

Under the authority of the order of the Senate of January 3, 2019, the enrolled bill was signed on December 24, 2020, during the adjournment of the Senate, by the Acting President pro tempore (Mr. BLUNT).

MESSAGE FROM THE HOUSE

At 12:02 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House of Representatives having proceeded to reconsider the bill (H.R. 6395) to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes, returned by the President of the United States with his objections, to the House of Representatives, in which it originated, it was resolved, that the said bill pass, two-thirds of the House of Representatives agreeing to pass the same.

The message also announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 9051. An act to amend the Internal Revenue Code of 1986 to increase recovery rebate amounts to \$2,000 for individuals, and for other purposes.

MEASURES READ THE FIRST TIME

The following bills were read the first time:

H.R. 9051. An act to amend the Internal Revenue Code of 1986 to increase recovery rebate amounts to \$2,000 for individuals, and for other purposes.

S. 5085. A bill to amend the Internal Revenue Code of 1986 to increase the additional 2020 recovery rebates, to repeal section 230 of the Communications Act of 1934, and for other purposes.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. McCONNELL:

S. 5085. A bill to amend the Internal Revenue Code of 1986 to increase the additional 2020 recovery rebates, to repeal section 230 of the Communications Act of 1934, and for other purposes; read the first time.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. McCONNELL:

S. 5085. A bill to amend the Internal Revenue Code of 1986 to increase the additional 2020 recovery rebates, to repeal section 230 of the Communications Act of 1934, and for other purposes; read the first time.

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

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

S. 5085

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

SECTION 1. INCREASE IN 2020 RECOVERY REBATES.

(a) IN GENERAL.—Section 6428A of the Internal Revenue Code of 1986 (as added by the COVID-related Tax Relief Act of 2020) is amended—

(1) in subsection (a)(1), by striking “\$600 (\$1,200)” and inserting “\$2,000 (\$4,000”;

(2) in subsection (g)(1), by striking “\$600” and inserting “\$2,000”;

(3) in subsection (g)(2)—
(A) by striking “\$1,200” in the matter preceding subparagraph (A) and inserting “\$4,000”;

(B) by striking “\$600” in subparagraph (A) and inserting “\$2,000”.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in section 272 of the COVID-related Tax Relief Act of 2020.

SEC. 2. REPEAL OF SECTION 230.

(a) IN GENERAL.—Section 230 of the Communications Act of 1934 (47 U.S.C. 230) is repealed.

(b) CONFORMING AMENDMENTS.—

(1) COMMUNICATIONS ACT OF 1934.—The Communications Act of 1934 (47 U.S.C. 151 et seq.) is amended—

(A) in section 223(h) (47 U.S.C. 223(h)), by striking paragraph (2) and inserting the following:

“(2) The term ‘interactive computer service’ means any information service, system, or access software provider that provides or enables computer access by multiple users to a computer server, including specifically a service or system that provides access to the Internet and such systems operated or services offered by libraries or educational institutions.”; and

(B) in section 231(b)(4) (47 U.S.C. 231(b)(4)), by striking “or section 230”.

(2) TRADEMARK ACT OF 1946.—Section 45 of the Act entitled “An Act to provide for the registration and protection of trademarks used in commerce, to carry out the provisions of certain international conventions, and for other purposes”, approved July 5, 1946 (commonly known as the “Trademark Act of 1946”) (15 U.S.C. 1127) is amended by striking the definition relating to the term “Internet” and inserting the following:

“The term ‘Internet’ means the international computer network of both Federal and non-Federal interoperable packet switched data networks.”.

(3) TITLE 17, UNITED STATES CODE.—Section 1401 of title 17, United States Code, is amended by striking subsection (g).

(4) TITLE 18, UNITED STATES CODE.—Part I of title 18, United States Code, is amended—

(A) in section 2257(h)(2)(B)(v), by striking “, except that deletion of a particular communication or material made by another person in a manner consistent with section 230(c) of the Communications Act of 1934 (47 U.S.C. 230(c)) shall not constitute such selection or alteration of the content of the communication”;

(B) in section 2421A—

(i) in subsection (a), by striking “(as such term is defined in section 230(f) of the Communications Act of 1934 (47 U.S.C. 230(f)))” and inserting “(as that term is defined in section 223 of the Communications Act of 1934 (47 U.S.C. 223))”;

(ii) in subsection (b), by striking “(as such term is defined in section 230(f) of the Communications Act of 1934 (47 U.S.C.

230(f))” and inserting “(as that term is defined in section 223 of the Communications Act of 1934 (47 U.S.C. 223))”.

(5) CONTROLLED SUBSTANCES ACT.—Section 401(h)(3)(A)(iii)(II) of the Controlled Substances Act (21 U.S.C. 841(h)(3)(A)(iii)(II)) is amended by striking “, except that deletion of a particular communication or material made by another person in a manner consistent with section 230(c) of the Communications Act of 1934 shall not constitute such selection or alteration of the content of the communication”.

(6) WEBB-KENYON ACT.—Section 3(b)(1) of the Act entitled “An Act divesting intoxicating liquors of their interstate character in certain cases”, approved March 1, 1913 (commonly known as the “Webb-Kenyon Act”) (27 U.S.C. 122b(b)(1)) is amended by striking “(as defined in section 230(f) of the Communications Act of 1934 (47 U.S.C. 230(f))” and inserting “(as defined in section 223 of the Communications Act of 1934 (47 U.S.C. 223))”.

(7) TITLE 28, UNITED STATES CODE.—Section 4102 of title 28, United States Code, is amended—

(A) by striking subsection (c); and

(B) in subsection (e)—

(i) by striking “construed to” and all that follows through “affect” and inserting “construed to affect”;

(ii) by striking “defamation; or” and all that follows and inserting “defamation.”.

(8) TITLE 31, UNITED STATES CODE.—Section 5362(6) of title 31, United States Code, is amended by striking “section 230(f) of the Communications Act of 1934 (47 U.S.C. 230(f))” and inserting “section 223 of the Communications Act of 1934 (47 U.S.C. 223)”.

(9) NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION ORGANIZATION ACT.—Section 157 of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 941) is amended—

(A) by striking subsection (e); and

(B) by redesignating subsections (f) through (j) as subsections (e) through (i), respectively.

SEC. 3. 2020 BIPARTISAN ADVISORY COMMITTEE.

(a) ESTABLISHMENT.—There is established within the Election Assistance Commission the 2020 Bipartisan Advisory Committee (referred to in this section as the “Advisory Committee”).

(b) MEMBERSHIP.—

(1) COMPOSITION.—The Advisory Committee shall be composed of 18 members of whom—

(A) nine shall be appointed by the leader of the Republican caucus in the Senate (in consultation with the minority leader of the House of Representatives), one of which shall be appointed as a Co-Chairperson of the Advisory Committee; and

(B) nine shall be appointed by the Speaker of the House of Representatives (in consultation with the leader of the Democratic caucus in the Senate), one of which shall be appointed as a Co-Chairperson of the Advisory Committee.

(2) REPRESENTATION.—Individuals appointed to the Advisory Committee under paragraph (1) shall be geographically balanced and shall include representatives of Federal, State, and local governments and of the legal, cybersecurity, and election administration and technology communities.

(3) DATE.—The appointments of the members of the Advisory Committee shall be made not later than 90 days after the date of enactment of this Act.

(c) PERIOD OF APPOINTMENT; VACANCIES.—

(1) IN GENERAL.—Except as provided in paragraph (2), a member of the Advisory Committee shall be appointed for the duration of the Advisory Committee.

(2) REMOVAL.—A member may be removed from the Advisory Committee at any time at the upon concurrence of both of the Co-Chairpersons of the Advisory Committee.

(3) VACANCIES.—A vacancy in the Advisory Committee—

(A) shall not affect the powers of the Commission; and

(B) shall be filled in the same manner as the original appointment.

(d) DUTIES.—

(1) STUDY.—

(A) IN GENERAL.—The Advisory Committee shall, consistent with applicable law, study the integrity and administration of the general election for Federal office held in November 2020 and make recommendations to Congress to improve the security, integrity, and administration of Federal elections.

(B) MATTERS STUDIED.—The matters studied by the Advisory Committee shall include—

(i) the effects of the COVID-19 pandemic on the administration of the general election for Federal office held in November 2020;

(ii) the election practices adopted by Federal, State, and local governments in response to the COVID-19 pandemic, including—

(I) practices that undermined the security and integrity of the election; and

(II) practices that strengthened the security and integrity of the election;

(iii) the laws, rules, policies, activities, strategies, and practices regarding mail-in ballots, absentee ballots, and vote-by-mail procedures, including—

(I) measures that undermined the security and integrity of the election; and

(II) measures that strengthened the security and integrity of the election;

(iv) any laws, rules, policies, activities, strategies, and practices that would have allowed improper or fraudulent votes to be cast in such election and the scope of any improper and fraudulent votes that were cast in the election; and

(v) any laws, rules, policies, activities, strategies, and practices that would have allowed improper or fraudulent voter registration and the scope of any improper or fraudulent voter registration.

(2) REPORTS.—

(A) INITIAL REPORT.—Not later than 180 days after the date of the enactment of this Act, the Advisory Committee shall submit to the Election Assistance Commission and the appropriate Congressional committees a report on the matter studied under paragraph (1). Such report shall include—

(i) precinct-by-precinct data highlighting the number and incidence of any improper and fraudulent votes that were cast in the election; and

(ii) precinct-by-precinct data highlighting the number and incidence of any improper and fraudulent voter registrations.

(B) RECOMMENDATIONS.—

(i) IN GENERAL.—Not later than 360 days after the date of the enactment of this Act, the Advisory Committee shall submit to the Election Assistance Commission and the appropriate Congressional committees recommendations on the following:

(I) The best practices that should be adopted by at each level of local, State, and Federal Government for administering elections for Federal office—

(aa) during the COVID-19 pandemic; and

(bb) during other national emergencies.

(II) The best practices that should be adopted at each level of local, State, and Federal Government to mitigate fraud and increase the integrity and security of mail-in ballots, absentee ballots, and vote-by-mail procedures.

(III) The best practices that should be adopted at each level of local, State, and

Federal Government to prevent improper or fraudulent votes from being cast.

(IV) The best practices that should be adopted at each level of local, State, and Federal Government to prevent improper voters from being registered.

(ii) MINORITY VIEWS.—In the case of any recommendation with respect to which one-third or more of the Committee does not concur, the report shall include a justification for why such members do not concur.

(C) APPROPRIATE CONGRESSIONAL COMMITTEES.—For purposes of this paragraph, the term “appropriate Congressional Committees” means—

(i) the Committee on Rules and Administration of the Senate;

(ii) the Committee on the Judiciary of the Senate;

(iii) the Committee on House Administration of the House of Representatives; and

(iv) the Committee on the Judiciary of the House of Representatives.

(e) COMMISSION PERSONNEL MATTERS.—

(1) PROHIBITION ON COMPENSATION OF MEMBERS.—The members of the Advisory Committee may not receive pay or benefits from the United States Government by reason of their service on the Advisory Committee.

(2) STAFF.—

(A) IN GENERAL.—Each Co-Chairperson of the Advisory Committee may appoint not more than 5 subject matter experts to serve as staff to the Advisory Committee.

(B) COMPENSATION.—The Co-Chairpersons of the Advisory Committee may fix the compensation of the staff of the Advisory Committee without regard to chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for the staff may not exceed the rate payable for level V of the Executive Schedule under section 5316 of that title.

(F) TERMINATION.—The Advisory Committee shall terminate 90 days after the date on which the Advisory Committee submits the report required under subsection (d).

(g) NONAPPLICABILITY OF FACA.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Advisory Committee.

SEC. 4. DISCLOSURE OF ACCESS TO ELECTION INFRASTRUCTURE BY FOREIGN NATIONALS.

(a) IN GENERAL.—Title III of the Help America Vote Act of 2002 (52 U.S.C. 21081 et seq.) is amended by inserting after section 303 the following new section:

“SEC. 303A. DISCLOSURE OF ACCESS TO ELECTION INFRASTRUCTURE BY FOREIGN NATIONALS.

“(a) IN GENERAL.—Each chief State election official shall disclose to the Commission the identity of any foreign national known by the chief State election official—

“(1) to have physically handled—

“(A) ballots used in an election for Federal office; or

“(B) voting machines; or

“(2) to have had unmonitored access to—

“(A) a storage facility or centralized vote tabulation location used to support the administration of an election for public office; or

“(B) election-related information or communications technology, including voter registration databases, voting machines, electronic mail and other communications systems (including electronic mail and other systems of vendors 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.

“(b) TIMING.—The chief State election official shall make the disclosure under subsection (a) not later than 30 days after the date on which such official becomes aware of an activity described in such subsection.

“(c) FOREIGN NATIONAL DEFINED.—The term ‘foreign national’ has the meaning given that term in section 319 of the Federal Election Campaign Act of 1971 (52 U.S.C. 30121).”.

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

(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. Disclosure of access to election infrastructure by foreign nationals.”.

ORDER OF BUSINESS

Mr. McCONNELL. Mr. President, for the information of all the Senators, we will have a live quorum call at 5 p.m. tomorrow, followed immediately by a rollcall vote on proceeding to the veto message on the NDAA. So Senators should be on the floor at that time. Again, that is 5 p.m. tomorrow.

MEASURES READ THE FIRST TIME—S. 5085 AND H.R. 9051

Mr. McCONNELL. Mr. President, I understand there are two bills at the desk, and I ask for their first reading en bloc.

The PRESIDING OFFICER. The clerk will read the bills by title for the first time.

The senior assistant legislative clerk read as follows:

A bill (S. 5085) to amend the Internal Revenue Code of 1986 to increase the additional 2020 recovery rebates, to repeal section 230 of the Communications Act of 1934, and for other purposes.

A bill (H.R. 9051) to amend the Internal Revenue Code of 1986 to increase recovery rebate amounts to \$2,000 for individuals, and for other purposes.

Mr. McCONNELL. I now ask for a second reading, and I object to my own request, all en bloc.

The PRESIDING OFFICER. Objection having been heard, the bills will receive their second reading on the next legislative day.

ORDERS FOR WEDNESDAY, DECEMBER 30, 2020

Mr. McCONNELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 3 p.m., Wednesday, December 30; further, that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, and the time for the two leaders be reserved for their use later in the day; finally, that following leader remarks, the Senate be in a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.