each such transaction.”.

1 (2) EFFECTIVE DATE.—The amendments made
2 by paragraph (1) shall apply with respect to state-
3 ments filed on or after the expiration of the 90-day
4 period which begins on the date of the enactment of
5 this Act.

6 (b) SUPPLEMENTAL DISCLOSURE FOR CURRENT
7 REGISTRANTS.—Not later than the expiration of the 90-
8 day period which begins on the date of the enactment of
9 this Act, each registrant who (prior to the expiration of
10 such period) filed a registration statement with the Attor-
11 ney General under section 2(a) of the Foreign Agents Reg-
12 istration Act of 1938, as amended (22 U.S.C. 612(a)) and
13 who has knowledge of any transaction described in para-
14 graph (10) of section 2(a) of such Act (as added by sub-
15 section (a)(1)) which occurred at any time during which
16 the registrant was an agent of the foreign principal in-
17 volved, shall file with the Attorney General a supplement
18 to such statement under oath, on a form prescribed by
19 the Attorney General, containing a detailed statement de-
20 scribing each such transaction.

21 **SEC. 7104. ENSURING ONLINE ACCESS TO REGISTRATION**
22 **STATEMENTS.**

23 (a) REQUIRING STATEMENTS FILED BY REG-
24 ISTRANTS TO BE IN DIGITIZED FORMAT.—Section 2(g)
25 of the Foreign Agents Registration Act of 1938, as

1 amended (22 U.S.C. 612(g)) is amended by striking “in
 2 electronic form” and inserting “in a digitized format
 3 which will enable the Attorney General to meet the re-
 4 quirements of section 6(d)(1) (relating to public access to
 5 an electronic database of statements and updates)”.

6 (b) REQUIREMENTS FOR ELECTRONIC DATABASE OF
 7 REGISTRATION STATEMENTS AND UPDATES.—Section
 8 6(d)(1) of such Act (22 U.S.C. 616(d)(1)) is amended—

9 (1) in the matter preceding subparagraph (A),
 10 by striking “to the extent technically practicable,”;
 11 and

12 (2) in subparagraph (A), by striking “includes
 13 the information” and inserting “includes in a
 14 digitized format the information”.

15 (c) EFFECTIVE DATE.—The amendments made by
 16 this section shall apply with respect to statements filed
 17 on or after the expiration of the 180-day period which be-
 18 gins on the date of the enactment of this Act.

19 **Subtitle C—Lobbying Disclosure** 20 **Reform**

21 **SEC. 7201. EXPANDING SCOPE OF INDIVIDUALS AND AC-** 22 **TIVITIES SUBJECT TO REQUIREMENTS OF** 23 **LOBBYING DISCLOSURE ACT OF 1995.**

24 (a) COVERAGE OF INDIVIDUALS PROVIDING COUN-
 25 SELING SERVICES.—

1 (1) TREATMENT OF COUNSELING SERVICES IN
2 SUPPORT OF LOBBYING CONTACTS AS LOBBYING AC-
3 TIVITY.—Section 3(7) of such Act (2 U.S.C.
4 1602(7)) is amended—

5 (A) by striking “efforts” and inserting
6 “any efforts”; and

7 (B) by striking “research and other back-
8 ground work” and inserting the following:
9 “counseling in support of such preparation and
10 planning activities, research, and other back-
11 ground work”.

12 (2) TREATMENT OF LOBBYING CONTACT MADE
13 WITH SUPPORT OF COUNSELING SERVICES AS LOB-
14 BYING CONTACT MADE BY INDIVIDUAL PROVIDING
15 SERVICES.—Section 3(8) of such Act (2 U.S.C.
16 1602(8)) is amended by adding at the end the fol-
17 lowing new subparagraph:

18 “(C) TREATMENT OF PROVIDERS OF
19 COUNSELING SERVICES.—Any individual, with
20 authority to direct or substantially influence a
21 lobbying contact or contacts made by another
22 individual, and for financial or other compensa-
23 tion provides counseling services in support of
24 preparation and planning activities which are
25 treated as lobbying activities under paragraph

1 (7) for that other individual’s lobbying contact
2 or contacts and who has knowledge that the
3 specific lobbying contact or contacts were made,
4 shall be considered to have made the same lob-
5 bying contact at the same time and in the same
6 manner to the covered executive branch official
7 or covered legislative branch official involved.”.

8 (b) REDUCTION OF PERCENTAGE EXEMPTION FOR
9 DETERMINATION OF THRESHOLD OF LOBBYING CON-
10 TACTS REQUIRED FOR INDIVIDUALS TO REGISTER AS
11 LOBBYISTS.—Section 3(10) of the Lobbying Disclosure
12 Act of 1995 (2 U.S.C. 1602(10)) is amended by striking
13 “less than 20 percent” and inserting “less than 10 per-
14 cent”.

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

18 **SEC. 7202. PROHIBITING RECEIPT OF COMPENSATION FOR**
19 **LOBBYING ACTIVITIES ON BEHALF OF FOR-**
20 **EIGN COUNTRIES VIOLATING HUMAN**
21 **RIGHTS.**

22 (a) PROHIBITION.—The Lobbying Disclosure Act of
23 1995 (2 U.S.C. 1601 et seq.) is amended by inserting
24 after section 5 the following new section:

1 **“SEC. 5A. PROHIBITING RECEIPT OF COMPENSATION FOR**
2 **LOBBYING ACTIVITIES ON BEHALF OF FOR-**
3 **EIGN COUNTRIES VIOLATING HUMAN**
4 **RIGHTS.**

5 “(a) PROHIBITION.—Notwithstanding any other pro-
6 vision of this Act, no person may accept financial or other
7 compensation for lobbying activity under this Act on be-
8 half of a client who is a government which the President
9 has determined is a government that engages in gross vio-
10 lations of human rights.

11 “(b) CLARIFICATION OF TREATMENT OF DIPLO-
12 MATIC OR CONSULAR OFFICERS.—Nothing in this section
13 may be construed to affect any activity of a duly accred-
14 ited diplomatic or consular officer of a foreign government
15 who is so recognized by the Department of State, while
16 said officer is engaged in activities which are recognized
17 by the Department of State as being within the scope of
18 the functions of such officer.”.

19 (b) EFFECTIVE DATE.—The amendments made by
20 this section shall apply with respect to lobbying activity
21 under the Lobbying Disclosure Act of 1995 which occurs
22 pursuant to contracts entered into on or after the date
23 of the enactment of this Act.

1 **SEC. 7203. REQUIRING LOBBYISTS TO DISCLOSE STATUS AS**
2 **LOBBYISTS UPON MAKING ANY LOBBYING**
3 **CONTACTS.**

4 (a) MANDATORY DISCLOSURE AT TIME OF CON-
5 TACT.—Section 14 of the Lobbying Disclosure Act of 1995
6 (2 U.S.C. 1609) is amended—

7 (1) by striking subsections (a) and (b) and in-
8 serting the following:

9 “(a) REQUIRING IDENTIFICATION AT TIME OF LOB-
10 BYING CONTACT.—Any person or entity that makes a lob-
11 bying contact with a covered legislative branch official or
12 a covered executive branch official shall, at the time of
13 the lobbying contact—

14 “(1) indicate whether the person or entity is
15 registered under this chapter and identify the client
16 on whose behalf the lobbying contact is made; and

17 “(2) indicate whether such client is a foreign
18 entity and identify any foreign entity required to be
19 disclosed under section 4(b)(4) that has a direct in-
20 terest in the outcome of the lobbying activity.”; and

21 (2) by redesignating subsection (c) as sub-
22 section (b).

23 (b) EFFECTIVE DATE.—The amendment made by
24 subsection (a) shall apply with respect to lobbying contacts
25 made on or after the date of the enactment of this Act.

1 **Subtitle D—Recusal of Presidential**
2 **Appointees**

3 **SEC. 7301. RECUSAL OF APPOINTEES.**

4 Section 208 of title 18, United States Code, is
5 amended by adding at the end the following:

6 “(e)(1) Any officer or employee appointed by the
7 President shall recuse himself or herself from any par-
8 ticular matter involving specific parties in which a party
9 to that matter is—

10 “(A) the President who appointed the offi-
11 cer or employee, which shall include any entity
12 in which the President has a substantial inter-
13 est; or

14 “(B) the spouse of the President who ap-
15 pointed the officer or employee, which shall in-
16 clude any entity in which the spouse of the
17 President has a substantial interest.

18 “(2)(A) Subject to subparagraph (B), if an offi-
19 cer or employee is recused under paragraph (1), a
20 career appointee in the agency of the officer or em-
21 ployee shall perform the functions and duties of the
22 officer or employee with respect to the matter.

23 “(B)(i) In this subparagraph, the term
24 ‘Commission’ means a board, commission, or

1 other agency for which the authority of the
2 agency is vested in more than 1 member.

3 “(ii) If the recusal of a member of a
4 Commission from a matter under para-
5 graph (1) would result in there not being
6 a statutorily required quorum of members
7 of the Commission available to participate
8 in the matter, notwithstanding such stat-
9 ute or any other provision of law, the
10 members of the Commission not recused
11 under paragraph (1) may—

12 “(I) consider the matter without
13 regard to the quorum requirement
14 under such statute;

15 “(II) delegate the authorities and
16 responsibilities of the Commission
17 with respect to the matter to a sub-
18 committee of the Commission; or

19 “(III) designate an officer or em-
20 ployee of the Commission who was not
21 appointed by the President who ap-
22 pointed the member of the Commis-
23 sion recused from the matter to exer-
24 cise the authorities and duties of the

1 recused member with respect to the
2 matter.

3 “(3) Any officer or employee who violates para-
4 graph (1) shall be subject to the penalties set forth
5 in section 216.

6 “(4) For purposes of this section, the term
7 ‘particular matter’ shall have the meaning given the
8 term in section 207(i).”.

9 **Subtitle E—Clearinghouse on**
10 **Lobbying Information**

11 **SEC. 7401. ESTABLISHMENT OF CLEARINGHOUSE.**

12 (a) ESTABLISHMENT.—The Attorney General shall
13 establish and operate within the Department of Justice
14 a clearinghouse through which members of the public may
15 obtain copies (including in electronic form) of registration
16 statements filed under the Lobbying Disclosure Act of
17 1995 (2 U.S.C. 1601 et seq.) and the Foreign Agents Reg-
18 istration Act of 1938, as amended (22 U.S.C. 611 et seq.).

19 (b) FORMAT.—The Attorney General shall ensure
20 that the information in the clearinghouse established
21 under this Act is maintained in a searchable and sortable
22 format.

23 (c) AGREEMENTS WITH CLERK OF HOUSE AND SEC-
24 RETARY OF THE SENATE.—The Attorney General shall
25 enter into such agreements with the Clerk of the House

1 of Representatives and the Secretary of the Senate as may
 2 be necessary for the Attorney General to obtain registra-
 3 tion statements filed with the Clerk and the Secretary
 4 under the Lobbying Disclosure Act of 1995 for inclusion
 5 in the clearinghouse.

6 **Subtitle F—Severability**

7 **SEC. 7501. SEVERABILITY.**

8 If any provision of this title or amendment made by
 9 this title, or the application of a provision or amendment
 10 to any person or circumstance, is held to be unconstitu-
 11 tional, the remainder of this title and amendments made
 12 by this title, and the application of the provisions and
 13 amendment to any person or circumstance, shall not be
 14 affected by the holding.

15 **TITLE VIII—ETHICS REFORMS** 16 **FOR THE PRESIDENT, VICE** 17 **PRESIDENT, AND FEDERAL** 18 **OFFICERS AND EMPLOYEES**

Subtitle A—Executive Branch Conflict of Interest

- Sec. 8001. Short title.
- Sec. 8002. Restrictions on private sector payment for government service.
- Sec. 8003. Requirements relating to slowing the revolving door.
- Sec. 8004. Prohibition of procurement officers accepting employment from gov-
 ernment contractors.
- Sec. 8005. Revolving door restrictions on employees moving into the private
 sector.
- Sec. 8006. Guidance on unpaid employees.
- Sec. 8007. Limitation on use of Federal funds and contracting at businesses
 owned by certain Government officers and employees.

Subtitle B—Presidential Conflicts of Interest

- Sec. 8011. Short title.

- Sec. 8012. Divestiture of personal financial interests of the President and Vice President that pose a potential conflict of interest.
- Sec. 8013. Initial financial disclosure.
- Sec. 8014. Contracts by the President or Vice President.
- Sec. 8015. Legal Defense Funds.

Subtitle C—White House Ethics Transparency

- Sec. 8021. Short title.
- Sec. 8022. Procedure for waivers and authorizations relating to ethics requirements.

Subtitle D—Executive Branch Ethics Enforcement

- Sec. 8031. Short title.
- Sec. 8032. Reauthorization of the Office of Government Ethics.
- Sec. 8033. Tenure of the Director of the Office of Government Ethics.
- Sec. 8034. Duties of Director of the Office of Government Ethics.
- Sec. 8035. Agency Ethics Officials Training and Duties.
- Sec. 8036. Prohibition on use of funds for certain Federal employee travel in contravention of certain regulations.
- Sec. 8037. Reports on cost of presidential travel.
- Sec. 8038. Reports on Cost of Senior Executive Travel.

Subtitle E—Conflicts From Political Fundraising

- Sec. 8041. Short title.
- Sec. 8042. Disclosure of certain types of contributions.

Subtitle F—Transition Team Ethics

- Sec. 8051. Short title.
- Sec. 8052. Presidential transition ethics programs.

Subtitle G—Ethics Pledge For Senior Executive Branch Employees

- Sec. 8061. Short title.
- Sec. 8062. Ethics pledge requirement for senior executive branch employees.

Subtitle H—Travel on Private Aircraft by Senior Political Appointees

- Sec. 8071. Short title.
- Sec. 8072. Prohibition on use of funds for travel on private aircraft.

Subtitle I—Severability

- Sec. 8081. Severability.

1 **Subtitle A—Executive Branch**
 2 **Conflict of Interest**

3 **SEC. 8001. SHORT TITLE.**

4 This subtitle may be cited as the “Executive Branch
 5 Conflict of Interest Act”.

1 **SEC. 8002. RESTRICTIONS ON PRIVATE SECTOR PAYMENT**
2 **FOR GOVERNMENT SERVICE.**

3 Section 209 of title 18, United States Code, is
4 amended—

5 (1) in subsection (a),

6 (A) by striking “any salary” and inserting
7 “any salary (including a bonus)”; and

8 (B) by striking “as compensation for his
9 services” and inserting “at any time, as com-
10 pensation for serving”; and

11 (2) in subsection (b)—

12 (A) by inserting “(1)” after “(b)”; and

13 (B) by adding at the end the following:

14 “(2) For purposes of paragraph (1), a pension,
15 retirement, group life, health or accident insurance,
16 profit-sharing, stock bonus, or other employee wel-
17 fare or benefit plan that makes payment of any por-
18 tion of compensation contingent on accepting a posi-
19 tion in the United States Government shall not be
20 considered bona fide.”.

21 **SEC. 8003. REQUIREMENTS RELATING TO SLOWING THE RE-**
22 **VOLVING DOOR.**

23 (a) IN GENERAL.—The Ethics in Government Act of
24 1978 (5 U.S.C. App.) is amended by adding at the end
25 the following:

1 **“TITLE VI—ENHANCED RE-**
2 **QUIREMENTS FOR CERTAIN**
3 **EMPLOYEES**

4 **“§ 601. Definitions**

5 “In this title:

6 “(1) COVERED AGENCY.—The term ‘covered
7 agency’—

8 “(A) means an Executive agency, as de-
9 fined in section 105 of title 5, United States
10 Code, the Postal Service and the Postal Rate
11 Commission, but does not include the Govern-
12 ment Accountability Office or the Government
13 of the District of Columbia; and

14 “(B) shall include the Executive Office of
15 the President.

16 “(2) COVERED EMPLOYEE.—The term ‘covered
17 employee’ means an officer or employee referred to
18 in paragraph (2) of section 207(c) or paragraph (1)
19 of section 207(d) of title 18, United States Code.

20 “(3) DIRECTOR.—The term ‘Director’ means
21 the Director of the Office of Government Ethics.

22 “(4) EXECUTIVE BRANCH.—The term ‘execu-
23 tive branch’ has the meaning given that term in sec-
24 tion 109.

1 “(5) FORMER CLIENT.—The term ‘former cli-
2 ent’—

3 “(A) means a person for whom a covered
4 employee served personally as an agent, attor-
5 ney, or consultant during the 2-year period end-
6 ing on the date before the date on which the
7 covered employee begins service in the Federal
8 Government; and

9 “(B) does not include any agency or in-
10 strumentality of the Federal Government.

11 “(6) FORMER EMPLOYER.—The term ‘former
12 employer’—

13 “(A) means a person for whom a covered
14 employee served as an employee, officer, direc-
15 tor, trustee, agent, attorney, consultant, or con-
16 tractor during the 2 year period ending on the
17 date before the date on which the covered em-
18 ployee begins service in the Federal Govern-
19 ment; and

20 “(B) does not include—

21 “(i) an entity in the Federal Govern-
22 ment, including an executive branch agen-
23 cy;

24 “(ii) a State or local government;

25 “(iii) the District of Columbia;

1 “(iv) an Indian tribe, as defined in
2 section 4 of the Indian Self-Determination
3 and Education Assistance Act (25 U.S.C.
4 5304); or

5 “(v) the government of a territory or
6 possession of the United States.

7 “(7) PARTICULAR MATTER.—The term ‘par-
8 ticular matter’ has the meaning given that term in
9 section 207(i) of title 18, United States Code.

10 **“§ 602. Conflict of interest and eligibility standards**

11 “(a) IN GENERAL.—A covered employee may not
12 participate personally and substantially in a particular
13 matter in which the covered employee knows or reasonably
14 should have known that a former employer or former cli-
15 ent of the covered employee has a financial interest.

16 “(b) WAIVER.—

17 “(1) IN GENERAL.—

18 “(A) AGENCY HEADS.—With respect to the
19 head of a covered agency who is a covered em-
20 ployee, the Designated Agency Ethics Official
21 for the Executive Office of the President, in
22 consultation with the Director, may grant a
23 written waiver of the restrictions under sub-
24 section (a) before the head engages in the ac-
25 tion otherwise prohibited by such subsection if

1 the Designated Agency Ethics Official for the
2 Executive Office of the President determines
3 and certifies in writing that, in light of all the
4 relevant circumstances, the interest of the Fed-
5 eral Government in the head's participation
6 outweighs the concern that a reasonable person
7 may question the integrity of the agency's pro-
8 grams or operations.

9 “(B) OTHER COVERED EMPLOYEES.—With
10 respect to any covered employee not covered by
11 subparagraph (A), the head of the covered
12 agency employing the covered employee, in con-
13 sultation with the Director, may grant a written
14 waiver of the restrictions under subsection (a)
15 before the covered employee engages in the ac-
16 tion otherwise prohibited by such subsection if
17 the head of the covered agency determines and
18 certifies in writing that, in light of all the rel-
19 evant circumstances, the interest of the Federal
20 Government in the covered employee's partici-
21 pation outweighs the concern that a reasonable
22 person may question the integrity of the agen-
23 cy's programs or operations.

1 “(2) PUBLICATION.—For any waiver granted
2 under paragraph (1), the individual who granted the
3 waiver shall—

4 “(A) provide a copy of the waiver to the
5 Director not less than 48 hours after the waiver
6 is granted; and

7 “(B) publish the waiver on the website of
8 the applicable agency within 30 calendar days
9 after granting such waiver.

10 “(3) REVIEW.—Upon receiving a written waiver
11 under paragraph (1)(A), the Director shall—

12 “(A) review the waiver to determine wheth-
13 er the Director has any objection to the
14 issuance of the waiver; and

15 “(B) if the Director so objects—

16 “(i) provide reasons for the objection
17 in writing to the head of the agency who
18 granted the waiver not less than 15 cal-
19 endar days after the waiver was granted;
20 and

21 “(ii) publish the written objection on
22 the website of the Office of Government
23 Ethics not less than 30 calendar days after
24 the waiver was granted.

1 **“§ 603. Penalties and injunctions**

2 “(a) CRIMINAL PENALTIES.—

3 “(1) IN GENERAL.—Any person who violates
4 section 602 shall be fined under title 18, United
5 States Code, imprisoned for not more than 1 year,
6 or both.

7 “(2) WILLFUL VIOLATIONS.—Any person who
8 willfully violates section 602 shall be fined under
9 title 18, United States Code, imprisoned for not
10 more than 5 years, or both.

11 “(b) CIVIL ENFORCEMENT.—

12 “(1) IN GENERAL.—The Attorney General may
13 bring a civil action in an appropriate district court
14 of the United States against any person who vio-
15 lates, or whom the Attorney General has reason to
16 believe is engaging in conduct that violates, section
17 602.

18 “(2) CIVIL PENALTY.—

19 “(A) IN GENERAL.—If the court finds by
20 a preponderance of the evidence that a person
21 violated section 602, the court shall impose a
22 civil penalty of not more than the greater of—

23 “(i) \$100,000 for each violation; or

24 “(ii) the amount of compensation the
25 person received or was offered for the con-
26 duct constituting the violation.

1 “(B) RULE OF CONSTRUCTION.—A civil
2 penalty under this subsection may be in addi-
3 tion to any other criminal or civil statutory,
4 common law, or administrative remedy available
5 to the United States or any other person.

6 “(3) INJUNCTIVE RELIEF.—

7 “(A) IN GENERAL.—In a civil action
8 brought under paragraph (1) against a person,
9 the Attorney General may petition the court for
10 an order prohibiting the person from engaging
11 in conduct that violates section 602.

12 “(B) STANDARD.—The court may issue an
13 order under subparagraph (A) if the court finds
14 by a preponderance of the evidence that the
15 conduct of the person violates section 602.

16 “(C) RULE OF CONSTRUCTION.—The filing
17 of a petition seeking injunctive relief under this
18 paragraph shall not preclude any other remedy
19 that is available by law to the United States or
20 any other person.”.

21 **SEC. 8004. PROHIBITION OF PROCUREMENT OFFICERS AC-**
22 **CEPTING EMPLOYMENT FROM GOVERNMENT**
23 **CONTRACTORS.**

24 (a) EXPANSION OF PROHIBITION ON ACCEPTANCE
25 BY FORMER OFFICIALS OF COMPENSATION FROM CON-

1 TRACTORS.—Section 2104 of title 41, United States Code,
2 is amended—

3 (1) in subsection (a)—

4 (A) in the matter preceding paragraph
5 (1)—

6 (i) by striking “or consultant” and in-
7 serting “attorney, consultant, subcon-
8 tractor, or lobbyist”; and

9 (ii) by striking “one year” and insert-
10 ing “2 years”; and

11 (B) in paragraph (3), by striking “person-
12 ally made for the Federal agency” and inserting
13 “participated personally and substantially in”;
14 and

15 (2) by striking subsection (b) and inserting the
16 following:

17 “(b) PROHIBITION ON COMPENSATION FROM AFFILI-
18 ATES AND SUBCONTRACTORS.—A former official respon-
19 sible for a Government contract referred to in paragraph
20 (1), (2), or (3) of subsection (a) may not accept compensa-
21 tion for 2 years after awarding the contract from any divi-
22 sion, affiliate, or subcontractor of the contractor.”.

23 (b) REQUIREMENT FOR PROCUREMENT OFFICERS TO
24 DISCLOSE JOB OFFERS MADE ON BEHALF OF REL-
25 ATIVES.—Section 2103(a) of title 41, United States Code,

1 is amended in the matter preceding paragraph (1) by in-
 2 serting after “that official” the following: “, or for a rel-
 3 ative (as defined in section 3110 of title 5) of that offi-
 4 cial,”.

5 (c) REQUIREMENT ON AWARD OF GOVERNMENT
 6 CONTRACTS TO FORMER EMPLOYERS.—

7 (1) IN GENERAL.—Chapter 21 of division B of
 8 subtitle I of title 41, United States Code, is amend-
 9 ed by adding at the end the following new section:

10 **“§ 2108. Prohibition on involvement by certain**
 11 **former contractor employees in procure-**
 12 **ments**

13 “An employee of the Federal Government may not
 14 participate personally and substantially in any award of
 15 a contract to, or the administration of a contract awarded
 16 to, a contractor that is a former employer of the employee
 17 during the 2-year period beginning on the date on which
 18 the employee leaves the employment of the contractor.”.

19 (2) TECHNICAL AND CONFORMING AMEND-
 20 MENT.—The table of sections for chapter 21 of title
 21 41, United States Code, is amended by adding at
 22 the end the following new item:

“2108. Prohibition on involvement by certain former contractor employees
 in procurements.”.

23 (d) REGULATIONS.—The Director of the Office of
 24 Government Ethics, in consultation with the Adminis-

1 trator of General Services, shall promulgate regulations to
2 carry out and ensure the enforcement of chapter 21 of
3 title 41, United States Code, as amended by this section.

4 (e) **MONITORING AND COMPLIANCE.**—The Adminis-
5 trator of General Services, in consultation with designated
6 agency ethics officials (as that term is defined in section
7 109(3) of the Ethics in Government Act of 1978 (5 U.S.C.
8 App.)), shall monitor compliance with such chapter 21 by
9 individuals and agencies.

10 **SEC. 8005. REVOLVING DOOR RESTRICTIONS ON EMPLOY-**
11 **EES MOVING INTO THE PRIVATE SECTOR.**

12 (a) **IN GENERAL.**—Subsection (c) of section 207 of
13 title 18, United States Code, is amended—

14 (1) in the subsection heading, by striking
15 “ONE-YEAR” and inserting “TWO-YEAR”;

16 (2) in paragraph (1)—

17 (A) by striking “1 year” in each instance
18 and inserting “2 years”; and

19 (B) by inserting “, or conducts any lob-
20 bying activity to facilitate any communication
21 to or appearance before,” after “any commu-
22 nication to or appearance before”; and

23 (3) in paragraph (2)(B), by striking “1-year”
24 and inserting “2-year”.

1 (b) APPLICATION.—The amendments made by sub-
2 section (a) shall apply to any individual covered by sub-
3 section (c) of section 207 of title 18, United States Code,
4 separating from the civil service on or after the date of
5 enactment of this Act.

6 **SEC. 8006. GUIDANCE ON UNPAID EMPLOYEES.**

7 (a) IN GENERAL.—Not later than 120 days after the
8 date of enactment of this Act, the Director of the Office
9 of Government Ethics shall issue guidance on ethical
10 standards applicable to unpaid employees of an agency.

11 (b) DEFINITIONS.—In this section—

12 (1) the term “agency” includes the Executive
13 Office of the President and the White House; and

14 (2) the term “unpaid employee” includes any
15 individual occupying a position at an agency and
16 who is unpaid by operation of section 3110 of title
17 5, United States Code, or any other provision of law,
18 but does not include any employee who is unpaid
19 due to a lapse in appropriations.

20 **SEC. 8007. LIMITATION ON USE OF FEDERAL FUNDS AND**
21 **CONTRACTING AT BUSINESSES OWNED BY**
22 **CERTAIN GOVERNMENT OFFICERS AND EM-**
23 **PLOYEES.**

24 (a) LIMITATION ON FEDERAL FUNDS.—Beginning in
25 fiscal year 2020 and in each fiscal year thereafter, no Fed-

1 eral funds may be obligated or expended for purposes of
2 procuring goods or services at any business owned or con-
3 trolled by a covered individual or any family member of
4 such an individual, unless such obligation or expenditure
5 of funds is necessary for the security of a covered indi-
6 vidual or family member.

7 (b) PROHIBITION ON CONTRACTS.—No federal agen-
8 cy may enter into a contract with a business owned or
9 controlled by a covered individual or any family member
10 of such an individual.

11 (c) DETERMINATION OF OWNERSHIP.—For purposes
12 of this section, a business shall be deemed to be owned
13 or controlled by a covered individual or any family member
14 of such an individual if the covered individual or member
15 of family (as the case may be)—

16 (1) is a member of the board of directors or
17 similar governing body of the business; or

18 (2) directly or indirectly owns or controls 51
19 percent or more of the voting shares of the business.

20 (d) DEFINITIONS.—In this section:

21 (1) COVERED INDIVIDUAL.—The term “covered
22 individual” means—

23 (A) the President;

24 (B) the Vice President;

1 (C) the head of any Executive department
2 (as that term is defined in section 101 of title
3 5, United States Code); and

4 (D) any individual occupying a position
5 designated by the President as a Cabinet-level
6 position.

7 (2) FAMILY MEMBER.—The term “family mem-
8 ber” means an individual with any of the following
9 relationships to a covered individual:

10 (A) Spouse, and parents thereof.

11 (B) Sons and daughters, and spouses
12 thereof.

13 (C) Parents, and spouses thereof.

14 (D) Brothers and sisters, and spouses
15 thereof.

16 (E) Grandparents and grandchildren, and
17 spouses thereof.

18 (F) Domestic partner and parents thereof,
19 including domestic partners of any individual in
20 paragraphs (2) through (5).

21 (3) FEDERAL AGENCY.—The term “federal
22 agency” has the meaning given that term in section
23 102 of title 40, United States Code.

1 **Subtitle B—Presidential Conflicts**
 2 **of Interest**

3 **SEC. 8011. SHORT TITLE.**

4 This subtitle may be cited as the “Presidential Con-
 5 flicts of Interest Act of 2019”.

6 **SEC. 8012. DIVESTITURE OF PERSONAL FINANCIAL INTER-**
 7 **ESTS OF THE PRESIDENT AND VICE PRESI-**
 8 **DENT THAT POSE A POTENTIAL CONFLICT OF**
 9 **INTEREST.**

10 (a) IN GENERAL.—The Ethics in Government Act of
 11 1978 (5 U.S.C. App.) is amended by adding after title
 12 VI (as added by section 8003) the following:

13 **“TITLE VII—DIVESTITURE OF FI-**
 14 **NANCIAL CONFLICTS OF IN-**
 15 **TERESTS OF THE PRESIDENT**
 16 **AND VICE PRESIDENT**

17 **“§ 701. Divestiture of financial interests posing a con-**
 18 **flict of interest**

19 “(a) APPLICABILITY TO THE PRESIDENT AND VICE-
 20 PRESIDENT.—The President and Vice-President shall,
 21 within 30 days of assuming office, divest of all financial
 22 interests that pose a conflict of interest because the Presi-
 23 dent or Vice President, the spouse, dependent child, or
 24 general partner of the President or Vice President, or any
 25 person or organization with whom the President or Vice

1 President is negotiating or has any arrangement con-
2 cerning prospective employment, has a financial interest,
3 by—

4 “(1) converting each such interest to cash or
5 other investment that meets the criteria established
6 by the Director of the Office of Government Ethics
7 through regulation as being an interest so remote or
8 inconsequential as not to pose a conflict; or

9 “(2) placing each such interest in a qualified
10 blind trust as defined in section 102(f)(3) or a diver-
11 sified trust under section 102(f)(4)(B).

12 “(b) DISCLOSURE EXEMPTION.—Subsection (a) shall
13 not apply if the President or Vice President complies with
14 section 102.”.

15 (b) ADDITIONAL DISCLOSURES.—Section 102(a) of
16 the Ethics in Government Act of 1978 (5 U.S.C. App.)
17 is amended by adding at the end the following:

18 “(9) With respect to any such report filed by
19 the President or Vice President, for any corporation,
20 company, firm, partnership, or other business enter-
21 prise in which the President, Vice President, or the
22 spouse or dependent child of the President or Vice
23 President, has a significant financial interest—

24 “(A) the name of each other person who
25 holds a significant financial interest in the firm,

1 partnership, association, corporation, or other
 2 entity;

3 “(B) the value, identity, and category of
 4 each liability in excess of \$10,000; and

5 “(C) a description of the nature and value
 6 of any assets with a value of \$10,000 or
 7 more.”.

8 (c) REGULATIONS.—Not later than 120 days after
 9 the date of enactment of this Act, the Director of the Of-
 10 fice of Government Ethics shall promulgate regulations to
 11 define the criteria required by section 701(a)(1) of the
 12 Ethics in Government Act of 1978 (as added subsection
 13 (a)) and the term “significant financial interest” for pur-
 14 poses of section 102(a)(9) of the Ethics in Government
 15 Act (as added by subsection (b)).

16 **SEC. 8013. INITIAL FINANCIAL DISCLOSURE.**

17 Subsection (a) of section 101 of the Ethics in Govern-
 18 ment Act of 1978 (5 U.S.C. App.) is amended by striking
 19 “position” and adding at the end the following: “position,
 20 with the exception of the President and Vice President,
 21 who must file a new report.”.

22 **SEC. 8014. CONTRACTS BY THE PRESIDENT OR VICE PRESI-**
 23 **DENT.**

24 (a) AMENDMENT.—Section 431 of title 18, United
 25 States Code, is amended—

1 (1) in the section heading, by inserting “**the**
 2 **President, Vice President, Cabinet Mem-**
 3 **ber, or a**” after “**Contracts by**”; and

4 (2) in the first undesignated paragraph, by in-
 5 serting “the President, Vice President, or any Cabi-
 6 net member” after “Whoever, being”.

7 (b) TABLE OF SECTIONS AMENDMENT.—The table of
 8 sections for chapter 23 of title 18, United States Code,
 9 is amended by striking the item relating to section 431
 10 and inserting the following:

“431. Contracts by the President, Vice President, or a Member of Congress.”.

11 **SEC. 8015. LEGAL DEFENSE FUNDS.**

12 (a) DEFINITIONS.—In this section—

13 (1) the term “Director” means the Director of
 14 the Office of Government Ethics;

15 (2) the term “legal defense fund” means a
 16 trust—

17 (A) that has only one beneficiary;

18 (B) that is subject to a trust agreement
 19 creating an enforceable fiduciary duty on the
 20 part of the trustee to the beneficiary, pursuant
 21 to the applicable law of the jurisdiction in which
 22 the trust is established;

23 (C) that is subject to a trust agreement
 24 that provides for the mandatory public disclo-
 25 sure of all donations and disbursements;

1 (D) that is subject to a trust agreement
2 that prohibits the use of its resources for any
3 purpose other than—

4 (i) the administration of the trust;

5 (ii) the payment or reimbursement of
6 legal fees or expenses incurred in investiga-
7 tive, civil, criminal, or other legal pro-
8 ceedings relating to or arising by virtue of
9 service by the trust's beneficiary as an offi-
10 cer or employee, as defined in this section,
11 or as an employee, contractor, consultant
12 or volunteer of the campaign of the Presi-
13 dent or Vice President; or

14 (iii) the distribution of unused re-
15 sources to a charity selected by the trustee
16 that has not been selected or recommended
17 by the beneficiary of the trust;

18 (E) that is subject to a trust agreement
19 that prohibits the use of its resources for any
20 other purpose or personal legal matters, includ-
21 ing tax planning, personal injury litigation, pro-
22 tection of property rights, divorces, or estate
23 probate; and

24 (F) that is subject to a trust agreement
25 that prohibits the acceptance of donations, ex-

1 cept in accordance with this section and the
2 regulations of the Office of Government Ethics;

3 (3) the term “lobbying activity” has the mean-
4 ing given that term in section 3 of the Lobbying
5 Disclosure Act of 1995 (2 U.S.C. 1602);

6 (4) the term “officer or employee” means—

7 (A) an officer (as that term is defined in
8 section 2104 of title 5, United States Code) or
9 employee (as that term is defined in section
10 2105 of such title) of the executive branch of
11 the Government;

12 (B) the Vice President; and

13 (C) the President; and

14 (5) the term “relative” has the meaning given
15 that term in section 3110 of title 5, United States
16 Code.

17 (b) **LEGAL DEFENSE FUNDS.**—An officer or em-
18 ployee may not accept or use any gift or donation for the
19 payment or reimbursement of legal fees or expenses in-
20 curred in investigative, civil, criminal, or other legal pro-
21 ceedings relating to or arising by virtue of the officer or
22 employee’s service as an officer or employee, as defined
23 in this section, or as an employee, contractor, consultant
24 or volunteer of the campaign of the President or Vice

1 President except through a legal defense fund that is cer-
2 tified by the Director of the Office of Government Ethics.

3 (c) LIMITS ON GIFTS AND DONATIONS.—Not later
4 than 120 days after the date of the enactment of this Act,
5 the Director shall promulgate regulations establishing lim-
6 its with respect to gifts and donations described in sub-
7 section (b), which shall, at a minimum—

8 (1) prohibit the receipt of any gift or donation
9 described in subsection (b)—

10 (A) from a single contributor (other than
11 a relative of the officer or employee) in a total
12 amount of more than \$5,000 during any cal-
13 endar year;

14 (B) from a registered lobbyist;

15 (C) from a foreign government or an agent
16 of a foreign principal;

17 (D) from a State government or an agent
18 of a State government;

19 (E) from any person seeking official action
20 from, or seeking to do or doing business with,
21 the agency employing the officer or employee;

22 (F) from any person conducting activities
23 regulated by the agency employing the officer
24 or employee;

1 (G) from any person whose interests may
2 be substantially affected by the performance or
3 nonperformance of the official duties of the offi-
4 cer or employee;

5 (H) from an officer or employee of the ex-
6 ecutive branch;

7 (I) from any organization a majority of
8 whose members are described in (A)–(H); or

9 (J) require that a legal defense fund, in
10 order to be certified by the Director only permit
11 distributions to the officer or employee.

12 (d) WRITTEN NOTICE.—

13 (1) IN GENERAL.—An officer or employee who
14 wishes to accept funds or have a representative ac-
15 cept funds from a legal defense fund shall first en-
16 sure that the proposed trustee of the legal defense
17 fund submits to the Director the following informa-
18 tion:

19 (A) The name and contact information for
20 any proposed trustee of the legal defense fund.

21 (B) A copy of any proposed trust docu-
22 ment for the legal defense fund.

23 (C) The nature of the legal proceeding (or
24 proceedings), investigation or other matter

1 which give rise to the establishment of the legal
2 defense fund.

3 (D) An acknowledgment signed by the offi-
4 cer or employee and the trustee indicating that
5 they will be bound by the regulations and limi-
6 tation under this section.

7 (2) APPROVAL.—An officer or employee may
8 not accept any gift or donation to pay, or to reim-
9 burse any person for, fees or expenses described in
10 subsection (b) of this section except through a legal
11 defense fund that has been certified in writing by
12 the Director following that office's receipt and ap-
13 proval of the information submitted under para-
14 graph (1) and approval of the structure of the fund.

15 (e) REPORTING.—

16 (1) IN GENERAL.—An officer or employee who
17 establishes a legal defense fund may not directly or
18 indirectly accept distributions from a legal defense
19 fund unless the fund has provided the Director a
20 quarterly report for each quarter of every calendar
21 year since the establishment of the legal defense
22 fund that discloses, with respect to the quarter cov-
23 ered by the report—

24 (A) the source and amount of each con-
25 tribution to the legal defense fund; and

1 (B) the amount, recipient, and purpose of
2 each expenditure from the legal defense fund,
3 including all distributions from the trust for
4 any purpose.

5 (2) PUBLIC AVAILABILITY.—The Director shall
6 make publicly available online—

7 (A) each report submitted under para-
8 graph (1) in a searchable, sortable, and
9 downloadable form;

10 (B) each trust agreement and any amend-
11 ment thereto;

12 (C) the written notice and acknowledgment
13 required by subsection (d); and

14 (D) the Director's written certification of
15 the legal defense fund.

16 (f) RECUSAL.—An officer or employee, other than the
17 President and the Vice President, who is the beneficiary
18 of a legal defense fund may not participate personally and
19 substantially in any particular matter in which the officer
20 or employee knows a donor of any source of a gift or dona-
21 tion to the legal defense fund established for the officer
22 or employee has a financial interest, for a period of two
23 years from the date of the most recent gift or donation
24 to the legal defense fund.

1 **Subtitle C—White House Ethics**
2 **Transparency**

3 **SEC. 8021. SHORT TITLE.**

4 This subtitle may be cited as the “White House Eth-
5 ics Transparency Act of 2019”.

6 **SEC. 8022. PROCEDURE FOR WAIVERS AND AUTHORIZA-**
7 **TIONS RELATING TO ETHICS REQUIREMENTS.**

8 (a) IN GENERAL.—Notwithstanding any other provi-
9 sion of law, not later than 30 days after an officer or em-
10 ployee issues or approves a waiver or authorization pursu-
11 ant to section 3 of Executive Order No. 13770 (82 Fed.
12 Reg. 9333), or any subsequent similar order, such officer
13 or employee shall—

14 (1) transmit a written copy of such waiver or
15 authorization to the Director of the Office of Gov-
16 ernment Ethics; and

17 (2) make a written copy of such waiver or au-
18 thorization available to the public on the website of
19 the employing agency of the covered employee.

20 (b) RETROACTIVE APPLICATION.—In the case of a
21 waiver or authorization described in subsection (a) issued
22 during the period beginning on January 20, 2017, and
23 ending on the date of enactment of this Act, the issuing
24 officer or employee of such waiver or authorization shall
25 comply with the requirements of paragraphs (1) and (2)

1 of such subsection not later than 30 days after the date
2 of enactment of this Act.

3 (c) OFFICE OF GOVERNMENT ETHICS PUBLIC AVAIL-
4 ABILITY.—Not later than 30 days after receiving a written
5 copy of a waiver or authorization under subsection (a)(1),
6 the Director of the Office of Government Ethics shall
7 make such waiver or authorization available to the public
8 on the website of the Office of Government Ethics.

9 (d) REPORT TO CONGRESS.—Not later than 45 days
10 after the date of enactment of this Act, the Director of
11 the Office of Government Ethics shall submit a report to
12 Congress on the impact of the application of subsection
13 (b), including the name of any individual who received a
14 waiver or authorization described in subsection (a) and
15 who, by operation of subsection (b), submitted the infor-
16 mation required by such subsection.

17 (e) DEFINITION OF COVERED EMPLOYEE.—In this
18 section, the term “covered employee”—

19 (1) means a non-career Presidential or Vice
20 Presidential appointee, non-career appointee in the
21 Senior Executive Service (or other SES-type sys-
22 tem), or an appointee to a position that has been ex-
23 cepted from the competitive service by reason of
24 being of a confidential or policymaking character

(Schedule C and other positions excepted under comparable criteria) in an executive agency; and

(2) does not include any individual appointed as a member of the Senior Foreign Service or solely as a uniformed service commissioned officer.

Subtitle D—Executive Branch Ethics Enforcement

SEC. 8031. SHORT TITLE.

This subtitle may be cited as the “Executive Branch Comprehensive Ethics Enforcement Act of 2019”.

SEC. 8032. REAUTHORIZATION OF THE OFFICE OF GOVERNMENT ETHICS.

Section 405 of the Ethics in Government Act of 1978 (5 U.S.C. App.) is amended by striking “fiscal year 2007” and inserting “fiscal years 2019 through 2023.”.

SEC. 8033. TENURE OF THE DIRECTOR OF THE OFFICE OF GOVERNMENT ETHICS.

Section 401(b) of the Ethics in Government Act of 1978 (5 U.S.C. App.) is amended by striking the period at the end and inserting “, subject to removal only for inefficiency, neglect of duty, or malfeasance in office. The Director may continue to serve beyond the expiration of the term until a successor is appointed and has qualified, except that the Director may not continue to serve for

1 more than one year after the date on which the term would
2 otherwise expire under this subsection.”.

3 **SEC. 8034. DUTIES OF DIRECTOR OF THE OFFICE OF GOV-**
4 **ERNMENT ETHICS.**

5 (a) IN GENERAL.—Section 402(a) of the Ethics in
6 Government Act of 1978 (5 U.S.C. App.) is amended in
7 paragraph (1) by striking “, in consultation with the Of-
8 fice of Personnel Management,”.

9 (b) RESPONSIBILITIES OF THE DIRECTOR.—Section
10 402(b) of the Ethics in Government Act of 1978 (5 U.S.C.
11 App.) is amended—

12 (1) in paragraph (1)—

13 (A) by striking “developing, in consultation
14 with the Attorney General and the Office of
15 Personnel Management, rules and regulations
16 to be promulgated by the President or the Di-
17 rector” and inserting “developing and promul-
18 gating rules and regulations”; and

19 (B) by striking “title II” and inserting
20 “title I”;

21 (2) by striking paragraph (2) and inserting the
22 following:

23 “(2) providing mandatory education and train-
24 ing programs for designated agency ethics officials,
25 which may be delegated to each agency or the White

1 House Counsel as deemed appropriate by the Direc-
2 tor;”;

3 (3) in paragraph (3), by striking “title II” and
4 inserting “title I”;

5 (4) in paragraph (4), by striking “problems”
6 and inserting “issues”;

7 (5) in paragraph (6)—

8 (A) by striking “issued by the President or
9 the Director”; and

10 (B) by striking “problems” and inserting
11 “issues”;

12 (6) in paragraph (7)—

13 (A) by striking “, when requested,”; and

14 (B) by striking “conflict of interest prob-
15 lems” and inserting “conflicts of interest, as
16 well as other ethics issues”;

17 (7) in paragraph (9)—

18 (A) by striking “ordering” and inserting
19 “receiving allegations of violations of this Act or
20 regulations of the Office of Government Ethics
21 and, when necessary, investigating an allegation
22 to determine whether a violation occurred, and
23 ordering”; and

1 (B) by inserting before the semi-colon the
2 following: “, and recommending appropriate
3 disciplinary action”;

4 (8) in paragraph (12)—

5 (A) by striking “evaluating, with the as-
6 sistance of” and inserting “promulgating, with
7 input from”;

8 (B) by striking “the need for”;

9 (C) by striking “conflict of interest and
10 ethical problems” and inserting “conflict of in-
11 terest and ethics issues”;

12 (9) in paragraph (13)—

13 (A) by striking “with the Attorney Gen-
14 eral” and inserting “with the Inspectors Gen-
15 eral and the Attorney General”;

16 (B) by striking “violations of the conflict
17 of interest laws” and inserting “conflict of in-
18 terest issues and allegations of violations of eth-
19 ics laws and regulations and this Act”; and

20 (C) by striking “, as required by section
21 535 of title 28, United States Code”;

22 (10) in paragraph (14), by striking “and” at
23 the end;

24 (11) in paragraph (15)—

1 (A) by striking “, in consultation with the
2 Office of Personnel Management,”;

3 (B) by striking “title II” and inserting
4 “title I”; and

5 (C) by striking the period at the end and
6 inserting a semicolon; and

7 (12) by adding at the end the following:

8 “(16) directing and providing final approval,
9 when determined appropriate by the Director, for
10 designated agency ethics officials regarding the reso-
11 lution of conflicts of interest as well as any other
12 ethics issues under the purview of this Act in indi-
13 vidual cases; and

14 “(17) reviewing and approving, when deter-
15 mined appropriate by the Director, any recusals, ex-
16 emptions, or waivers from the conflicts of interest
17 and ethics laws, rules, and regulations and making
18 approved recusals, exemptions, and waivers made
19 publicly available by the relevant agency available in
20 a central location on the official website of the Office
21 of Government Ethics.”.

22 (c) WRITTEN PROCEDURES.—Paragraph (1) of sec-
23 tion 402(d) of the Ethics in Government Act of 1978 (5
24 U.S.C. App.) is amended—

1 (1) by striking “, by the exercise of any author-
2 ity otherwise available to the Director under this
3 title,”;

4 (2) by striking “the agency is”; and

5 (3) by inserting after “filed by” the following:
6 “, or written documentation of recusals, waivers, or
7 ethics authorizations relating to,”.

8 (d) CORRECTIVE ACTIONS.—Section 402(f) of the
9 Ethics in Government Act of 1978 (5 U.S.C. App.) is
10 amended—

11 (1) in paragraph (1)—

12 (A) in clause (i) of subparagraph (A), by
13 striking “of such agency”; and

14 (B) in subparagraph (B), by inserting at
15 the end “and determine that a violation of this
16 Act has occurred and issue appropriate admin-
17 istrative or legal remedies as prescribed in para-
18 graph (2)”;

19 (2) in paragraph (2)—

20 (A) in subparagraph (A)—

21 (i) in clause (ii)—

22 (I) in subclause (I)—

23 (aa) by inserting “to the
24 President or the President’s des-
25 ignee if the matter involves em-

1 employees of the Executive Office of
2 the President or” after “may rec-
3 ommend”;

4 (bb) by striking “and” at
5 the end; and

6 (II) in subclause (II)—

7 (aa) by inserting “President
8 or” after “determines that the”;
9 and

10 (bb) by adding “and” at the
11 end;

12 (ii) in subclause (II) of clause (iii)—

13 (I) by striking “notify, in writ-
14 ing,” and inserting “advise the Presi-
15 dent or order”;

16 (II) by inserting “to take appro-
17 priate disciplinary action including
18 reprimand, suspension, demotion, or
19 dismissal against the officer or em-
20 ployee (provided, however, that any
21 order issued by the Director shall not
22 affect an employee’s right to appeal a
23 disciplinary action under applicable
24 law, regulation, collective bargaining

1 agreement, or contractual provision)”

2 after “employee’s agency”; and

3 (III) by striking “of the officer’s

4 or employee’s noncompliance, except

5 that, if the officer or employee in-

6 volved is the agency head, the notifi-

7 cation shall instead be submitted to

8 the President and Congress and”; and

9 (iii) by striking clause (iv);

10 (B) in subparagraph (B)(i)—

11 (i) by striking “subparagraph (A)(iii)

12 or (iv)” and inserting “subparagraph (A)”;

13 (ii) by inserting “(I)” before “In

14 order to”; and

15 (iii) by adding at the end the fol-

16 lowing:

17 “(II)(aa) The Director may secure directly

18 from any agency information necessary to en-

19 able the Director to carry out this Act. Upon

20 request of the Director, the head of such agency

21 shall furnish that information to the Director.

22 “(bb) The Director may require by sub-

23 poena the production of all information, docu-

24 ments, reports, answers, records, accounts, pa-

25 pers, and other data in any medium and docu-

mentary evidence necessary in the performance of the functions assigned by this Act, which subpoena, in the case of refusal to obey, shall be enforceable by order of any appropriate United States district court.”;

(C) in subparagraph (B)(ii)(I)—

(i) by striking “Subject to clause (iv) of this subparagraph, before” and inserting “Before”; and

(ii) by striking “subparagraphs (A) (iii) or (iv)” and inserting “subparagraph (A)(iii)”;

(D) in subparagraph (B)(iii), by striking “Subject to clause (iv) of this subparagraph, before” and inserting “Before”; and

(E) in subparagraph (B)(iv)—

(i) by striking “title 2” and inserting “title I”; and

(ii) by striking “section 206” and inserting “section 106”; and

(3) in paragraph (4), by striking “(iv),”.

(e) DEFINITIONS.—Section 402 of the Ethics in Government Act of 1978 (5 U.S.C. App.) is amended by adding at the end the following:

“(g) For purposes of this title—

1 “(1) the term ‘agency’ shall include the Execu-
2 tive Office of the President; and

3 “(2) the term ‘officer or employee’ shall include
4 any individual occupying a position, providing any
5 official services, or acting in an advisory capacity, in
6 the White House or the Executive Office of the
7 President.

8 “(h) In this title, a reference to the head of an agency
9 shall include the President or the President’s designee.

10 “(i) The Director shall not be required to obtain the
11 prior approval, comment, or review of any officer or agen-
12 cy of the United States, including the Office of Manage-
13 ment and Budget, before submitting to Congress, or any
14 committee or subcommittee thereof, any information, re-
15 ports, recommendations, testimony, or comments, if such
16 submissions include a statement indicating that the views
17 expressed therein are those of the Director and do not nec-
18 essarily represent the views of the President.”.

19 **SEC. 8035. AGENCY ETHICS OFFICIALS TRAINING AND DU-**
20 **TIES.**

21 (a) IN GENERAL.—Section 403 of the Ethics in Gov-
22 ernment Act of 1978 (5 U.S.C. App.) is amended—

23 (1) in subsection (a), by adding a period at the
24 end of the matter following paragraph (2); and

25 (2) by adding at the end the following:

1 “(c)(1) All designated agency ethics officials and al-
2 ternate designated agency ethics officials shall register
3 with the Director as well as with the appointing authority
4 of the official.

5 “(2) The Director shall provide ethics education and
6 training to all designated and alternate designated agency
7 ethics officials in a time and manner deemed appropriate
8 by the Director.

9 “(3) Each designated agency ethics official and each
10 alternate designated agency ethics official shall biannually
11 attend ethics education and training, as provided by the
12 Director under paragraph (2).

13 “(d) Each Designated Agency Ethics Official, includ-
14 ing the Designated Agency Ethics Official for the Execu-
15 tive Office of the President—

16 “(1) shall provide to the Director, in writing, in
17 a searchable, sortable, and downloadable format, all
18 approvals, authorizations, certifications, compliance
19 reviews, determinations, directed divestitures, public
20 financial disclosure reports, notices of deficiency in
21 compliance, records related to the approval or ac-
22 ceptance of gifts, recusals, regulatory or statutory
23 advisory opinions, waivers, including waivers under
24 section 207 or 208 of title 18, United States Code,

1 and any other records designated by the Director,
2 unless disclosure is prohibited by law;

3 “(2) shall, for all information described in para-
4 graph (1) that is permitted to be disclosed to the
5 public under law, make the information available to
6 the public by publishing the information on the
7 website of the Office of Government Ethics, pro-
8 viding a link to download an electronic copy of the
9 information, or providing printed paper copies of
10 such information to the public; and

11 “(3) may charge a reasonable fee for the cost
12 of providing paper copies of the information pursu-
13 ant to paragraph (2).

14 “(e)(1) For all information that is provided by an
15 agency to the Director under paragraph (1) of subsection
16 (d), the Director shall make the information available to
17 the public in a searchable, sortable, downloadable format
18 by publishing the information on the website of the Office
19 of Government Ethics or providing a link to download an
20 electronic copy of the information.

21 “(2) The Director may, upon request, provide printed
22 paper copies of the information published under para-
23 graph (1) and charge a reasonable fee for the cost of print-
24 ing such copies.”.

1 (b) REPEAL.—Section 408 of the Ethics in Govern-
2 ment Act of 1978 (5 U.S.C. App.) is hereby repealed.

3 **SEC. 8036. PROHIBITION ON USE OF FUNDS FOR CERTAIN**
4 **FEDERAL EMPLOYEE TRAVEL IN CON-**
5 **TRAVENTION OF CERTAIN REGULATIONS.**

6 (a) IN GENERAL.—Beginning on the date of enact-
7 ment of this Act, no Federal funds appropriated or other-
8 wise made available in any fiscal year may be used for
9 the travel expenses of any senior Federal official in con-
10 travention of sections 301–10.260 through 301–10.266 of
11 title 41, Code of Federal Regulations, or any successor
12 regulation.

13 (b) QUARTERLY REPORT ON TRAVEL.—

14 (1) IN GENERAL.—Not later than 90 days after
15 the date of enactment of this Act and every 90 days
16 thereafter, the head of each Federal agency shall
17 submit a report to the Committee on Oversight and
18 Reform of the House of Representatives and the
19 Committee on Homeland Security and Governmental
20 Affairs of the Senate detailing travel on Government
21 aircraft by any senior Federal official employed at
22 the applicable agency.

23 (2) APPLICATION.—Any report required under
24 paragraph (1) shall not include any classified travel,
25 and nothing in this Act shall be construed to super-

1 sede, alter, or otherwise affect the application of sec-
2 tion 101–37.408 of title 41, Code of Federal Regula-
3 tions, or any successor regulation.

4 (c) TRAVEL REGULATION REPORT.—Not later than
5 one year after enactment of this Act, the Director of the
6 Office of Government Ethics shall submit a report to Con-
7 gress detailing suggestions on strengthening Federal trav-
8 el regulations. On the date such report is so submitted,
9 the Director shall publish such report on the Office’s pub-
10 lic website.

11 (d) DEFINITION OF SENIOR FEDERAL OFFICIAL.—
12 In this Act, the term “senior Federal official” has the
13 meaning given that term in section 101–37.100 of title
14 41, Code of Federal Regulations, as in effect on the date
15 of enactment of this Act, and includes any senior executive
16 branch official (as that term is defined in such section).

17 **SEC. 8037. REPORTS ON COST OF PRESIDENTIAL TRAVEL.**

18 (a) REPORT REQUIRED.—Not later than 90 days
19 after the date of the enactment of this Act, and every 90
20 days thereafter, the Secretary of Defense, in consultation
21 with the Secretary of the Air Force, shall submit to the
22 Chairman and Ranking Member of the Committee on
23 Armed Services of the House of Representatives a report
24 detailing the direct and indirect costs to the Department
25 of Defense in support of presidential travel. Each such re-

1 port shall include costs incurred for travel to a property
2 owned or operated by the individual serving as President
3 or an immediate family member of such individual.

4 (b) IMMEDIATE FAMILY MEMBER DEFINED.—In this
5 section, the term “immediate family member” means the
6 spouse of such individual, the adult or minor child of such
7 individual, or the spouse of an adult child of such indi-
8 vidual.

9 **SEC. 8038. REPORTS ON COST OF SENIOR EXECUTIVE TRAV-**
10 **EL.**

11 (a) REPORTS ON SENIOR EXECUTIVE TRAVEL.—Not
12 later than 90 days after the date of the enactment of this
13 Act, and every 90 days thereafter, the Secretary of De-
14 fense shall submit to the Chairman and Ranking Member
15 of the Committee on Armed Services of the House of Rep-
16 resentatives a report detailing the direct and indirect costs
17 to the Department of Defense in support of travel by sen-
18 ior executive officials on military aircraft. Each such re-
19 port shall include whether spousal travel furnished by the
20 Department was reimbursed to the Federal Government.

21 (b) EXCEPTION.—Required use travel, as outlined in
22 Department of Defense Directive 4500.56, shall not be in-
23 cluded in reports under subsection (a)

24 (c) SENIOR EXECUTIVE OFFICIAL DEFINED.—In
25 this section, the term “senior executive official” has the

1 meaning given the term “senior Federal official” in sec-
 2 tion 101–37.100 of title 41, Code of Federal Regulations,
 3 as in effect on the date of enactment of this Act, and in-
 4 cludes any senior executive branch official (as that term
 5 is defined in such section).

6 **Subtitle E—Conflicts From** 7 **Political Fundraising**

8 **SEC. 8041. SHORT TITLE.**

9 This subtitle may be cited as the “Conflicts from Po-
 10 litical Fundraising Act of 2019”.

11 **SEC. 8042. DISCLOSURE OF CERTAIN TYPES OF CONTRIBU-** 12 **TIONS.**

13 (a) DEFINITIONS.—Section 109 of the Ethics in Gov-
 14 ernment Act of 1978 (5 U.S.C. App.) is amended—

15 (1) by redesignating paragraphs (2) through
 16 (19) as paragraphs (5) through (22), respectively;
 17 and

18 (2) by inserting after paragraph (1) the fol-
 19 lowing:

20 “(2) ‘covered contribution’ means a payment,
 21 advance, forbearance, rendering, or deposit of
 22 money, or any thing of value—

23 “(A)(i) that—

24 “(I) is—

1 “(aa) made by or on behalf of a
2 covered individual; or

3 “(bb) solicited in writing by or at
4 the request of a covered individual;
5 and

6 “(II) is made—

7 “(aa) to a political organization,
8 as defined in section 527 of the Inter-
9 nal Revenue Code of 1986; or

10 “(bb) to an organization—

11 “(AA) that is described in
12 paragraph (4) or (6) of section
13 501(c) of the Internal Revenue
14 Code of 1986 and exempt from
15 tax under section 501(a) of such
16 Code; and

17 “(BB) that promotes or op-
18 poses changes in Federal laws or
19 regulations that are (or would
20 be) administered by the agency in
21 which the covered individual has
22 been nominated for appointment
23 to a covered position or is serving
24 in a covered position; or

25 “(ii) that is—

1 “(I) solicited in writing by or on be-
2 half of a covered individual; and

3 “(II) made—

4 “(aa) by an individual or entity
5 the activities of which are subject to
6 Federal laws or regulations that are
7 (or would be) administered by the
8 agency in which the covered individual
9 has been nominated for appointment
10 to a covered position or is serving in
11 a covered position; and

12 “(bb) to—

13 “(AA) a political organiza-
14 tion, as defined in section 527 of
15 the Internal Revenue Code of
16 1986; or

17 “(BB) an organization that
18 is described in paragraph (4) or
19 (6) of section 501(c) of the Inter-
20 nal Revenue Code of 1986 and
21 exempt from tax under section
22 501(a) of such Code; and

23 “(B) that is made to an organization de-
24 scribed in item (aa) or (bb) of clause (i)(II) or
25 clause (ii)(II)(bb) of subparagraph (A) for

1 which the total amount of such payments, ad-
2 vances, forbearances, renderings, or deposits of
3 money, or any thing of value, during the cal-
4 endar year in which it is made is not less than
5 the contribution limitation in effect under sec-
6 tion 315(a)(1)(A) of the Federal Election Cam-
7 paign Act of 1971 (52 U.S.C. 30116(a)(1)(A))
8 for elections occurring during such calendar
9 year;

10 “(3) ‘covered individual’ means an individual
11 who has been nominated or appointed to a covered
12 position; and

13 “(4) ‘covered position’—

14 “(A) means—

15 “(i) a position described under sec-
16 tions 5312 through 5316 of title 5, United
17 States Code;

18 “(ii) a position placed in level IV or V
19 of the Executive Schedule under section
20 5317 of title 5, United States Code;

21 “(iii) a position as a limited term ap-
22 pointee, limited emergency appointee, or
23 noncareer appointee in the Senior Execu-
24 tive Service, as defined under paragraphs

(5), (6), and (7), respectively, of section 3132(a) of title 5, United States Code; and

“(iv) a position in the executive branch of the Government of a confidential or policy-determining character under schedule C of subpart C of part 213 of title 5 of the Code of Federal Regulations; and

“(B) does not include a position if the individual serving in the position has been excluded from the application of section 101(f)(5);”.

(b) DISCLOSURE REQUIREMENTS.—The Ethics in Government Act of 1978 (5 U.S.C. App.) is amended—

(1) in section 101—

(A) in subsection (a)—

(i) by inserting “(1)” before “Within”;

(ii) by striking “unless” and inserting “and, if the individual is assuming a covered position, the information described in section 102(j), except that, subject to paragraph (2), the individual shall not be required to file a report if”; and

1 (iii) by adding at the end the fol-
2 lowing:

3 “(2) If an individual has left a position described in
4 subsection (f) that is not a covered position and, within
5 30 days, assumes a position that is a covered position, the
6 individual shall, within 30 days of assuming the covered
7 position, file a report containing the information described
8 in section 102(j)(2)(A).”;

9 (B) in subsection (b)(1), in the first sen-
10 tence, by inserting “and the information re-
11 quired by section 102(j)” after “described in
12 section 102(b)”;

13 (C) in subsection (d), by inserting “and, if
14 the individual is serving in a covered position,
15 the information required by section
16 102(j)(2)(A)” after “described in section
17 102(a)”;

18 (D) in subsection (e), by inserting “and, if
19 the individual was serving in a covered position,
20 the information required by section
21 102(j)(2)(A)” after “described in section
22 102(a)”;

23 (2) in section 102—

24 (A) in subsection (g), by striking “Political
25 campaign funds” and inserting “Except as pro-

1 vided in subsection (j), political campaign
2 funds”; and

3 (B) by adding at the end the following:

4 “(j)(1) In this subsection—

5 “(A) the term ‘applicable period’ means—

6 “(i) with respect to a report filed pursuant
7 to subsection (a) or (b) of section 101, the year
8 of filing and the 4 calendar years preceding the
9 year of the filing; and

10 “(ii) with respect to a report filed pursuant
11 to subsection (d) or (e) of section 101, the pre-
12 ceding calendar year; and

13 “(B) the term ‘covered gift’ means a gift that—

14 “(i) is made to a covered individual, the
15 spouse of a covered individual, or the dependent
16 child of a covered individual;

17 “(ii) is made by an entity described in item
18 (aa) or (bb) of section 109(2)(A)(i)(II); and

19 “(iii) would have been required to be re-
20 ported under subsection (a)(2) if the covered in-
21 dividual had been required to file a report
22 under section 101(d) with respect to the cal-
23 endar year during which the gift was made.

24 “(2)(A) A report filed pursuant to subsection (a), (b),
25 (d), or (e) of section 101 by a covered individual shall in-

1 clude, for each covered contribution during the applicable
2 period—

3 “(i) the date on which the covered contribution
4 was made;

5 “(ii) if applicable, the date or dates on which
6 the covered contribution was solicited;

7 “(iii) the value of the covered contribution;

8 “(iv) the name of the person making the cov-
9 ered contribution; and

10 “(v) the name of the person receiving the cov-
11 ered contribution.

12 “(B)(i) Subject to clause (ii), a covered contribution
13 made by or on behalf of, or that was solicited in writing
14 by or on behalf of, a covered individual shall constitute
15 a conflict of interest, or an appearance thereof, with re-
16 spect to the official duties of the covered individual.

17 “(ii) The Director of the Office of Government Ethics
18 may exempt a covered contribution from the application
19 of clause (i) if the Director determines the circumstances
20 of the solicitation and making of the covered contribution
21 do not present a risk of a conflict of interest and the ex-
22 emption of the covered contribution would not affect ad-
23 versely the integrity of the Government or the public’s con-
24 fidence in the integrity of the Government.

1 “(3) A report filed pursuant to subsection (a) or (b)
2 of section 101 by a covered individual shall include the
3 information described in subsection (a)(2) with respect to
4 each covered gift received during the applicable period.”.

5 (c) PROVISION OF REPORTS AND ETHICS AGREE-
6 MENTS TO CONGRESS.—Section 105 of the Ethics in Gov-
7 ernment Act of 1978 (5 U.S.C. App.) is amended by add-
8 ing at the end the following:

9 “(e) Not later than 30 days after receiving a written
10 request from the Chairman or Ranking Member of a com-
11 mittee or subcommittee of either House of Congress, the
12 Director of the Office of Government Ethics shall provide
13 to the Chairman and Ranking Member each report filed
14 under this title by the covered individual and any ethics
15 agreement entered into between the agency and the cov-
16 ered individual.”.

17 (d) RULES ON ETHICS AGREEMENTS.—The Director
18 of the Office of Government Ethics shall promptly issue
19 rules regarding how an agency in the executive branch
20 shall address information required to be disclosed under
21 the amendments made by this subtitle in drafting ethics
22 agreements between the agency and individuals appointed
23 to positions in the agency.

24 (e) TECHNICAL AND CONFORMING AMENDMENTS.—

1 (1) The Ethics in Government Act of 1978 (5
2 U.S.C. App.) is amended—

3 (A) in section 101(f)—

4 (i) in paragraph (9), by striking “sec-
5 tion 109(12)” and inserting “section
6 109(15)”;

7 (ii) in paragraph (10), by striking
8 “section 109(13)” and inserting “section
9 109(16)”;

10 (iii) in paragraph (11), by striking
11 “section 109(10)” and inserting “section
12 109(13)”;

13 (iv) in paragraph (12), by striking
14 “section 109(8)” and inserting “section
15 109(11)”;

16 (B) in section 103(l)—

17 (i) in paragraph (9), by striking “sec-
18 tion 109(12)” and inserting “section
19 109(15)”;

20 (ii) in paragraph (10), by striking
21 “section 109(13)” and inserting “section
22 109(16)”;

23 (C) in section 105(b)(3)(A), by striking
24 “section 109(8) or 109(10)” and inserting “sec-
25 tion 109(11) or 109(13)”.

1 (2) Section 3(4)(D) of the Lobbying Disclosure
2 Act of 1995 (2 U.S.C. 1602(4)(D)) is amended by
3 striking “section 109(13)” and inserting “section
4 109(16)”.

5 (3) Section 21A of the Securities Exchange Act
6 of 1934 (15 U.S.C. 78u–1) is amended—

7 (A) in subsection (g)(2)(B)(ii), by striking
8 “section 109(11) of the Ethics in Government
9 Act of 1978 (5 U.S.C. App. 109(11)))” and in-
10 serting “section 109 of the Ethics in Govern-
11 ment Act of 1978 (5 U.S.C. App.)”;

12 (B) in subsection (h)(2)—

13 (i) in subparagraph (B), by striking
14 “section 109(8) of the Ethics in Govern-
15 ment Act of 1978 (5 U.S.C. App. 109(8))”
16 and inserting “section 109 of the Ethics in
17 Government Act of 1978 (5 U.S.C. App.)”;
18 and

19 (ii) in subparagraph (C), by striking
20 “section 109(10) of the Ethics in Govern-
21 ment Act of 1978 (5 U.S.C. App.
22 109(10))” and inserting “section 109 of
23 the Ethics in Government Act of 1978 (5
24 U.S.C. App.)”.

1 (4) Section 499(j)(2) of the Public Health Serv-
2 ice Act (42 U.S.C. 290b(j)(2)) is amended by strik-
3 ing “section 109(16) of the Ethics in Government
4 Act of 1978” and inserting “section 109 of the Eth-
5 ics in Government Act of 1978 (5 U.S.C. App.)”.

6 **Subtitle F—Transition Team Ethics**

7 **SEC. 8051. SHORT TITLE.**

8 This subtitle may be cited as the “Transition Team
9 Ethics Improvement Act”.

10 **SEC. 8052. PRESIDENTIAL TRANSITION ETHICS PROGRAMS.**

11 The Presidential Transition Act of 1963 (3 U.S.C.
12 102 note) is amended—

13 (1) in section 3(f), by adding at the end the fol-
14 lowing:

15 “(3) Not later than 10 days after submitting an ap-
16 plication for a security clearance for any individual, and
17 not later than 10 days after any such individual is granted
18 a security clearance (including an interim clearance), each
19 eligible candidate (as that term is described in subsection
20 (h)(4)(A)) or the President-elect (as the case may be) shall
21 submit a report containing the name of such individual
22 to the Committee on Oversight and Reform of the House
23 of Representatives and the Committee on Homeland Secu-
24 rity and Governmental Affairs of the Senate.”;

25 (2) in section 4—

1 (A) in subsection (a)—

2 (i) in paragraph (3), by striking
3 “and” at the end;

4 (ii) by redesignating paragraph (4) as
5 paragraph (5); and

6 (iii) by inserting after paragraph (3)
7 the following:

8 “(4) the term ‘nonpublic information’—

9 “(A) means information from the Federal
10 Government that a transition team member ob-
11 tains as part of the employment of such mem-
12 ber that the member knows or reasonably
13 should know has not been made available to the
14 general public; and

15 “(B) includes information that has not
16 been released to the public that a transition
17 team member knows or reasonably should
18 know—

19 “(i) is exempt from disclosure under
20 section 552 of title 5, United States Code,
21 or otherwise protected from disclosure by
22 law; and

23 “(ii) is not authorized by the appro-
24 priate agency or official to be released to
25 the public; and”;

1 (B) in subsection (g)—

2 (i) in paragraph (1), by striking “No-
3 vember” and inserting “October”; and

4 (ii) by adding at the end the fol-
5 lowing:

6 “(3) ETHICS PLAN.—

7 “(A) IN GENERAL.—Each memorandum of
8 understanding under paragraph (1) shall in-
9 clude an agreement that the eligible candidate
10 will implement and enforce an ethics plan to
11 guide the conduct of the transition beginning on
12 the date on which the eligible candidate be-
13 comes the President-elect.

14 “(B) CONTENTS.—The ethics plan shall
15 include, at a minimum—

16 “(i) a description of the ethics re-
17 quirements that will apply to all transition
18 team members, including specific require-
19 ments for transition team members who
20 will have access to nonpublic or classified
21 information;

22 “(ii) a description of how the transi-
23 tion team will—

24 “(I) address the role on the tran-
25 sition team of—

1 “(aa) registered lobbyists
2 under the Lobbying Disclosure
3 Act of 1995 (2 U.S.C. 1601 et
4 seq.) and individuals who were
5 formerly registered lobbyists
6 under that Act;

7 “(bb) persons registered
8 under the Foreign Agents Reg-
9 istration Act, as amended (22
10 U.S.C. 611 et seq.), foreign na-
11 tionals, and other foreign agents;
12 and

13 “(cc) transition team mem-
14 bers with sources of income or
15 clients that are not disclosed to
16 the public;

17 “(II) prohibit a transition team
18 member with personal financial con-
19 flicts of interest as described in sec-
20 tion 208 of title 18, United States
21 Code, from working on particular
22 matters involving specific parties that
23 affect the interests of such member;
24 and

1 “(III) address how the covered
2 eligible candidate will address their
3 own personal financial conflicts of in-
4 terest during a Presidential term if
5 the covered eligible candidate becomes
6 the President-elect;

7 “(iii) a Code of Ethical Conduct, to
8 which each transition team member will
9 sign and be subject to, that reflects the
10 content of the ethics plans under this para-
11 graph and at a minimum requires each
12 transition team member to—

13 “(I) seek authorization from
14 transition team leaders or their des-
15 ignees before seeking, on behalf of the
16 transition, access to any nonpublic in-
17 formation;

18 “(II) keep confidential any non-
19 public information provided in the
20 course of the duties of the member
21 with the transition and exclusively use
22 such information for the purposes of
23 the transition; and

24 “(III) not use any nonpublic in-
25 formation provided in the course of

1 transition duties, in any manner, for
2 personal or private gain for the mem-
3 ber or any other party at any time
4 during or after the transition; and

5 “(iv) a description of how the transi-
6 tion team will enforce the Code of Ethical
7 Conduct, including the names of the tran-
8 sition team members responsible for en-
9 forcement, oversight, and compliance.

10 “(C) PUBLICLY AVAILABLE.—The transi-
11 tion team shall make the ethics plan described
12 in this paragraph publicly available on the
13 website of the General Services Administration
14 the earlier of—

15 “(i) the day on which the memo-
16 randum of understanding is completed; or

17 “(ii) October 1.”; and

18 (3) in section 6(b)—

19 (A) in paragraph (1)—

20 (i) in subparagraph (A), by striking
21 “and” at the end;

22 (ii) in subparagraph (B), by striking
23 the period at the end and inserting a semi-
24 colon; and

1 (iii) by adding at the end the fol-
2 lowing:

3 “(C) a list of all positions each transition team
4 member has held outside the Federal Government
5 for the previous 12-month period, including paid and
6 unpaid positions;

7 “(D) sources of compensation for each transi-
8 tion team member exceeding \$5,000 a year for the
9 previous 12-month period;

10 “(E) a description of the role of each transition
11 team member, including a list of any policy issues
12 that the member expects to work on, and a list of
13 agencies the member expects to interact with, while
14 serving on the transition team;

15 “(F) a list of any issues from which each tran-
16 sition team member will be recused while serving as
17 a member of the transition team pursuant to the
18 transition team ethics plan outlined in section
19 4(g)(3); and

20 “(G) an affirmation that no transition team
21 member has a financial conflict of interest that pre-
22 cludes the member from working on the matters de-
23 scribed in subparagraph (E).”;

24 (B) in paragraph (2), by inserting “not
25 later than 2 business days” after “public”; and

1 (C) by adding at the end the following:

2 “(3) The head of a Federal department or agency,
3 or their designee, shall not permit access to the Federal
4 department or agency, or employees of such department
5 or agency, that would not be provided to a member of the
6 public for any transition team member who does not make
7 the disclosures listed under paragraph (1).”.

8 **Subtitle G—Ethics Pledge For Sen-**
9 **ior Executive Branch Employees**

10 **SEC. 8061. SHORT TITLE.**

11 This subtitle may be cited as the “Ethics in Public
12 Service Act”.

13 **SEC. 8062. ETHICS PLEDGE REQUIREMENT FOR SENIOR EX-**
14 **ECUTIVE BRANCH EMPLOYEES.**

15 The Ethics in Government Act of 1978 (5 U.S.C.
16 App. 101 et seq.) is amended by inserting after title I the
17 following new title:

18 **“TITLE II—ETHICS PLEDGE**

19 **“SEC. 201. DEFINITIONS.**

20 “For the purposes of this title, the following defini-
21 tions apply:

22 “(1) The term ‘executive agency’ has the mean-
23 ing given that term in section 105 of title 5, United
24 States Code, and includes the Executive Office of
25 the President, the United States Postal Service, and

1 Postal Regulatory Commission, but does not include
2 the Government Accountability Office.

3 “(2) The term ‘appointee’ means any noncareer
4 Presidential or Vice-Presidential appointee, non-
5 career appointee in the Senior Executive Service (or
6 other SES-type system), or appointee to a position
7 that has been excepted from the competitive service
8 by reason of being of a confidential or policymaking
9 character (Schedule C and other positions excepted
10 under comparable criteria) in an executive agency,
11 but does not include any individual appointed as a
12 member of the Senior Foreign Service or solely as
13 a uniformed service commissioned officer.

14 “(3) The term ‘gift’—

15 “(A) has the meaning given that term in
16 section 2635.203(b) of title 5, Code of Federal
17 Regulations (or any successor regulation); and

18 “(B) does not include those items excluded
19 by sections 2635.204(b), (c), (e)(1), (e)(3), (j),
20 (k), and (l) of such title 5.

21 “(4) The term ‘covered executive branch offi-
22 cial’ and ‘lobbyist’ have the meanings given those
23 terms in section 3 of the Lobbying Disclosure Act of
24 1995 (2 U.S.C. 1602).

1 “(5) The term ‘registered lobbyist or lobbying
2 organization’ means a lobbyist or an organization fil-
3 ing a registration pursuant to section 4(a) of the
4 Lobbying Disclosure Act of 1995 (2 U.S.C.
5 1603(a)), and in the case of an organization filing
6 such a registration, ‘registered lobbyist’ includes
7 each of the lobbyists identified therein.

8 “(6) The term ‘lobby’ and ‘lobbied’ mean to act
9 or have acted as a registered lobbyist.

10 “(7) The term ‘former employer’—

11 “(A) means a person or entity for whom
12 an appointee served as an employee, officer, di-
13 rector, trustee, partner, agent, attorney, con-
14 sultant, or contractor during the 2-year period
15 ending on the date before the date on which the
16 covered employee begins service in the Federal
17 Government; and

18 “(B) does not include—

19 “(i) an agency or instrumentality of
20 the Federal Government;

21 “(ii) a State or local government;

22 “(iii) the District of Columbia;

23 “(iv) an Indian tribe, as defined in
24 section 4 of the Indian Self-Determination

1 and Education Assistance Act (25 U.S.C.
2 5304); or

3 “(v) the government of a territory or
4 possession of the United States.

5 “(8) The term ‘former client’ means a person
6 or entity for whom an appointee served personally as
7 agent, attorney, or consultant during the 2-year pe-
8 riod ending on the date before the date on which the
9 covered employee begins service in the Federal Gov-
10 ernment, but does not include an agency or instru-
11 mentality of the Federal Government;

12 “(9) The term ‘directly and substantially re-
13 lated to my former employer or former clients’
14 means matters in which the appointee’s former em-
15 ployer or a former client is a party or represents a
16 party.

17 “(10) The term ‘participate’ means to partici-
18 pate personally and substantially.

19 “(11) The term ‘post-employment restrictions’
20 includes the provisions and exceptions in section
21 207(c) of title 18, United States Code, and the im-
22 plementing regulations.

23 “(12) The term ‘Government official’ means
24 any employee of the executive branch.

1 “(13) The term ‘Administration’ means all
2 terms of office of the incumbent President serving at
3 the time of the appointment of an appointee covered
4 by this title.

5 “(14) The term ‘pledge’ means the ethics
6 pledge set forth in section 202 of this title.

7 “(15) All references to provisions of law and
8 regulations shall refer to such provisions as in effect
9 on the date of enactment of this title.

10 **“SEC. 202. ETHICS PLEDGE.**

11 “Each appointee in every executive agency appointed
12 on or after the date of enactment of this section shall be
13 required to sign an ethics pledge upon appointment. The
14 pledge shall be signed and dated within 30 days of taking
15 office and shall include, at a minimum, the following ele-
16 ments:

17 “‘As a condition, and in consideration, of my employ-
18 ment in the United States Government in a position in-
19 vested with the public trust, I commit myself to the fol-
20 lowing obligations, which I understand are binding on me
21 and are enforceable under law:

22 ““(1) Lobbyist Gift Ban.—I will not accept
23 gifts from registered lobbyists or lobbying organiza-
24 tions for the duration of my service as an appointee.

1 “(2) Revolving Door Ban; Entering Govern-
2 ment.—

3 “(A) All Appointees Entering Govern-
4 ment.—I will not, for a period of 2 years from
5 the date of my appointment, participate in any
6 particular matter involving specific party or
7 parties that is directly and substantially related
8 to my former employer or former clients, in-
9 cluding regulations and contracts.

10 “(B) Lobbyists Entering Government.—If
11 I was a registered lobbyist within the 2 years
12 before the date of my appointment, in addition
13 to abiding by the limitations of subparagraph
14 (A), I will not for a period of 2 years after the
15 date of my appointment:

16 “(i) participate in any particular
17 matter on which I lobbied within the 2
18 years before the date of my appointment;

19 “(ii) participate in the specific issue
20 area in which that particular matter falls;
21 or

22 “(iii) seek or accept employment with
23 any executive agency that I lobbied within
24 the 2 years before the date of my appoint-
25 ment.

1 “(3) Revolving Door Ban; Appointees Leaving
2 Government.—

3 “(A) All Appointees Leaving Govern-
4 ment.—If, upon my departure from the Govern-
5 ment, I am covered by the post-employment re-
6 strictions on communicating with employees of
7 my former executive agency set forth in section
8 207(c) of title 18, United States Code, I agree
9 that I will abide by those restrictions for a pe-
10 riod of 2 years following the end of my appoint-
11 ment.

12 “(B) Appointees Leaving Government to
13 Lobby.—In addition to abiding by the limita-
14 tions of subparagraph (A), I also agree, upon
15 leaving Government service, not to lobby any
16 covered executive branch official or noncareer
17 Senior Executive Service appointee for the re-
18 mainder of the Administration.

19 “(4) Employment Qualification Commit-
20 ment.—I agree that any hiring or other employment
21 decisions I make will be based on the candidate’s
22 qualifications, competence, and experience.

23 “(5) Assent to Enforcement.—I acknowledge
24 that title II of the Ethics in Government Act of
25 1978, which I have read before signing this docu-

1 ment, defines certain of the terms applicable to the
2 foregoing obligations and sets forth the methods for
3 enforcing them. I expressly accept the provisions of
4 that title as a part of this agreement and as binding
5 on me. I understand that the terms of this pledge
6 are in addition to any statutory or other legal re-
7 strictions applicable to me by virtue of Federal Gov-
8 ernment service.’”.

9 **“SEC. 203. WAIVER.**

10 “(a) The President or the President’s designee may
11 grant to any current or former appointee a written waiver
12 of any restrictions contained in the pledge signed by such
13 appointee if, and to the extent that, the President or the
14 President’s designee certifies (in writing) that, in light of
15 all the relevant circumstances, the interest of the Federal
16 Government in the employee’s participation outweighs the
17 concern that a reasonable person may question the integ-
18 rity of the agency’s programs or operations.

19 “(b) Any waiver under this section shall take effect
20 when the certification is signed by the President or the
21 President’s designee.

22 “(c) For purposes of subsection (a)(2), the public in-
23 terest shall include exigent circumstances relating to na-
24 tional security or to the economy. De minimis contact with

1 an executive agency shall be cause for a waiver of the re-
2 strictions contained in paragraph (2)(B) of the pledge.

3 “(d) For any waiver granted under this section, the
4 individual who granted the waiver shall—

5 “(1) provide a copy of the waiver to the Direc-
6 tor not less than 48 hours after the waiver is grant-
7 ed; and

8 “(2) publish the waiver on the website of the
9 applicable agency within 30 calendar days after
10 granting such waiver.

11 “(e) Upon receiving a written waiver under sub-
12 section (d), the Director shall—

13 “(1) review the waiver to determine whether the
14 Director has any objection to the issuance of the
15 waiver; and

16 “(2) if the Director so objects—

17 “(A) provide reasons for the objection in
18 writing to the head of the agency who granted
19 the waiver not less than 15 calendar days after
20 the waiver was granted; and

21 “(B) publish the written objection on the
22 website of the Office of Government Ethics not
23 less than 30 calendar days after the waiver was
24 granted.

1 **“SEC. 204. ADMINISTRATION.**

2 “(a) The head of each executive agency shall, in con-
3 sultation with the Director of the Office of Government
4 Ethics, establish such rules or procedures (conforming as
5 nearly as practicable to the agency’s general ethics rules
6 and procedures, including those relating to designated
7 agency ethics officers) as are necessary or appropriate to
8 ensure—

9 “(1) that every appointee in the agency signs
10 the pledge upon assuming the appointed office or
11 otherwise becoming an appointee;

12 “(2) that compliance with paragraph (2)(B) of
13 the pledge is addressed in a written ethics agree-
14 ment with each appointee to whom it applies;

15 “(3) that spousal employment issues and other
16 conflicts not expressly addressed by the pledge are
17 addressed in ethics agreements with appointees or,
18 where no such agreements are required, through eth-
19 ics counseling; and

20 “(4) compliance with this title within the agen-
21 cy.

22 “(b) With respect to the Executive Office of the
23 President, the duties set forth in subsection (a) shall be
24 the responsibility of the Counsel to the President.

25 “(c) The Director of the Office of Government Ethics
26 shall—

1 “(1) ensure that the pledge and a copy of this
2 title are made available for use by agencies in ful-
3 filling their duties under subsection (a);

4 “(2) in consultation with the Attorney General
5 or the Counsel to the President, when appropriate,
6 assist designated agency ethics officers in providing
7 advice to current or former appointees regarding the
8 application of the pledge;

9 “(3) adopt such rules or procedures as are nec-
10 essary or appropriate—

11 “(A) to carry out the responsibilities as-
12 signed by this subsection;

13 “(B) to apply the lobbyist gift ban set
14 forth in paragraph 1 of the pledge to all execu-
15 tive branch employees;

16 “(C) to authorize limited exceptions to the
17 lobbyist gift ban for circumstances that do not
18 implicate the purposes of the ban;

19 “(D) to make clear that no person shall
20 have violated the lobbyist gift ban if the person
21 properly disposes of a gift;

22 “(E) to ensure that existing rules and pro-
23 cedures for Government employees engaged in
24 negotiations for future employment with private
25 businesses that are affected by their official ac-

1 tions do not affect the integrity of the Govern-
2 ment's programs and operations; and

3 “(F) to ensure, in consultation with the
4 Director of the Office of Personnel Manage-
5 ment, that the requirement set forth in para-
6 graph (4) of the pledge is honored by every em-
7 ployee of the executive branch;

8 “(4) in consultation with the Director of the
9 Office of Management and Budget, report to the
10 President, the Committee on Oversight and Reform
11 of the House of Representatives, and the Committee
12 on Homeland Security and Governmental Affairs of
13 the Senate on whether full compliance is being
14 achieved with existing laws and regulations gov-
15 erning executive branch procurement lobbying disclo-
16 sure and on steps the executive branch can take to
17 expand to the fullest extent practicable disclosure of
18 such executive branch procurement lobbying and of
19 lobbying for presidential pardons, and to include in
20 the report both immediate action the executive
21 branch can take and, if necessary, recommendations
22 for legislation; and

23 “(5) provide an annual public report on the ad-
24 ministration of the pledge and this title.

1 “(d) All pledges signed by appointees, and all waiver
2 certifications with respect thereto, shall be filed with the
3 head of the appointee’s agency for permanent retention
4 in the appointee’s official personnel folder or equivalent
5 folder.”.

6 **Subtitle H—Travel on Private Air-**
7 **craft by Senior Political Ap-**
8 **pointees**

9 **SEC. 8071. SHORT TITLE.**

10 This subtitle may be cited as the “Stop Waste And
11 Misuse by Presidential Flyers Landing Yet Evading Rules
12 and Standards” or the “SWAMP FLYERS”.

13 **SEC. 8072. PROHIBITION ON USE OF FUNDS FOR TRAVEL**
14 **ON PRIVATE AIRCRAFT.**

15 (a) IN GENERAL.—Beginning on the date of enact-
16 ment of this subtitle, no Federal funds appropriated or
17 otherwise made available in any fiscal year may be used
18 to pay the travel expenses of any senior political appointee
19 for travel on official business on a non-commercial, pri-
20 vate, or chartered flight.

21 (b) EXCEPTIONS.—The limitation in subsection (a)
22 shall not apply—

23 (1) if no commercial flight was available for the
24 travel in question, consistent with subsection (c); or

1 (2) to any travel on aircraft owned or leased by
2 the Government.

3 (c) CERTIFICATION.—

4 (1) IN GENERAL.—Any senior political ap-
5 pointee who travels on a non-commercial, private, or
6 chartered flight under the exception provided in sub-
7 section (b)(1) shall, not later than 30 days after the
8 date of such travel, submit a written statement to
9 Congress certifying that no commercial flight was
10 available.

11 (2) PENALTY.—Any statement submitted under
12 paragraph (1) shall be considered a statement for
13 purposes of applying section 1001 of title 18, United
14 States Code.

15 (d) DEFINITION OF SENIOR POLITICAL AP-
16 PTEE.—In this subtitle, the term “senior political ap-
17 pointee” means any individual occupying—

18 (1) a position listed under the Executive Sched-
19 ule (subchapter II of chapter 53 of title 5, United
20 States Code);

21 (2) a Senior Executive Service position that is
22 not a career appointee as defined under section
23 3132(a)(4) of such title; or

1 (3) a position of a confidential or policy-deter-
 2 mining character under schedule C of subpart C of
 3 part 213 of title 5, Code of Federal Regulations.

4 **Subtitle I—Severability**

5 **SEC. 8081. SEVERABILITY.**

6 If any provision of this title or any amendment made
 7 by this title, or any application of such provision or
 8 amendment to any person or circumstance, is held to be
 9 unconstitutional, the remainder of the provisions of this
 10 title and the amendments made by this title, and the appli-
 11 cation of the provision or amendment to any other person
 12 or circumstance, shall not be affected.

13 **TITLE IX—CONGRESSIONAL** 14 **ETHICS REFORM**

Subtitle A—Requiring Members of Congress to Reimburse Treasury for
 Amounts Paid as Settlements and Awards Under Congressional Account-
 ability Act of 1995

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

Subtitle B—Conflicts of Interests

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

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

Sec. 9103. Exercise of rulemaking powers.

Subtitle C—Campaign Finance and Lobbying Disclosure

Sec. 9201. Short title.

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

Sec. 9203. Effective date.

Subtitle D—Access to Congressionally Mandated Reports

Sec. 9301. Short title.
 Sec. 9302. Definitions.
 Sec. 9303. Establishment of online portal for congressionally mandated reports.
 Sec. 9304. Federal agency responsibilities.
 Sec. 9305. Removing and altering reports.
 Sec. 9306. Relationship to the Freedom of Information Act.
 Sec. 9307. Implementation.

Subtitle E—Reports on Outside Compensation Earned by Congressional Employees

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

Subtitle F—Severability

Sec. 9501. Severability.

1 Subtitle A—Requiring Members of
2 Congress to Reimburse Treas-
3 ury for Amounts Paid as Settle-
4 ments and Awards Under Con-
5 gressional Accountability Act of
6 1995

7 SEC. 9001. REQUIRING MEMBERS OF CONGRESS TO REIM-
8 BURSE TREASURY FOR AMOUNTS PAID AS
9 SETTLEMENTS AND AWARDS UNDER CON-
10 GRESSIONAL ACCOUNTABILITY ACT OF 1995
11 IN ALL CASES OF EMPLOYMENT DISCRIMINA-
12 TION ACTS BY MEMBERS.

13 (a) REQUIRING REIMBURSEMENT.—Clause (i) of sec-
14 tion 415(d)(1)(C) of the Congressional Accountability Act
15 of 1995 (2 U.S.C. 1415(d)(1)(C)), as amended by section
16 111(a) of the Congressional Accountability Act of 1995
17 Reform Act, is amended to read as follows:

1 “(i) a violation of section 201(a) or
2 section 206(a); or”.

3 (b) CONFORMING AMENDMENT RELATING TO NOTI-
4 FICATION OF POSSIBILITY OF REIMBURSEMENT.—Clause
5 (i) of section 402(b)(2)(B) of the Congressional Account-
6 ability Act of 1995 (2 U.S.C. 1402(b)(2)(B)), as amended
7 by section 102(a) of the Congressional Accountability Act
8 of 1995 Reform Act, is amended to read as follows:

9 “(i) a violation of section 201(a) or
10 section 206(a); or”.

11 (c) EFFECTIVE DATE.—The amendments made by
12 this section shall take effect as if included in the enact-
13 ment of the Congressional Accountability Act of 1995 Re-
14 form Act.

15 **Subtitle B—Conflicts of Interests**

16 **SEC. 9101. PROHIBITING MEMBERS OF HOUSE OF REP-** 17 **RESENTATIVES FROM SERVING ON BOARDS** 18 **OF FOR-PROFIT ENTITIES.**

19 Rule XXIII of the Rules of the House of Representa-
20 tives is amended—

21 (1) by redesignating clause 19 as clause 20;

22 and

23 (2) by inserting after clause 18 the following
24 new clause:

1 “9. A Member, Delegate, or Resident Commissioner
2 may not serve on the board of directors of any for-profit
3 entity.”.

4 **SEC. 9102. CONFLICT OF INTEREST RULES FOR MEMBERS**
5 **OF CONGRESS AND CONGRESSIONAL STAFF.**

6 No Member, officer, or employee of a committee or
7 Member of either House of Congress may knowingly use
8 his or her official position to introduce or aid the progress
9 or passage of legislation, a principal purpose of which is
10 to further only his or her pecuniary interest, only the pecu-
11 niary interest of his or her immediate family, or only the
12 pecuniary interest of a limited class of persons or enter-
13 prises, when he or she, or his or her immediate family,
14 or enterprises controlled by them, are members of the af-
15 fected class.

16 **SEC. 9103. EXERCISE OF RULEMAKING POWERS.**

17 The provisions of this subtitle are enacted by the
18 Congress—

19 (1) as an exercise of the rulemaking power of
20 the House of Representatives and the Senate, re-
21 spectively, and as such they shall be considered as
22 part of the rules of each House, respectively, or of
23 that House to which they specifically apply, and
24 such rules shall supersede other rules only to the ex-
25 tent that they are inconsistent therewith; and

1 (2) with full recognition of the constitutional
2 right of either House to change such rules (so far
3 as relating to such House) at any time, in the same
4 manner, and to the same extent as in the case of
5 any other rule of such House.

6 **Subtitle C—Campaign Finance and**
7 **Lobbying Disclosure**

8 **SEC. 9201. SHORT TITLE.**

9 This subtitle may be cited as the “Connecting Lobby-
10 ists and Electeds for Accountability and Reform Act” or
11 the “CLEAR Act”.

12 **SEC. 9202. REQUIRING DISCLOSURE IN CERTAIN REPORTS**
13 **FILED WITH FEDERAL ELECTION COMMIS-**
14 **SION OF PERSONS WHO ARE REGISTERED**
15 **LOBBYISTS.**

16 (a) REPORTS FILED BY POLITICAL COMMITTEES.—
17 Section 304(b) of the Federal Election Campaign Act of
18 1971 (52 U.S.C. 30104(b)) is amended—

19 (1) by striking “and” at the end of paragraph
20 (7);

21 (2) by striking the period at the end of para-
22 graph (8) and inserting “; and”; and

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

1 “(9) if any person identified in subparagraph
2 (A), (E), (F), or (G) of paragraph (3) is a registered
3 lobbyist under the Lobbying Disclosure Act of 1995,
4 a separate statement that such person is a reg-
5 istered lobbyist under such Act.”.

6 (b) REPORTS FILED BY PERSONS MAKING INDE-
7 PENDENT EXPENDITURES.—Section 304(c)(2) of such
8 Act (52 U.S.C. 30104(c)(2)) is amended—

9 (1) by striking “and” at the end of subpara-
10 graph (B);

11 (2) by striking the period at the end of sub-
12 paragraph (C) and inserting “; and”; and

13 (3) by adding at the end the following new sub-
14 paragraph:

15 “(D) if the person filing the statement, or a
16 person whose identification is required to be dis-
17 closed under subparagraph (C), is a registered lob-
18 byist under the Lobbying Disclosure Act of 1995, a
19 separate statement that such person is a registered
20 lobbyist under such Act.”.

21 (c) REPORTS FILED BY PERSONS MAKING DIS-
22 BURSEMENTS FOR ELECTIONEERING COMMUNICA-
23 TIONS.—Section 304(f)(2) of such Act (52 U.S.C.
24 30104(f)(2)) is amended by adding at the end the fol-
25 lowing new subparagraph:

1 “(G) If the person making the disburse-
2 ment, or a contributor described in subpara-
3 graph (E) or (F), is a registered lobbyist under
4 the Lobbying Disclosure Act of 1995, a sepa-
5 rate statement that such person or contributor
6 is a registered lobbyist under such Act.”.

7 (d) REQUIRING COMMISSION TO ESTABLISH LINK TO
8 WEBSITES OF CLERK OF HOUSE AND SECRETARY OF
9 SENATE.—Section 304 of such Act (52 U.S.C. 30104),
10 as amended by section 4308(a), is amended by adding at
11 the end the following new subsection:

12 “(k) REQUIRING INFORMATION ON REGISTERED
13 LOBBYISTS TO BE LINKED TO WEBSITES OF CLERK OF
14 HOUSE AND SECRETARY OF SENATE.—

15 “(1) LINKS TO WEBSITES.—The Commission
16 shall ensure that the Commission’s public database
17 containing information described in paragraph (2) is
18 linked electronically to the websites maintained by
19 the Secretary of the Senate and the Clerk of the
20 House of Representatives containing information
21 filed pursuant to the Lobbying Disclosure Act of
22 1995.

23 “(2) INFORMATION DESCRIBED.—The informa-
24 tion described in this paragraph is each of the fol-
25 lowing:

1 “(A) Information disclosed under para-
2 graph (9) of subsection (b).

3 “(B) Information disclosed under subpara-
4 graph (D) of subsection (c)(2).

5 “(C) Information disclosed under subpara-
6 graph (G) of subsection (f)(2).”.

7 **SEC. 9203. EFFECTIVE DATE.**

8 The amendments made by this subtitle shall apply
9 with respect to reports required to be filed under the Fed-
10 eral Election Campaign Act of 1971 on or after the expira-
11 tion of the 90-day period which begins on the date of the
12 enactment of this Act.

13 **Subtitle D—Access to**
14 **Congressionally Mandated Reports**

15 **SEC. 9301. SHORT TITLE.**

16 This subtitle may be cited as the “Access to Congres-
17 sionally Mandated Reports Act”.

18 **SEC. 9302. DEFINITIONS.**

19 In this subtitle:

20 (1) CONGRESSIONALLY MANDATED REPORT.—

21 The term “congressionally mandated report”—

22 (A) means a report that is required to be
23 submitted to either House of Congress or any
24 committee of Congress, or subcommittee there-
25 of, by a statute, resolution, or conference report

1 that accompanies legislation enacted into law;
2 and

3 (B) does not include a report required
4 under part B of subtitle II of title 36, United
5 States Code.

6 (2) DIRECTOR.—The term “Director” means
7 the Director of the Government Publishing Office.

8 (3) FEDERAL AGENCY.—The term “Federal
9 agency” has the meaning given that term under sec-
10 tion 102 of title 40, United States Code, but does
11 not include the Government Accountability Office.

12 (4) OPEN FORMAT.—The term “open format”
13 means a file format for storing digital data based on
14 an underlying open standard that—

15 (A) is not encumbered by any restrictions
16 that would impede reuse; and

17 (B) is based on an underlying open data
18 standard that is maintained by a standards or-
19 ganization.

20 (5) REPORTS ONLINE PORTAL.—The term “re-
21 ports online portal” means the online portal estab-
22 lished under section (3)(a).

1 **SEC. 9303. ESTABLISHMENT OF ONLINE PORTAL FOR CON-**
2 **GRESSIONALLY MANDATED REPORTS.**

3 (a) REQUIREMENT TO ESTABLISH ONLINE POR-
4 TAL.—

5 (1) IN GENERAL.—Not later than 1 year after
6 the date of enactment of this Act, the Director shall
7 establish and maintain an online portal accessible by
8 the public that allows the public to obtain electronic
9 copies of all congressionally mandated reports in one
10 place. The Director may publish other reports on the
11 online portal.

12 (2) EXISTING FUNCTIONALITY.—To the extent
13 possible, the Director shall meet the requirements
14 under paragraph (1) by using existing online portals
15 and functionality under the authority of the Direc-
16 tor.

17 (3) CONSULTATION.—In carrying out this sub-
18 title, the Director shall consult with the Clerk of the
19 House of Representatives, the Secretary of the Sen-
20 ate, and the Librarian of Congress regarding the re-
21 quirements for and maintenance of congressionally
22 mandated reports on the reports online portal.

23 (b) CONTENT AND FUNCTION.—The Director shall
24 ensure that the reports online portal includes the fol-
25 lowing:

1 (1) Subject to subsection (c), with respect to
2 each congressionally mandated report, each of the
3 following:

4 (A) A citation to the statute, conference
5 report, or resolution requiring the report.

6 (B) An electronic copy of the report, in-
7 cluding any transmittal letter associated with
8 the report, in an open format that is platform
9 independent and that is available to the public
10 without restrictions, including restrictions that
11 would impede the re-use of the information in
12 the report.

13 (C) The ability to retrieve a report, to the
14 extent practicable, through searches based on
15 each, and any combination, of the following:

16 (i) The title of the report.

17 (ii) The reporting Federal agency.

18 (iii) The date of publication.

19 (iv) Each congressional committee re-
20 ceiving the report, if applicable.

21 (v) The statute, resolution, or con-
22 ference report requiring the report.

23 (vi) Subject tags.

1 (vii) A unique alphanumeric identifier
2 for the report that is consistent across re-
3 port editions.

4 (viii) The serial number, Super-
5 intendent of Documents number, or other
6 identification number for the report, if ap-
7 plicable.

8 (ix) Key words.

9 (x) Full text search.

10 (xi) Any other relevant information
11 specified by the Director.

12 (D) The date on which the report was re-
13 quired to be submitted, and on which the report
14 was submitted, to the reports online portal.

15 (E) Access to the report not later than 30
16 calendar days after its submission to Congress.

17 (F) To the extent practicable, a permanent
18 means of accessing the report electronically.

19 (2) A means for bulk download of all congres-
20 sionally mandated reports.

21 (3) A means for downloading individual reports
22 as the result of a search.

23 (4) An electronic means for the head of each
24 Federal agency to submit to the reports online por-

1 tal each congressionally mandated report of the
2 agency, as required by section 4.

3 (5) In tabular form, a list of all congressionally
4 mandated reports that can be searched, sorted, and
5 downloaded by—

6 (A) reports submitted within the required
7 time;

8 (B) reports submitted after the date on
9 which such reports were required to be sub-
10 mitted; and

11 (C) reports not submitted.

12 (c) NONCOMPLIANCE BY FEDERAL AGENCIES.—

13 (1) REPORTS NOT SUBMITTED.—If a Federal
14 agency does not submit a congressionally mandated
15 report to the Director, the Director shall to the ex-
16 tent practicable—

17 (A) include on the reports online portal—

18 (i) the information required under
19 clauses (i), (ii), (iv), and (v) of subsection
20 (b)(1)(C); and

21 (ii) the date on which the report was
22 required to be submitted; and

23 (B) include the congressionally mandated
24 report on the list described in subsection
25 (b)(5)(C).

1 (2) REPORTS NOT IN OPEN FORMAT.—If a Fed-
2 eral agency submits a congressionally mandated re-
3 port that is not in an open format, the Director shall
4 include the congressionally mandated report in an-
5 other format on the reports online portal.

6 (d) FREE ACCESS.—The Director may not charge a
7 fee, require registration, or impose any other limitation
8 in exchange for access to the reports online portal.

9 (e) UPGRADE CAPABILITY.—The reports online por-
10 tal shall be enhanced and updated as necessary to carry
11 out the purposes of this subtitle.

12 **SEC. 9304. FEDERAL AGENCY RESPONSIBILITIES.**

13 (a) SUBMISSION OF ELECTRONIC COPIES OF RE-
14 PORTS.—Concurrently with the submission to Congress of
15 each congressionally mandated report, the head of the
16 Federal agency submitting the congressionally mandated
17 report shall submit to the Director the information re-
18 quired under subparagraphs (A) through (D) of section
19 3(b)(1) with respect to the congressionally mandated re-
20 port. Nothing in this subtitle shall relieve a Federal agen-
21 cy of any other requirement to publish the congressionally
22 mandated report on the online portal of the Federal agen-
23 cy or otherwise submit the congressionally mandated re-
24 port to Congress or specific committees of Congress, or
25 subcommittees thereof.

1 (b) GUIDANCE.—Not later than 240 days after the
2 date of enactment of this Act, the Director of the Office
3 of Management and Budget, in consultation with the Di-
4 rector, shall issue guidance to agencies on the implementa-
5 tion of this Act.

6 (c) STRUCTURE OF SUBMITTED REPORT DATA.—
7 The head of each Federal agency shall ensure that each
8 congressionally mandated report submitted to the Director
9 complies with the open format criteria established by the
10 Director in the guidance issued under subsection (b).

11 (d) POINT OF CONTACT.—The head of each Federal
12 agency shall designate a point of contact for congression-
13 ally mandated report.

14 (e) LIST OF REPORTS.—As soon as practicable each
15 calendar year (but not later than April 1), and on a rolling
16 basis during the year if feasible, the Librarian of Congress
17 shall submit to the Director a list of congressionally man-
18 dated reports from the previous calendar year, in consulta-
19 tion with the Clerk of the House of Representatives, which
20 shall—

21 (1) be provided in an open format;

22 (2) include the information required under
23 clauses (i), (ii), (iv), (v) of section 3(b)(1)(C) for
24 each report;

25 (3) include the frequency of the report;

- 1 (4) include a unique alphanumeric identifier for
2 the report that is consistent across report editions;
3 (5) include the date on which each report is re-
4 quired to be submitted; and
5 (6) be updated and provided to the Director, as
6 necessary.

7 **SEC. 9305. REMOVING AND ALTERING REPORTS.**

8 A report submitted to be published to the reports on-
9 line portal may only be changed or removed, with the ex-
10 ception of technical changes, by the head of the Federal
11 agency concerned if—

12 (1) the head of the Federal agency consults
13 with each congressional committee to which the re-
14 port is submitted; and

15 (2) Congress enacts a joint resolution author-
16 izing the changing or removal of the report.

17 **SEC. 9306. RELATIONSHIP TO THE FREEDOM OF INFORMA-**
18 **TION ACT.**

19 (a) IN GENERAL.—Nothing in this subtitle shall be
20 construed to—

21 (1) require the disclosure of information or
22 records that are exempt from public disclosure under
23 section 552 of title 5, United States Code; or

24 (2) to impose any affirmative duty on the Di-
25 rector to review congressionally mandated reports

1 submitted for publication to the reports online portal
2 for the purpose of identifying and redacting such in-
3 formation or records.

4 (b) REDACTION OF INFORMATION.—The head of a
5 Federal agency may redact information required to be dis-
6 closed under this Act if the information would be properly
7 withheld from disclosure under section 552 of title 5,
8 United States Code, and shall—

9 (1) redact information required to be disclosed
10 under this subtitle if disclosure of such information
11 is prohibited by law;

12 (2) redact information being withheld under
13 this subsection prior to submitting the information
14 to the Director;

15 (3) redact only such information properly with-
16 held under this subsection from the submission of
17 information or from any congressionally mandated
18 report submitted under this subtitle;

19 (4) identify where any such redaction is made
20 in the submission or report; and

21 (5) identify the exemption under which each
22 such redaction is made.

23 **SEC. 9307. IMPLEMENTATION.**

24 Except as provided in section 9304(b), this subtitle
25 shall be implemented not later than 1 year after the date

1 of enactment of this Act and shall apply with respect to
2 congressionally mandated reports submitted to Congress
3 on or after the date that is 1 year after such date of enact-
4 ment.

5 **Subtitle E—Reports on Outside**
6 **Compensation Earned by Con-**
7 **gressional Employees**

8 **SEC. 9401. REPORTS ON OUTSIDE COMPENSATION EARNED**
9 **BY CONGRESSIONAL EMPLOYEES.**

10 (a) REPORTS.—The supervisor of an individual who
11 performs services for any Member, committee, or other of-
12 fice of the Senate or House of Representatives for a period
13 in excess of four weeks and who receives compensation
14 therefor from any source other than the Federal Govern-
15 ment shall submit a report identifying the identity of the
16 source, amount, and rate of such compensation to—

17 (1) the Select Committee on Ethics of the Sen-
18 ate, in the case of an individual who performs serv-
19 ices for a Member, committee, or other office of the
20 Senate; or

21 (2) the Committee on Ethics of the House of
22 Representatives, in the case of an individual who
23 performs services for a Member (including a Dele-
24 gate or Resident Commissioner to the Congress),
25 committee, or other office of the House.

1 (b) TIMING.—The supervisor shall submit the report
 2 required under subsection (a) with respect to an indi-
 3 vidual—

4 (1) when such individual first begins per-
 5 forming services described in such subparagraph;

6 (2) at the close of each calendar quarter during
 7 which such individual is performing such services;
 8 and

9 (3) when such individual ceases to perform such
 10 services.

11 **Subtitle F—Severability**

12 **SEC. 9501. SEVERABILITY.**

13 If any provision of this title or amendment made by
 14 this title, or the application of a provision or amendment
 15 to any person or circumstance, is held to be unconstitu-
 16 tional, the remainder of this title and amendments made
 17 by this title, and the application of the provisions and
 18 amendment to any person or circumstance, shall not be
 19 affected by the holding.

20 **TITLE X—PRESIDENTIAL AND** 21 **VICE PRESIDENTIAL TAX** 22 **TRANSPARENCY**

Sec. 10001. Presidential and Vice Presidential tax transparency.

1 **SEC. 10001. PRESIDENTIAL AND VICE PRESIDENTIAL TAX**
2 **TRANSPARENCY.**

3 (a) DEFINITIONS.—In this section—

4 (1) The term “covered candidate” means a can-
5 didate of a major party in a general election for the
6 office of President or Vice President.

7 (2) The term “major party” has the meaning
8 given the term in section 9002 of the Internal Rev-
9 enue Code of 1986.

10 (3) The term “income tax return” means, with
11 respect to an individual, any return (as such term is
12 defined in section 6103(b)(1) of the Internal Rev-
13 enue Code of 1986, except that such term shall not
14 include declarations of estimated tax) of—

15 (A) such individual, other than information
16 returns issued to persons other than such indi-
17 vidual; or

18 (B) of any corporation, partnership, or
19 trust in which such individual holds, directly or
20 indirectly, a significant interest as the sole or
21 principal owner or the sole or principal bene-
22 ficial owner (as such terms are defined in regu-
23 lations prescribed by the Secretary of the
24 Treasury or his delegate).

25 (4) The term “Secretary” means the Secretary
26 of the Treasury or the delegate of the Secretary.

1 (b) DISCLOSURE.—

2 (1) IN GENERAL.—

3 (A) CANDIDATES FOR PRESIDENT AND
4 VICE PRESIDENT.—Not later than the date that
5 is 15 days after the date on which an individual
6 becomes a covered candidate, the individual
7 shall submit to the Federal Election Commis-
8 sion a copy of the individual's income tax re-
9 turns for the 10 most recent taxable years for
10 which a return has been filed with the Internal
11 Revenue Service.

12 (B) PRESIDENT AND VICE PRESIDENT.—

13 With respect to an individual who is the Presi-
14 dent or Vice President, not later than the due
15 date for the return of tax for each taxable year,
16 such individual shall submit to the Federal
17 Election Commission a copy of the individual's
18 income tax returns for the taxable year and for
19 the 9 preceding taxable years.

20 (C) TRANSITION RULE FOR SITTING PRESI-

21 DENTS AND VICE PRESIDENTS.—Not later than
22 the date that is 30 days after the date of enact-
23 ment of this section, an individual who is the
24 President or Vice President on such date of en-
25 actment shall submit to the Federal Election

1 Commission a copy of the income tax returns
2 for the 10 most recent taxable years for which
3 a return has been filed with the Internal Rev-
4 enue Service.

5 (2) FAILURE TO DISCLOSE.—If any require-
6 ment under paragraph (1) to submit an income tax
7 return is not met, the chairman of the Federal Elec-
8 tion Commission shall submit to the Secretary a
9 written request that the Secretary provide the Fed-
10 eral Election Commission with the income tax re-
11 turn.

12 (3) PUBLICLY AVAILABLE.—The chairman of
13 the Federal Election Commission shall make publicly
14 available each income tax return submitted under
15 paragraph (1) in the same manner as a return pro-
16 vided under section 6103(l)(23) of the Internal Rev-
17 enue Code of 1986 (as added by this section).

18 (4) TREATMENT AS A REPORT UNDER THE
19 FEDERAL ELECTION CAMPAIGN ACT OF 1971.—For
20 purposes of the Federal Election Campaign Act of
21 1971, any income tax return submitted under para-
22 graph (1) or provided under section 6103(l)(23) of
23 the Internal Revenue Code of 1986 (as added by
24 this section) shall, after redaction under paragraph
25 (3) or subparagraph (B)(ii) of such section, be treat-

1 ed as a report filed under the Federal Election Cam-
2 paign Act of 1971.

3 (c) DISCLOSURE OF RETURNS OF PRESIDENTS AND
4 VICE PRESIDENTS AND CERTAIN CANDIDATES FOR
5 PRESIDENT AND VICE PRESIDENT.—

6 (1) IN GENERAL.—Section 6103(l) of the Inter-
7 nal Revenue Code of 1986 is amended by adding at
8 the end the following new paragraph:

9 “(23) DISCLOSURE OF RETURN INFORMATION
10 OF PRESIDENTS AND VICE PRESIDENTS AND CER-
11 TAIN CANDIDATES FOR PRESIDENT AND VICE PRESI-
12 DENT.—

13 “(A) IN GENERAL.—Upon written request
14 by the chairman of the Federal Election Com-
15 mission under section 10001(b)(2) of the For
16 the People Act of 2019, not later than the date
17 that is 15 days after the date of such request,
18 the Secretary shall provide copies of any return
19 which is so requested to officers and employees
20 of the Federal Election Commission whose offi-
21 cial duties include disclosure or redaction of
22 such return under this paragraph.

23 “(B) DISCLOSURE TO THE PUBLIC.—

24 “(i) IN GENERAL.—The chairman of
25 the Federal Election Commission shall

1 make publicly available any return which is
2 provided under subparagraph (A).

3 “(ii) REDACTION OF CERTAIN INFOR-
4 MATION.—Before making publicly available
5 under clause (i) any return, the chairman
6 of the Federal Election Commission shall
7 redact such information as the Federal
8 Election Commission and the Secretary
9 jointly determine is necessary for pro-
10 tecting against identity theft, such as so-
11 cial security numbers.”.

12 (2) CONFORMING AMENDMENTS.—Section
13 6103(p)(4) of such Code is amended—

14 (A) in the matter preceding subparagraph
15 (A) by striking “or (22)” and inserting “(22),
16 or (23)”; and

17 (B) in subparagraph (F)(ii) by striking “or
18 (22)” and inserting “(22), or (23)”.

Attest: **CHERYL L. JOHNSON,**
Clerk.

Calendar No. 39

116TH CONGRESS
1ST Session

H. R. 1

AN ACT

To expand Americans' access to the ballot box, reduce the influence of big money in politics, and strengthen ethics rules for public servants, and for other purposes.

MARCH 14, 2019

Read the second time and placed on the calendar