

Calendar No. 77117TH CONGRESS
1ST SESSION**S. 2093**

To expand Americans' access to the ballot box, reduce the influence of big money in politics, strengthen ethics rules for public servants, and implement other anti-corruption measures for the purpose of fortifying our democracy, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JUNE 16, 2021

Mr. MERKLEY (for himself, Ms. KLOBUCHAR, and Mr. SCHUMER) introduced the following bill; which was read the first time

JUNE 17, 2021

Read the second time and placed on the calendar

A BILL

To expand Americans' access to the ballot box, reduce the influence of big money in politics, strengthen ethics rules for public servants, and implement other anti-corruption measures for the purpose of fortifying our democracy, 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “For the People Act
3 of 2021”.

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

6 (a) DIVISIONS.—This Act is organized into divisions
7 as follows:

8 (1) Division A—Voting.

9 (2) Division B—Campaign Finance.

10 (3) Division C—Ethics.

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

Sec. 1. Short title.

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

Sec. 3. Findings of general constitutional authority.

Sec. 4. Standards for judicial review.

DIVISION A—VOTING

TITLE I—ELECTION ACCESS

Sec. 1000. Short title; statement of policy.

Subtitle A—Voter Registration Modernization

Sec. 1000A. Short title.

PART 1—PROMOTING INTERNET REGISTRATION

Sec. 1001. Requiring availability of internet for voter registration.

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. Prohibiting State from requiring applicants to provide more than
last 4 digits of Social Security number.

Sec. 1006. Application of rules to certain exempt States.

Sec. 1007. Report on data collection.

Sec. 1008. Permitting voter registration application form to serve as application
for absentee ballot.

Sec. 1009. Effective date.

PART 2—AUTOMATIC VOTER REGISTRATION

- Sec. 1011. Short title; findings and purpose.
- Sec. 1012. Automatic registration of eligible individuals.
- Sec. 1013. Contributing agency assistance in registration.
- Sec. 1014. Voter protection and security in automatic registration.
- Sec. 1015. Payments and grants.
- Sec. 1016. Treatment of exempt States.
- Sec. 1017. Miscellaneous provisions.
- Sec. 1018. Definitions.
- Sec. 1019. 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. Biennial 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.
- Sec. 1055. Authorizing the dissemination of voter registration information displays following naturalization ceremonies.
- Sec. 1056. Requiring states to establish and operate voter privacy programs.
- Sec. 1057. Inclusion of voter registration information with certain leases and vouchers for federally assisted rental housing and mortgage applications.

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. Establishment and maintenance of State accessible election websites.
- Sec. 1103. Protections for in-person voting for individuals with disabilities and older individuals.
- Sec. 1104. Protections for individuals subject to guardianship.
- Sec. 1105. Expansion and reauthorization of grant program to assure voting access for individuals with disabilities.
- Sec. 1106. Appointments to EAC Board of Advisors.
- Sec. 1107. Funding for protection and advocacy systems.
- Sec. 1108. Pilot programs for enabling individuals with disabilities to register to vote privately and independently at residences.
- Sec. 1109. GAO analysis and report on voting access for individuals with disabilities.

Subtitle C—Prohibiting Voter Caging

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

Subtitle D—Prohibiting Deceptive Practices and Preventing Voter Intimidation

- 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. Findings.
- Sec. 1403. Rights of citizens.
- Sec. 1404. Enforcement.
- Sec. 1405. Notification of restoration of voting rights.
- Sec. 1406. Definitions.
- Sec. 1407. Relation to other laws.
- Sec. 1408. Federal prison funds.
- Sec. 1409. Effective date.

Subtitle F—Promoting Accuracy, Integrity, and Security Through Voter-Verifiable Permanent Paper Ballot

- Sec. 1501. Short title.
- Sec. 1502. Paper ballot and manual counting requirements.

- Sec. 1503. Accessibility and ballot verification for individuals with disabilities.
- Sec. 1504. Durability and readability requirements for ballots.
- Sec. 1505. Study and report on optimal ballot design.
- Sec. 1506. Paper ballot printing requirements.
- Sec. 1507. Ballot marking device cybersecurity requirements.
- Sec. 1508. Effective date for new requirements.

Subtitle G—Provisional Ballots

- Sec. 1601. Requirements for counting provisional ballots; establishment of uniform and nondiscriminatory standards.

Subtitle H—Early Voting

- Sec. 1611. Early voting.

Subtitle I—Voting by Mail

- Sec. 1621. Voting by mail.
- Sec. 1622. Balloting materials tracking program.
- Sec. 1623. Election mail and delivery improvements.
- Sec. 1624. Carriage of election mail.

Subtitle J—Absent Uniformed Services Voters and Overseas Voters

- Sec. 1701. Pre-election reports on availability and transmission of absentee ballots.
- Sec. 1702. Enforcement.
- Sec. 1703. Transmission requirements; repeal of waiver provision.
- 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. Technical clarifications to conform to 2009 move act amendments related to the federal write-in absentee ballot.
- Sec. 1707. Treatment of post card registration requests.
- Sec. 1708. Applicability to Commonwealth of the Northern Mariana Islands.
- Sec. 1709. Elimination of 14-day time period between general election and runoff election for Federal elections in the Virgin Islands and Guam.
- Sec. 1710. Department of justice report on voter disenfranchisement.
- Sec. 1711. 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. Accommodations for voters residing in Indian lands.
- Sec. 1905. Ensuring equitable and efficient operation of polling places.
- Sec. 1906. Requiring States to provide secured drop boxes for voted ballots in elections for Federal office.
- Sec. 1907. Prohibiting States from restricting curbside voting.
- Sec. 1908. Prohibiting restrictions on donations of food and beverages at polling stations.
- Sec. 1909. GAO study on voter turnout rates.

PART 2—DISASTER AND EMERGENCY CONTINGENCY PLANS

- Sec. 1911. Requirements for Federal election contingency plans in response to natural disasters and emergencies.

PART 3—IMPROVEMENTS IN OPERATION OF ELECTION ASSISTANCE COMMISSION

- Sec. 1921. Reauthorization of Election Assistance Commission.
- Sec. 1922. Requiring States to participate in post-general election surveys.
- Sec. 1923. Reports by National Institute of Standards and Technology on use of funds transferred from Election Assistance Commission.
- Sec. 1924. Recommendations to improve operations of Election Assistance Commission.
- Sec. 1925. Repeal of exemption of Election Assistance Commission from certain government contracting requirements.

PART 4—MISCELLANEOUS PROVISIONS

- Sec. 1931. Application of laws to Commonwealth of Northern Mariana Islands.
- Sec. 1932. Definition of election for Federal office.
- Sec. 1933. Clarification of exemption for States which do not collect telephone information.
- Sec. 1934. No effect on other laws.
- Sec. 1935. Clarification of exemption for States without voter registration.

Subtitle O—Increased Protections for Election Workers

- Sec. 1941. Harassment of election workers prohibited.
- Sec. 1942. Protection of election workers.

Subtitle P—Severability

- Sec. 1951. Severability.

TITLE II—ELECTION INTEGRITY

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- 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

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Sec. 2402. Ban on mid-decade redistricting.

Sec. 2403. Criteria for redistricting.

PART 2—INDEPENDENT REDISTRICTING COMMISSIONS

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Sec. 2412. Establishment of selection pool of individuals eligible to serve as members of commission.

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Sec. 2414. Establishment of related entities.

Sec. 2415. Report on diversity of memberships of independent redistricting commissions.

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Sec. 2422. Special rule for redistricting conducted under order of Federal court.

PART 4—ADMINISTRATIVE AND MISCELLANEOUS PROVISIONS

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Sec. 2432. Civil enforcement.

Sec. 2433. State apportionment notice defined.

Sec. 2434. No effect on elections for State and local office.

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Sec. 2442. Triggering events.

SUBPART B—INDEPENDENT REDISTRICTING COMMISSIONS FOR REDISTRICTING
CARRIED OUT PURSUANT TO 2020 CENSUS

- Sec. 2451. Use of independent redistricting commissions for redistricting carried out pursuant to 2020 Census.
- Sec. 2452. Establishment of selection pool of individuals eligible to serve as members of commission.
- Sec. 2453. Criteria for redistricting plan; public notice and input.
- Sec. 2454. Establishment of related entities.
- Sec. 2455. Report on diversity of memberships of independent redistricting commissions.

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
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- Sec. 2601. No effect on authority of States to provide greater opportunities for voting.

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- Sec. 2701. Residence of incarcerated individuals.

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- Sec. 2801. Findings relating to youth voting.

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- Sec. 3001. Grants for obtaining compliant paper ballot voting systems and carrying out voting system security improvements.
- Sec. 3002. Coordination of voting system security activities with use of requirements payments and election administration requirements under Help America Vote Act of 2002.
- Sec. 3003. Incorporation of definitions.

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- Sec. 3012. GAO analysis of effects of audits.

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- 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.
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- Sec. 3202. National Commission to Protect United States Democratic Institutions.

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- Sec. 3302. Guidelines and certification for electronic poll books and remote ballot marking systems.
- Sec. 3303. Pre-election reports on voting system usage.
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- Sec. 3501. Establishment of advisory committee.

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- Sec. 3601. Definitions.
- Sec. 3602. Initial report on adequacy of resources available for implementation.

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- Sec. 3701. Use of voting machines manufactured in the United States.

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- Sec. 4001. Findings relating to illicit money undermining our democracy.
- Sec. 4002. Federal campaign reporting of foreign contacts.
- Sec. 4003. Federal campaign foreign contact reporting compliance system.
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- Sec. 4005. Report to congressional intelligence committees.
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PART 1—CLOSING LOOPHOLES ALLOWING SPENDING BY FOREIGN
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- 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 connection with ballot initiatives and referenda.
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- Sec. 4106. Prohibiting establishment of corporation to conceal election contributions and donations by foreign nationals.

PART 2—REPORTING OF CAMPAIGN-RELATED DISBURSEMENTS

- Sec. 4111. Reporting of campaign-related disbursements.
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- Sec. 4113. Effective date.

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- Sec. 4121. Petition for certiorari.
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- Sec. 4201. Short title.
- Sec. 4202. Purpose.
- Sec. 4203. Findings.
- Sec. 4204. Sense of Congress.
- Sec. 4205. Expansion of definition of public communication.
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- 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.
- Sec. 4210. Requiring online platforms to display notices identifying sponsors of political advertisements and to ensure notices continue to be present when advertisements are shared.

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- Sec. 4302. Stand By Every Ad.
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- Sec. 4305. Effective date.

Subtitle E—Deterring Foreign Interference in Elections

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- Sec. 4401. Restrictions on exchange of campaign information between candidates and foreign powers.
- Sec. 4402. Clarification of standard for determining existence of coordination between campaigns and outside interests.
- Sec. 4403. Prohibition on provision of substantial assistance relating to contribution or donation by foreign nationals.
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PART 2—NOTIFYING STATES OF DISINFORMATION CAMPAIGNS BY FOREIGN NATIONALS

- Sec. 4411. Notifying States of disinformation campaigns by foreign nationals.

PART 3—PROHIBITING USE OF DEEPPAKES IN ELECTION CAMPAIGNS

- Sec. 4421. Prohibition on distribution of materially deceptive audio or visual media prior to election.

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- Sec. 4431. Assessment of exemption of registration requirements under FARA for registered lobbyists.

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- Sec. 4601. Repeal of restriction on use of funds by Securities and Exchange Commission to ensure shareholders of corporations have knowledge of corporation political activity.
- Sec. 4602. Shareholder approval of corporate political activity.

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- Sec. 4802. Limitations and disclosure of certain donations to, and disbursements by, Inaugural Committees.

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PART 2—SMALL DOLLAR FINANCING OF SENATE ELECTION CAMPAIGNS

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Sec. 7301. Recusal of appointees.

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- Sec. 8037. Reports on cost of Presidential travel.
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- Sec. 8051. Short title.
- Sec. 8052. Presidential transition ethics programs.

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- Sec. 8061. Short title.
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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.

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- Sec. 8081. Severability.

TITLE IX—CONGRESSIONAL ETHICS REFORM

Subtitle A—Requiring Members of Congress To Reimburse Treasury for Amounts Paid as Settlements and Awards Under Congressional Accountability Act of 1995

- Sec. 9001. Requiring Members of Congress to reimburse Treasury for amounts paid as settlements and awards under Congressional Accountability 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.

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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. Rules of construction; inspectors general.

Sec. 9307. Implementation.

Subtitle E—Reports on Outside Compensation Earned by Congressional Employees

Sec. 9401. Reports on outside compensation earned by Congressional employees.

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Sec. 9501. Severability.

TITLE X—PRESIDENTIAL AND VICE PRESIDENTIAL TAX TRANSPARENCY

Sec. 10001. Presidential and Vice Presidential tax transparency.

1 **SEC. 3. FINDINGS OF GENERAL CONSTITUTIONAL AUTHOR-**
 2 **ITY.**

3 Congress finds that the Constitution of the United
 4 States grants explicit and broad authority to protect the
 5 right to vote, to regulate elections for Federal office, to
 6 prevent and remedy discrimination in voting, and to de-
 7 fend the Nation’s democratic process. Congress enacts the
 8 “For the People Act of 2021” pursuant to this broad au-
 9 thority, including but not limited to the following:

10 (1) Congress finds that it has broad authority
 11 to regulate the time, place, and manner of congress-

1 sional elections under the Elections Clause of the
2 Constitution, article I, section 4, clause 1. The Su-
3 preme Court has affirmed that the “substantive
4 scope” of the Elections Clause is “broad”; that
5 “Times, Places, and Manner” are “comprehensive
6 words which embrace authority to provide for a com-
7 plete code for congressional elections”; and “[t]he
8 power of Congress over the Times, Places and Man-
9 ner of congressional elections is paramount, and may
10 be exercised at any time, and to any extent which
11 it deems expedient; and so far as it is exercised, and
12 no farther, the regulations effected supersede those
13 of the State which are inconsistent therewith”. *Arizona v. Inter Tribal Council of Arizona*, 570 U.S. 1,
14 8–9 (2013) (internal quotation marks and citations
15 omitted). Indeed, “Congress has plenary and para-
16 mount jurisdiction over the whole subject” of con-
17 gressional elections, *Ex parte Siebold*, 100 U.S. (10
18 Otto) 371, 388 (1879), and this power “may be ex-
19 ercised as and when Congress sees fit”, and “so far
20 as it extends and conflicts with the regulations of
21 the State, necessarily supersedes them”. *Id.* At 384.
22 Among other things, Congress finds that the Elec-
23 tions Clause was intended to “vindicate the people’s
24 right to equality of representation in the House”.
25

1 Wesberry v. Sanders, 376 U.S. 1, 16 (1964), and to
2 address partisan gerrymandering, Rucho v. Common
3 Cause, 139 S. Ct. 2484 (2019).

4 (2) Congress also finds that it has both the au-
5 thority and responsibility, as the legislative body for
6 the United States, to fulfill the promise of article IV,
7 section 4, of the Constitution, which states: “The
8 United States shall guarantee to every State in this
9 Union a Republican Form of Government[.]”. Con-
10 gress finds that its authority and responsibility to
11 enforce the Guarantee Clause is particularly strong
12 given that Federal courts have not enforced this
13 clause because they understood that its enforcement
14 is committed to Congress by the Constitution.

15 (3)(A) Congress also finds that it has broad au-
16 thority pursuant to section 5 of the Fourteenth
17 Amendment to legislate to enforce the provisions of
18 the Fourteenth Amendment, including its protec-
19 tions of the right to vote and the democratic process.

20 (B) Section 1 of the Fourteenth Amendment
21 protects the fundamental right to vote, which is “of
22 the most fundamental significance under our con-
23 stitutional structure”. Ill. Bd. of Election v. Socialist
24 Workers Party, 440 U.S. 173, 184 (1979); see
25 United States v. Classic, 313 U.S. 299 (1941) (“Ob-

1 viously included within the right to choose, secured
2 by the Constitution, is the right of qualified voters
3 within a state to cast their ballots and have them
4 counted . . .”). As the Supreme Court has repeatedly
5 affirmed, the right to vote is “preservative of all
6 rights”, *Yick Wo v. Hopkins*, 118 U.S. 356, 370
7 (1886). Section 2 of the Fourteenth Amendment
8 also protects the right to vote, granting Congress
9 additional authority to reduce a State’s representa-
10 tion in Congress when the right to vote is abridged
11 or denied.

12 (C) As a result, Congress finds that it has the
13 authority pursuant to section 5 of the Fourteenth
14 Amendment to protect the right to vote. Congress
15 also finds that States and localities have eroded ac-
16 cess to the right to vote through restrictions on the
17 right to vote including excessively onerous voter
18 identification requirements, burdensome voter reg-
19 istration procedures, voter purges, limited and un-
20 equal access to voting by mail, polling place closures,
21 unequal distribution of election resources, and other
22 impediments.

23 (D) Congress also finds that “the right of suf-
24 frage can be denied by a debasement or dilution of
25 the weight of a citizen’s vote just as effectively as by

1 wholly prohibiting the free exercise of the franchise”.
2 Reynolds v. Sims, 377 U.S. 533, 555 (1964). Con-
3 gress finds that the right of suffrage has been so di-
4 luted and debased by means of gerrymandering of
5 districts. Congress finds that it has authority pursu-
6 ant to section 5 of the Fourteenth Amendment to
7 remedy this debasement.

8 (4)(A) Congress also finds that it has authority
9 to legislate to eliminate racial discrimination in vot-
10 ing and the democratic process pursuant to both sec-
11 tion 5 of the Fourteenth Amendment, which grants
12 equal protection of the laws, and section 2 of the
13 Fifteenth Amendment, which explicitly bars denial
14 or abridgment of the right to vote on account of
15 race, color, or previous condition of servitude.

16 (B) Congress finds that racial discrimination in
17 access to voting and the political process persists.
18 Voting restrictions, redistricting, and other electoral
19 practices and processes continue to disproportion-
20 ately impact communities of color in the United
21 States and do so as a result of both intentional ra-
22 cial discrimination, structural racism, and the ongo-
23 ing structural socioeconomic effects of historical ra-
24 cial discrimination.

1 (C) Recent elections and studies have shown
2 that minority communities wait longer in lines to
3 vote, are more likely to have their mail ballots re-
4 jected, continue to face intimidation at the polls, are
5 more likely to be disenfranchised by voter purges,
6 and are disproportionately burdened by voter identi-
7 fication and other voter restrictions. Research shows
8 that communities of color are more likely to face
9 nearly every barrier to voting than their white coun-
10 terparts.

11 (D) Congress finds that racial disparities in dis-
12 enfranchisement due to past felony convictions is
13 particularly stark. In 2020, according to the Sen-
14 tencing Project, an estimated 5,200,000 Americans
15 could not vote due to a felony conviction. One in 16
16 African Americans of voting age is disenfranchised,
17 a rate 3.7 times greater than that of non-African
18 Americans. In seven States—Alabama, Florida,
19 Kentucky, Mississippi, Tennessee, Virginia, and Wy-
20 oming—more than one in seven African Americans
21 is disenfranchised, twice the national average for Af-
22 rican Americans. Congress finds that felony dis-
23 enfranchisement was one of the tools of intentional
24 racial discrimination during the Jim Crow era. Con-
25 gress further finds that current racial disparities in

1 felony disenfranchisement are linked to this history
2 of voter suppression, structural racism in the crimi-
3 nal justice system, and ongoing effects of historical
4 discrimination.

5 (5)(A) Congress finds that it further has the
6 power to protect the right to vote from denial or
7 abridgment on account of sex, age, or ability to pay
8 a poll tax or other tax pursuant to the Nineteenth,
9 Twenty-Fourth, and Twenty-Sixth Amendments.

10 (B) Congress finds that electoral practices in-
11 cluding voting rights restoration conditions for peo-
12 ple with convictions, voter identification require-
13 ments, and other restrictions to the franchise burden
14 voters on account of their ability to pay.

15 (C) Congress further finds that electoral prac-
16 tices including voting restrictions related to college
17 campuses, age restrictions on mail voting, and simi-
18 lar practices burden the right to vote on account of
19 age.

20 **SEC. 4. STANDARDS FOR JUDICIAL REVIEW.**

21 (a) IN GENERAL.—For any action brought for declar-
22 atory or injunctive relief to challenge, whether facially or
23 as-applied, the constitutionality or lawfulness of any provi-
24 sion of this Act or any amendment made by this Act or

1 any rule or regulation promulgated under this Act, the fol-
2 lowing rules shall apply:

3 (1) The action shall be filed in the United
4 States District Court for the District of Columbia
5 and an appeal from the decision of the district court
6 may be taken to the Court of Appeals for the Dis-
7 trict of Columbia Circuit. These courts, and the Su-
8 preme Court of the United States on a writ of cer-
9 tiorari (if such writ is issued), shall have exclusive
10 jurisdiction to hear such actions.

11 (2) The party filing the action shall concur-
12 rently deliver a copy the complaint to the Clerk of
13 the House of Representatives and the Secretary of
14 the Senate.

15 (3) It shall be the duty of the United States
16 District Court for the District of Columbia and the
17 Court of Appeals for the District of Columbia Cir-
18 cuit to advance on the docket and to expedite to the
19 greatest possible extent the disposition of the action
20 and appeal.

21 (b) CLARIFYING SCOPE OF JURISDICTION.—If an ac-
22 tion at the time of its commencement is not subject to
23 subsection (a), but an amendment, counterclaim, cross-
24 claim, affirmative defense, or any other pleading or motion
25 is filed challenging, whether facially or as-applied, the con-

1 stitutionality or lawfulness of this Act or any amendment
 2 made by this Act or any rule or regulation promulgated
 3 under this Act, the district court shall transfer the action
 4 to the District Court for the District of Columbia, and
 5 the action shall thereafter be conducted pursuant to sub-
 6 section (a).

7 (c) INTERVENTION BY MEMBERS OF CONGRESS.—In
 8 any action described in subsection (a), any Member of the
 9 House of Representatives (including a Delegate or Resi-
 10 dent Commissioner to the Congress) or Senate shall have
 11 the right to intervene either in support of or opposition
 12 to the position of a party to the case regarding the con-
 13 stitutionality of the provision. To avoid duplication of ef-
 14 forts and reduce the burdens placed on the parties to the
 15 action, the court in any such action may make such orders
 16 as it considers necessary, including orders to require
 17 interveners taking similar positions to file joint papers or
 18 to be represented by a single attorney at oral argument.

19 **DIVISION A—VOTING**

20 **TITLE I—ELECTION ACCESS**

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

22 (a) SHORT TITLE.—This title may be cited as the
 23 “Voter Empowerment Act of 2021”.

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

1 (1) the ability of all eligible citizens of the
 2 United States to access and exercise their constitu-
 3 tional right to vote in a free, fair, and timely manner
 4 must be vigilantly enhanced, protected, and main-
 5 tained; and

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

11 **Subtitle A—Voter Registration**
 12 **Modernization**

13 **SEC. 1000A. SHORT TITLE.**

14 This subtitle may be cited as the “Voter Registration
 15 Modernization Act of 2021”.

16 **PART 1—PROMOTING INTERNET REGISTRATION**

17 **SEC. 1001. REQUIRING AVAILABILITY OF INTERNET FOR**
 18 **VOTER REGISTRATION.**

19 (a) REQUIRING AVAILABILITY OF INTERNET FOR
 20 REGISTRATION.—The National Voter Registration Act of
 21 1993 (52 U.S.C. 20501 et seq.) is amended by inserting
 22 after section 6 the following new section:

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

24 “(a) REQUIRING AVAILABILITY OF INTERNET FOR
 25 ONLINE REGISTRATION.—Each State, acting through the

1 chief State election official, shall ensure that the following
2 services are available to the public at any time on the offi-
3 cial public websites of the appropriate State and local elec-
4 tion officials in the State, in the same manner and subject
5 to the same terms and conditions as the services provided
6 by voter registration agencies under section 7(a):

7 “(1) Online application for voter registration.

8 “(2) Online assistance to applicants in applying
9 to register to vote.

10 “(3) Online completion and submission by ap-
11 plicants of the mail voter registration application
12 form prescribed by the Election Assistance Commis-
13 sion pursuant to section 9(a)(2), including assist-
14 ance with providing a signature as required under
15 subsection (c).

16 “(4) Online receipt of completed voter registra-
17 tion applications.

18 “(b) ACCEPTANCE OF COMPLETED APPLICATIONS.—
19 A State shall accept an online voter registration applica-
20 tion provided by an individual under this section, and en-
21 sure that the individual is registered to vote in the State,
22 if—

23 “(1) the individual meets the same voter reg-
24 istration requirements applicable to individuals who
25 register to vote by mail in accordance with section

1 6(a)(1) using the mail voter registration application
2 form prescribed by the Election Assistance Commis-
3 sion pursuant to section 9(a)(2); and

4 “(2) the individual meets the requirements of
5 subsection (c) to provide a signature in electronic
6 form (but only in the case of applications submitted
7 during or after the second year in which this section
8 is in effect in the State).

9 “(c) SIGNATURE REQUIREMENTS.—

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

13 “(A) In the case of an individual who has
14 a signature on file with a State agency, includ-
15 ing the State motor vehicle authority, that is
16 required to provide voter registration services
17 under this Act or any other law, the individual
18 consents to the transfer of that electronic signa-
19 ture.

20 “(B) If subparagraph (A) does not apply,
21 the individual submits with the application an
22 electronic copy of the individual’s handwritten
23 signature through electronic means.

24 “(C) If subparagraph (A) and subpara-
25 graph (B) do not apply, the individual executes

1 a computerized mark in the signature field on
2 an online voter registration application, in ac-
3 cordance with reasonable security measures es-
4 tablished by the State, but only if the State ac-
5 cepts such mark from the individual.

6 “(2) TREATMENT OF INDIVIDUALS UNABLE TO
7 MEET REQUIREMENT.—If an individual is unable to
8 meet the requirements of paragraph (1), the State
9 shall—

10 “(A) permit the individual to complete all
11 other elements of the online voter registration
12 application;

13 “(B) permit the individual to provide a sig-
14 nature at the time the individual requests a bal-
15 lot in an election (whether the individual re-
16 quests the ballot at a polling place or requests
17 the ballot by mail); and

18 “(C) if the individual carries out the steps
19 described in subparagraph (A) and subpara-
20 graph (B), ensure that the individual is reg-
21 istered to vote in the State.

22 “(3) NOTICE.—The State shall ensure that in-
23 dividuals applying to register to vote online are noti-
24 fied of the requirements of paragraph (1) and of the

1 treatment of individuals unable to meet such re-
2 quirements, as described in paragraph (2).

3 “(d) CONFIRMATION AND DISPOSITION.—

4 “(1) CONFIRMATION OF RECEIPT.—

5 “(A) IN GENERAL.—Upon the online sub-
6 mission of a completed voter registration appli-
7 cation by an individual under this section, the
8 appropriate State or local election official shall
9 provide the individual a notice confirming the
10 State’s receipt of the application and providing
11 instructions on how the individual may check
12 the status of the application.

13 “(B) METHOD OF NOTIFICATION.—The
14 appropriate State or local election official shall
15 provide the notice required under subparagraph
16 (A) though the online submission process and—

17 “(i) in the case of an individual who
18 has provided the official with an electronic
19 mail address, by electronic mail; and

20 “(ii) at the option of the individual,
21 by text message.

22 “(2) NOTICE OF DISPOSITION.—

23 “(A) IN GENERAL.—Not later than 7 days
24 after the appropriate State or local election offi-
25 cial has approved or rejected an application

1 submitted by an individual under this section,
2 the official shall provide the individual a notice
3 of the disposition of the application.

4 “(B) METHOD OF NOTIFICATION.—The
5 appropriate State or local election official shall
6 provide the notice required under subparagraph
7 (A) by regular mail and—

8 “(i) in the case of an individual who
9 has provided the official with an electronic
10 mail address, by electronic mail; and

11 “(ii) at the option of the individual,
12 by text message.

13 “(e) PROVISION OF SERVICES IN NONPARTISAN
14 MANNER.—The services made available under subsection
15 (a) shall be provided in a manner that ensures that—

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

19 “(2) there is no display on the website pro-
20 moting any political preference or party allegiance,
21 except that nothing in this paragraph may be con-
22 strued to prohibit an applicant from registering to
23 vote as a member of a political party.

24 “(f) PROTECTION OF SECURITY OF INFORMATION.—
25 In meeting the requirements of this section, the State shall

1 establish appropriate technological security measures to
2 prevent to the greatest extent practicable any unauthor-
3 ized access to information provided by individuals using
4 the services made available under subsection (a).

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

10 “(h) NONDISCRIMINATION AMONG REGISTERED
11 VOTERS USING MAIL AND ONLINE REGISTRATION.—In
12 carrying out this Act, the Help America Vote Act of 2002,
13 or any other Federal, State, or local law governing the
14 treatment of registered voters in the State or the adminis-
15 tration of elections for public office in the State, a State
16 shall treat a registered voter who registered to vote online
17 in accordance with this section in the same manner as the
18 State treats a registered voter who registered to vote by
19 mail.”.

20 (b) SPECIAL REQUIREMENTS FOR INDIVIDUALS
21 USING ONLINE REGISTRATION.—

22 (1) TREATMENT AS INDIVIDUALS REGISTERING
23 TO VOTE BY MAIL FOR PURPOSES OF FIRST-TIME
24 VOTER IDENTIFICATION REQUIREMENTS.—Section
25 303(b)(1)(A) of the Help America Vote Act of 2002

1 (52 U.S.C. 21083(b)(1)(A)) is amended by striking
2 “by mail” and inserting “by mail or online under
3 section 6A of the National Voter Registration Act of
4 1993”.

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

8 (A) by redesignating paragraph (5) as
9 paragraph (6); and

10 (B) by inserting after paragraph (4) the
11 following new paragraph:

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

14 “(A) IN GENERAL.—A State shall, in a
15 uniform and nondiscriminatory manner, require
16 an individual to meet the requirements of sub-
17 paragraph (B) if—

18 “(i) the individual registered to vote
19 in the State online under section 6A of the
20 National Voter Registration Act of 1993;
21 and

22 “(ii) the individual has not previously
23 voted in an election for Federal office in
24 the State.

1 “(B) REQUIREMENTS.—An individual
2 meets the requirements of this subparagraph
3 if—

4 “(i) in the case of an individual who
5 votes in person, the individual provides the
6 appropriate State or local election official
7 with a handwritten signature; or

8 “(ii) in the case of an individual who
9 votes by mail, the individual submits with
10 the ballot a handwritten signature.

11 “(C) INAPPLICABILITY.—Subparagraph
12 (A) does not apply in the case of an individual
13 who is—

14 “(i) entitled to vote by absentee ballot
15 under the Uniformed and Overseas Citi-
16 zens Absentee Voting Act (52 U.S.C.
17 20302 et seq.);

18 “(ii) provided the right to vote other-
19 wise than in person under section
20 3(b)(2)(B)(ii) of the Voting Accessibility
21 for the Elderly and Handicapped Act (52
22 U.S.C. 20102(b)(2)(B)(ii)); or

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

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

6 (c) CONFORMING AMENDMENTS.—

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

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

12 (B) by redesignating subparagraph (D) as
13 subparagraph (E); and

14 (C) by inserting after subparagraph (C)
15 the following new subparagraph:

16 “(D) in the case of online registration
17 through the official public website of an election
18 official under section 6A, if the valid voter reg-
19 istration application is submitted online not
20 later than the lesser of 28 days, or the period
21 provided by State law, before the date of the
22 election (as determined by treating the date on
23 which the application is sent electronically as
24 the date on which it is submitted); and”.

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

5 **SEC. 1002. USE OF INTERNET TO UPDATE REGISTRATION**
6 **INFORMATION.**

7 (a) IN GENERAL.—

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

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

15 “(A) IN GENERAL.—The appropriate State
16 or local election official shall ensure that any
17 registered voter on the computerized list may at
18 any time update the voter’s registration infor-
19 mation, including the voter’s address and elec-
20 tronic mail address, online through the official
21 public website of the election official responsible
22 for the maintenance of the list, so long as the
23 voter attests to the contents of the update by
24 providing a signature in electronic form in the

1 same manner required under section 6A(c) of
2 the National Voter Registration Act of 1993.

3 “(B) PROCESSING OF UPDATED INFORMA-
4 TION BY ELECTION OFFICIALS.—If a registered
5 voter updates registration information under
6 subparagraph (A), the appropriate State or
7 local election official shall—

8 “(i) revise any information on the
9 computerized list to reflect the update
10 made by the voter; and

11 “(ii) if the updated registration infor-
12 mation affects the voter’s eligibility to vote
13 in an election for Federal office, ensure
14 that the information is processed with re-
15 spect to the election if the voter updates
16 the information not later than the lesser of
17 7 days, or the period provided by State
18 law, before the date of the election.

19 “(C) CONFIRMATION AND DISPOSITION.—

20 “(i) CONFIRMATION OF RECEIPT.—
21 Upon the online submission of updated
22 registration information by an individual
23 under this paragraph, the appropriate
24 State or local election official shall send
25 the individual a notice confirming the

1 State’s receipt of the updated information
2 and providing instructions on how the indi-
3 vidual may check the status of the update.

4 “(ii) NOTICE OF DISPOSITION.—Not
5 later than 7 days after the appropriate
6 State or local election official has accepted
7 or rejected updated information submitted
8 by an individual under this paragraph, the
9 official shall send the individual a notice of
10 the disposition of the update.

11 “(iii) METHOD OF NOTIFICATION.—
12 The appropriate State or local election offi-
13 cial shall send the notices required under
14 this subparagraph by regular mail and—

15 “(I) in the case of an individual
16 who has requested that the State pro-
17 vide voter registration and voting in-
18 formation through electronic mail, by
19 electronic mail; and

20 “(II) at the option of the indi-
21 vidual, by text message.”.

22 (2) CONFORMING AMENDMENT RELATING TO
23 EFFECTIVE DATE.—Section 303(d)(1)(A) of such
24 Act (52 U.S.C. 21083(d)(1)(A)) is amended by

1 striking “subparagraph (B)” and inserting “sub-
2 paragraph (B) and subsection (a)(6)”.

3 (b) ABILITY OF REGISTRANT TO USE ONLINE UP-
4 DATE TO PROVIDE INFORMATION ON RESIDENCE.—Sec-
5 tion 8(d)(2)(A) of the National Voter Registration Act of
6 1993 (52 U.S.C. 20507(d)(2)(A)) is amended—

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

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

18 **SEC. 1003. PROVISION OF ELECTION INFORMATION BY**
19 **ELECTRONIC MAIL TO INDIVIDUALS REG-**
20 **ISTERED TO VOTE.**

21 (a) INCLUDING OPTION ON VOTER REGISTRATION
22 APPLICATION TO PROVIDE E-MAIL ADDRESS AND RE-
23 CEIVE INFORMATION.—

1 (1) IN GENERAL.—Section 9(b) of the National
2 Voter Registration Act of 1993 (52 U.S.C.
3 20508(b)) is amended—

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

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

8 (C) by adding at the end the following new
9 paragraph:

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

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

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

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

16 “(3) PROVISION OF OTHER INFORMATION BY
17 ELECTRONIC MAIL.—If an individual who is a reg-
18 istered voter has provided the State or local election
19 official with an electronic mail address for the pur-
20 pose of receiving voting information (as described in
21 section 9(b)(5) of the National Voter Registration
22 Act of 1993), the appropriate State or local election
23 official, through electronic mail transmitted not later
24 than 7 days before the date of the election for Fed-
25 eral office involved, shall provide the individual with

1 information on how to obtain the following informa-
2 tion by electronic means:

3 “(A)(i) If the individual is assigned to vote
4 in the election at a specific polling place—

5 “(I) the name and address of the poll-
6 ing place; and

7 “(II) the hours of operation for the
8 polling place.

9 “(ii) If the individual is not assigned to
10 vote in the election at a specific polling place—

11 “(I) the name and address of loca-
12 tions at which the individual is eligible to
13 vote; and

14 “(II) the hours of operation for those
15 locations.

16 “(B) A description of any identification or
17 other information the individual may be re-
18 quired to present at the polling place or a loca-
19 tion described in subparagraph (A)(ii)(I) to vote
20 in the election.”.

21 **SEC. 1004. CLARIFICATION OF REQUIREMENT REGARDING**
22 **NECESSARY INFORMATION TO SHOW ELIGI-**
23 **BILITY TO VOTE.**

24 Section 8 of the National Voter Registration Act of
25 1993 (52 U.S.C. 20507) is amended—

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

3 (2) by inserting after subsection (i) the fol-
4 lowing new subsection:

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

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

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

20 **SEC. 1005. PROHIBITING STATE FROM REQUIRING APPLI-**
21 **CANTS TO PROVIDE MORE THAN LAST 4 DIG-**
22 **ITS OF SOCIAL SECURITY NUMBER.**

23 (a) FORM INCLUDED WITH APPLICATION FOR
24 MOTOR VEHICLE DRIVER’S LICENSE.—Section
25 5(c)(2)(B)(ii) of the National Voter Registration Act of

1 1993 (52 U.S.C. 20504(c)(2)(B)(ii)) is amended by strik-
2 ing the semicolon at the end and inserting the following:
3 “, and to the extent that the application requires the appli-
4 cant to provide a Social Security number, may not require
5 the applicant to provide more than the last 4 digits of such
6 number;”.

7 (b) NATIONAL MAIL VOTER REGISTRATION FORM.—
8 Section 9(b)(1) of such Act (52 U.S.C. 20508(b)(1)) is
9 amended by striking the semicolon at the end and insert-
10 ing the following: “, and to the extent that the form re-
11 quires the applicant to provide a Social Security number,
12 the form may not require the applicant to provide more
13 than the last 4 digits of such number;”.

14 **SEC. 1006. APPLICATION OF RULES TO CERTAIN EXEMPT**
15 **STATES.**

16 Section 4 of the National Voter Registration Act of
17 1993 (52 U.S.C. 20503) is amended by adding at the end
18 the following new subsection:

19 “(c) APPLICATION OF INTERNET VOTER REGISTRA-
20 TION RULES.—Notwithstanding subsection (b), the fol-
21 lowing provisions shall apply to a State described in para-
22 graph (2) thereof:

23 “(1) Section 6A (as added by section 1001(a)
24 of the Voter Registration Modernization Act of
25 2021).

1 “(2) Section 8(a)(1)(D) (as added by section
2 1001(e)(1) of the Voter Registration Modernization
3 Act of 2021).

4 “(3) Section 8(a)(5) (as amended by section
5 1001(e)(2) of Voter Registration Modernization Act
6 of 2021), but only to the extent such provision re-
7 lates to section 6A.

8 “(4) Section 8(j) (as added by section 1004 of
9 the Voter Registration Modernization Act of 2021),
10 but only to the extent such provision relates to sec-
11 tion 6A.”.

12 **SEC. 1007. REPORT ON DATA COLLECTION.**

13 Not later than 1 year after the date of enactment
14 of this Act, the Attorney General shall submit to Congress
15 a report on local, State, and Federal personally identifi-
16 able information data collections efforts, the cyber security
17 resources necessary to defend such efforts from online at-
18 tacks, and the impact of a potential data breach of local,
19 State, or Federal online voter registration systems.

20 **SEC. 1008. PERMITTING VOTER REGISTRATION APPLICA-**
21 **TION FORM TO SERVE AS APPLICATION FOR**
22 **ABSENTEE BALLOT.**

23 Section 5(c)(2) of the National Voter Registration
24 Act of 1993 (52 U.S.C. 20504(c)(2)) is amended—

1 (1) by striking “and” at the end of subpara-
2 graph (D);

3 (2) by striking the period at the end of sub-
4 paragraph (E) and inserting “; and”; and

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

7 “(F) at the option of the applicant, shall
8 serve as an application to vote by absentee bal-
9 lot in the next election for Federal office held
10 in the State and in each subsequent election for
11 Federal office held in the State.”.

12 **SEC. 1009. EFFECTIVE DATE.**

13 (a) IN GENERAL.—Except as provided in subsection
14 (b), the amendments made by this part (other than the
15 amendments made by section 1004) shall take effect Jan-
16 uary 1, 2022.

17 (b) WAIVER.—If a State certifies to the Election As-
18 sistance Commission not later than January 1, 2022, that
19 the State will not meet the deadline described in sub-
20 section (a) because it would be impracticable to do so and
21 includes in the certification the reasons for the failure to
22 meet such deadline, subsection (a) shall apply to the State
23 as if the reference in such subsection to “January 1,
24 2022” were a reference to “January 1, 2024”.

1 **PART 2—AUTOMATIC VOTER REGISTRATION**

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

3 (a) **SHORT TITLE.**—This part may be cited as the
4 “Automatic Voter Registration Act of 2021”.

5 (b) **FINDINGS AND PURPOSE.**—

6 (1) **FINDINGS.**—Congress finds that—

7 (A) the right to vote is a fundamental
8 right of citizens of the United States;

9 (B) it is the responsibility of the State and
10 Federal Governments to ensure that every eligi-
11 ble citizen is registered to vote;

12 (C) existing voter registration systems can
13 be inaccurate, costly, inaccessible and con-
14 fusing, with damaging effects on voter partici-
15 pation in elections for Federal office and dis-
16 proportionate impacts on young people, persons
17 with disabilities, and racial and ethnic minori-
18 ties; and

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

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

23 (A) to establish that it is the responsibility
24 of government at every level to ensure that all
25 eligible citizens are registered to vote in elec-
26 tions for Federal office;

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

5 (C) to modernize voter registration and list
6 maintenance procedures with electronic and
7 internet capabilities; and

8 (D) to protect and enhance the integrity,
9 accuracy, efficiency, and accessibility of the
10 electoral process for all eligible citizens.

11 **SEC. 1012. AUTOMATIC REGISTRATION OF ELIGIBLE INDI-**
12 **VIDUALS.**

13 (a) REQUIRING STATES TO ESTABLISH AND OPER-
14 ATE AUTOMATIC REGISTRATION SYSTEM.—

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

21 (2) DEFINITION.—The term “automatic reg-
22 istration” means a system that registers an indi-
23 vidual to vote in elections for Federal office in a
24 State, if eligible, by electronically transferring the
25 information necessary for registration from govern-

1 ment agencies to election officials of the State so
2 that, unless the individual affirmatively declines to
3 be registered, the individual will be registered to vote
4 in such elections.

5 (b) REGISTRATION OF VOTERS BASED ON NEW
6 AGENCY RECORDS.—The chief State election official
7 shall—

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

14 (2) not later than 120 days after an individual
15 is registered under this part, send written notice to
16 the individual, in addition to other means of notice
17 established by this part, of the individual’s voter reg-
18 istration status.

19 (c) TREATMENT OF INDIVIDUALS UNDER 18 YEARS
20 OF AGE.—A State may not refuse to treat an individual
21 as an eligible individual for purposes of this part on the
22 grounds that the individual is less than 18 years of age
23 at the time a contributing agency receives information
24 with respect to the individual, so long as the individual
25 is at least 16 years of age at such time. Nothing in the

1 previous sentence may be construed to require a State to
2 permit an individual who is under 18 years of age at the
3 time of an election for Federal office to vote in the elec-
4 tion.

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

8 **SEC. 1013. CONTRIBUTING AGENCY ASSISTANCE IN REG-**
9 **ISTRATION.**

10 (a) IN GENERAL.—In accordance with this part, each
11 contributing agency in a State shall assist the State’s chief
12 election official in registering to vote all eligible individuals
13 served by that agency.

14 (b) REQUIREMENTS FOR CONTRIBUTING AGEN-
15 CIES.—

16 (1) INSTRUCTIONS ON AUTOMATIC REGISTRA-
17 TION.—Except as otherwise provided in this section,
18 with each application for service or assistance, and
19 with each related recertification, renewal, or change
20 of address, or, in the case of a covered institution
21 of higher education, upon initial enrollment of an in-
22 State student, each contributing agency (other than
23 a contributing agency described in subsection
24 (e)(1)(B)(ii)) that (in the normal course of its oper-
25 ations) requests individuals to affirm United States

1 citizenship (either directly or as part of the overall
2 application for service or assistance or enrollment)
3 shall inform each such individual who is a citizen of
4 the United States of the following:

5 (A) Unless that individual declines to reg-
6 ister to vote, or is found ineligible to vote, the
7 individual will be registered to vote or, if appli-
8 cable, the individual's registration will be up-
9 dated.

10 (B) The substantive qualifications of an
11 elector in the State as listed in the mail voter
12 registration application form for elections for
13 Federal office prescribed pursuant to section 9
14 of the National Voter Registration Act of 1993,
15 the consequences of false registration, and the
16 individual should decline to register if the indi-
17 vidual does not meet all those qualifications.

18 (C) In the case of a State in which affili-
19 ation or enrollment with a political party is re-
20 quired in order to participate in an election to
21 select the party's candidate in an election for
22 Federal office, the requirement that the indi-
23 vidual must affiliate or enroll with a political
24 party in order to participate in such an election.

1 (D) Voter registration is voluntary, and
2 neither registering nor declining to register to
3 vote will in any way affect the availability of
4 services or benefits, nor be used for other pur-
5 poses.

6 (2) OPPORTUNITY TO DECLINE REGISTRATION
7 REQUIRED.—Except as otherwise provided in this
8 section, each contributing agency shall ensure that
9 each application for service or assistance, and each
10 related recertification, renewal, or change of address,
11 cannot be completed until the individual is given the
12 opportunity to decline to be registered to vote.

13 (3) INFORMATION TRANSMITTAL.—Each con-
14 tributing agency shall electronically transmit to the
15 appropriate State election official the following infor-
16 mation for each individual described in paragraph
17 (1) who did not decline to be registered to vote:

18 (A) The individual's given name(s) and
19 surname(s).

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

21 (C) The individual's residential address.

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

1 (E) The date on which information per-
2 taining to that individual was collected or last
3 updated.

4 (F) If available, the individual's signature
5 in electronic form.

6 (G) Except in the case in which the con-
7 tributing agency is a covered institution of
8 higher education, in the case of a State in
9 which affiliation or enrollment with a political
10 party is required in order to participate in an
11 election to select the party's candidate in an
12 election for Federal office, information regard-
13 ing the individual's affiliation or enrollment
14 with a political party, but only if the individual
15 provides such information.

16 (H) Any additional information listed in
17 the mail voter registration application form for
18 elections for Federal office prescribed pursuant
19 to section 9 of the National Voter Registration
20 Act of 1993, including any valid driver's license
21 number or the last 4 digits of the individual's
22 social security number, if the individual pro-
23 vided such information.

24 (4) PROVISION OF INFORMATION REGARDING
25 PARTICIPATION IN PRIMARY ELECTIONS.—In the

1 case of a State in which affiliation or enrollment
 2 with a political party is required in order to partici-
 3 pate in an election to select the party's candidate in
 4 an election for Federal office, if the information
 5 transmitted under paragraph (3)(G) for an indi-
 6 vidual does not include information regarding the in-
 7 dividual's affiliation or enrollment with a political
 8 party, the chief State election official shall—

9 (A) notify the individual that such affili-
 10 ation or enrollment is required to participate in
 11 primary elections; and

12 (B) provide an opportunity for the indi-
 13 vidual to update their registration with a party
 14 affiliation or enrollment.

15 (5) CLARIFICATION.—Nothing in this section
 16 shall be read to require a contributing agency to
 17 transmit to an election official the information de-
 18 scribed in paragraph (3) for an individual who is in-
 19 eligible to vote in elections for Federal office in the
 20 State, except to the extent required to pre-register
 21 citizens between 16 and 18 years of age.

22 (c) ALTERNATE PROCEDURE FOR CERTAIN CON-
 23 TRIBUTING AGENCIES.—

24 (1) IN GENERAL.—With each application for
 25 service or assistance, and with each related recertifi-

1 cation, renewal, or change of address, a contributing
2 agency described in paragraph (2) shall—

3 (A) complete the requirements of section
4 7(a)(6) of the National Voter Registration Act
5 of 1993 (52 U.S.C. 20506(a)(6));

6 (B) ensure that each applicant's trans-
7 action with the agency cannot be completed
8 until the applicant has indicated whether the
9 applicant wishes to register to vote or declines
10 to register to vote in elections for Federal office
11 held in the State; and

12 (C) for each individual who wishes to reg-
13 ister to vote, transmit that individual's informa-
14 tion in accordance with subsection (b)(3).

15 (2) CONTRIBUTING AGENCIES DESCRIBED.—

16 The following contributing agencies are described in
17 this paragraph:

18 (A) Any contributing agency (other than a
19 contributing agency that is a covered institution
20 of higher education) that in the normal course
21 of its operations does not request individuals
22 applying for service or assistance to affirm
23 United States citizenship (either directly or as
24 part of the overall application for service or as-
25 sistance).

1 (B) A contributing agency described in
2 subsection (e)(1)(B)(ii).

3 (d) REQUIRED AVAILABILITY OF AUTOMATIC REG-
4 ISTRATION OPPORTUNITY WITH EACH APPLICATION FOR
5 SERVICE OR ASSISTANCE.—Each contributing agency
6 shall offer each individual, with each application for serv-
7 ice or assistance, and with each related recertification, re-
8 newal, or change of address, or in the case of an institu-
9 tion of higher education, upon initial enrollment of a stu-
10 dent, the opportunity to register to vote as prescribed by
11 this section without regard to whether the individual pre-
12 viously declined a registration opportunity.

13 (e) CONTRIBUTING AGENCIES.—

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

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

22 (B) Each agency in a State that admin-
23 isters a program pursuant to—

24 (i) title III of the Social Security Act
25 (42 U.S.C. 501 et seq.);

1 (ii) title XIX of the Social Security
2 Act (42 U.S.C. 1396 et seq.); or

3 (iii) the Patient Protection and Af-
4 fordable Care Act (Public Law 111–148).

5 (C) Each State agency primarily respon-
6 sible for regulating the private possession of
7 firearms.

8 (D) Each State agency primarily respon-
9 sible for maintaining identifying information for
10 students enrolled at public secondary schools,
11 including, where applicable, the State agency
12 responsible for maintaining the education data
13 system described in section 6201(e)(2) of the
14 America COMPETES Act (20 U.S.C.
15 9871(e)(2)).

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

1 (F) Any other agency of the State which is
2 designated by the State as a contributing agen-
3 cy.

4 (2) FEDERAL AGENCIES.—In each State, each
5 of the following agencies of the Federal Government
6 shall be treated as a contributing agency with re-
7 spect to individuals who are residents of that State
8 (except as provided in subparagraph (C)):

9 (A) The Social Security Administration,
10 the Department of Veterans Affairs, the De-
11 fense Manpower Data Center of the Depart-
12 ment of Defense, the Employee and Training
13 Administration of the Department of Labor,
14 and the Center for Medicare & Medicaid Serv-
15 ices of the Department of Health and Human
16 Services.

17 (B) The Bureau of Citizenship and Immi-
18 gration Services, but only with respect to indi-
19 viduals who have completed the naturalization
20 process.

21 (C) In the case of an individual who is a
22 resident of a State in which an individual
23 disenfranchised by a criminal conviction under
24 Federal law may become eligible to vote upon
25 completion of a criminal sentence or any part

1 thereof, or upon formal restoration of rights,
2 the Federal agency responsible for admin-
3 istering that sentence or part thereof (without
4 regard to whether the agency is located in the
5 same State in which the individual is a resi-
6 dent), but only with respect to individuals who
7 have completed the criminal sentence or any
8 part thereof.

9 (D) Any other agency of the Federal gov-
10 ernment which the State designates as a con-
11 tributing agency, but only if the State and the
12 head of the agency determine that the agency
13 collects information sufficient to carry out the
14 responsibilities of a contributing agency under
15 this section.

16 (3) INSTITUTIONS OF HIGHER EDUCATION.—

17 (A) IN GENERAL.—Each covered institu-
18 tion of higher education shall be treated as a
19 contributing agency in the State in which the
20 institution is located with respect to in-State
21 students.

22 (B) PROCEDURES FOR INSTITUTIONS OF
23 HIGHER EDUCATION.—Notwithstanding section
24 444 of the General Education Provisions Act
25 (20 U.S.C. 1232g; commonly referred to as the

1 “Family Educational Rights and Privacy Act of
2 1974”) or any other provision of law, each cov-
3 ered institution of higher education shall com-
4 ply with the requirements of subsection (b) with
5 respect to each in-State student. In complying
6 with such requirements, an institution of higher
7 education—

8 (i) may use information provided in
9 the Free Application for Federal Student
10 Aid described in section 483 of the Higher
11 Education Act of 1965 (20 U.S.C. 1090)
12 to collect information described in para-
13 graph (3) of such subsection (b) for pur-
14 poses of transmitting such information to
15 the appropriate State election official pur-
16 suant to such paragraph;

17 (ii) shall not be required to prevent or
18 delay students from enrolling in a course
19 of study or otherwise impede the comple-
20 tion of the enrollment process;

21 (iii) shall not request information on
22 the affiliation or enrollment with a political
23 party of a student in accordance with sub-
24 section (b)(3)(G); and

1 (iv) shall not withhold, delay, or im-
2 pede the provision of Federal financial aid
3 provided under title IV of the Higher Edu-
4 cation Act of 1965 (20 U.S.C. 1070 et
5 seq.).

6 (C) CLARIFICATION.—Nothing in this part
7 shall be construed to require an institution of
8 higher education to request each student affirm
9 whether or not the student is a United States
10 citizen or otherwise collect information with re-
11 spect to citizenship.

12 (4) PUBLICATION.—Not later than 180 days
13 prior to the date of each election for Federal office
14 held in the State, the chief State election official
15 shall publish on the public website of the official an
16 updated list of all contributing agencies in that
17 State.

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

23 (6) PERMITTING STATE MEDICAID AGENCIES TO
24 SHARE INFORMATION WITH ELECTION OFFICIALS
25 FOR VOTER REGISTRATION PURPOSES.—Section

1 1902(a)(7)(A) of the Social Security Act (42 U.S.C.
2 1396a(a)(7)(A)) is amended—

3 (A) in clause (i), by striking “; and” and
4 inserting a semicolon; and

5 (B) by adding at the end the following new
6 clause:

7 “(iii) the provision to an appropriate
8 State election official, in accordance with
9 subsection (c) of section 1013 of the Auto-
10 matic Voter Registration Act of 2021, of
11 information described in subsection (b)(3)
12 of such section with respect to an applicant
13 or recipient; and”.

14 (f) DEFINITIONS.—In this section:

15 (1) COVERED INSTITUTION OF HIGHER EDU-
16 CATION.—The term “covered institution of higher
17 education” means an institution of higher education
18 that—

19 (A) has a program participation agreement
20 in effect with the Secretary of Education under
21 section 487 of the Higher Education Act of
22 1965 (20 U.S.C. 1094);

23 (B) is located in a State to which section
24 4(b)(1) of the National Voter Registration Act

1 of 1993 (52 U.S.C. 20503(b)(1)) does not
2 apply.

3 (2) IN-STATE STUDENT.—The term “in-State
4 student”—

5 (A) means a student enrolled in a covered
6 institution of higher education who—

7 (i) for purposes related to in-State
8 tuition, financial aid eligibility, or other
9 similar purposes, resides in the State; or

10 (ii) the institution otherwise knows
11 maintains permanent residence in the
12 State; and

13 (B) includes a student described in clause
14 (i) or (ii) of subparagraph (A) who is enrolled
15 in a program of distance education, as defined
16 in section 103 of the Higher Education Act of
17 1965 (20 U.S.C. 1003).

18 **SEC. 1014. VOTER PROTECTION AND SECURITY IN AUTO-**
19 **MATIC REGISTRATION.**

20 (a) PROTECTIONS FOR ERRORS IN REGISTRATION.—
21 An individual shall not be prosecuted under any Federal
22 or State law, adversely affected in any civil adjudication
23 concerning immigration status or naturalization, or sub-
24 ject to an allegation in any legal proceeding that the indi-

1 individual is not a citizen of the United States on any of the
2 following grounds:

3 (1) The individual notified an election office of
4 the individual's automatic registration to vote under
5 this part.

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

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

11 (4) The individual declined the opportunity to
12 register to vote or did not make an affirmation of
13 citizenship, including through automatic registration,
14 under this part.

15 (b) LIMITS ON USE OF AUTOMATIC REGISTRA-
16 TION.—The automatic registration of any individual or the
17 fact that an individual declined the opportunity to register
18 to vote or did not make an affirmation of citizenship (in-
19 cluding through automatic registration) under this part
20 may not be used as evidence against that individual in any
21 State or Federal law enforcement proceeding, and an indi-
22 vidual's lack of knowledge or willfulness of such registra-
23 tion may be demonstrated by the individual's testimony
24 alone.

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

5 (1) knowingly and willfully makes a false state-
6 ment to effectuate or perpetuate automatic voter
7 registration by any individual; or

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

10 (d) CONTRIBUTING AGENCIES' PROTECTION OF IN-
11 FORMATION.—Nothing in this part authorizes a contrib-
12 uting agency to collect, retain, transmit, or publicly dis-
13 close any of the following, except as necessary to comply
14 with title III of the Civil Rights Act of 1960 (52 U.S.C.
15 20701 et seq.):

16 (1) An individual's decision to decline to reg-
17 ister to vote or not to register to vote.

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

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

23 (e) ELECTION OFFICIALS' PROTECTION OF INFOR-
24 MATION.—

25 (1) PUBLIC DISCLOSURE PROHIBITED.—

1 (A) IN GENERAL.—Subject to subpara-
2 graph (B), with respect to any individual for
3 whom any State election official receives infor-
4 mation from a contributing agency, the State
5 election officials shall not publicly disclose any
6 of the following:

7 (i) The identity of the contributing
8 agency.

9 (ii) Any information not necessary to
10 voter registration.

11 (iii) Any voter information otherwise
12 shielded from disclosure under State law or
13 section 8(a) of the National Voter Reg-
14 istration Act of 1993 (52 U.S.C.
15 20507(a)).

16 (iv) Any portion of the individual’s so-
17 cial security number.

18 (v) Any portion of the individual’s
19 motor vehicle driver’s license number.

20 (vi) The individual’s signature.

21 (vii) The individual’s telephone num-
22 ber.

23 (viii) The individual’s email address.

24 (B) SPECIAL RULE FOR INDIVIDUALS REG-
25 ISTERED TO VOTE.—The prohibition on public

1 disclosure in subparagraph (A) shall not apply
2 with respect to the telephone number or email
3 address of any individual for whom any State
4 election official receives information from a con-
5 tributing agency and who, on the basis of such
6 information, is registered to vote in the State
7 under this part.

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

15 (3) DATABASE MANAGEMENT STANDARDS.—
16 Not later than 1 year after the date of the enact-
17 ment of this Act, the Director of the National Insti-
18 tute of Standards and Technology, in consultation
19 with State and local election officials, shall, after
20 providing the public with notice and the opportunity
21 to comment—

22 (A) establish standards governing the com-
23 parison of data for voter registration list main-
24 tenance purposes, identifying as part of such
25 standards the specific data elements, the

1 matching rules used, and how a State may use
2 the data to determine and deem that an indi-
3 vidual is ineligible under State law to vote in an
4 election, or to deem a record to be a duplicate
5 or outdated;

6 (B) ensure that the standards developed
7 pursuant to this paragraph are uniform and
8 nondiscriminatory and are applied in a uniform
9 and nondiscriminatory manner;

10 (C) not later than 45 days after the dead-
11 line for public notice and comment, publish the
12 standards developed pursuant to this paragraph
13 on the Director's website and make those
14 standards available in written form upon re-
15 quest; and

16 (D) ensure that the standards developed
17 pursuant to this paragraph are maintained and
18 updated in a manner that reflects innovations
19 and best practices in the security of database
20 management.

21 (4) SECURITY POLICY.—

22 (A) IN GENERAL.—Not later than 1 year
23 after the date of the enactment of this Act, the
24 Director of the National Institute of Standards
25 and Technology shall, after providing the public

1 with notice and the opportunity to comment,
2 publish privacy and security standards for voter
3 registration information not later than 45 days
4 after the deadline for public notice and com-
5 ment. The standards shall require the chief
6 State election official of each State to adopt a
7 policy that shall specify—

8 (i) each class of users who shall have
9 authorized access to the computerized
10 statewide voter registration list, specifying
11 for each class the permission and levels of
12 access to be granted, and setting forth
13 other safeguards to protect the privacy, se-
14 curity, and accuracy of the information on
15 the list; and

16 (ii) security safeguards to protect per-
17 sonal information transmitted through the
18 information transmittal processes of sec-
19 tion 1013, the online system used pursuant
20 to section 6A of the National Voter Reg-
21 istration Act of 1993 (as added by section
22 1001), any telephone interface, the mainte-
23 nance of the voter registration database,
24 and any audit procedure to track access to
25 the system.

1 (B) MAINTENANCE AND UPDATING.—The
2 Director shall ensure that the standards devel-
3 oped pursuant to this paragraph are maintained
4 and updated in a manner that reflects innova-
5 tions and best practices in the privacy and secu-
6 rity of voter registration information.

7 (5) STATE COMPLIANCE WITH NATIONAL
8 STANDARDS.—

9 (A) CERTIFICATION.—The chief State elec-
10 tion official of the State shall annually file with
11 the Election Assistance Commission a state-
12 ment certifying to the Director of the National
13 Institute of Standards and Technology that the
14 State is in compliance with the standards re-
15 ferred to in paragraphs (3) and (4). A State
16 may meet the requirement of the previous sen-
17 tence by filing with the Commission a statement
18 which reads as follows: “_____ hereby
19 certifies that it is in compliance with the stand-
20 ards referred to in paragraphs (3) and (4) of
21 section 1014(e) of the Automatic Voter Reg-
22 istration Act of 2021.” (with the blank to be
23 filled in with the name of the State involved).

24 (B) PUBLICATION OF POLICIES AND PRO-
25 CEDURES.—The chief State election official of a

1 State shall publish on the official's website the
2 policies and procedures established under this
3 section, and shall make those policies and pro-
4 cedures available in written form upon public
5 request.

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

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

22 (f) RESTRICTIONS ON USE OF INFORMATION.—No
23 person acting under color of law may discriminate against
24 any individual based on, or use for any purpose other than
25 voter registration, election administration, juror selection,

1 or enforcement relating to election crimes, any of the fol-
2 lowing:

3 (1) Voter registration records.

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

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

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

18 **SEC. 1015. PAYMENTS AND GRANTS.**

19 (a) IN GENERAL.—The Election Assistance Commis-
20 sion shall make grants to each eligible State to assist the
21 State in implementing the requirements of this part (or,
22 in the case of an exempt State, in implementing its exist-
23 ing automatic voter registration program or expanding its
24 automatic voter registration program in a manner con-
25 sistent with the requirements of this part).

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

5 (1) a description of the activities the State will
6 carry out with the grant;

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

11 (3) such other information and assurances as
12 the Commission may require.

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

23 (1) investments supporting electronic informa-
24 tion transfer, including electronic collection and

1 transfer of signatures, between contributing agencies
2 and the appropriate State election officials;

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

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

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

12 (d) AUTHORIZATION OF APPROPRIATIONS.—

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

15 (A) \$500,000,000 for fiscal year 2021; and

16 (B) such sums as may be necessary for
17 each succeeding fiscal year.

18 (2) CONTINUING AVAILABILITY OF FUNDS.—

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

22 **SEC. 1016. TREATMENT OF EXEMPT STATES.**

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

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

3 (1) Section 1015 (relating to payments and
4 grants).

5 (2) Section 1017(e) (relating to enforcement).

6 (3) Section 1017(f) (relating to relation to
7 other laws).

8 **SEC. 1017. MISCELLANEOUS PROVISIONS.**

9 (a) ACCESSIBILITY OF REGISTRATION SERVICES.—
10 Each contributing agency shall ensure that the services
11 it provides under this part are made available to individ-
12 uals with disabilities to the same extent as services are
13 made available to all other individuals.

14 (b) TRANSMISSION THROUGH SECURE THIRD PARTY
15 PERMITTED.—Nothing in this part shall be construed to
16 prevent a contributing agency from contracting with a
17 third party to assist the agency in meeting the information
18 transmittal requirements of this part, so long as the data
19 transmittal complies with the applicable requirements of
20 this part, including the privacy and security provisions of
21 section 1014.

22 (c) NONPARTISAN, NONDISCRIMINATORY PROVISION
23 OF SERVICES.—The services made available by contrib-
24 uting agencies under this part and by the State under sec-
25 tion 1014 shall be made in a manner consistent with para-

1 graphs (4), (5), and (6)(C) of section 7(a) of the National
2 Voter Registration Act of 1993 (52 U.S.C. 20506(a)).

3 (d) NOTICES.—Each State may send notices under
4 this part via electronic mail if the individual has provided
5 an electronic mail address and consented to electronic mail
6 communications for election-related materials. All notices
7 sent pursuant to this part that require a response must
8 offer the individual notified the opportunity to respond at
9 no cost to the individual.

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

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

19 (1) The Voting Rights Act of 1965 (52 U.S.C.
20 10301 et seq.).

21 (2) The Uniformed and Overseas Citizens Ab-
22 santee Voting Act (52 U.S.C. 20301 et seq.).

23 (3) The National Voter Registration Act of
24 1993 (52 U.S.C. 20501 et seq.).

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

3 (5) The Americans with Disabilities Act of
4 1990 (42 U.S.C. 12101 et seq.).

5 **SEC. 1018. DEFINITIONS.**

6 In this part, the following definitions apply:

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

13 (2) The term “Commission” means the Election
14 Assistance Commission.

15 (3) The term “exempt State” means a State
16 which, under law which is in effect continuously on
17 and after the date of the enactment of this Act, op-
18 erates a system of automatic registration (as defined
19 in section 1012(a)(2)) at the motor vehicle authority
20 of the State or a Permanent Dividend Fund of the
21 State under which an individual is provided the op-
22 portunity to decline registration during the trans-
23 action or by way of a notice sent by mail or elec-
24 tronically after the transaction.

1 (4) The term “State” means each of the several
2 States, the District of Columbia, the Commonwealth
3 of Puerto Rico, the United States Virgin Islands,
4 Guam, American Samoa, and the Commonwealth of
5 the Northern Mariana Islands.

6 **SEC. 1019. EFFECTIVE DATE.**

7 (a) IN GENERAL.—Except as provided in subsection
8 (b), this part and the amendments made by this part shall
9 apply with respect to a State and contributing agencies
10 within a State—

11 (1) beginning January 1, 2023, for State motor
12 vehicle authorities; and

13 (2) beginning January 1, 2025, for all other
14 contributing agencies.

15 (b) WAIVER.—

16 (1) DEADLINE FOR STATE MOTOR VEHICLE AU-
17 THORITIES.—If a State certifies to the Commission
18 not later than January 1, 2023, that the State will
19 not meet the deadline described in subsection (a)(1)
20 because it would be impracticable to do so and in-
21 cludes in the certification the reasons for the failure
22 to meet such deadline, subsection (a)(1) shall apply
23 to the State as if the reference in such subsection
24 to “January 1, 2023” were a reference to “January
25 1, 2025”.

1 (2) DEADLINE FOR ALL OTHER CONTRIBUTING
2 AGENCIES.—If a State certifies to the Commission
3 not later than January 1, 2025, that the State will
4 not meet the deadline described in subsection (a)(2)
5 because it would be impracticable to do so and in-
6 cludes in the certification the reasons for the failure
7 to meet such deadline, subsection (a)(2) shall apply
8 to the State as if the reference in such subsection
9 to “January 1, 2025” were a reference to “January
10 1, 2028”.

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

12 **SEC. 1031. SAME DAY REGISTRATION.**

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

15 (1) by redesignating sections 304 and 305 as
16 sections 305 and 306, respectively; and

17 (2) by inserting after section 303 the following
18 new section:

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

20 “(a) IN GENERAL.—

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

1 “(A) to register to vote in such election at
2 the polling place using a form that meets the
3 requirements under section 9(b) of the National
4 Voter Registration Act of 1993 (or, if the indi-
5 vidual is already registered to vote, to revise
6 any of the individual’s voter registration infor-
7 mation); and

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

9 “(2) EXCEPTION.—The requirements under
10 paragraph (1) shall not apply to a State in which,
11 under a State law in effect continuously on and after
12 the date of the enactment of this section, there is no
13 voter registration requirement for individuals in the
14 State with respect to elections for Federal office.

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

19 “(c) ENSURING AVAILABILITY OF FORMS.—The
20 State shall ensure that each polling place has copies of
21 any forms an individual may be required to complete in
22 order to register to vote or revise the individual’s voter
23 registration information under this section.

24 “(d) EFFECTIVE DATE.—

1 “(1) IN GENERAL.—Subject to paragraph (2),
2 each State shall be required to comply with the re-
3 quirements of this section for the regularly sched-
4 uled general election for Federal office occurring in
5 November 2022 and for any subsequent election for
6 Federal office.

7 “(2) SPECIAL RULES FOR ELECTIONS BEFORE
8 NOVEMBER 2026.—

9 “(A) ELECTIONS PRIOR TO NOVEMBER
10 2024 GENERAL ELECTION.—A State shall be
11 deemed to be in compliance with the require-
12 ments of this section for the regularly scheduled
13 general election for Federal office occurring in
14 November 2022 and subsequent elections for
15 Federal office occurring before the regularly
16 scheduled general election for Federal office in
17 November 2024 if at least one location for each
18 15,000 registered voters in each jurisdiction in
19 the State meets such requirements.

20 “(B) NOVEMBER 2024 GENERAL ELEC-
21 TION.—If a State certifies to the Commission
22 not later than November 5, 2024, that the
23 State will not be in compliance with the require-
24 ments of this section for the regularly scheduled
25 general election for Federal office occurring in

1 November 2024 because it would be impracti-
2 cable to do so and includes in the certification
3 the reasons for the failure to meet such require-
4 ments, the State shall be deemed to be in com-
5 pliance with the requirements of this section for
6 such election if at least one location for each
7 15,000 registered voters in each jurisdiction in
8 the State meets such requirements.”.

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

13 (c) CLERICAL AMENDMENTS.—The table of contents
14 of such Act is amended—

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

18 (2) by inserting after the item relating to sec-
19 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 matched 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 matched 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 matched 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. BIENNIAL REPORTS ON VOTER REGISTRATION**
8 **STATISTICS.**

9 (a) BIENNIAL REPORTS.—Not later than 90 days
10 after the end of each even-numbered year, each State shall
11 submit to the Election Assistance Commission a report
12 containing the following categories of information for the
13 preceding 2 years:

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(e) 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) SUBMISSION TO CONGRESS.—Not later than 10
19 days after receiving a report under subsection (a), the
20 Election Assistance Commission shall transmit such re-
21 port to Congress.

22 (e) STATE DEFINED.—In this section, a “State” in-
23 cludes the District of Columbia, the Commonwealth of
24 Puerto Rico, the United States Virgin Islands, Guam,
25 American Samoa, and the Commonwealth of the Northern

1 Mariana Islands, but does not include any State in which,
2 under a State law in effect continuously on and after the
3 date of the enactment of this Act, there is no voter reg-
4 istration requirement for individuals in the State with re-
5 spect to elections for Federal office.

6 (f) SENSE OF CONGRESS.—It is the Sense of Con-
7 gress that for any State participating in the Election Ad-
8 ministration and Voting Survey administered by the Elec-
9 tion Assistance Commission, the Commission should use
10 the information submitted in the report under subsection
11 (a) as part of the State’s participation in the survey.

12 **SEC. 1052. ENSURING PRE-ELECTION REGISTRATION DEAD-**
13 **LINES ARE CONSISTENT WITH TIMING OF**
14 **LEGAL PUBLIC HOLIDAYS.**

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

19 (b) EFFECTIVE DATE.—The amendment made by
20 subsection (a) shall apply with respect to elections held
21 in 2022 or any succeeding year.

1 **SEC. 1053. USE OF POSTAL SERVICE HARD COPY CHANGE**
2 **OF ADDRESS FORM TO REMIND INDIVIDUALS**
3 **TO UPDATE VOTER REGISTRATION.**

4 (a) IN GENERAL.—Not later than 1 year after the
5 date of the enactment of this Act, the Postmaster General
6 shall modify any hard copy change of address form used
7 by the United States Postal Service so that such form con-
8 tains a reminder that any individual using such form
9 should update the individual’s voter registration as a re-
10 sult of any change in address.

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

14 **SEC. 1054. GRANTS TO STATES FOR ACTIVITIES TO EN-**
15 **COURAGE INVOLVEMENT OF MINORS IN**
16 **ELECTION ACTIVITIES.**

17 (a) GRANTS.—

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

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

1 (A) methods to promote the use of pre-reg-
2 istration processes;

3 (B) modifications to the curriculum of sec-
4 ondary schools in the State to promote civic en-
5 gagement; and

6 (C) such other activities to encourage the
7 involvement of young people in the electoral
8 process as the State considers appropriate.

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

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

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

18 (3) such other information and assurances as
19 the Commission may require.

20 (c) PERIOD OF GRANT; REPORT.—

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

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

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

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

15 **SEC. 1055. AUTHORIZING THE DISSEMINATION OF VOTER**
16 **REGISTRATION INFORMATION DISPLAYS**
17 **FOLLOWING NATURALIZATION CEREMONIES.**

18 The Secretary of Homeland Security shall establish
19 a process for authorizing the chief State of a State to dis-
20 seminate voter registration information at the conclusion
21 of any naturalization ceremony in such State, which may
22 involve a display or exhibit.

1 **SEC. 1056. REQUIRING STATES TO ESTABLISH AND OPER-**
2 **ATE VOTER PRIVACY PROGRAMS.**

3 (a) IN GENERAL.—Title III of the Help America
4 Vote Act of 2002 (52 U.S.C. 21081 et seq.), as amended
5 by section 1031(a), is amended—

6 (1) by redesignating sections 305 and 306 as
7 sections 306 and 307, respectively; and

8 (2) by inserting after section 304 the following
9 new section:

10 **“SEC. 305. VOTER PRIVACY PROGRAMS.**

11 “(a) IN GENERAL.—Each State shall establish and
12 operate a privacy program to enable victims of domestic
13 violence, dating violence, stalking, sexual assault, and traf-
14 ficking to have personally identifiable information that
15 State or local election officials maintain with respect to
16 an individual voter registration status for purposes of elec-
17 tions for Federal office in the State, including addresses,
18 be kept confidential.

19 “(b) NOTICE.—Each State shall notify residents of
20 that State of the information that State and local election
21 officials maintain with respect to an individual voter reg-
22 istration status for purposes of elections for Federal office
23 in the State, how that information is shared or sold and
24 with whom, what information is automatically kept con-
25 fidential, what information is needed to access voter infor-

1 mation online, and the privacy programs that are avail-
2 able.

3 “(c) PUBLIC AVAILABILITY.—Each State shall make
4 information about the program established under sub-
5 section (a) available on a publicly accessible website.

6 “(d) DEFINITIONS.—In this section:

7 “(1) The terms ‘domestic violence’, ‘stalking’,
8 ‘sexual assault’, and ‘dating violence’ have the mean-
9 ings given such terms in section 40002 of the Vio-
10 lence Against Women Act of 1994 (34 U.S.C.
11 12291).

12 “(2) The term ‘trafficking’ means an act or
13 practice described in paragraph (11) or (12) of sec-
14 tion 103 of the Trafficking Victims Protection Act
15 of 2000 (22 U.S.C. 7102).

16 “(e) EFFECTIVE DATE.—Each State and jurisdiction
17 shall be required to comply with the requirements of this
18 section on and after January 1, 2023.”.

19 (b) CLERICAL AMENDMENTS.—The table of contents
20 of such Act, as amended by section 1031(c), is amended—

21 (1) by redesignating the items relating to sec-
22 tions 305 and 306 as relating to sections 306 and
23 307, respectively; and

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

“Sec. 305. Voter privacy programs.”.

1 **SEC. 1057. INCLUSION OF VOTER REGISTRATION INFORMA-**
2 **TION WITH CERTAIN LEASES AND VOUCHERS**
3 **FOR FEDERALLY ASSISTED RENTAL HOUSING**
4 **AND MORTGAGE APPLICATIONS.**

5 (a) DEFINITIONS.—In this section:

6 (1) DIRECTOR.—The term “Director” means
7 the Director of the Bureau of Consumer Protection.

8 (2) FEDERAL PROJECT-BASED RENTAL ASSIST-
9 ANCE.—The term “Federal project-based rental as-
10 sistance” means project-based rental assistance pro-
11 vided under—

12 (A) section 8 of the United States Housing
13 Act of 1937 (42 U.S.C. 1437f);

14 (B) section 202 of the Housing Act of
15 1959 (12 U.S.C. 1701q);

16 (C) section 811 of the Cranston-Gonzalez
17 National Affordable Housing Act (42 U.S.C.
18 8013);

19 (D) title V of the Housing Act of 1949 (42
20 U.S.C. 1471 et seq.), including voucher assist-
21 ance under section 542 of such title (42 U.S.C.
22 1490r);

23 (E) subtitle D of title VIII of the Cran-
24 ston-Gonzalez National Affordable Housing Act
25 (42 U.S.C. 12901 et seq.);

1 (F) title II of the Cranston-Gonzalez Na-
2 tional Affordable Housing Act (42 U.S.C.
3 12721 et seq.);

4 (G) the Housing Trust Fund under section
5 1338 of the Federal Housing Enterprises Fi-
6 nancial Safety and Soundness Act of 1992 (12
7 U.S.C. 4588); or

8 (H) subtitle C of title IV of the McKinney-
9 Vento Homeless Assistance Act (42 U.S.C.
10 11381 et seq.).

11 (3) OWNER.—The term “owner” has the mean-
12 ing given the term in section 8(f) of the United
13 States Housing Act of 1937 (42 U.S.C. 1437f(f)).

14 (4) PUBLIC HOUSING; PUBLIC HOUSING AGEN-
15 CY.—The terms “public housing” and “public hous-
16 ing agency” have the meanings given those terms in
17 section 3(b) of the United States Housing Act of
18 1937 (42 U.S.C. 1437a(b)).

19 (5) RESIDENTIAL MORTGAGE LOAN.—The term
20 “residential mortgage loan” includes any loan that is
21 secured by a first or subordinate lien on residential
22 real property, including individual units of con-
23 dominiums and cooperatives, designed principally for
24 the occupancy of from 1- to 4- families.

1 (b) DEVELOPMENT OF UNIFORM STATEMENT.—The
2 Director, in coordination with the Election Assistance
3 Commission, shall develop a uniform statement designed
4 to provide recipients of the statement pursuant to this sec-
5 tion of how the recipient can register to vote and the vot-
6 ing rights of the recipient under law.

7 (c) LEASES AND VOUCHERS FOR FEDERALLY AS-
8 SISTED RENTAL HOUSING.—

9 (1) IN GENERAL.—Except as provided in para-
10 graph (2), the Secretary of Housing and Urban De-
11 velopment shall require—

12 (A) each public housing agency to provide
13 a copy of the uniform statement developed pur-
14 suant to subsection (b) to each lessee of a
15 dwelling unit in public housing administered by
16 the agency—

17 (i) together with the lease for the
18 dwelling unit, at the same time the lease is
19 provided to the lessee; and

20 (ii) together with any income
21 verification form, at the same time the
22 form is provided to the lessee;

23 (B) each public housing agency that ad-
24 ministers rental assistance under the Housing
25 Choice Voucher program under section 8(o) of

1 the United States Housing Act of 1937 (42
2 U.S.C. 1437f(o)), including the program under
3 paragraph (13) of such section 8(o), to provide
4 a copy of the uniform statement developed pur-
5 suant to subsection (b) to each assisted family
6 or individual—

7 (i) together with the voucher for the
8 assistance, at the time the voucher is
9 issued for the family or individual; and

10 (ii) together with any income
11 verification form, at the same time the
12 form is provided to the applicant or as-
13 sisted family or individual; and

14 (C) each owner of a dwelling unit assisted
15 with Federal project-based rental assistance to
16 provide a copy of the uniform statement devel-
17 oped pursuant to subsection (b) to provide to
18 the lessee of the dwelling unit—

19 (i) together with the lease for the
20 dwelling unit, at the same time the form is
21 provided to the lessee; and

22 (ii) together with any income
23 verification form, at the same time the
24 form is provided to the applicant or tenant.

1 (2) RURAL HOUSING.—The Secretary of Agri-
2 culture shall administer the requirement under para-
3 graph (1)(C) with respect to Federal project-based
4 rental assistance described in subsection (a)(1)(D).

5 (d) APPLICATIONS FOR RESIDENTIAL MORTGAGE
6 LOANS.—The Director shall require each creditor that re-
7 ceives an application (within the meaning of such term as
8 used in the Equal Credit Opportunity Act (15 U.S.C.
9 1691 et seq.)) for a residential mortgage loan to provide
10 a copy of the uniform statement developed pursuant to
11 subsection (b) in written form to the applicant for the resi-
12 dential mortgage loan not later than 5 business days after
13 the date of the application.

14 (e) OPTIONAL COMPLETION OF APPLICATION.—
15 Nothing in this section may be construed to require any
16 individual to complete an application for voter registra-
17 tion.

18 (f) REGULATIONS.—The Secretary of Housing and
19 Urban Development, the Secretary of Agriculture, and the
20 Director may issue such regulations as may be necessary
21 to carry out this section.

1 **PART 6—AVAILABILITY OF HAVA REQUIREMENTS**

2 **PAYMENTS**

3 **SEC. 1061. AVAILABILITY OF REQUIREMENTS PAYMENTS**

4 **UNDER HAVA TO COVER COSTS OF COMPLI-**

5 **ANCE WITH NEW REQUIREMENTS.**

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

8 (1) in paragraph (1), by striking “as provided
9 in paragraphs (2) and (3)” and inserting “as other-
10 wise provided in this subsection”; and

11 (2) by adding at the end the following new
12 paragraph:

13 “(4) CERTAIN VOTER REGISTRATION ACTIVI-
14 TIES.—Notwithstanding paragraph (3), a State may
15 use a requirements payment to carry out any of the
16 requirements of the Voter Registration Moderniza-
17 tion Act of 2021, including the requirements of the
18 National Voter Registration Act of 1993 which are
19 imposed pursuant to the amendments made to such
20 Act by the Voter Registration Modernization Act of
21 2021.”.

22 (b) CONFORMING AMENDMENT.—Section 254(a)(1)
23 of such Act (52 U.S.C. 21004(a)(1)) is amended by strik-
24 ing “section 251(a)(2)” and inserting “section
25 251(b)(2)”.

1 (c) EFFECTIVE DATE.—The amendments made by
 2 this section shall apply with respect to fiscal year 2022
 3 and each succeeding fiscal year.

4 **PART 7—PROHIBITING INTERFERENCE WITH**
 5 **VOTER REGISTRATION**

6 **SEC. 1071. PROHIBITING HINDERING, INTERFERING WITH,**
 7 **OR PREVENTING VOTER REGISTRATION.**

8 (a) IN GENERAL.—Chapter 29 of title 18, United
 9 States Code, is amended by adding at the end the fol-
 10 lowing new section:

11 **“§ 612. Hindering, interfering with, or preventing**
 12 **registering to vote**

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

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

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

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

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

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

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

12 (a) BEST PRACTICES.—Not later than 180 days after
13 the date of the enactment of this Act, the Election Assist-
14 ance Commission, in consultation with the Department of
15 Justice, shall develop and publish recommendations for
16 best practices for States to use to deter and prevent viola-
17 tions of section 612 of title 18, United States Code (as
18 added by section 1071), and section 12 of the National
19 Voter Registration Act of 1993 (52 U.S.C. 20511) (relat-
20 ing to the unlawful interference with registering to vote,
21 or voting, or attempting to register to vote or vote), includ-
22 ing practices to provide for the posting of relevant infor-
23 mation at polling places and voter registration agencies
24 under such Act, the training of poll workers and election
25 officials, and relevant educational materials. For purposes

1 of this subsection, the term “State” includes the District
2 of Columbia, the Commonwealth of Puerto Rico, Guam,
3 American Samoa, the United States Virgin Islands, and
4 the Commonwealth of the Northern Mariana Islands.

5 (b) INCLUSION IN VOTER INFORMATION REQUIRE-
6 MENTS.—Section 302(b)(2) of the Help America Vote Act
7 of 2002 (52 U.S.C. 21082(b)(2)) is amended—

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

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

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

14 “(G) information relating to the prohibi-
15 tions of section 612 of title 18, United States
16 Code, and section 12 of the National Voter
17 Registration Act of 1993 (52 U.S.C. 20511)
18 (relating to the unlawful interference with reg-
19 istering to vote, or voting, or attempting to reg-
20 ister to vote or vote), including information on
21 how individuals may report allegations of viola-
22 tions 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 INDI-
7 CATE WHETHER STATE SERVES AS RESI-
8 DENCE FOR VOTER REGISTRATION PUR-
9 POSES.**

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.—

18 (1) IN GENERAL.—Except as provided in para-
19 graph (2), the amendments made by subsection (a)
20 shall apply with respect to a State beginning Janu-
21 ary 1, 2023.

22 (2) WAIVER.—If a State certifies to the Elec-
23 tion Assistance Commission not later than January
24 1, 2023, that the State will not meet the deadline
25 described in paragraph (1) because it would be im-

1 practicable to do so and includes in the certification
 2 the reasons for the failure to meet such deadline,
 3 paragraph (1) shall apply to the State as if the ref-
 4 erence in such paragraph to “January 1, 2023”
 5 were a reference to “January 1, 2025”.

6 **PART 9—PROVIDING VOTER REGISTRATION IN-**
 7 **FORMATION TO SECONDARY SCHOOL STU-**
 8 **DENTS**

9 **SEC. 1091. PILOT PROGRAM FOR PROVIDING VOTER REG-**
 10 **ISTRATION INFORMATION TO SECONDARY**
 11 **SCHOOL STUDENTS PRIOR TO GRADUATION.**

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

20 (b) **ELIGIBILITY.**—A local educational agency is eligi-
 21 ble to receive funds under the pilot program under this
 22 part if the agency submits to the Commission, at such
 23 time and in such form as the Commission may require,
 24 an application containing—

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

3 (2) a description of how the agency will
4 prioritize access to such initiatives for schools that
5 serve—

6 (A) the highest numbers or percentages of
7 students counted under section 1124(c) of the
8 Elementary and Secondary Education Act of
9 1965 (20 U.S.C. 6333(c)); and

10 (B) the highest percentages of students
11 who are eligible for a free or reduced price
12 lunch under the Richard B. Russell National
13 School Lunch Act (42 U.S.C. 1751 et seq.)
14 (which, in the case of a high school, may be cal-
15 culated using comparable data from the schools
16 that feed into the high school), as compared to
17 other public schools in the jurisdiction of the
18 agency;

19 (3) an estimate of the costs associated with
20 such initiatives; and

21 (4) such other information and assurances as
22 the Commission may require.

23 (c) PRIORITY FOR SCHOOLS RECEIVING TITLE I
24 FUNDS.—In selecting eligible local educational agencies to
25 receive funds under the pilot program under this part, the

1 Commission shall give priority to local educational agen-
2 cies that receive funds under part A of title I of the Ele-
3 mentary and Secondary Education Act of 1965 (20 U.S.C.
4 6311 et seq.).

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

11 (e) DEFINITIONS.—In this part, the terms “local edu-
12 cational agency” and “secondary school” have the mean-
13 ings given such terms in section 8101 of the Elementary
14 and Secondary Education Act of 1965 (20 U.S.C. 7801).

15 **SEC. 1092. REPORTS.**

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

23 (b) REPORT BY COMMISSION.—Not later than the ex-
24 piration of the 60-day period which begins on the date
25 the Commission receives the final report submitted by a

1 local educational agency under subsection (a), the Com-
 2 mission shall submit a report to Congress on the pilot pro-
 3 gram under this part.

4 **SEC. 1093. AUTHORIZATION OF APPROPRIATIONS.**

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

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

8 **SEC. 1094. ACCEPTANCE OF VOTER REGISTRATION APPLI-**
 9 **CATIONS FROM INDIVIDUALS UNDER 18**
 10 **YEARS OF AGE.**

11 (a) ACCEPTANCE OF APPLICATIONS.—Section 8 of
 12 the National Voter Registration Act of 1993 (52 U.S.C.
 13 20507), as amended by section 1004, is amended—

14 (1) by redesignating subsection (k) as sub-
 15 section (l); and

16 (2) by inserting after subsection (j) the fol-
 17 lowing new subsection:

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

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

1 long as the individual is at least 16 years of age at
2 such time.

3 “(2) NO EFFECT ON STATE VOTING AGE RE-
4 QUIREMENTS.—Nothing in paragraph (1) may be
5 construed to require a State to permit an individual
6 who is under 18 years of age at the time of an elec-
7 tion for Federal office to vote in the election.”.

8 (b) EFFECTIVE DATE.—The amendment made by
9 subsection (a) shall apply with respect to elections occur-
10 ring on or after January 1, 2022.

11 **Subtitle B—Access to Voting for**
12 **Individuals With Disabilities**

13 **SEC. 1101. REQUIREMENTS FOR STATES TO PROMOTE AC-**
14 **CESS TO VOTER REGISTRATION AND VOTING**
15 **FOR INDIVIDUALS WITH DISABILITIES.**

16 (a) REQUIREMENTS.—Subtitle A of title III of the
17 Help America Vote Act of 2002 (52 U.S.C. 21081 et seq.),
18 as amended by section 1031(a) and section 1056(a), is
19 amended—

20 (1) by redesignating sections 306 and 307 as
21 sections 307 and 308, respectively; and

22 (2) by inserting after section 305 the following
23 new section:

1 **“SEC. 306. ACCESS TO VOTER REGISTRATION AND VOTING**
2 **FOR INDIVIDUALS WITH DISABILITIES.**

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

5 “(1) ensure that absentee registration forms,
6 absentee ballot applications, and absentee ballots
7 that are available electronically are accessible (as de-
8 fined in section 307);

9 “(2) permit individuals with disabilities to use
10 absentee registration procedures and to vote by ab-
11 sentee ballot in elections for Federal office;

12 “(3) accept and process, with respect to any
13 election for Federal office, any otherwise valid voter
14 registration application and absentee ballot applica-
15 tion from an individual with a disability if the appli-
16 cation is received by the appropriate State election
17 official within the deadline for the election which is
18 applicable under Federal law;

19 “(4) in addition to any other method of reg-
20 istering to vote or applying for an absentee ballot in
21 the State, establish procedures—

22 “(A) for individuals with disabilities to re-
23 quest by mail and electronically voter registra-
24 tion applications and absentee ballot applica-
25 tions with respect to elections for Federal office
26 in accordance with subsection (c);

1 “(B) for States to send by mail and elec-
2 tronically (in accordance with the preferred
3 method of transmission designated by the indi-
4 vidual under subparagraph (C)) voter registra-
5 tion applications and absentee ballot applica-
6 tions requested under subparagraph (A) in ac-
7 cordance with subsection (c)); and

8 “(C) by which such an individual can des-
9 ignate whether the individual prefers that such
10 voter registration application or absentee ballot
11 application be transmitted by mail or electroni-
12 cally;

13 “(5) in addition to any other method of trans-
14 mitting blank absentee ballots in the State, establish
15 procedures for transmitting by mail and electroni-
16 cally blank absentee ballots to individuals with dis-
17 abilities with respect to elections for Federal office
18 in accordance with subsection (d); and

19 “(6) if the State declares or otherwise holds a
20 runoff election for Federal office, establish a written
21 plan that provides absentee ballots are made avail-
22 able to individuals with disabilities in a manner that
23 gives them sufficient time to vote in the runoff elec-
24 tion.

1 “(b) DESIGNATION OF SINGLE STATE OFFICE TO
2 PROVIDE INFORMATION ON REGISTRATION AND ABSEN-
3 TEE BALLOT PROCEDURES FOR VOTERS WITH DISABIL-
4 ITIES IN STATE.—

5 “(1) IN GENERAL.—Each State shall designate
6 a single office which shall be responsible for pro-
7 viding information regarding voter registration pro-
8 cedures, absentee ballot procedures, and in-person
9 voting procedures to be used by individuals with dis-
10 abilities with respect to elections for Federal office
11 to all individuals with disabilities who wish to reg-
12 ister to vote or vote in any jurisdiction in the State.

13 “(2) RESPONSIBILITIES.—Each State shall,
14 through the office designated in paragraph (1)—

15 “(A) provide information to election offi-
16 cials—

17 “(i) on how to set up and operate ac-
18 cessible voting systems; and

19 “(ii) regarding the accessibility of vot-
20 ing procedures, including guidance on com-
21 patibility with assistive technologies such
22 as screen readers and ballot marking de-
23 vices;

24 “(B) integrate information on accessibility,
25 accommodations, disability, and older individ-

1 uals into regular training materials for poll
2 workers and election administration officials;

3 “(C) train poll workers on how to make
4 polling places accessible for individuals with dis-
5 abilities and older individuals;

6 “(D) promote the hiring of individuals with
7 disabilities and older individuals as poll workers
8 and election staff; and

9 “(E) publicly post the results of any audits
10 to determine the accessibility of polling places
11 no later than 6 months after the completion of
12 the audit.

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

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

23 “(A) for use by individuals with disabilities
24 who wish to register to vote or vote in any ju-
25 risdiction in the State to request voter registra-

1 tion applications and absentee ballot applica-
2 tions under subsection (a)(4);

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

6 “(C) for the purpose of providing related
7 voting, balloting, and election information to in-
8 dividuals with disabilities.

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

17 “(3) INCLUSION OF DESIGNATED MEANS OF
18 ELECTRONIC COMMUNICATION WITH INFORMA-
19 TIONAL AND INSTRUCTIONAL MATERIALS THAT AC-
20 COMPANY BALLOTING MATERIALS.—Each State shall
21 include a means of electronic communication so des-
22 ignated with all informational and instructional ma-
23 terials that accompany balloting materials sent by
24 the State to individuals with disabilities.

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

9 “(d) TRANSMISSION OF BLANK ABSENTEE BALLOTS
10 BY MAIL AND ELECTRONICALLY.—

11 “(1) IN GENERAL.—Each State shall establish
12 procedures—

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

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

23 “(2) TRANSMISSION IF NO PREFERENCE INDI-
24 CATED.—In the case where an individual with a dis-
25 ability does not designate a preference under para-

1 graph (1)(B), the State shall transmit the ballot by
2 any delivery method allowable in accordance with ap-
3 plicable State law, or if there is no applicable State
4 law, by mail.

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

17 “(e) RULE OF CONSTRUCTION.—Nothing in this sec-
18 tion may be construed to allow a voter’s ballot selections
19 to be transmitted over the internet or to allow for the elec-
20 tronic submission of a marked ballot.

21 “(f) INDIVIDUAL WITH A DISABILITY DEFINED.—In
22 this section, an ‘individual with a disability’ means an in-
23 dividual with an impairment that substantially limits any
24 major life activities and who is otherwise qualified to vote
25 in elections for Federal office.

1 “(g) EFFECTIVE DATE.—This section shall apply
2 with respect to elections for Federal office held on or after
3 January 1, 2022.”.

4 (b) CONFORMING AMENDMENT RELATING TO
5 ISSUANCE OF VOLUNTARY GUIDANCE BY ELECTION AS-
6 SISTANCE COMMISSION.—

7 (1) TIMING OF ISSUANCE.—Section 311(b) of
8 such Act (52 U.S.C. 21101(b)) is amended—

9 (A) by striking “and” at the end of para-
10 graph (2);

11 (B) by striking the period at the end of
12 paragraph (3) and inserting “; and”; and

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

15 “(4) in the case of the recommendations with
16 respect to section 306, January 1, 2022.”.

17 (2) REDESIGNATION.—

18 (A) IN GENERAL.—Title III of such Act
19 (52 U.S.C. 21081 et seq.) is amended by redesi-
20 gnating sections 311 and 312 as sections 321
21 and 322, respectively.

22 (B) CONFORMING AMENDMENT.—Section
23 322(a) of such Act, as redesignated by subpara-
24 graph (A), is amended by striking “section
25 312” and inserting “section 322”.

1 (c) CLERICAL AMENDMENTS.—The table of contents
 2 of such Act, as amended by section 1031(c) and section
 3 1056(b), is amended—

4 (1) by redesignating the items relating to sec-
 5 tions 306 and 307 as relating to sections 307 and
 6 308, respectively; and

7 (2) by inserting after the item relating to sec-
 8 tion 305 the following new item:

“Sec. 306. Access to voter registration and voting for individuals with disabili-
 ities.”.

9 **SEC. 1102. ESTABLISHMENT AND MAINTENANCE OF STATE**
 10 **ACCESSIBLE ELECTION WEBSITES.**

11 (a) IN GENERAL.—Subtitle A of title III of the Help
 12 America Vote Act of 2002 (52 U.S.C. 21081 et seq.), as
 13 amended by section 1031(a), section 1056(a), and section
 14 1101(a), is amended—

15 (1) by redesignating sections 307 and 308 as
 16 sections 308 and 309, respectively; and

17 (2) by inserting after section 306 the following:

18 **“SEC. 307. ESTABLISHMENT AND MAINTENANCE OF ACCES-**
 19 **SIBLE ELECTION WEBSITES.**

20 “(a) IN GENERAL.—Not later than January 1, 2023,
 21 each State shall establish a single election website that is
 22 accessible and meets the following requirements:

1 “(1) LOCAL ELECTION OFFICIALS.—The
2 website shall provide local election officials, poll
3 workers, and volunteers with—

4 “(A) guidance to ensure that polling places
5 are accessible for individuals with disabilities
6 and older individuals in a manner that provides
7 the same opportunity for access and participa-
8 tion (including privacy and independence) as for
9 other voters; and

10 “(B) online training and resources on—

11 “(i) how best to promote the access
12 and participation of individuals with dis-
13 abilities and older individuals in elections
14 for public office; and

15 “(ii) the voting rights and protections
16 for individuals with disabilities and older
17 individuals under State and Federal law.

18 “(2) VOTERS.—The website shall provide infor-
19 mation about voting, including—

20 “(A) the accessibility of all polling places
21 within the State, including outreach programs
22 to inform individuals about the availability of
23 accessible polling places;

24 “(B) how to register to vote and confirm
25 voter registration in the State;

1 “(C) the location and operating hours of
2 all polling places in the State;

3 “(D) the availability of aid or assistance
4 for individuals with disabilities and older indi-
5 viduals to cast their vote in a manner that pro-
6 vides the same opportunity for access and par-
7 ticipation (including privacy and independence)
8 as for other voters at polling places;

9 “(E) the availability of transportation aid
10 or assistance to the polling place for individuals
11 with disabilities or older individuals;

12 “(F) the rights and protections under
13 State and Federal law for individuals with dis-
14 abilities and older individuals to participate in
15 elections; and

16 “(G) how to contact State, local, and Fed-
17 eral officials with complaints or grievances if in-
18 dividuals with disabilities, older individuals, Na-
19 tive Americans, Alaska Natives, and individuals
20 with limited proficiency in the English language
21 feel their ability to register to vote or vote has
22 been blocked or delayed.

23 “(b) PARTNERSHIP WITH OUTSIDE TECHNICAL OR-
24 GANIZATION.—The chief State election official of each
25 State, through the committee of appropriate individuals

1 under subsection (c)(2), shall partner with an outside
2 technical organization with demonstrated experience in es-
3 tablishing accessible and easy to use accessible election
4 websites to—

5 “(1) update an existing election website to
6 make it fully accessible in accordance with this sec-
7 tion; or

8 “(2) develop an election website that is fully ac-
9 cessible in accordance with this section.

10 “(c) STATE PLAN.—

11 “(1) DEVELOPMENT.—The chief State election
12 official of each State shall, through a committee of
13 appropriate individuals as described in paragraph
14 (2), develop a State plan that describes how the
15 State and local governments will meet the require-
16 ments under this section.

17 “(2) COMMITTEE MEMBERSHIP.—The com-
18 mittee shall comprise at least the following individ-
19 uals:

20 “(A) The chief election officials of the four
21 most populous jurisdictions within the State.

22 “(B) The chief election officials of the four
23 least populous jurisdictions within the State.

24 “(C) Representatives from two disability
25 advocacy groups, including at least one such

1 representative who is an individual with a dis-
2 ability.

3 “(D) Representatives from two older indi-
4 vidual advocacy groups, including at least one
5 such representative who is an older individual.

6 “(E) Representatives from two inde-
7 pendent non-governmental organizations with
8 expertise in establishing and maintaining acces-
9 sible websites.

10 “(F) Representatives from two inde-
11 pendent non-governmental voting rights organi-
12 zations.

13 “(G) Representatives from State protection
14 and advocacy systems as defined in section 102
15 of the Developmental Disabilities Assistance
16 and Bill of Rights Act of 2000 (42 U.S.C.
17 15002).

18 “(d) PARTNERSHIP TO MONITOR AND VERIFY AC-
19 CESSIBILITY.—The chief State election official of each eli-
20 gible State, through the committee of appropriate individ-
21 uals under subsection (c)(2), shall partner with at least
22 two of the following organizations to monitor and verify
23 the accessibility of the election website and the complete-
24 ness of the election information and the accuracy of the
25 disability information provided on such website:

1 “(1) University Centers for Excellence in Devel-
2 opmental Disabilities Education, Research, and
3 Services designated under section 151(a) of the De-
4 velopmental Disabilities Assistance and Bill of
5 Rights Act of 2000 (42 U.S.C. 15061(a)).

6 “(2) Centers for Independent Living, as de-
7 scribed in part C of title VII of the Rehabilitation
8 Act of 1973 (29 U.S.C. 796f et seq.).

9 “(3) A State Council on Developmental Disabil-
10 ities described in section 125 of the Developmental
11 Disabilities Assistance and Bill of Rights Act of
12 2000 (42 U.S.C. 15025).

13 “(4) State protection and advocacy systems as
14 defined in section 102 of the Developmental Disabil-
15 ities Assistance and Bill of Rights Act of 2000 (42
16 U.S.C. 15002).

17 “(5) Statewide Independent Living Councils es-
18 tablished under section 705 of the Rehabilitation Act
19 of 1973 (29 U.S.C. 796d).

20 “(6) State Assistive Technology Act Programs.

21 “(7) A visual access advocacy organization.

22 “(8) An organization for the deaf.

23 “(9) A mental health organization.

24 “(e) DEFINITIONS.—For purposes of this section,
25 section 305, and section 307:

1 “(1) ACCESSIBLE.—The term ‘accessible’
2 means—

3 “(A) in the case of the election website
4 under subsection (a) or an electronic commu-
5 nication under section 305—

6 “(i) that the functions and content of
7 the website or electronic communication,
8 including all text, visual, and aural con-
9 tent, are as accessible to people with dis-
10 abilities as to those without disabilities;

11 “(ii) that the functions and content of
12 the website or electronic communication
13 are accessible to individuals with limited
14 proficiency in the English language; and

15 “(iii) that the website or electronic
16 communication meets, at a minimum, con-
17 formance to Level AA of the Web Content
18 Accessibility Guidelines 2.0 of the Web Ac-
19 cessibility Initiative (or any successor
20 guidelines); and

21 “(B) in the case of a facility (including a
22 polling place), that the facility is readily acces-
23 sible to and usable by individuals with disabil-
24 ities and older individuals, as determined under
25 the 2010 ADA Standards for Accessible Design

1 adopted by the Department of Justice (or any
2 successor standards).

3 “(2) INDIVIDUAL WITH A DISABILITY.—The
4 term ‘individual with a disability’ means an indi-
5 vidual with a disability, as defined in section 3 of the
6 Americans with Disabilities Act of 1990 (42 U.S.C.
7 12102), and who is otherwise qualified to vote in
8 elections for Federal office.

9 “(3) OLDER INDIVIDUAL.—The term ‘older in-
10 dividual’ means an individual who is 60 years of age
11 or older and who is otherwise qualified to vote in
12 elections for Federal office.

13 “(4) STATE.—The term ‘State’ means a State
14 of the United States, the District of Columbia, the
15 Commonwealth of Puerto Rico, and any territory or
16 possession of the United States.”.

17 (b) VOLUNTARY GUIDANCE.—Section 321(b)(4) such
18 Act (52 U.S.C. 21101(b)), as added and redesignated by
19 section 1101(b), is amended by striking “section 306” and
20 inserting “sections 306 and 307”.

21 (c) CLERICAL AMENDMENTS.—The table of contents
22 of such Act, as amended by section 1031(c), section
23 1056(b), and section 1101(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, respectively; and

4 (2) by inserting after the item relating to sec-
 5 tion 306 the following new item:

“Sec. 307. Establishment and maintenance of accessible election websites.”.

6 **SEC. 1103. PROTECTIONS FOR IN-PERSON VOTING FOR IN-**
 7 **INDIVIDUALS WITH DISABILITIES AND OLDER**
 8 **INDIVIDUALS.**

9 (a) REQUIREMENT.—

10 (1) IN GENERAL.—Subtitle A of title III of the
 11 Help America Vote Act of 2002 (52 U.S.C. 21081
 12 et seq.), as amended by section 1031(a), section
 13 1056(a), section 1101(a), and section 1102(a), is
 14 amended—

15 (A) by redesignating sections 308 and 309
 16 as sections 309 and 310, respectively; and

17 (B) by inserting after section 307 the fol-
 18 lowing:

19 **“SEC. 308. ACCESS TO VOTING FOR INDIVIDUALS WITH DIS-**
 20 **ABILITIES AND OLDER INDIVIDUALS.**

21 “(a) IN GENERAL.—Each State shall—

22 “(1) ensure all polling places within the State
 23 are accessible, as defined in section 306;

24 “(2) consider procedures to address long wait
 25 times at polling places that allow individuals with

1 disabilities and older individuals alternate options to
2 cast a ballot in person in an election for Federal of-
3 fice, such as the option to cast a ballot outside of
4 the polling place or from a vehicle, or providing an
5 expedited voting line; and

6 “(3) consider options to establish ‘mobile poll-
7 ing sites’ to allow election officials or volunteers to
8 travel to long-term care facilities and assist residents
9 who request assistance in casting a ballot in order
10 to maintain the privacy and independence of voters
11 in these facilities.

12 “(b) CLARIFICATION.—Nothing in this section may
13 be construed to alter the requirements under Federal law
14 that all polling places for Federal elections are accessible
15 to individuals with disabilities and older individuals.

16 “(c) EFFECTIVE DATE.—This section shall apply
17 with respect to elections for Federal office held on or after
18 January 1, 2024.”.

19 (2) VOLUNTARY GUIDANCE.—Section 321(b)(4)
20 such Act (52 U.S.C. 21101(b)), as added and reded-
21 igned by section 1101(b) and as amended by sec-
22 tion 1102, is amended by striking “and 307” and
23 inserting “, 307, and 308”.

24 (3) CLERICAL AMENDMENTS.—The table of
25 contents of such Act, as amended by section

1 1031(c), section 1056(b), section 1101(c), and sec-
 2 tion 1102(c), is amended—

3 (A) by redesignating the items relating to
 4 sections 308 and 309 as relating to sections
 5 309 and 310, respectively; and

6 (B) by inserting after the item relating to
 7 section 307 the following new item:

“Sec. 308. Access to voting for individuals with disabilities and older individ-
 uals.”.

8 (b) REVISIONS TO VOTING ACCESSIBILITY FOR THE
 9 ELDERLY AND HANDICAPPED ACT.—

10 (1) REPORTS TO ELECTION ASSISTANCE COM-
 11 MISSION.—Section 3(c) of the Voting Accessibility
 12 for the Elderly and Handicapped Act (52 U.S.C.
 13 20102(c)) is amended—

14 (A) in the subsection heading, by striking
 15 “FEDERAL ELECTION COMMISSION” and in-
 16 serting “ELECTION ASSISTANCE COMMISSION”;

17 (B) in each of paragraphs (1) and (2), by
 18 striking “Federal Election Commission” and in-
 19 serting “Election Assistance Commission”; and

20 (C) by striking paragraph (3).

21 (2) CONFORMING AMENDMENTS RELATING TO
 22 REFERENCES.—The Voting Accessibility for the El-
 23 derly and Handicapped Act (52 U.S.C. 20101 et
 24 seq.), as amended by paragraph (1), is amended—

1 (A) by striking “handicapped and elderly
2 individuals” each place it appears and inserting
3 “individuals with disabilities and older individ-
4 uals”;

5 (B) by striking “handicapped and elderly
6 voters” each place it appears and inserting “in-
7 dividuals with disabilities and older individ-
8 uals”;

9 (C) in section 3(b)(2)(B), by striking
10 “handicapped or elderly voter” and inserting
11 “individual with a disability or older indi-
12 vidual”;

13 (D) in section 5(b), by striking “handi-
14 capped voter” and inserting “individual with a
15 disability”; and

16 (E) in section 8—

17 (i) by striking paragraphs (1) and (2)

18 and inserting the following:

19 “(1) ‘accessible’ has the meaning given that
20 term in section 307 of the Help America Vote Act
21 of 2002, as added by section 1102(a) of the For the
22 People Act of 2021;

23 “(2) ‘older individual’ has the meaning given
24 that term in such section 307;” and

1 (ii) by striking paragraph (4), and in-
2 serting the following:

3 “(4) ‘individual with a disability’ has the mean-
4 ing given that term in such section 306; and”.

5 (3) SHORT TITLE AMENDMENT.—

6 (A) IN GENERAL.—Section 1 of the “Vot-
7 ing Accessibility for the Elderly and Handi-
8 capped Act” (Public Law 98–435; 42 U.S.C.
9 1973ee note) is amended by striking “for the
10 Elderly and Handicapped” and inserting “for
11 Individuals with Disabilities and Older Individ-
12 uals”.

13 (B) REFERENCES.—Any reference in any
14 other provision of law, regulation, document,
15 paper, or other record of the United States to
16 the “Voting Accessibility for the Elderly and
17 Handicapped Act” shall be deemed to be a ref-
18 erence to the “Voting Accessibility for Individ-
19 uals with Disabilities and Older Individuals
20 Act”.

21 (4) EFFECTIVE DATE.—The amendments made
22 by this subsection shall take effect on January 1,
23 2024, and apply to with respect to elections for Fed-
24 eral office held on or after that date.

1 **SEC. 1104. PROTECTIONS FOR INDIVIDUALS SUBJECT TO**
2 **GUARDIANSHIP.**

3 (a) IN GENERAL.—Subtitle A of title III of the Help
4 America Vote Act of 2002 (52 U.S.C. 21081 et seq.), as
5 amended by section 1031(a), section 1056(a), section
6 1101(a), section 1102(a), and section 1103(a)(1), is
7 amended—

8 (1) by redesignating sections 309 and 310 as
9 sections 310 and 311, respectively; and

10 (2) by inserting after section 308 the following:

11 **“SEC. 309. PROTECTIONS FOR INDIVIDUALS SUBJECT TO**
12 **GUARDIANSHIP.**

13 “(a) IN GENERAL.—A State shall not determine that
14 an individual lacks the capacity to vote in an election for
15 Federal office on the ground that the individual is subject
16 to guardianship, unless a court of competent jurisdiction
17 issues a court order finding by clear and convincing evi-
18 dence that the individual cannot communicate, with or
19 without accommodations, a desire to participate in the vot-
20 ing process.

21 “(b) EFFECTIVE DATE.—This section shall apply
22 with respect to elections for Federal office held on or after
23 January 1, 2022.”.

24 (b) VOLUNTARY GUIDANCE.—Section 321(b)(4) such
25 Act (52 U.S.C. 21101(b)), as added and redesignated by
26 section 1101(b) and as amended by sections 1102 and

1 1103, is amended by striking “and 308” and inserting
 2 “308, and 309”.

3 (c) CLERICAL AMENDMENTS.—The table of contents
 4 of such Act, as amended by section 1031(c), section
 5 1056(b), section 1101(c), section 1102(c), and section
 6 1103(a)(3), is amended—

7 (1) by redesignating the items relating to sec-
 8 tions 309 and 310 as relating to sections 310 and
 9 311, respectively; and

10 (2) by inserting after the item relating to sec-
 11 tion 308 the following new item:

“Sec. 309. Access to voting for individuals with disabilities and older individ-
 uals.”.

12 **SEC. 1105. EXPANSION AND REAUTHORIZATION OF GRANT**
 13 **PROGRAM TO ASSURE VOTING ACCESS FOR**
 14 **INDIVIDUALS WITH DISABILITIES.**

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

19 “(1) making absentee voting and voting at
 20 home accessible to individuals with the full range of
 21 disabilities (including impairments involving vision,
 22 hearing, mobility, or dexterity) through the imple-
 23 mentation of accessible absentee voting systems that
 24 work in conjunction with assistive technologies for

1 which individuals have access at their homes, inde-
2 pendent living centers, or other facilities;

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

10 “(3) providing solutions to problems of access
11 to voting and elections for individuals with disabili-
12 ties that are universally designed and provide the
13 same opportunities for individuals with and without
14 disabilities.”.

15 (b) REAUTHORIZATION.—Section 264(a) of such Act
16 (52 U.S.C. 21024(a)) is amended by adding at the end
17 the following new paragraph:

18 “(4) For fiscal year 2022 and each succeeding
19 fiscal year, such sums as may be necessary to carry
20 out this part.”.

21 (c) PERIOD OF AVAILABILITY OF FUNDS.—Section
22 264 of such Act (52 U.S.C. 21024) is amended—

23 (1) in subsection (b), by striking “Any
24 amounts” and inserting “Except as provided in sub-
25 section (b), any amounts”; and

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

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

4 “(1) DEADLINE FOR OBLIGATION AND EXPEND-
5 ITURE.—In the case of any amounts appropriated
6 pursuant to the authority of subsection (a) for a
7 payment to a State or unit of local government for
8 fiscal year 2022 or any succeeding fiscal year, any
9 portion of such amounts which have not been obli-
10 gated or expended by the State or unit of local gov-
11 ernment prior to the expiration of the 4-year period
12 which begins on the date the State or unit of local
13 government first received the amounts shall be
14 transferred to the Commission.

15 “(2) REALLOCATION OF TRANSFERRED
16 AMOUNTS.—

17 “(A) IN GENERAL.—The Commission shall
18 use the amounts transferred under paragraph
19 (1) to make payments on a pro rata basis to
20 each covered payment recipient described in
21 subparagraph (B), which may obligate and ex-
22 pend such payment for the purposes described
23 in section 261(b) during the 1-year period
24 which begins on the date of receipt.

1 “(B) COVERED PAYMENT RECIPIENTS DE-
2 SCRIBED.—In subparagraph (A), a ‘covered
3 payment recipient’ is a State or unit of local
4 government with respect to which—

5 “(i) amounts were appropriated pur-
6 suant to the authority of subsection (a);
7 and

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

10 **SEC. 1106. APPOINTMENTS TO EAC BOARD OF ADVISORS.**

11 (a) IN GENERAL.—Section 214(a) of the Help Amer-
12 ica Vote Act of 2002 (52 U.S.C. 20944(a)) is amended—

13 (1) in the matter preceding paragraph (1), by
14 striking “37” and inserting “61”; and

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

17 “(17) Two members appointed by the National
18 Council on Disability.

19 “(18) Two members appointed by the Assistant
20 Secretary of Health and Human Services for Aging.

21 “(19) Four members from organizations, whose
22 executive leadership team consists of fifty-one per-
23 cent of individuals with disabilities, representing the
24 interests of voters with disabilities, of whom—

1 “(A) two members shall be appointed by
2 the Committee on House Administration of the
3 House of Representatives, of whom one shall be
4 appointed by the chair and one shall be ap-
5 pointed by the ranking minority member; and

6 “(B) two members shall be appointed by
7 the Committee on Rules and Administration of
8 the Senate, of whom one shall be appointed by
9 the chair and one shall be appointed by the
10 ranking minority member.

11 “(20) Four members from organizations rep-
12 resenting the interests of older voters, of whom—

13 “(A) two members shall be appointed by
14 the Committee on House Administration, of
15 whom one shall be appointed by the chair and
16 one shall be appointed by the ranking minority
17 member; and

18 “(B) two members shall be appointed by
19 the Committee on Rules and Administration of
20 the Senate, of whom one shall be appointed by
21 the chair and one shall be appointed by the
22 ranking minority member.

23 “(21) Twelve members who are nationally rec-
24 ognized subject matter experts regarding election in-
25 tegrity, having specializations to include election cy-

1 bersecurity, authentication, accessibility, trans-
2 parency, verification, and auditing, and who are not
3 full-time election officials, of whom—

4 “(A) two members shall be appointed by
5 the Cybersecurity and Infrastructure Security
6 Agency;

7 “(B) two members shall be appointed by
8 the National Science Foundation;

9 “(C) two members shall be appointed by
10 the Institute for Defense Analyses;

11 “(D) two members shall be appointed by
12 the Association for Computing Machinery;

13 “(E) two members shall be appointed by
14 the National Association of State Chief Infor-
15 mation Officers;

16 “(F) one member shall be appointed by the
17 Center for Internet Security; and

18 “(G) one member shall be the Director of
19 the Elections Infrastructure Information Shar-
20 ing and Analysis Center, or the Director’s des-
21 ignee.”.

22 (b) EFFECTIVE DATE.—The amendments made by
23 subsection (a) shall take effect on January 1, 2022.

1 **SEC. 1107. FUNDING FOR PROTECTION AND ADVOCACY SYS-**
2 **TEMS.**

3 (a) INCLUSION OF SYSTEM SERVING AMERICAN IN-
4 DIAN CONSORTIUM.—Section 291(a) of the Help America
5 Vote Act of 2002 (52 U.S.C. 21061(a)) is amended by
6 striking “of each State” and inserting “of each State and
7 the eligible system serving the American Indian consor-
8 tium (within the meaning of section 509(c)(1)(B) of the
9 Rehabilitation Act of 1973 (29 U.S.C. 794e(c)(1)(B)))”.

10 (b) GRANT AMOUNT.—Section 291(b) of the Help
11 America Vote Act of 2002 (52 U.S.C. 21061(b)) is amend-
12 ed—

13 (1) by striking “as set forth in subsections
14 (c)(3)” and inserting “as set forth in subsections
15 (c)(1)(B) (regardless of the fiscal year), (c)(3)”;

16 (2) by striking “except that” and all that fol-
17 lows and inserting “except that the amount of the
18 grants to systems referred to in subsection (c)(3)(B)
19 of that section shall not be less than \$70,000 and
20 the amount of the grants to systems referred to in
21 subsections (c)(1)(B) and (c)(4)(B) of that section
22 shall not be less than \$35,000.”.

23 (c) DEFINITION.—Section 291 of the Help America
24 Vote Act of 2002 (52 U.S.C. 21061) is amended by adding
25 at the end the following:

1 “(d) STATE.—In this section, the term ‘State’
2 means—

3 “(1) a State as defined in section 901; and

4 “(2) the Commonwealth of the Northern Mar-
5 iana Islands.”.

6 **SEC. 1108. PILOT PROGRAMS FOR ENABLING INDIVIDUALS**
7 **WITH DISABILITIES TO REGISTER TO VOTE**
8 **PRIVATELY AND INDEPENDENTLY AT RESI-**
9 **DENCES.**

10 (a) ESTABLISHMENT OF PILOT PROGRAMS.—The
11 Election Assistance Commission (hereafter referred to as
12 the “Commission”) shall, subject to the availability of ap-
13 propriations to carry out this section, make grants to eligi-
14 ble States to conduct pilot programs under which individ-
15 uals with disabilities may use electronic means (including
16 the internet and telephones utilizing assistive devices) to
17 register to vote and to request and receive absentee ballots
18 in a manner which permits such individuals to do so pri-
19 vately and independently at their own residences.

20 (b) REPORTS.—

21 (1) IN GENERAL.—A State receiving a grant for
22 a year under this section shall submit a report to the
23 Commission on the pilot programs the State carried
24 out with the grant with respect to elections for pub-
25 lic office held in the State during the year.

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

5 (c) ELIGIBILITY.—A State is eligible to receive a
6 grant under this section if the State submits to the Com-
7 mission, at such time and in such form as the Commission
8 may require, an application containing such information
9 and assurances as the Commission may require.

10 (d) TIMING.—The Commission shall make the first
11 grants under this section for pilot programs which will be
12 in effect with respect to elections for Federal office held
13 in 2022, or, at the option of a State, with respect to other
14 elections for public office held in the State in 2022.

15 (e) STATE DEFINED.—In this section, the term
16 “State” includes the District of Columbia, the Common-
17 wealth of Puerto Rico, Guam, American Samoa, the
18 United States Virgin Islands, and the Commonwealth of
19 the Northern Mariana Islands.

20 **SEC. 1109. GAO ANALYSIS AND REPORT ON VOTING ACCESS**
21 **FOR INDIVIDUALS WITH DISABILITIES.**

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

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

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

7 (B) the extent to which such facilities are
8 used as polling places in elections for Federal
9 office.

10 (2) Assistance provided by the Election Assist-
11 ance Commission, Department of Justice, or other
12 Federal agencies to help State and local officials im-
13 prove voting access for individuals with disabilities
14 during elections for Federal office.

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

18 (A) are located in places that are difficult
19 to access;

20 (B) malfunction; or

21 (C) fail to provide sufficient privacy to en-
22 sure that the ballot of the individual cannot be
23 seen by another individual.

24 (4) The process by which Federal, State, and
25 local governments track compliance with accessibility

1 requirements related to voting access, including
2 methods to receive and address complaints.

3 (5) The extent to which poll workers receive
4 training on how to assist individuals with disabili-
5 ties, including the receipt by such poll workers of
6 information on legal requirements related to voting
7 rights for individuals with disabilities.

8 (6) The extent and effectiveness of training pro-
9 vided to poll workers on the operation of accessible
10 voting machines.

11 (7) The extent to which individuals with a de-
12 velopmental or psychiatric disability experience
13 greater barriers to voting, and whether poll worker
14 training adequately addresses the needs of such indi-
15 viduals.

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

19 (b) REPORT.—

20 (1) IN GENERAL.—Not later than 9 months
21 after the date of a regularly scheduled general elec-
22 tion for Federal office, the Comptroller General shall
23 submit to the appropriate congressional committees
24 a report with respect to the most recent regularly

1 scheduled general election for Federal office that
2 contains the following:

3 (A) The analysis required by subsection

4 (a).

5 (B) Recommendations, as appropriate, to

6 promote the use of best practices used by State

7 and local officials to address barriers to accessi-

8 bility and privacy concerns for individuals with

9 disabilities in elections for Federal office.

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

13 (A) the Committee on House Administra-

14 tion of the House of Representatives;

15 (B) the Committee on Rules and Adminis-

16 tration of the Senate;

17 (C) the Committee on Appropriations of

18 the House of Representatives; and

19 (D) the Committee on Appropriations of

20 the Senate.

21 **Subtitle C—Prohibiting Voter**
22 **Caging**

23 **SEC. 1201. VOTER CAGING AND OTHER QUESTIONABLE**
24 **CHALLENGES PROHIBITED.**

25 (a) DEFINITIONS.—In this section—

1 (1) the term “voter caging document” means—

2 (A) a non-forwardable document that is re-
3 turned to the sender or a third party as unde-
4 livered or undeliverable despite an attempt to
5 deliver such document to the address of a reg-
6 istered voter or applicant; or

7 (B) any document with instructions to an
8 addressee that the document be returned to the
9 sender or a third party but is not so returned,
10 despite an attempt to deliver such document to
11 the address of a registered voter or applicant,
12 unless at least two Federal election cycles have
13 passed since the date of the attempted delivery;

14 (2) the term “voter caging list” means a list of
15 individuals compiled from voter caging documents;
16 and

17 (3) the term “unverified match list” means a
18 list produced by matching the information of reg-
19 istered voters or applicants for voter registration to
20 a list of individuals who are ineligible to vote in the
21 registrar’s jurisdiction, by virtue of death, convic-
22 tion, change of address, or otherwise; unless one of
23 the pieces of information matched includes a signa-
24 ture, photograph, or unique identifying number en-

1 suring that the information from each source refers
2 to the same individual.

3 (b) PROHIBITION AGAINST VOTER CAGING.—No
4 State or local election official shall prevent an individual
5 from registering or voting in any election for Federal of-
6 fice, or permit in connection with any election for Federal
7 office a formal challenge under State law to an individual’s
8 registration status or eligibility to vote, if the basis for
9 such decision is evidence consisting of—

10 (1) a voter caging document or voter caging
11 list;

12 (2) an unverified match list;

13 (3) an error or omission on any record or paper
14 relating to any application, registration, or other act
15 requisite to voting, if such error or omission is not
16 material to an individual’s eligibility to vote under
17 section 2004(a)(2)(B) of the Revised Statutes (52
18 U.S.C. 10101(a)(2)(B)); or

19 (4) any other evidence so designated for pur-
20 poses of this section by the Election Assistance Com-
21 mission,

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

1 (c) REQUIREMENTS FOR CHALLENGES BY PERSONS
2 OTHER THAN ELECTION OFFICIALS.—

3 (1) REQUIREMENTS FOR CHALLENGES.—No
4 person, other than a State or local election official,
5 shall submit a formal challenge to an individual's eli-
6 gibility to register to vote in an election for Federal
7 office or to vote in an election for Federal office un-
8 less that challenge is supported by personal knowl-
9 edge with respect to each individual challenged re-
10 garding the grounds for ineligibility which is—

11 (A) documented in writing; and

12 (B) subject to an oath or attestation under
13 penalty of perjury that the challenger has a
14 good faith factual basis to believe that the indi-
15 vidual who is the subject of the challenge is in-
16 eligible to register to vote or vote in that elec-
17 tion, except a challenge which is based on the
18 age, race, ethnicity, or national origin of the in-
19 dividual who is the subject of the challenge may
20 not be considered to have a good faith factual
21 basis for purposes of this paragraph.

22 (2) PROHIBITION ON CHALLENGES ON OR NEAR
23 DATE OF ELECTION.—No person, other than a State
24 or local election official, shall be permitted—

1 (A) to challenge an individual's eligibility
2 to vote in an election for Federal office on Elec-
3 tion Day on grounds that could have been made
4 in advance of such day, or

5 (B) to challenge an individual's eligibility
6 to register to vote in an election for Federal of-
7 fice or to vote in an election for Federal office
8 less than 10 days before the election unless the
9 individual registered to vote less than 20 days
10 before the election.

11 (d) ENFORCEMENT.—

12 (1) CIVIL ENFORCEMENT.—

13 (A) IN GENERAL.—The Attorney General
14 may bring a civil action in an appropriate dis-
15 trict court for such declaratory or injunctive re-
16 lief as is necessary to carry out this section.

17 (B) PRIVATE RIGHT OF ACTION.—

18 (i) IN GENERAL.—A person who is ag-
19 grieved by a violation of this section may
20 provide written notice of the violation to—

21 (I) in the case of a violation of
22 subsection (b), the chief election offi-
23 cial of the State involved; and

24 (II) in the case of a violation of
25 subsection (c), the Attorney General.

1 (ii) RELIEF.—Except as provided in
2 paragraph (3), if the violation is not cor-
3 rected within 90 days after receipt of a no-
4 tice under paragraph (1), or within 20
5 days after receipt of the notice if the viola-
6 tion occurred within 120 days before the
7 date of an election for Federal office, the
8 aggrieved person may, in a civil action, ob-
9 tain declaratory or injunctive relief with re-
10 spect to the violation.

11 (iii) EXCEPTION.—If the violation oc-
12 curred within 30 days before the date of
13 an election for Federal office, the ag-
14 grieved person need not provide notice
15 under paragraph (1) before bringing a civil
16 action to obtain declaratory or injunctive
17 relief with respect to the violation.

18 (2) CRIMINAL PENALTY.—Whoever knowingly
19 challenges the eligibility of one or more individuals
20 to register or vote or knowingly causes the eligibility
21 of such individuals to be challenged in violation of
22 this section with the intent that one or more eligible
23 voters be disqualified, shall be fined under title 18,
24 United States Code, or imprisoned not more than 1

1 year, or both, for each such violation. Each violation
2 shall be a separate offense.

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

8 **SEC. 1202. DEVELOPMENT AND ADOPTION OF BEST PRACTICES FOR PREVENTING VOTER CAGING.**

9
10 (a) BEST PRACTICES.—Not later than 180 days after
11 the date of the enactment of this Act, the Election Assist-
12 ance Commission, in consultation with the Department of
13 Justice, shall develop and publish for the use of States
14 recommendations for best practices to deter and prevent
15 violations of section 1201, including practices to provide
16 for the posting of relevant information at polling places
17 and voter registration agencies, the training of poll work-
18 ers and election officials, and relevant educational meas-
19 ures. For purposes of this subsection, the term “State”
20 includes the District of Columbia, the Commonwealth of
21 Puerto Rico, Guam, American Samoa, the United States
22 Virgin Islands, and the Commonwealth of the Northern
23 Mariana Islands.

24 (b) INCLUSION IN VOTING INFORMATION REQUIRE-
25 MENTS.—Section 302(b)(2) of the Help America Vote Act

1 of 2002 (52 U.S.C. 21082(b)(2)), as amended by section
 2 1072(b), is amended—

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

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

7 (3) by adding at the end the following new sub-
 8 paragraph:

9 “(H) information relating to the prohibi-
 10 tion against voter caging and other questionable
 11 challenges (as set forth in section 1201 of the
 12 For the People Act of 2021), including informa-
 13 tion on how individuals may report allegations
 14 of violations of such prohibition.”.

15 **Subtitle D—Prohibiting Deceptive**
 16 **Practices and Preventing Voter**
 17 **Intimidation**

18 **SEC. 1301. SHORT TITLE.**

19 This subtitle may be cited as the “Deceptive Prac-
 20 tices and Voter Intimidation Prevention Act of 2021”.

21 **SEC. 1302. PROHIBITION ON DECEPTIVE PRACTICES IN**
 22 **FEDERAL ELECTIONS.**

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

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

3 “(1) IN GENERAL.—No person”; and

4 (2) by inserting at the end the following new
5 paragraphs:

6 “(2) FALSE STATEMENTS REGARDING FEDERAL
7 ELECTIONS.—

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

18 “(i) knows such information to be ma-
19 terially false; and

20 “(ii) has the intent to impede or pre-
21 vent another person from exercising the
22 right to vote in an election described in
23 paragraph (5).

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

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

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

10 “(I) any criminal, civil, or other
11 legal penalties associated with voting
12 in any such election; or

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

16 “(3) FALSE STATEMENTS REGARDING PUBLIC
17 ENDORSEMENTS.—

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

1 “(i) knows such statement to be false;

2 and

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

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

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

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

20 “(4) HINDERING, INTERFERING WITH, OR PRE-
21 VENTING VOTING OR REGISTERING TO VOTE.—No
22 person, whether acting under color of law or other-
23 wise, shall intentionally hinder, interfere with, or
24 prevent another person from voting, registering to
25 vote, or aiding another person to vote or register to

1 vote in an election described in paragraph (5), in-
2 cluding by operating a polling place or ballot box
3 that falsely purports to be an official location estab-
4 lished for such an election by a unit of government.

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

13 (b) PRIVATE RIGHT OF ACTION.—

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

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

19 “(1) IN GENERAL.—Whenever any person”; and

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

22 “(2) CIVIL ACTION.—Any person aggrieved by a
23 violation of this section may institute a civil action
24 for preventive relief, including an application in a
25 United States district court for a permanent or tem-

1 porary injunction, restraining order, or other order.
2 In any such action, the court, in its discretion, may
3 allow the prevailing party a reasonable attorney's fee
4 as part of the costs.”.

5 (2) CONFORMING AMENDMENTS.—Section 2004
6 of the Revised Statutes (52 U.S.C. 10101) is
7 amended—

8 (A) in subsection (e), by striking “sub-
9 section (c)” and inserting “subsection (c)(1)”;
10 and

11 (B) in subsection (g), by striking “sub-
12 section (e)” and inserting “subsection (c)(1)”.

13 (c) CRIMINAL PENALTIES.—

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

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

18 “(a) INTIMIDATION.—Whoever”;

19 (B) in subsection (a), as inserted by sub-
20 paragraph (A), by striking “at any election”
21 and inserting “at any general, primary, runoff,
22 or special election”; and

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

25 “(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 impede or pre-
17 vent another person from exercising the
18 right to vote in an election described in
19 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, civil, or other
5 legal penalties associated with voting
6 in any such election; 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 corruptly hinder, interfere with, or pre-
18 vent another person from voting, registering to vote,
19 or aiding another person to vote or register to vote
20 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, runoff, 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, Senator, Member of
8 the House of Representatives, or Delegate or Resident
9 Commissioner to the Congress.”.

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, runoff, 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 1302(c), in connection with the receipt of an al-
14 legation described in subparagraph (A) by the
15 Attorney 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 2021”.

24 **SEC. 1402. FINDINGS.**

25 Congress makes the following findings:

1 (1) The right to vote is the most basic constitu-
2 tive act of citizenship. Regaining the right to vote
3 reintegrates individuals with criminal convictions
4 into free society, helping to enhance public safety.

5 (2) Article I, section 4, of the Constitution
6 grants Congress ultimate supervisory power over
7 Federal elections, an authority which has repeatedly
8 been upheld by the United States Supreme Court.

9 (3) Basic constitutional principles of fairness
10 and equal protection require an equal opportunity
11 for citizens of the United States to vote in Federal
12 elections. The right to vote may not be abridged or
13 denied by the United States or by any State on ac-
14 count of race, color, gender, or previous condition of
15 servitude. The 13th, 14th, 15th, 19th, 24th, and
16 26th Amendments to the Constitution empower Con-
17 gress to enact measures to protect the right to vote
18 in Federal elections. The 8th Amendment to the
19 Constitution provides for no excessive bail to be re-
20 quired, nor excessive fines imposed, nor cruel and
21 unusual punishments inflicted.

22 (4) There are 3 areas in which discrepancies in
23 State laws regarding criminal convictions lead to un-
24 fairness in Federal elections—

1 (A) the lack of a uniform standard for vot-
2 ing in Federal elections leads to an unfair dis-
3 parity and unequal participation in Federal
4 elections based solely on where a person lives;

5 (B) laws governing the restoration of vot-
6 ing rights after a criminal conviction vary
7 throughout the country and persons in some
8 States can easily regain their voting rights
9 while in other States persons effectively lose
10 their right to vote permanently; and

11 (C) State disenfranchisement laws dis-
12 proportionately impact racial and ethnic minori-
13 ties.

14 (5) State disenfranchisement laws vary widely.
15 Two States (Maine and Vermont) and the Common-
16 wealth of Puerto Rico do not disenfranchise individ-
17 uals with criminal convictions at all. In 2020, the
18 District of Columbia re-enfranchised its citizens who
19 are under the supervision of the Federal Bureau of
20 Prisons. In 30 States, individuals with convictions
21 may not vote while they are on parole and 28 of
22 those States disenfranchise individuals on felony
23 probation as well. In 11 States, a conviction can re-
24 sult in lifetime disenfranchisement.

1 (6) Several States deny the right to vote to in-
2 dividuals convicted of certain misdemeanors.

3 (7) In 2020, an estimated 5,200,000 citizens of
4 the United States, or about 1 in 44 adults in the
5 United States, could not vote as a result of a felony
6 conviction. Of the 5,200,000 citizens barred from
7 voting then, only 24 percent were in prison. By con-
8 trast, 75 percent of persons disenfranchised then re-
9 sided in their communities while on probation or pa-
10 role or after having completed their sentences. Ap-
11 proximately 2,200,000 citizens who had completed
12 their sentences were disenfranchised due to restric-
13 tive State laws. As of November 2018, the lifetime
14 ban for persons with certain felony convictions was
15 eliminated through a Florida ballot initiative. As a
16 result, as many as 1,400,000 people are now eligible
17 to have their voting rights restored. In 4 States—
18 Alabama, Florida, Mississippi, and Tennessee—more
19 than 7 percent of the total population is
20 disenfranchised.

21 (8) In those States that disenfranchise individ-
22 uals post-sentence, the right to vote can be regained
23 in theory, but in practice this possibility is often
24 granted in a non-uniform and potentially discrimina-
25 tory manner. Disenfranchised individuals sometimes

1 must either obtain a pardon or an order from the
2 Governor or an action by the parole or pardon
3 board, depending on the offense and State. Individ-
4 uals convicted of a Federal offense often have addi-
5 tional barriers to regaining voting rights.

6 (9) Many felony disenfranchisement laws today
7 derive directly from post-Civil War efforts to stifle
8 the Fourteenth and Fifteenth Amendments. Between
9 1865 and 1880, at least 14 states—Alabama, Ar-
10 kansas, Colorado, Florida, Georgia, Illinois, Mis-
11 sissippi, Missouri, Nebraska, New York, North Caro-
12 lina, South Carolina, Tennessee, and Texas—en-
13 acted or expanded their felony disenfranchisement
14 laws. One of the primary goals of these laws was to
15 prevent African Americans from voting. Of the
16 states that enacted or expanded their felony dis-
17 enfranchisement laws during this post-Civil War pe-
18 riod, at least 11 continue to preclude persons on fel-
19 ony probation or parole from voting.

20 (10) Latino citizens are also disproportionately
21 disenfranchised based upon their disproportionate
22 representation in the criminal justice system. In re-
23 cent years, Latinos have been imprisoned at 2.5
24 times the rate of Whites. More than 2 percent of the
25 voting-age Latino population, or 560,000 Latinos,

1 are disenfranchised due to a felony conviction. In 34
2 states Latinos are disenfranchised at a higher rate
3 than the general population. In 11 states 4 percent
4 or more of Latino adults are disenfranchised due to
5 a felony conviction (Alabama, 4 percent; Arizona, 7
6 percent; Arkansas, 4 percent; Idaho, 4 percent;
7 Iowa, 4 percent; Kentucky, 6 percent; Minnesota, 4
8 percent; Mississippi, 5 percent; Nebraska, 6 percent;
9 Tennessee, 11 percent; Wyoming, 4 percent), twice
10 the national average for Latinos.

11 (11) Disenfranchising citizens who have been
12 convicted of a criminal offense and who are living
13 and working in the community serves no compelling
14 State interest and hinders their rehabilitation and
15 reintegration into society.

16 (12) State disenfranchisement laws can sup-
17 press electoral participation among eligible voters by
18 discouraging voting among family and community
19 members of disenfranchised persons. Future elec-
20 toral participation by the children of disenfranchised
21 parents may be impacted as well. Models of success-
22 ful re-entry for persons convicted of a crime empha-
23 size the importance of community ties, feeling vested
24 and integrated, and prosocial attitudes. Individuals
25 with criminal convictions who succeed in avoiding re-

1 cidivism are typically more likely to see themselves
2 as law-abiding members of the community. Restora-
3 tion of voting rights builds those qualities and facili-
4 tates reintegration into the community. That is why
5 allowing citizens with criminal convictions who are
6 living in a community to vote is correlated with a
7 lower likelihood of recidivism. Restoration of voting
8 rights thus reduces violence and protects public safe-
9 ty.

10 (13) The United States is one of the only West-
11 ern democracies that permits the permanent denial
12 of voting rights for individuals with felony convic-
13 tions.

14 (14) The Eighth Amendment’s prohibition on
15 cruel and unusual punishments “guarantees individ-
16 uals the right not to be subjected to excessive sanc-
17 tions.” (*Roper v. Simmons*, 543 U.S. 551, 560
18 (2005)). That right stems from the basic precept of
19 justice “that punishment for crime should be grad-
20 uated and proportioned to [the] offense.” *Id.*
21 (quoting *Weems v. United States*, 217 U.S. 349,
22 367 (1910)). As the Supreme Court has long recog-
23 nized, “[t]he concept of proportionality is central to
24 the Eighth Amendment.” (*Graham v. Florida*, 560
25 U.S. 48, 59 (2010)). Many State disenfranchisement

1 laws are grossly disproportional to the offenses that
2 lead to disenfranchisement and thus violate the bar
3 on cruel and unusual punishments. For example, a
4 number of states mandate lifetime disenfranchise-
5 ment for a single felony conviction or just two felony
6 convictions, even where the convictions were for non-
7 violent offenses. In numerous other States, dis-
8 enfranchisement can last years or even decades while
9 individuals remain on probation or parole, often only
10 because a person cannot pay their legal financial ob-
11 ligations. These kinds of extreme voting bans run
12 afoul of the Eighth Amendment.

13 (15) The Twenty-Fourth Amendment provides
14 that the right to vote “shall not be denied or
15 abridged by the United States or any State by rea-
16 son of failure to pay any poll tax or other tax.”. Sec-
17 tion 2 of the Twenty-Fourth Amendment gives Con-
18 gress the power to enforce this article by appropriate
19 legislation. Court fines and fees that individuals
20 must pay to have their voting rights restored con-
21 stitute an “other tax” for purposes of the Twenty-
22 Fourth Amendment. At least five States explicitly
23 require the payment of fines and fees before individ-
24 uals with felony convictions can have their voting
25 rights restored. More than 20 other states effectively

1 tie the right to vote to the payment of fines and
2 fees, by requiring that individuals complete their
3 probation or parole before their rights are restored.
4 In these States, the non-payment of fines and fees
5 is a basis on which probation or parole can be ex-
6 tended. Moreover, these states sometimes do not
7 record the basis on which an individual's probation
8 or parole was extended, making it impossible to de-
9 termine from the State's records whether non-pay-
10 ment of fines and fees is the reason that an indi-
11 vidual remains on probation or parole. For these
12 reasons, the only way to ensure that States do not
13 deny the right to vote based solely on non-payment
14 of fines and fees is to prevent States from condi-
15 tioning voting rights on the completion of probation
16 or parole.

17 **SEC. 1403. RIGHTS OF CITIZENS.**

18 The right of an individual who is a citizen of the
19 United States to vote in any election for Federal office
20 shall not be denied or abridged because that individual has
21 been convicted of a criminal offense unless such individual
22 is serving a felony sentence in a correctional institution
23 or facility at the time of the election.

1 **SEC. 1404. ENFORCEMENT.**

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

5 (b) PRIVATE RIGHT OF ACTION.—

6 (1) IN GENERAL.—A person who is aggrieved
7 by a violation of this subtitle may provide written
8 notice of the violation to the chief election official of
9 the State involved.

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

18 (3) EXCEPTION.—If the violation occurred
19 within 30 days before the date of an election for
20 Federal office, the aggrieved person need not provide
21 notice to the chief election official of the State under
22 paragraph (1) before bringing a civil action to obtain
23 declaratory or injunctive relief with respect to the
24 violation.

1 **SEC. 1405. NOTIFICATION OF RESTORATION OF VOTING**
2 **RIGHTS.**

3 (a) STATE NOTIFICATION.—

4 (1) NOTIFICATION.—On the date determined
5 under paragraph (2), each State shall—

6 (A) notify in writing any individual who
7 has been convicted of a criminal offense under
8 the law of that State that such individual—

9 (i) has the right to vote in an election
10 for Federal office pursuant to the Democ-
11 racy Restoration Act of 2021; and

12 (ii) may register to vote in any such
13 election; and

14 (B) provide such individual with any mate-
15 rials that are necessary to register to vote in
16 any such election.

17 (2) DATE OF NOTIFICATION.—

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

23 (i) is sentenced to serve only a term
24 of probation; or

25 (ii) is released from the custody of
26 that State (other than to the custody of

1 another State or the Federal Government
2 to serve a term of imprisonment for a fel-
3 ony conviction).

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

10 (b) FEDERAL NOTIFICATION.—

11 (1) NOTIFICATION.—Any individual who has
12 been convicted of a criminal offense under Federal
13 law—

14 (A) shall be notified in accordance with
15 paragraph (2) that such individual—

16 (i) has the right to vote in an election
17 for Federal office pursuant to the Democ-
18 racy Restoration Act of 2021; and

19 (ii) may register to vote in any such
20 election; and

21 (B) shall be provided with any materials
22 that are necessary to register to vote in any
23 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. 1406. 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. 1407. RELATION TO OTHER LAWS.**

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

18 (b) CERTAIN FEDERAL ACTS.—The rights and rem-
19 edies established by this subtitle—

20 (1) are in addition to all other rights and rem-
21 edies provided by law, and

22 (2) shall not supersede, restrict, or limit the ap-
23 plication of the Voting Rights Act of 1965 (52
24 U.S.C. 10301 et seq.) or the National Voter Reg-
25 istration Act of 1993 (52 U.S.C. 20501 et seq.).

1 **SEC. 1408. 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 1403.

10 **SEC. 1409. 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-Verifiable Permanent**
17 **Paper Ballot**

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

19 This subtitle may be cited as the “Voter Confidence
20 and Increased Accessibility Act of 2021”.

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-VERIFIABLE PAPER BAL-
2 LOTS.—

3 “(i) PAPER BALLOT REQUIREMENT.—

4 (I) The voting system shall require the use
5 of an individual, durable, voter-verifiable
6 paper ballot of the voter’s vote selections
7 that shall be marked by the voter and pre-
8 sented to the voter for physical verification
9 before the voter’s ballot is preserved in ac-
10 cordance with clause (ii), and which shall
11 be counted by hand or other counting de-
12 vice or read by a ballot tabulation device.
13 For purposes of this subclause, the term
14 ‘individual, durable, voter-verifiable paper
15 ballot’ means a paper ballot marked by the
16 voter by hand or a paper ballot marked
17 through the use of a nontabulating ballot
18 marking device or system, so long as the
19 voter shall have the option at every in-per-
20 son voting location to mark by hand a
21 printed ballot that includes all relevant
22 contests and candidates.

23 “(II) The voting system shall provide
24 the voter with an opportunity to correct
25 any error on the paper ballot before the

1 permanent voter-verifiable paper ballot is
2 preserved in accordance with clause (ii).

3 “(III) The voting system shall not
4 preserve the voter-verifiable paper ballots
5 in any manner that makes it possible, at
6 any time after the ballot has been cast, to
7 associate a voter with the record of the
8 voter’s vote selections.

9 “(IV) The voting system shall pre-
10 vent, through mechanical means or
11 through independently verified protections,
12 the modification or addition of vote selec-
13 tions on a printed or marked ballot at any
14 time after the voter has been provided an
15 opportunity to correct errors on the ballot
16 pursuant to subclause (II).

17 “(ii) PRESERVATION AS OFFICIAL
18 RECORD.—The individual, durable, voter-
19 verifiable paper ballot used in accordance
20 with clause (i) shall constitute the official
21 ballot and shall be preserved and used as
22 the official ballot for purposes of any re-
23 count or audit conducted with respect to
24 any election for Federal office in which the
25 voting system is used.

1 “(iii) MANUAL COUNTING REQUIRE-
2 MENTS FOR RECOUNTS AND AUDITS.—(I)
3 Each paper ballot used pursuant to clause
4 (i) shall be suitable for a manual audit,
5 and such ballots, or at least those ballots
6 the machine could not count, shall be
7 counted by hand in any recount or audit
8 conducted with respect to any election for
9 Federal office.

10 “(II) In the event of any inconsis-
11 tencies or irregularities between any elec-
12 tronic vote tallies and the vote tallies de-
13 termined by counting by hand the indi-
14 vidual, durable, voter-verifiable paper bal-
15 lots used pursuant to clause (i), and sub-
16 ject to subparagraph (B), the individual,
17 durable, voter-verifiable paper ballots shall
18 be the true and correct record of the votes
19 cast.

20 “(iv) APPLICATION TO ALL BAL-
21 LOTS.—The requirements of this subpara-
22 graph shall apply to all ballots cast in elec-
23 tions for Federal office, including ballots
24 cast by absent uniformed services voters
25 and overseas voters under the Uniformed

1 and Overseas Citizens Absentee Voting Act
2 and other absentee voters.

3 “(v) SENSE OF CONGRESS.—It is the
4 sense of Congress that as innovation oc-
5 curs in the election infrastructure sector,
6 Congress should ensure that this Act and
7 other Federal requirements for voting sys-
8 tems are updated to keep pace with best
9 practices and recommendations for security
10 and accessibility.

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

14 “(i) IN GENERAL.—In the event
15 that—

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

24 “(II) it is demonstrated by clear
25 and convincing evidence (as deter-

1 mined in accordance with the applica-
2 ble standards in the jurisdiction in-
3 volved) in any recount, audit, or con-
4 test of the result of the election that
5 the paper ballots have been com-
6 promised (by damage or mischief or
7 otherwise) and that a sufficient num-
8 ber of the ballots have been so com-
9 promised that the result of the elec-
10 tion could be changed,

11 the determination of the appropriate rem-
12 edy with respect to the election shall be
13 made in accordance with applicable State
14 and Federal law, except that the electronic
15 tally shall not be used as the exclusive
16 basis for determining the official certified
17 result.

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

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

7 (c) OTHER CONFORMING AMENDMENTS.—Section
8 301(a)(1) of such Act (52 U.S.C. 21081(a)(1)) is amend-
9 ed—

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

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

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

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

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

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

6 “(3) ACCESSIBILITY FOR INDIVIDUALS WITH
7 DISABILITIES.—

8 “(A) IN GENERAL.—The voting system
9 shall—

10 “(i) be accessible for individuals with
11 disabilities, including nonvisual accessi-
12 bility for the blind and visually impaired,
13 in a manner that provides the same oppor-
14 tunity for access and participation (includ-
15 ing privacy and independence) as for other
16 voters;

17 “(ii)(I) ensure that individuals with
18 disabilities and others are given an equiva-
19 lent opportunity to vote, including with pri-
20 vacy and independence, in a manner that
21 produces a voter-verifiable paper ballot;
22 and

23 “(II) satisfy the requirement of clause
24 (i) through the use at in-person polling lo-
25 cations of a sufficient number (not less
26 than one) of voting systems equipped to

1 serve individuals with and without disabili-
2 ties, including nonvisual and enhanced vis-
3 ual accessibility for the blind and visually
4 impaired, and nonmanual and enhanced
5 manual accessibility for the mobility and
6 dexterity impaired; and

7 “(iii) if purchased with funds made
8 available under title II on or after January
9 1, 2007, meet the voting system standards
10 for disability access (as outlined in this
11 paragraph).

12 “(B) MEANS OF MEETING REQUIRE-
13 MENTS.—A voting system may meet the re-
14 quirements of subparagraph (A)(i) and para-
15 graph (2)(A) by—

16 “(i) allowing the voter to privately
17 and independently verify the permanent
18 paper ballot through the presentation, in
19 accessible form, of the printed or marked
20 vote selections from the same printed or
21 marked information that would be used for
22 any vote tabulation or auditing;

23 “(ii) allowing the voter to privately
24 and independently verify and cast the per-

1 manent paper ballot without requiring the
2 voter to manually handle the paper ballot;

3 “(iii) marking ballots that are iden-
4 tical in size, ink, and paper stock to those
5 ballots that would either be marked by
6 hand or be marked by a ballot marking de-
7 vice made generally available to voters; and

8 “(iv) combining ballots produced by
9 any ballot marking devices reserved for in-
10 dividuals with disabilities with ballots that
11 have either been marked by voters by hand
12 or marked by ballot marking devices made
13 generally available to voters, in a way that
14 prevents identification of the ballots that
15 were cast using any ballot marking device
16 that was reserved for individuals with dis-
17 abilities.

18 “(C) SUFFICIENT NUMBER.—For purposes
19 of subparagraph (A)(ii)(II), the sufficient num-
20 ber of voting systems for any in-person polling
21 location shall be determined based on guidance
22 from the Attorney General, in consultation with
23 the Architectural and Transportation Barriers
24 Compliance Board established under section
25 502(a)(1) of the Rehabilitation Act of 1973 (29

1 U.S.C. 792(a)(1)) (commonly referred to as the
 2 United States Access Board) and the Commis-
 3 sion.”.

4 (b) SPECIFIC REQUIREMENT OF STUDY, TESTING,
 5 AND DEVELOPMENT OF ACCESSIBLE VOTING OPTIONS.—

6 (1) STUDY AND REPORTING.—Subtitle C of
 7 title II of such Act (52 U.S.C. 21081 et seq.) is
 8 amended—

9 (A) by redesignating section 247 as section
 10 248; and

11 (B) by inserting after section 246 the fol-
 12 lowing new section:

13 **“SEC. 247. STUDY AND REPORT ON ACCESSIBLE VOTING**
 14 **OPTIONS.**

15 “(a) GRANTS TO STUDY AND REPORT.—The Com-
 16 mission, in coordination with the Access Board and the
 17 Cybersecurity and Infrastructure Security Agency, shall
 18 make grants to not fewer than 2 eligible entities to study,
 19 test, and develop—

20 “(1) accessible and secure remote voting sys-
 21 tems;

22 “(2) voting, verification, and casting devices to
 23 enhance the accessibility of voting and verification
 24 for individuals with disabilities; or

1 “(3) both of the matters described in paragraph
2 (1) and (2).

3 “(b) ELIGIBILITY.—An entity is eligible to receive a
4 grant under this part if it submits to the Commission (at
5 such time and in such form as the Commission may re-
6 quire) an application containing—

7 “(1) a certification that the entity shall com-
8 plete the activities carried out with the grant not
9 later than January 1, 2024; and

10 “(2) such other information and certifications
11 as the Commission may require.

12 “(c) AVAILABILITY OF TECHNOLOGY.—Any tech-
13 nology developed with the grants made under this section
14 shall be treated as non-proprietary and shall be made
15 available to the public, including to manufacturers of vot-
16 ing systems.

17 “(d) COORDINATION WITH GRANTS FOR TECH-
18 NOLOGY IMPROVEMENTS.—The Commission shall carry
19 out this section so that the activities carried out with the
20 grants made under subsection (a) are coordinated with the
21 research conducted under the grant program carried out
22 by the Commission under section 271, to the extent that
23 the Commission determine necessary to provide for the ad-
24 vancement of accessible voting technology.

1 “(e) AUTHORIZATION OF APPROPRIATIONS.—There
 2 is authorized to be appropriated to carry out subsection
 3 (a) \$10,000,000, to remain available until expended.”.

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

6 (A) by redesignating the item relating to
 7 section 247 as relating to section 248; and

8 (B) by inserting after the item relating to
 9 section 246 the following new item:

“Sec. 247. Study and report on accessible voting options.”.

10 (c) CLARIFICATION OF ACCESSIBILITY STANDARDS
 11 UNDER VOLUNTARY VOTING SYSTEM GUIDANCE.—In
 12 adopting any voluntary guidance under subtitle B of title
 13 III of the Help America Vote Act with respect to the ac-
 14 cessibility of the paper ballot verification requirements for
 15 individuals with disabilities, the Election Assistance Com-
 16 mission shall include and apply the same accessibility
 17 standards applicable under the voluntary guidance adopt-
 18 ed for accessible voting systems under such subtitle.

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

1 **SEC. 1504. DURABILITY AND READABILITY REQUIREMENTS**
2 **FOR BALLOTS.**

3 Section 301(a) of the Help America Vote Act of 2002
4 (52 U.S.C. 21081(a)) is amended by adding at the end
5 the following new paragraph:

6 “(7) DURABILITY AND READABILITY REQUIRE-
7 MENTS FOR BALLOTS.—

8 “(A) DURABILITY REQUIREMENTS FOR
9 PAPER BALLOTS.—

10 “(i) IN GENERAL.—All voter-verifiable
11 paper ballots required to be used under
12 this Act shall be marked or printed on du-
13 rable paper.

14 “(ii) DEFINITION.—For purposes of
15 this Act, paper is ‘durable’ if it is capable
16 of withstanding multiple counts and re-
17 counts by hand without compromising the
18 fundamental integrity of the ballots, and
19 capable of retaining the information
20 marked or printed on them for the full du-
21 ration of a retention and preservation pe-
22 riod of 22 months.

23 “(B) READABILITY REQUIREMENTS FOR
24 PAPER BALLOTS MARKED BY BALLOT MARKING
25 DEVICE.—All voter-verifiable paper ballots com-
26 pleted by the voter through the use of a ballot

1 marking device shall be clearly readable by the
2 voter without assistance (other than eyeglasses
3 or other personal vision enhancing devices) and
4 by a ballot tabulation device or other device
5 equipped for individuals with disabilities.”.

6 **SEC. 1505. STUDY AND REPORT ON OPTIMAL BALLOT DE-**
7 **SIGN.**

8 (a) STUDY.—The Election Assistance Commission
9 shall conduct a study of the best ways to design ballots
10 used in elections for public office, including paper ballots
11 and electronic or digital ballots, to minimize confusion and
12 user errors.

13 (b) REPORT.—Not later than January 1, 2022, the
14 Election Assistance Commission shall submit to Congress
15 a report on the study conducted under subsection (a).

16 **SEC. 1506. PAPER BALLOT PRINTING REQUIREMENTS.**

17 Section 301(a) of the Help America Vote Act of 2002
18 (52 U.S.C. 21081(a)), as amended by section 1504, is fur-
19 ther amended by adding at the end the following new para-
20 graph:

21 “(8) PRINTING REQUIREMENTS FOR BAL-
22 LOTS.—To the extent practical, all paper ballots
23 used in an election for Federal office shall be printed
24 in the United States on paper manufactured in the
25 United States.”.

1 **SEC. 1507. BALLOT MARKING DEVICE CYBERSECURITY RE-**
2 **QUIREMENTS.**

3 Section 301(a) of the Help America Vote Act of 2002
4 (52 U.S.C. 21081(a)), as amended by sections 1504 and
5 1506, is further amended by adding at the end the fol-
6 lowing new paragraph:

7 “(9) PROHIBITION OF USE OF WIRELESS COM-
8 MUNICATIONS DEVICES IN SYSTEMS OR DEVICES.—
9 No system or device upon which ballot marking de-
10 vices or ballot tabulation devices are configured,
11 upon which ballots are marked by voters (except as
12 necessary for individuals with disabilities to use bal-
13 lot marking devices that meet the accessibility re-
14 quirements of paragraph (3)), or upon which votes
15 are cast, tabulated, or aggregated shall contain, use,
16 or be accessible by any wireless, power-line, or con-
17 cealed communication device.

18 “(10) PROHIBITING CONNECTION OF SYSTEM
19 TO THE INTERNET.—No system or device upon
20 which ballot marking devices or ballot tabulation de-
21 vices are configured, upon which ballots are marked
22 by voters, or upon which votes are cast, tabulated,
23 or aggregated shall be connected to the internet or
24 any non-local computer system via telephone or
25 other communication network at any time.”.

1 **SEC. 1508. EFFECTIVE DATE FOR NEW REQUIREMENTS.**

2 Section 301(d) of the Help America Vote Act of 2002
3 (52 U.S.C. 21081(d)) is amended to read as follows:

4 “(d) EFFECTIVE DATE.—

5 “(1) IN GENERAL.—Except as provided in para-
6 graph (2), each State and jurisdiction shall be re-
7 quired to comply with the requirements of this sec-
8 tion on and after January 1, 2006.

9 “(2) SPECIAL RULE FOR CERTAIN REQUIRE-
10 MENTS.—

11 “(A) IN GENERAL.—Except as provided in
12 subparagraphs (B) and (C), the requirements of
13 this section which are first imposed on a State
14 or jurisdiction pursuant to the amendments
15 made by the Voter Confidence and Increased
16 Accessibility Act of 2021 shall apply with re-
17 spect to voting systems used for any election for
18 Federal office held in 2022 or any succeeding
19 year.

20 “(B) DELAY FOR JURISDICTIONS USING
21 CERTAIN PAPER RECORD PRINTERS OR CERTAIN
22 SYSTEMS USING OR PRODUCING VOTER-
23 VERIFIABLE PAPER RECORDS IN 2020.—

24 “(i) DELAY.—In the case of a juris-
25 diction described in clause (ii), subpara-
26 graph (A) shall apply to a voting system in

1 the jurisdiction as if the reference in such
2 subparagraph to ‘2022’ were a reference to
3 ‘the applicable year’, but only with respect
4 to the following requirements of this sec-
5 tion:

6 “(I) Paragraph (2)(A)(i)(I) of
7 subsection (a) (relating to the use of
8 voter-verifiable paper ballots).

9 “(II) Paragraph (7) of subsection
10 (a) (relating to durability and read-
11 ability requirements for ballots).

12 “(ii) JURISDICTIONS DESCRIBED.—A
13 jurisdiction described in this clause is a ju-
14 risdiction—

15 “(I) which used voter-verifiable
16 paper record printers attached to di-
17 rect recording electronic voting ma-
18 chines, or which used other voting
19 systems that used or produced paper
20 records of the vote verifiable by voters
21 but that are not in compliance with
22 paragraphs (2)(A)(i)(I) and (7) of
23 subsection (a) (as amended or added
24 by the Voter Confidence and In-
25 creased Accessibility Act of 2021), for

1 the administration of the regularly
2 scheduled general election for Federal
3 office held in November 2020; and

4 “(II) which will continue to use
5 such printers or systems for the ad-
6 ministration of elections for Federal
7 office held in years before the applica-
8 ble year.

9 “(iii) APPLICABLE YEAR.—

10 “(I) IN GENERAL.—Except as
11 provided in subclause (II), the term
12 ‘applicable year’ means 2026.

13 “(II) EXTENSION.—If a State or
14 jurisdiction certifies to the Commis-
15 sion not later than January 1, 2026,
16 that the State or jurisdiction will not
17 meet the requirements described in
18 subclauses (I) and (II) of clause (i) by
19 such date because it would be imprac-
20 tical to do so and includes in the cer-
21 tification the reasons for the failure to
22 meet the deadline, the term ‘applica-
23 ble year’ means 2030.

24 “(iv) MANDATORY AVAILABILITY OF
25 PAPER BALLOTS AT POLLING PLACES

1 USING GRANDFATHERED PRINTERS AND
2 SYSTEMS.—

3 “(I) REQUIRING BALLOTS TO BE
4 OFFERED AND PROVIDED.—The ap-
5 propriate election official at each poll-
6 ing place that uses a printer or sys-
7 tem described in clause (ii)(I) for the
8 administration of elections for Federal
9 office shall offer each individual who
10 is eligible to cast a vote in the election
11 at the polling place the opportunity to
12 cast the vote using a blank printed
13 paper ballot which the individual may
14 mark by hand and which is not pro-
15 duced by the direct recording elec-
16 tronic voting machine or other such
17 system. The official shall provide the
18 individual with the ballot and the sup-
19 plies necessary to mark the ballot, and
20 shall ensure (to the greatest extent
21 practicable) that the waiting period
22 for the individual to cast a vote is the
23 lesser of 30 minutes or the average
24 waiting period for an individual who

1 does not agree to cast the vote using
2 such a paper ballot under this clause.

3 “(II) TREATMENT OF BALLOT.—

4 Any paper ballot which is cast by an
5 individual under this clause shall be
6 counted and otherwise treated as a
7 regular ballot for all purposes (includ-
8 ing by incorporating it into the final
9 unofficial vote count (as defined by
10 the State) for the precinct) and not as
11 a provisional ballot, unless the indi-
12 vidual casting the ballot would have
13 otherwise been required to cast a pro-
14 visional ballot.

15 “(III) POSTING OF NOTICE.—

16 The appropriate election official shall
17 ensure there is prominently displayed
18 at each polling place a notice that de-
19 scribes the obligation of the official to
20 offer individuals the opportunity to
21 cast votes using a printed blank paper
22 ballot. The notice shall take into con-
23 sideration factors including the lin-
24 guistic preferences of voters in the ju-
25 risdiction.

1 “(IV) TRAINING OF ELECTION
2 OFFICIALS.—The chief State election
3 official shall ensure that election offi-
4 cials at polling places in the State are
5 aware of the requirements of this
6 clause, including the requirement to
7 display a notice under subclause (III),
8 and are aware that it is a violation of
9 the requirements of this title for an
10 election official to fail to offer an indi-
11 vidual the opportunity to cast a vote
12 using a blank printed paper ballot.

13 “(V) PERIOD OF APPLICA-
14 BILITY.—The requirements of this
15 clause apply only during the period in
16 which the delay is in effect under
17 clause (i).

18 “(C) DELAY FOR CERTAIN JURISDICTIONS
19 USING VOTING SYSTEMS WITH WIRELESS COM-
20 MUNICATION DEVICES OR INTERNET CONNec-
21 TIONS.—

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 ‘2022’ were a reference to
2 ‘the applicable year’, but only with respect
3 to the following requirements of this sec-
4 tion.

5 “(I) Paragraph (9) of subsection
6 (a) (relating to prohibition of wireless
7 communication devices)

8 “(II) Paragraph (10) of sub-
9 section (a) (relating to prohibition of
10 connecting systems to the internet)

11 “(ii) JURISDICTIONS DESCRIBED.—A
12 jurisdiction described in this clause is a ju-
13 risdiction—

14 “(I) which used a voting system
15 which is not in compliance with para-
16 graphs (9) or (10) of subsection (a)
17 (as amended or added by the Voter
18 Confidence and Increased Accessibility
19 Act of 2021) for the administration of
20 the regularly scheduled general elec-
21 tion for Federal office held in Novem-
22 ber 2020; and

23 “(II) which will continue to use
24 such printers or systems for the ad-
25 ministration of elections for Federal

1 office held in years before the applica-
2 ble year.

3 “(iii) APPLICABLE YEAR.—

4 “(I) IN GENERAL.—Except as
5 provided in subclause (II), the term
6 ‘applicable year’ means 2026.

7 “(II) EXTENSION.—If a State or
8 jurisdiction certifies to the Commis-
9 sion not later than January 1, 2026,
10 that the State or jurisdiction will not
11 meet the requirements described in
12 subclauses (I) and (II) of clause (i) by
13 such date because it would be imprac-
14 tical to do so and includes in the cer-
15 tification the reasons for the failure to
16 meet the deadline, the term ‘applica-
17 ble year’ means 2030.”.

18 **Subtitle G—Provisional Ballots**

19 **SEC. 1601. REQUIREMENTS FOR COUNTING PROVISIONAL** 20 **BALLOTS; ESTABLISHMENT OF UNIFORM AND** 21 **NONDISCRIMINATORY STANDARDS.**

22 (a) IN GENERAL.—Section 302 of the Help America
23 Vote Act of 2002 (52 U.S.C. 21082) is amended—

24 (1) by redesignating subsection (d) as sub-
25 section (f); and

1 (2) by inserting after subsection (c) the fol-
2 lowing new subsections:

3 “(d) COUNTING OF PROVISIONAL BALLOTS.—

4 “ (1) IN GENERAL.—For purposes of subsection
5 (a)(4), if a provisional ballot is cast within the same
6 county in which the voter is registered or otherwise
7 eligible to vote, then notwithstanding the precinct or
8 polling place at which a provisional ballot is cast
9 within the county, the appropriate election official of
10 the jurisdiction in which the individual is registered
11 or otherwise eligible to vote shall count each vote on
12 such ballot for each election in which the individual
13 who cast such ballot is eligible to vote.

14 “(2) RULE OF CONSTRUCTION.—Nothing in
15 this subsection shall prohibit a State or jurisdiction
16 from counting a provisional ballot which is cast in
17 a different county within the State than the county
18 in which the voter is registered or otherwise eligible
19 to vote.

20 “(3) EFFECTIVE DATE.—This subsection shall
21 apply with respect to elections held on or after Janu-
22 ary 1, 2022.

23 “(e) UNIFORM AND NONDISCRIMINATORY STAND-
24 ARDS.—

1 “(1) IN GENERAL.—Consistent with the re-
2 quirements of this section, each State shall establish
3 uniform and nondiscriminatory standards for the
4 issuance, handling, and counting of provisional bal-
5 lots.

6 “(2) EFFECTIVE DATE.—This subsection shall
7 apply with respect to elections held on or after Janu-
8 ary 1, 2022.”.

9 (b) CONFORMING AMENDMENT.—Section 302(f) of
10 such Act (52 U.S.C. 21082(f)), as redesignated by sub-
11 section (a), is amended by striking “Each State” and in-
12 serting “Except as provided in subsections (d)(3) and
13 (e)(2), each State”.

14 **Subtitle H—Early Voting**

15 **SEC. 1611. EARLY VOTING.**

16 (a) REQUIREMENTS.—Subtitle A of title III of the
17 Help America Vote Act of 2002 (52 U.S.C. 21081 et seq.),
18 as amended by section 1031(a), section 1056(a), section
19 1101(a), section 1102(a), section 1103(a), and section
20 1104(a), is amended—

21 (1) by redesignating sections 310 and 311 as
22 sections 311 and 312, respectively; and

23 (2) by inserting after section 309 the following
24 new section:

1 **“SEC. 310. EARLY VOTING.**

2 “(a) **REQUIRING VOTING PRIOR TO DATE OF ELEC-**
3 **TION.**—Each State shall allow individuals to vote in an
4 election for Federal office during an early voting period
5 which occurs prior to the date of the election, in a manner
6 that allows the individual to receive, complete, and cast
7 their ballot in-person.

8 “(b) **MINIMUM EARLY VOTING REQUIREMENTS.**—

9 “(1) **IN GENERAL.**—

10 “(A) **LENGTH OF PERIOD.**—The early vot-
11 ing period required under this subsection with
12 respect to an election shall consist of a period
13 of consecutive days (including weekends) which
14 begins on the 15th day before the date of the
15 election (or, at the option of the State, on a day
16 prior to the 15th day before the date of the
17 election) and ends no earlier than the second
18 day before the date of the election.

19 “(B) **HOURS FOR EARLY VOTING.**—Each
20 polling place which allows voting during an
21 early voting period under subparagraph (A)
22 shall—

23 “(i) allow such voting for no less than
24 10 hours on each day during the period;

25 “(ii) have uniform hours each day for
26 which such voting occurs; and

1 “(iii) allow such voting to be held for
2 some period of time prior to 9:00 a.m.
3 (local time) and some period of time after
4 5:00 p.m. (local time).

5 “(2) REQUIREMENTS FOR VOTE-BY-MAIL JURIS-
6 DICTIONS.—In the case of a jurisdiction that sends
7 every registered voter a ballot by mail—

8 “(A) paragraph (1) shall not apply;

9 “(B) such jurisdiction shall allow eligible
10 individuals to vote during an early voting period
11 that ensures voters are provided the greatest
12 opportunity to cast ballots ahead of election day
13 and which includes at least one consecutive Sat-
14 urday and Sunday; and

15 “(C) each polling place which allows voting
16 during an early voting period under subpara-
17 graph (B) shall allow such voting—

18 “(i) during the election office’s reg-
19 ular business hours; and

20 “(ii) for a period of not less than 8
21 hours on Saturdays and Sundays included
22 in the early voting period.

23 “(3) REQUIREMENTS FOR SMALL JURISDIC-
24 TIONS.—

1 “(A) IN GENERAL.—In the case of a juris-
2 diction described in subparagraph (B)—

3 “(i) paragraph (1)(B) shall not apply;
4 and

5 “(ii) each polling place which allows
6 voting during the early voting period de-
7 scribed in paragraph (1)(A) shall allow
8 such voting—

9 “(I) during the election office’s
10 regular business hours; and

11 “(II) for a period of not less than
12 8 hours on Saturdays and Sundays
13 included in the early voting period.

14 “(B) JURISDICTION DESCRIBED.—A juris-
15 diction is described in this subparagraph if such
16 jurisdiction—

17 “(i) had less than 3,000 registered
18 voters at the time of the most recent prior
19 election for Federal office; and

20 “(ii) consists of a geographic area
21 that is smaller than the jurisdiction of the
22 county in which such jurisdiction is lo-
23 cated.

24 “(4) RULE OF CONSTRUCTION.—Nothing in
25 this subsection shall be construed—

1 “(A) to limit the availability of additional
2 temporary voting sites which provide voters
3 more opportunities to cast their ballots but
4 which do not meet the requirements of this sub-
5 section;

6 “(B) to limit a polling place from being
7 open for additional hours outside of the uniform
8 hours set for the polling location on any day of
9 the early voting period; or

10 “(C) to limit a State or jurisdiction from
11 offering early voting on the Monday before elec-
12 tion day.

13 “(c) LOCATION OF POLLING PLACES.—

14 “(1) PROXIMITY TO PUBLIC TRANSPOR-
15 TATION.—To the greatest extent practicable, each
16 State and jurisdiction shall ensure that each polling
17 place which allows voting during an early voting pe-
18 riod under subsection (b) is located within walking
19 distance of a stop on a public transportation route.

20 “(2) AVAILABILITY IN RURAL AREAS.—In the
21 case of a jurisdiction that includes a rural area, the
22 State or jurisdiction shall—

23 “(A) ensure that polling places which allow
24 voting during an early voting period under sub-

1 section (b) will be located in such rural areas;
2 and

3 “(B) ensure that such polling places are lo-
4 cated in communities which will provide the
5 greatest opportunity for residents of rural areas
6 to vote during the early voting period.

7 “(3) COLLEGE CAMPUSES.—In the case of a ju-
8 risdiction that includes an institution of higher edu-
9 cation, the State or jurisdiction shall—

10 “(A) ensure that an appropriate number of
11 polling places which allow voting during the
12 early voting period under subsection (b) will be
13 located on the campus of the institution of
14 higher education; and

15 “(B) ensure that such polling places pro-
16 vide the greatest opportunity for residents of
17 the jurisdiction to vote.

18 “(d) STANDARDS.—Not later than June 30, 2022,
19 the Commission shall issue voluntary standards for the ad-
20 ministration of voting during voting periods which occur
21 prior to the date of a Federal election. Subject to sub-
22 section (c), such voluntary standards shall include the
23 nondiscriminatory geographic placement of polling places
24 at which such voting occurs.

1 “(e) BALLOT PROCESSING AND SCANNING REQUIRE-
2 MENTS.—

3 “(1) IN GENERAL.—Each State or jurisdiction
4 shall begin processing and scanning ballots cast dur-
5 ing in-person early voting for tabulation not later
6 than the date that is 14 days prior to the date of
7 the election involved, except that a State may begin
8 processing and scanning ballots cast during in-per-
9 son early voting for tabulation after such date if the
10 date on which the State begins such processing and
11 scanning ensures, to the greatest extent practical,
12 that ballots cast before the date of the election are
13 processed and scanned before the date of the elec-
14 tion.

15 “(2) LIMITATION.—Nothing in this subsection
16 shall be construed—

17 “(A) to permit a State to tabulate ballots
18 in an election before the closing of the polls on
19 the date of the election unless such tabulation
20 is a necessary component of preprocessing in
21 the State and is performed in accordance with
22 existing State law; or

23 “(B) to permit an official to make public
24 any results of tabulation and processing before

1 the closing of the polls on the date of the elec-
2 tion.

3 “(f) EFFECTIVE DATE.—This section shall apply
4 with respect to the regularly scheduled general election for
5 Federal office held in November 2022 and each succeeding
6 election for Federal office.”.

7 (b) CONFORMING AMENDMENTS RELATING TO
8 ISSUANCE OF VOLUNTARY GUIDANCE BY ELECTION AS-
9 SISTANCE COMMISSION.—Section 321(b) of such Act (52
10 U.S.C. 21101(b)), as redesignated and amended by sec-
11 tion 1101(b), is amended—

12 (1) by striking “and” at the end of paragraph
13 (3);

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

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

18 “(5) except as provided in paragraph (4), in the
19 case of the recommendations with respect to any sec-
20 tion added by the For the People Act of 2021, June
21 30, 2022.”.

22 (c) CLERICAL AMENDMENTS.—The table of contents
23 of such Act, as amended by section 1031(c), section
24 1056(b), section 1101(c), section 1102(c), section
25 1103(a), and section 1104(c), is amended—

1 (1) by redesignating the items relating to sec-
 2 tions 310 and 311 as relating to sections 311 and
 3 312, respectively; and

4 (2) by inserting after the item relating to sec-
 5 tion 309 the following new item:

“Sec. 310. Early voting.”.

6 **Subtitle I—Voting by Mail**

7 **SEC. 1621. VOTING BY MAIL.**

8 (a) IN GENERAL.—

9 (1) REQUIREMENTS.—Subtitle A of title III of
 10 the Help America Vote Act of 2002 (52 U.S.C.
 11 21081 et seq.), as amended by section 1031(a), sec-
 12 tion 1056(a), section 1101(a), section 1102(a), sec-
 13 tion 1103(a), section 1104(a), and section 1611(a),
 14 is amended—

15 (A) by redesignating sections 311 and 312
 16 as sections 312 and 313, respectively; and

17 (B) by inserting after section 310 the fol-
 18 lowing new section:

19 **“SEC. 311. PROMOTING ABILITY OF VOTERS TO VOTE BY** 20 **MAIL.**

21 “(a) UNIFORM AVAILABILITY OF ABSENTEE VOTING
 22 TO ALL VOTERS.—

23 “(1) IN GENERAL.—If an individual in a State
 24 is eligible to cast a vote in an election for Federal
 25 office, the State may not impose any additional con-

1 ditions or requirements on the eligibility of the indi-
2 vidual to cast the vote in such election by absentee
3 ballot by mail.

4 “(2) ADMINISTRATION OF VOTING BY MAIL.—

5 “(A) PROHIBITING IDENTIFICATION RE-
6 QUIREMENT AS CONDITION OF OBTAINING BAL-
7 LOT.—A State may not require an individual to
8 provide any form of identification as a condition
9 of obtaining an absentee ballot, except that
10 nothing in this subparagraph may be construed
11 to prevent a State from requiring—

12 “(i) identifying information as part of
13 a voter registration application (including
14 the voter’s date of birth or the last four
15 digits of the voter’s social security num-
16 ber); or

17 “(ii) a signature of the individual or
18 similar affirmation as a condition of ob-
19 taining an absentee ballot.

20 “(B) PROHIBITING REQUIREMENT TO PRO-
21 VIDE NOTARIZATION OR WITNESS SIGNATURE
22 AS CONDITION OF OBTAINING OR CASTING BAL-
23 LOT.—A State may not require notarization or
24 witness signature or other formal authentica-
25 tion (other than voter attestation) as a condi-

1 tion of obtaining or casting an absentee ballot,
2 except that nothing in this subparagraph may
3 be construed to prohibit a State from enforcing
4 a law which has a witness signature require-
5 ment for a ballot where a voter oath is attested
6 to with a mark rather than a voter's signature.

7 “(3) NO EFFECT ON IDENTIFICATION REQUIRE-
8 MENTS FOR FIRST-TIME VOTERS REGISTERING BY
9 MAIL.—Nothing in this subsection may be construed
10 to exempt any individual described in paragraph (1)
11 of section 303(b) from meeting the requirements of
12 paragraph (2) of such section or to exempt an indi-
13 vidual described in paragraph (5)(A) of section
14 303(b) from meeting the requirements of paragraph
15 (5)(B).

16 “(b) DUE PROCESS REQUIREMENTS FOR STATES
17 REQUIRING SIGNATURE VERIFICATION.—

18 “(1) REQUIREMENT.—

19 “(A) IN GENERAL.—A State may not im-
20 pose a signature verification requirement as a
21 condition of accepting and counting a mail-in
22 ballot or absentee ballot submitted by any indi-
23 vidual with respect to an election for Federal
24 office unless the State meets the due process re-
25 quirements described in paragraph (2).

1 “(B) SIGNATURE VERIFICATION REQUIRE-
2 MENT DESCRIBED.—In this subsection, a ‘sig-
3 nature verification requirement’ is a require-
4 ment that an election official verify the identi-
5 fication of an individual by comparing the indi-
6 vidual’s signature on the mail-in ballot or ab-
7 sentee ballot with the individual’s signature on
8 the official list of registered voters in the State
9 or another official record or other document
10 used by the State to verify the signatures of
11 voters.

12 “(2) DUE PROCESS REQUIREMENTS.—

13 “(A) NOTICE AND OPPORTUNITY TO CURE
14 DISCREPANCY IN SIGNATURES.—If an indi-
15 vidual submits a mail-in ballot or an absentee
16 ballot and the appropriate State or local elec-
17 tion official determines that a discrepancy ex-
18 ists between the signature on such ballot and
19 the signature of such individual on the official
20 list of registered voters in the State or other of-
21 ficial record or document used by the State to
22 verify the signatures of voters, such election of-
23 ficial, prior to making a final determination as
24 to the validity of such ballot, shall—

1 “(i) as soon as practical, but no later
2 than the next business day after such de-
3 termination is made, make a good faith ef-
4 fort to notify the individual by mail, tele-
5 phone, and (if available) text message and
6 electronic mail that—

7 “(I) a discrepancy exists between
8 the signature on such ballot and the
9 signature of the individual on the offi-
10 cial list of registered voters in the
11 State or other official record or docu-
12 ment used by the State to verify the
13 signatures of voters; and

14 “(II) if such discrepancy is not
15 cured prior to the expiration of the
16 third day following the State’s dead-
17 line for receiving mail-in ballots or ab-
18 sentee ballots, such ballot will not be
19 counted; and

20 “(ii) cure such discrepancy and count
21 the ballot if, prior to the expiration of the
22 third day following the State’s deadline for
23 receiving mail-in ballots or absentee bal-
24 lots, the individual provides the official
25 with information to cure such discrepancy,

1 either in person, by telephone, or by elec-
2 tronic methods.

3 “(B) NOTICE AND OPPORTUNITY TO CURE
4 MISSING SIGNATURE OR OTHER DEFECT.—If an
5 individual submits a mail-in ballot or an absen-
6 tee ballot without a signature or submits a
7 mail-in ballot or an absentee ballot with another
8 defect which, if left uncured, would cause the
9 ballot to not be counted, the appropriate State
10 or local election official, prior to making a final
11 determination as to the validity of the ballot,
12 shall—

13 “(i) as soon as practical, but no later
14 than the next business day after such de-
15 termination is made, make a good faith ef-
16 fort to notify the individual by mail, tele-
17 phone, and (if available) text message and
18 electronic mail that—

19 “(I) the ballot did not include a
20 signature or has some other defect;
21 and

22 “(II) if the individual does not
23 provide the missing signature or cure
24 the other defect prior to the expira-
25 tion of the third day following the

1 State’s deadline for receiving mail-in
2 ballots or absentee ballots, such ballot
3 will not be counted; and

4 “(ii) count the ballot if, prior to the
5 expiration of the third day following the
6 State’s deadline for receiving mail-in bal-
7 lots or absentee ballots, the individual pro-
8 vides the official with the missing signa-
9 ture on a form proscribed by the State or
10 cures the other defect.

11 This subparagraph does not apply with respect
12 to a defect consisting of the failure of a ballot
13 to meet the applicable deadline for the accept-
14 ance of the ballot, as described in subsection
15 (e).

16 “(C) OTHER REQUIREMENTS.—

17 “(i) IN GENERAL.—An election official
18 may not make a determination that a dis-
19 crepancy exists between the signature on a
20 mail-in ballot or an absentee ballot and the
21 signature of the individual who submits the
22 ballot on the official list of registered vot-
23 ers in the State or other official record or
24 other document used by the State to verify
25 the signatures of voters unless—

1 “(I) at least 2 election officials
2 make the determination;

3 “(II) each official who makes the
4 determination has received training in
5 procedures used to verify signatures;
6 and

7 “(III) of the officials who make
8 the determination, at least one is af-
9 filiated with the political party whose
10 candidate received the most votes in
11 the most recent statewide election for
12 Federal office held in the State and at
13 least one is affiliated with the political
14 party whose candidate received the
15 second most votes in the most recent
16 statewide election for Federal office
17 held in the State.

18 “(ii) EXCEPTION.—Clause (i)(III)
19 shall not apply to any State in which,
20 under a law that is in effect continuously
21 on and after the date of enactment of this
22 section, determinations regarding signature
23 discrepancies are made by election officials
24 who are not affiliated with a political
25 party.

1 “(3) REPORT.—

2 “(A) IN GENERAL.—Not later than 120
3 days after the end of a Federal election cycle,
4 each chief State election official shall submit to
5 the Commission a report containing the fol-
6 lowing information for the applicable Federal
7 election cycle in the State:

8 “(i) The number of ballots invalidated
9 due to a discrepancy under this subsection.

10 “(ii) Description of attempts to con-
11 tact voters to provide notice as required by
12 this subsection.

13 “(iii) Description of the cure process
14 developed by such State pursuant to this
15 subsection, including the number of ballots
16 determined valid as a result of such pro-
17 cess.

18 “(B) SUBMISSION TO CONGRESS.—Not
19 later than 10 days after receiving a report
20 under subparagraph (A), the Commission shall
21 transmit such report to Congress.

22 “(C) FEDERAL ELECTION CYCLE DE-
23 FINED.—For purposes of this subsection, the
24 term ‘Federal election cycle’ means, with re-
25 spect to any regularly scheduled election for

1 Federal office, the period beginning on the day
2 after the date of the preceding regularly sched-
3 uled general election for Federal office and end-
4 ing on the date of such regularly scheduled gen-
5 eral election.

6 “(4) RULE OF CONSTRUCTION.—Nothing in
7 this subsection shall be construed—

8 “(A) to prohibit a State from rejecting a
9 ballot attempted to be cast in an election for
10 Federal office by an individual who is not eligi-
11 ble to vote in the election; or

12 “(B) to prohibit a State from providing an
13 individual with more time and more methods
14 for curing a discrepancy in the individual’s sig-
15 nature, providing a missing signature, or curing
16 any other defect than the State is required to
17 provide under this subsection.

18 “(c) APPLICATIONS FOR ABSENTEE BALLOTS.—

19 “(1) IN GENERAL.—In addition to such other
20 methods as the State may establish for an individual
21 to apply for an absentee ballot, each State shall per-
22 mit an individual to submit an application for an ab-
23 sentee ballot online.

24 “(2) TREATMENT OF WEBSITES.—A State shall
25 be considered to meet the requirements of paragraph

1 (1) if the website of the appropriate State or local
2 election official allows an application for an absentee
3 ballot to be completed and submitted online and if
4 the website permits the individual—

5 “(A) to print the application so that the
6 individual may complete the application and re-
7 turn it to the official; or

8 “(B) to request that a paper copy of the
9 application be transmitted to the individual by
10 mail or electronic mail so that the individual
11 may complete the application and return it to
12 the official.

13 “(3) ENSURING DELIVERY PRIOR TO ELEC-
14 TION.—

15 “(A) IN GENERAL.—If an individual who is
16 eligible to vote in an election for Federal office
17 submits an application for an absentee ballot in
18 the election and such application is received by
19 the appropriate State or local election official
20 not later than the date that is 5 days before the
21 applicable date, the election official shall ensure
22 that the ballot and related voting materials are
23 promptly mailed to the individual.

24 “(B) APPLICATIONS RECEIVED CLOSE TO
25 ELECTION DAY.—If an individual who is eligible

1 to vote in an election for Federal office submits
2 an application for an absentee ballot in the elec-
3 tion and such application is received by the ap-
4 propriate State or local election official after
5 the date described in subparagraph (A) but not
6 later than the applicable date, the election offi-
7 cial shall, to the greatest extent practical, en-
8 sure that the ballot and related voting materials
9 are mailed to the individual within 1 business
10 day of the receipt of the application.

11 “(C) APPLICABLE DATE.—For purposes of
12 this paragraph, the term ‘applicable date’
13 means, with respect to any election for Federal
14 office, the date that is 7 days (excluding Satur-
15 days, Sundays, and legal public holidays) before
16 the date of the election.

17 “(D) RULE OF CONSTRUCTION.—Nothing
18 in this paragraph shall preclude a State or local
19 jurisdiction from allowing for the acceptance
20 and processing of absentee ballot applications
21 submitted or received after the applicable date.

22 “(4) APPLICATION FOR ALL FUTURE ELEC-
23 TIONS.—At the option of an individual, a State shall
24 treat the individual’s application to vote by absentee
25 ballot by mail in an election for Federal office as an

1 application for an absentee ballot by mail in all sub-
2 sequent Federal elections held in the State.

3 “(d) ACCESSIBILITY FOR INDIVIDUALS WITH DIS-
4 ABILITIES.—Each State shall ensure that all absentee bal-
5 lot applications, absentee ballots, and related voting mate-
6 rials in elections for Federal office are accessible to indi-
7 viduals with disabilities in a manner that provides the
8 same opportunity for access and participation (including
9 with privacy and independence) as for other voters.

10 “(e) UNIFORM DEADLINE FOR ACCEPTANCE OF
11 MAILED BALLOTS.—

12 “(1) IN GENERAL.—A State or local election of-
13 ficial may not refuse to accept or process a ballot
14 submitted by an individual by mail with respect to
15 an election for Federal office in the State on the
16 grounds that the individual did not meet a deadline
17 for returning the ballot to the appropriate State or
18 local election official if—

19 “(A) the ballot is postmarked or otherwise
20 indicated by the United States Postal Service to
21 have been mailed on or before the date of the
22 election, or has been signed by the voter on or
23 before the date of the election; and

24 “(B) the ballot is received by the appro-
25 priate election official prior to the expiration of

1 the 7-day period which begins on the date of
2 the election.

3 “(2) RULE OF CONSTRUCTION.—Nothing in
4 this subsection shall be construed to prohibit a State
5 from having a law that allows for counting of ballots
6 in an election for Federal office that are received
7 through the mail after the date that is 7 days after
8 the date of the election.

9 “(f) ALTERNATIVE METHODS OF RETURNING BAL-
10 LOTS.—

11 “(1) IN GENERAL.—In addition to permitting
12 an individual to whom a ballot in an election was
13 provided under this section to return the ballot to an
14 election official by mail, each State shall permit the
15 individual to cast the ballot by delivering the ballot
16 at such times and to such locations as the State may
17 establish, including—

18 “(A) permitting the individual to deliver
19 the ballot to a polling place within the jurisdic-
20 tion in which the individual is registered or oth-
21 erwise eligible to vote on any date on which vot-
22 ing in the election is held at the polling place;
23 and

24 “(B) permitting the individual to deliver
25 the ballot to a designated ballot drop-off loca-

1 tion, a tribally designated building, or the office
2 of a State or local election official.

3 “(2) PERMITTING VOTERS TO DESIGNATE
4 OTHER PERSON TO RETURN BALLOT.—A State—

5 “(A) shall permit a voter to designate any
6 person to return a voted and sealed absentee
7 ballot to the post office, a ballot drop-off loca-
8 tion, tribally designated building, or election of-
9 fice so long as the person designated to return
10 the ballot does not receive any form of com-
11 pensation based on the number of ballots that
12 the person has returned and no individual,
13 group, or organization provides compensation
14 on this basis; and

15 “(B) may not put any limit on how many
16 voted and sealed absentee ballots any des-
17 ignated person can return to the post office, a
18 ballot drop-off location, tribally designated
19 building, or election office.

20 “(g) BALLOT PROCESSING AND SCANNING REQUIRE-
21 MENTS.—

22 “(1) IN GENERAL.—Each State or jurisdiction
23 shall begin processing and scanning ballots cast by
24 mail for tabulation not later than the date that is 14
25 days prior to the date of the election involved, except

1 that a State may begin processing and scanning bal-
2 lots cast by mail for tabulation after such date if the
3 date on which the State begins such processing and
4 scanning ensures, to the greatest extent practical,
5 that ballots cast before the date of the election are
6 processed and scanned before the date of the elec-
7 tion.

8 “(2) LIMITATION.—Nothing in this subsection
9 shall be construed—

10 “(A) to permit a State to tabulate ballots
11 in an election before the closing of the polls on
12 the date of the election unless such tabulation
13 is a necessary component of preprocessing in
14 the State and is performed in accordance with
15 existing State law; or

16 “(B) to permit an official to make public
17 any results of tabulation and processing before
18 the closing of the polls on the date of the elec-
19 tion.

20 “(h) PROHIBITING CERTAIN RESTRICTIONS ON AC-
21 CESS TO VOTING MATERIALS.—

22 “(1) DISTRIBUTION OF ABSENTEE BALLOT AP-
23 PPLICATIONS BY THIRD PARTIES.—A State may not
24 prohibit any person from providing an application

1 for an absentee ballot in the election to any indi-
2 vidual who is eligible to vote in the election.

3 “(2) UNSOLICITED PROVISION OF VOTER REG-
4 ISTRATION APPLICATIONS BY ELECTION OFFI-
5 CIALS.—A State may not prohibit an election official
6 from providing an unsolicited application to register
7 to vote in an election for Federal office to any indi-
8 vidual who is eligible to register to vote in the elec-
9 tion.

10 “(i) RULE OF CONSTRUCTION.—Nothing in this sec-
11 tion shall be construed to affect the authority of States
12 to conduct elections for Federal office through the use of
13 polling places at which individuals cast ballots.

14 “(j) NO EFFECT ON BALLOTS SUBMITTED BY AB-
15 SENT MILITARY AND OVERSEAS VOTERS.—Nothing in
16 this section may be construed to affect the treatment of
17 any ballot submitted by an individual who is entitled to
18 vote by absentee ballot under the Uniformed and Overseas
19 Citizens Absentee Voting Act (52 U.S.C. 20301 et seq.).

20 “(k) EFFECTIVE DATE.—This section shall apply
21 with respect to the regularly scheduled general election for
22 Federal office held in November 2022 and each succeeding
23 election for Federal office.”.

24 (2) CLERICAL AMENDMENTS.—The table of
25 contents of such Act, as amended by section

1 1031(c), section 1056(b), section 1101(c), section
2 1102(c), section 1103(a), section 1104(c), and sec-
3 tion 1611(c), is amended—

4 (A) by redesignating the items relating to
5 sections 311 and 312 as relating to sections
6 312 and 313, respectively; and

7 (B) by inserting after the item relating to
8 section 310 the following new item:

“Sec. 311. Promoting ability of voters to vote by mail.”.

9 (b) SAME-DAY PROCESSING OF ABSENTEE BAL-
10 LOTS.—

11 (1) IN GENERAL.—Chapter 34 of title 39,
12 United States Code, is amended by adding at the
13 end the following:

14 **“§ 3407. Same-day processing of ballots**

15 “(a) IN GENERAL.—The Postal Service shall ensure,
16 to the maximum extent practicable, that any ballot carried
17 by the Postal Service is processed by and cleared from
18 any postal facility or post office on the same day that the
19 ballot is received by that facility or post office.

20 “(b) DEFINITIONS.—As used in this section—

21 “(1) the term ‘ballot’ means any ballot trans-
22 mitted by a voter by mail in an election for Federal
23 office, but does not include any ballot covered by
24 section 3406; and

1 “(2) the term ‘election for Federal office’ means
2 a general, special, primary, or runoff election for the
3 office of President or Vice President, or of Senator
4 or Representative in, or Delegate or Resident Com-
5 missioner to, the Congress.”.

6 (2) TECHNICAL AND CONFORMING AMEND-
7 MENT.—The table of sections for chapter 34 of title
8 39, United States Code, is amended by adding at
9 the end the following:

“3407. Same-day processing of ballots.”.

10 (3) EFFECTIVE DATE.—The amendments made
11 by this subsection shall apply to absentee ballots re-
12 lating to an election for Federal office occurring on
13 or after January 1, 2022.

14 (c) DEVELOPMENT OF ALTERNATIVE VERIFICATION
15 METHODS.—

16 (1) DEVELOPMENT OF STANDARDS.—The Na-
17 tional Institute of Standards, in consultation with
18 the Election Assistance Commission, shall develop
19 standards for the use of alternative methods which
20 could be used in place of signature verification re-
21 quirements for purposes of verifying the identifica-
22 tion of an individual voting by mail-in or absentee
23 ballot in elections for Federal office.

24 (2) PUBLIC NOTICE AND COMMENT.—The Na-
25 tional Institute of Standards shall solicit comments

1 from the public in the development of standards
2 under paragraph (1).

3 (3) DEADLINE.—Not later than 2 years after
4 the date of the enactment of this Act, the National
5 Institute of Standards shall publish the standards
6 developed under paragraph (1).

7 **SEC. 1622. BALLOTING MATERIALS TRACKING PROGRAM.**

8 (a) IN GENERAL.—

9 (1) REQUIREMENTS.—Subtitle A of title III of
10 the Help America Vote Act of 2002 (52 U.S.C.
11 21081 et seq.), as amended by section 1031(a), sec-
12 tion 1056(a), section 1101(a), section 1102(a), sec-
13 tion 1103(a), section 1104(a), section 1611(a), and
14 section 1621(a), is amended—

15 (A) by redesignating sections 312 and 313
16 as sections 313 and 314, respectively; and

17 (B) by inserting after section 311 the fol-
18 lowing new section:

19 **“SEC. 312. BALLOT MATERIALS TRACKING PROGRAM.**

20 “(a) REQUIREMENT.—Each State shall carry out a
21 program to track and confirm the receipt of mail-in ballots
22 and absentee ballots in an election for Federal office under
23 which the State or local election official responsible for the
24 receipt of such voted ballots in the election carries out pro-
25 cedures to track and confirm the receipt of such ballots,

1 and makes information on the receipt of such ballots avail-
 2 able to the individual who cast the ballot.

3 “(b) MEANS OF CARRYING OUT PROGRAM.—A State
 4 may meet the requirements of subsection (a)—

5 “(1) through a program—

6 “(A) which is established by the State;

7 “(B) under which the State or local elec-
 8 tion official responsible for the receipt of voted
 9 mail-in ballots and voted absentee ballots in the
 10 election—

11 “(i) carries out procedures to track
 12 and confirm the receipt of such ballots;
 13 and

14 “(ii) makes information on the receipt
 15 of such ballots available to the individual
 16 who cast the ballot; and

17 “(C) which meets the requirements of sub-
 18 section (c); or

19 “(2) through the ballot materials tracking serv-
 20 ice established under section 1622(b) of the For the
 21 People Act of 2021.

22 “(c) STATE PROGRAM REQUIREMENTS.—The re-
 23 quirements of this subsection are as follows:

24 “(1) INFORMATION ON WHETHER VOTE WAS
 25 ACCEPTED.—The information referred to under sub-

1 section (b)(1)(B)(ii) with respect to the receipt of
2 mail-in ballot or an absentee ballot shall include in-
3 formation regarding whether the vote cast on the
4 ballot was accepted, and, in the case of a vote which
5 was rejected, the reasons therefor.

6 “(2) AVAILABILITY OF INFORMATION.—Infor-
7 mation on whether a ballot was accepted or rejected
8 shall be available within 1 business day of the State
9 accepting or rejecting the ballot.

10 “(3) ACCESSIBILITY OF INFORMATION.—

11 “(A) IN GENERAL.—Except as provided
12 under subparagraph (B), the information pro-
13 vided under the program shall be available by
14 means of online access using the internet site of
15 the State or local election office.

16 “(B) USE OF TOLL-FREE TELEPHONE
17 NUMBER BY OFFICIALS WITHOUT INTERNET
18 SITE.—In the case of a State or local election
19 official whose office does not have an internet
20 site, the program shall require the official to es-
21 tablish a toll-free telephone number that may be
22 used by an individual who cast an absentee bal-
23 lot to obtain the information required under
24 subsection (b)(1)(B).

1 “(d) EFFECTIVE DATE.—This section shall apply
2 with respect to the regularly scheduled general election for
3 Federal office held in November 2024 and each succeeding
4 election for Federal office.”.

5 (2) CONFORMING AMENDMENTS.—Section 102
6 of the Uniformed and Overseas Citizens Absentee
7 Voting Act (52 U.S.C. 20302(a)) is amended by
8 striking subsection (h) and redesignating subsection
9 (i) as subsection (h).

10 (b) BALLOTING MATERIALS TRACKING SERVICE.—

11 (1) IN GENERAL.—Not later than January 1,
12 2024, the Secretary of Homeland Security, in con-
13 sultation with the Chair of the Election Assistance
14 Commission, the Postmaster General, the Director
15 of the General Services Administration, the Presi-
16 dential designee, and State election officials, shall
17 establish a balloting materials tracking service to be
18 used by State and local jurisdictions to inform voters
19 on the status of voter registration applications, ab-
20 sentee ballot applications, absentee ballots, and mail-
21 in ballots.

22 (2) INFORMATION TRACKED.—The balloting
23 materials tracking service established under para-
24 graph (1) shall provide to a voter the following infor-
25 mation with respect to that voter:

1 (A) In the case of balloting materials sent
2 by mail, tracking information from the United
3 States Postal Service and the Presidential des-
4 ignee on balloting materials sent to the voter
5 and, to the extent feasible, returned by the
6 voter.

7 (B) The date on which any request by the
8 voter for an application for voter registration or
9 an absentee ballot was received.

10 (C) The date on which any such requested
11 application was sent to the voter.

12 (D) The date on which any such completed
13 application was received from the voter and the
14 status of such application.

15 (E) The date on which any mail-in ballot
16 or absentee ballot was sent to the voter.

17 (F) The date on which any mail-in ballot
18 or absentee ballot was received by the voter.

19 (G) The date on which the post office proc-
20 esses the ballot.

21 (H) The date on which post office deliv-
22 ered the ballot to the election office.

23 (I) Whether such ballot was accepted and
24 counted, and in the case of any ballot not

1 counted, the reason why the ballot was not
2 counted.

3 The information described in subparagraph (I) shall
4 be available not later than 1 day after a determina-
5 tion is made on whether or not to accept and count
6 the ballot.

7 (3) METHOD OF PROVIDING INFORMATION.—
8 The balloting materials tracking service established
9 under paragraph (1) shall allow voters the option to
10 receive the information described in paragraph (2)
11 through email (or other electronic means) or through
12 the mail.

13 (4) PROHIBITION ON FEES.—The Director may
14 not charge any fee to a State or jurisdiction for use
15 of the balloting materials tracking service in connec-
16 tion with any Federal, State, or local election.

17 (5) PRESIDENTIAL DESIGNEE.—For purposes
18 of this subsection, the term “Presidential designee”
19 means the Presidential designee under section
20 101(a) of the Uniformed and Overseas Citizens Ab-
21 sentee Voting Act (52 U.S.C. 30201).

22 (6) AUTHORIZATION OF APPROPRIATIONS.—
23 There are authorized to be appropriated to the Di-
24 rector such sums as are necessary for purposes of
25 carrying out this subsection.

1 (c) REIMBURSEMENT FOR COSTS INCURRED BY
2 STATES IN ESTABLISHING PROGRAM.—Subtitle D of title
3 II of the Help America Vote Act of 2002 (42 U.S.C.
4 15401 et seq.) is amended by adding at the end the fol-
5 lowing new part:

6 **“PART 7—PAYMENTS TO REIMBURSE STATES**
7 **FOR COSTS INCURRED IN ESTABLISHING**
8 **PROGRAM TO TRACK AND CONFIRM RE-**
9 **CEIPT OF ABSENTEE BALLOTS**

10 **“SEC. 297. PAYMENTS TO STATES.**

11 “(a) PAYMENTS FOR COSTS OF PROGRAM.—In ac-
12 cordance with this section, the Commission shall make a
13 payment to a State to reimburse the State for the costs
14 incurred in establishing the absentee ballot tracking pro-
15 gram under section 312(b)(1) (including costs incurred
16 prior to the date of the enactment of this part).

17 “(b) CERTIFICATION OF COMPLIANCE AND COSTS.—

18 “(1) CERTIFICATION REQUIRED.—In order to
19 receive a payment under this section, a State shall
20 submit to the Commission a statement containing—

21 “(A) a certification that the State has es-
22 tablished an absentee ballot tracking program
23 with respect to elections for Federal office held
24 in the State; and

1 “(B) a statement of the costs incurred by
2 the State in establishing the program.

3 “(2) AMOUNT OF PAYMENT.—The amount of a
4 payment made to a State under this section shall be
5 equal to the costs incurred by the State in estab-
6 lishing the absentee ballot tracking program, as set
7 forth in the statement submitted under paragraph
8 (1), except that such amount may not exceed the
9 product of—

10 “(A) the number of jurisdictions in the
11 State which are responsible for operating the
12 program; and

13 “(B) \$3,000.

14 “(3) LIMIT ON NUMBER OF PAYMENTS RE-
15 CEIVED.—A State may not receive more than one
16 payment under this part.

17 **“SEC. 297A. AUTHORIZATION OF APPROPRIATIONS.**

18 “(a) AUTHORIZATION.—There are authorized to be
19 appropriated to the Commission for fiscal year 2022 and
20 each succeeding fiscal year such sums as may be necessary
21 for payments under this part.

22 “(b) CONTINUING AVAILABILITY OF FUNDS.—Any
23 amounts appropriated pursuant to the authorization under
24 this section shall remain available until expended.”.

1 (d) CLERICAL AMENDMENTS.—The table of contents
 2 of such Act, as amended by section 1031(c), 1056(b), sec-
 3 tion 1101(c), section 1102(c), section 1103(a), section
 4 1104(c), section 1611(c), and section 1621(a), is amend-
 5 ed—

6 (1) by adding at the end of the items relating
 7 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.”;

8 (2) by redesignating the items relating to sec-
 9 tions 312 and 313 as relating to sections 313 and
 10 314, respectively; and

11 (3) by inserting after the item relating to sec-
 12 tion 311 the following new item:

“Sec. 312. Absentee ballot tracking program.”.

13 **SEC. 1623. ELECTION MAIL AND DELIVERY IMPROVE-**
 14 **MENTS.**

15 (a) POSTMARK REQUIRED FOR BALLOTS.—

16 (1) IN GENERAL.—Chapter 34 of title 39,
 17 United States Code, as amended by section 1621(b),
 18 is amended by adding at the end the following:

19 **“§ 3408. Postmark required for ballots**

20 “(a) IN GENERAL.—In the case of any absentee bal-
 21 lot carried by the Postal Service, the Postal Service shall

1 indicate on the ballot envelope, using a postmark or other-
 2 wise—

3 “(1) the fact that the ballot was carried by the
 4 Postal Service; and

5 “(2) the date on which the ballot was mailed.

6 “(b) DEFINITIONS.—As used in this section—

7 “(1) the term ‘absentee ballot’ means any ballot
 8 transmitted by a voter by mail in an election for
 9 Federal office, but does not include any ballot cov-
 10 ered by section 3406; and

11 “(2) the term ‘election for Federal office’ means
 12 a general, special, primary, or runoff election for the
 13 office of President or Vice President, or of Senator
 14 or Representative in, or Delegate or Resident Com-
 15 missioner to, the Congress.”.

16 (2) TECHNICAL AND CONFORMING AMEND-
 17 MENT.—The table of sections for chapter 34 of title
 18 39, United States Code, as amended by section
 19 1621(b), is amended by adding at the end the fol-
 20 lowing:

“3408. Postmark required for ballots.”.

21 (3) EFFECTIVE DATE.—The amendments made
 22 by this subsection shall apply to absentee ballots re-
 23 lating to an election for Federal office occurring on
 24 or after January 1, 2022.

25 (b) GREATER VISIBILITY FOR BALLOTS.—

1 (1) IN GENERAL.—Subtitle A of title III of the
2 Help America Vote Act of 2002 (52 U.S.C. 21081
3 et seq.), as amended by section 1031(a), section
4 1056(a), section 1101(a), section 1102(a), section
5 1103(a), section 1104(a), section 1611(a), section
6 1621(a), and section 1622(a), is amended—

7 (A) by redesignating sections 313 and 314
8 as sections 314 and 315, respectively; and

9 (B) by inserting after section 312 the fol-
10 lowing new section:

11 **“SEC. 313. BALLOT VISIBILITY.**

12 “(a) IN GENERAL.—Each State or local election offi-
13 cial shall—

14 “(1) affix Tag 191, Domestic and International
15 Mail-In Ballots (or any successor tag designated by
16 the United States Postal Service), to any tray or
17 sack of official ballots relating to an election for
18 Federal office that is destined for a domestic or
19 international address;

20 “(2) use the Official Election Mail logo to des-
21 ignate official ballots relating to an election for Fed-
22 eral office that is destined for a domestic or inter-
23 national address; and

24 “(3) if an intelligent mail barcode is utilized for
25 any official ballot relating to an election for Federal

1 office that is destined for a domestic or international
 2 address, ensure the specific ballot service type identi-
 3 fier for such mail is visible.

4 “(b) EFFECTIVE DATE.—The requirements of this
 5 section shall apply to elections for Federal office occurring
 6 on and after January 1, 2022.”.

7 (2) VOLUNTARY GUIDANCE.—Section 321(b)(4)
 8 of such Act (52 U.S.C. 21101(b)), as added and re-
 9 designated by section 1101(b) and as amended by
 10 sections 1102, 1103 and 1104, is amended by strik-
 11 ing “and 309” and inserting “309, and 313”.

12 (3) CLERICAL AMENDMENTS.—The table of
 13 contents of such Act, as amended by section
 14 1031(e), section 1056(b), section 1101(c), section
 15 1102(e), section 1103(a), section 1104(e), section
 16 1611(e), section 1621(a), and section 1622(a), is
 17 amended—

18 (A) by redesignating the items relating to
 19 sections 313 and 314 as relating to sections
 20 314 and 315; and

21 (B) by inserting after the item relating to
 22 section 312 the following new item:

“Sec. 313. Ballot visibility.”.

23 **SEC. 1624. CARRIAGE OF ELECTION MAIL.**

24 (a) TREATMENT OF ELECTION MAIL.—

1 (1) TREATMENT AS FIRST-CLASS MAIL; FREE
2 POSTAGE.—Chapter 34 of title 39, United States
3 Code, as amended by section 1623(a), is amended by
4 adding at the end the following:

5 **“§ 3409. Domestic election mail; restriction of oper-**
6 **ational changes prior to elections**

7 “(a) DEFINITION.—In this section, the term ‘election
8 mail’ means—

9 “(1) a blank or completed voter registration ap-
10 plication form, voter registration card, or similar
11 materials, relating to an election for Federal office;

12 “(2) a blank or completed absentee and other
13 mail-in ballot application form, and a blank or com-
14 pleted absentee or other mail-in ballot, relating to an
15 election for Federal office, and

16 “(3) other materials relating to an election for
17 Federal office that are mailed by a State or local
18 election official to an individual who is registered to
19 vote.

20 “(b) CARRIAGE OF ELECTION MAIL.—Election mail
21 (other than balloting materials covered under section 3406
22 (relating to the Uniformed and Overseas Absentee Voting
23 Act), individually or in bulk, shall be carried—

1 “(1) in accordance with the service standards
2 established for first-class mail under section 3691;
3 and

4 “(2) free of postage.

5 “(c) RESTRICTION OF OPERATIONAL CHANGES.—
6 During the 120-day period which ends on the date of an
7 election for Federal office, the Postal Service may not
8 carry out any new operational change that would restrict
9 the prompt and reliable delivery of election mail. This sub-
10 section applies to operational changes which include—

11 “(1) removing or eliminating any mail collection
12 box without immediately replacing it; and

13 “(2) removing, decommissioning, or any other
14 form of stopping the operation of mail sorting ma-
15 chines, other than for routine maintenance.

16 “(d) ELECTION MAIL COORDINATOR.—The Postal
17 Service shall appoint an Election Mail Coordinator at each
18 area office and district office to facilitate relevant informa-
19 tion sharing with State, territorial, local, and Tribal elec-
20 tion officials in regards to the mailing of election mail.”.

21 (2) REIMBURSEMENT OF POSTAL SERVICE FOR
22 REVENUE FORGONE.—Section 2401(c) of title 39,
23 United States Code, is amended by striking “sec-
24 tions 3217 and 3403 through 3406” and inserting
25 “sections 3217, 3403 through 3406, and 3409”.

1 (b) TECHNICAL AND CONFORMING AMENDMENT.—
 2 The table of sections for chapter 34 of title 39, United
 3 States Code, as amended by section 1623(a), is amended
 4 by adding at the end the following:

“3409. Domestic election mail; restriction of operational changes prior to elec-
 tions.”.

5 (c) EFFECTIVE DATE.—The amendments made by
 6 this section shall apply to election mail relating to an elec-
 7 tion for Federal office occurring on or after January 1,
 8 2022.

9 **Subtitle J—Absent Uniformed**
 10 **Services Voters and Overseas**
 11 **Voters**

12 **SEC. 1701. PRE-ELECTION REPORTS ON AVAILABILITY AND**
 13 **TRANSMISSION OF ABSENTEE BALLOTS.**

14 Section 102(c) of the Uniformed and Overseas Citi-
 15 zens Absentee Voting Act (52 U.S.C. 20302(c)) is amend-
 16 ed to read as follows:

17 “(c) REPORTS ON AVAILABILITY, TRANSMISSION,
 18 AND RECEIPT OF ABSENTEE BALLOTS.—

19 “(1) PRE-ELECTION REPORT ON ABSENTEE
 20 BALLOT AVAILABILITY.—Not later than 55 days be-
 21 fore any regularly scheduled general election for
 22 Federal office, each State shall submit a report to
 23 the Attorney General certifying that absentee ballots
 24 for the election are or will be available for trans-

1 mission to absent uniformed services voters and
2 overseas voters by not later than 46 days before the
3 election. The report shall be in a form prescribed by
4 the Attorney General and shall require the State to
5 certify specific information about ballot availability
6 from each unit of local government which will ad-
7 minister the election.

8 “(2) PRE-ELECTION REPORT ON ABSENTEE
9 BALLOTS TRANSMITTED.—

10 “(A) IN GENERAL.—Not later than 43
11 days before any election for Federal office held
12 in a State, the chief State election official of
13 such State shall submit a report containing the
14 information in subparagraph (B) to the Attor-
15 ney General.

16 “(B) INFORMATION REPORTED.—The re-
17 port under subparagraph (A) shall consist of
18 the following:

19 “(i) The total number of absentee bal-
20 lots validly requested by absent uniformed
21 services voters and overseas voters whose
22 requests were received by the 47th day be-
23 fore the election by each unit of local gov-
24 ernment within the State that will transmit
25 absentee ballots.

1 “(ii) The total number of ballots
2 transmitted to such voters by the 46th day
3 before the election by each unit of local
4 government within the State that will ad-
5 minister the election.

6 “(iii) Specific information about any
7 late transmitted ballots.

8 “(C) REQUIREMENT TO SUPPLEMENT IN-
9 COMPLETE INFORMATION.—If the report under
10 subparagraph (A) has incomplete information
11 on any items required to be included in the re-
12 port, the chief State election official shall make
13 all reasonable efforts to expeditiously supple-
14 ment the report with complete information.

15 “(D) FORMAT.—The report under sub-
16 paragraph (A) shall be in a format prescribed
17 by the Attorney General in consultation with
18 the chief State election officials of each State.

19 “(3) POST-ELECTION REPORT ON NUMBER OF
20 ABSENTEE BALLOTS TRANSMITTED AND RE-
21 CEIVED.—Not later than 90 days after the date of
22 each regularly scheduled general election for Federal
23 office, each State and unit of local government
24 which administered the election shall (through the
25 State, in the case of a unit of local government) sub-

1 mit a report to the Election Assistance Commission
2 on the combined number of absentee ballots trans-
3 mitted to absent uniformed services voters and over-
4 seas voters for the election and the combined num-
5 ber of such ballots which were returned by such vot-
6 ers and cast in the election, and shall make such re-
7 port available to the general public that same day.”.

8 **SEC. 1702. ENFORCEMENT.**

9 (a) AVAILABILITY OF CIVIL PENALTIES AND PRI-
10 VATE RIGHTS OF ACTION.—Section 105 of the Uniformed
11 and Overseas Citizens Absentee Voting Act (52 U.S.C.
12 20307) is amended to read as follows:

13 **“SEC. 105. ENFORCEMENT.**

14 “(a) ACTION BY ATTORNEY GENERAL.—

15 “(1) IN GENERAL.—The Attorney General may
16 bring civil action in an appropriate district court for
17 such declaratory or injunctive relief as may be nec-
18 essary to carry out this title.

19 “(2) PENALTY.—In a civil action brought under
20 paragraph (1), if the court finds that the State, a
21 local election official, or unit of local government vio-
22 lated any provision of this title, it may, to vindicate
23 the public interest, assess a civil penalty against the
24 State, local election official, or unit of local govern-
25 ment—

1 “(A) in an amount not to exceed \$110,000
2 for each such violation, in the case of a first
3 violation; or

4 “(B) in an amount not to exceed \$220,000
5 for each such violation, for any subsequent vio-
6 lation.

7 “(3) REPORT TO CONGRESS.—Not later than
8 December 31 of each year, the Attorney General
9 shall submit to Congress an annual report on any
10 civil action brought under paragraph (1) during the
11 preceding year.

12 “(b) PRIVATE RIGHT OF ACTION.—A person who is
13 aggrieved by a violation of this title by a State, a local
14 election official, or unit of local government may bring a
15 civil action in an appropriate district court for such declar-
16 atory or injunctive relief as may be necessary to carry out
17 this title.

18 “(c) STATE AS ONLY NECESSARY DEFENDANT.—In
19 any action brought under this section, the only necessary
20 party defendant is the State, and it shall not be a defense
21 to any such action that a local election official or a unit
22 of local government is not named as a defendant, notwith-
23 standing that a State has exercised the authority described
24 in section 576 of the Military and Overseas Voter Em-
25 powerment Act to delegate to another jurisdiction in the

1 State any duty or responsibility which is the subject of
2 an action brought under this section.

3 “(d) **RULE OF CONSTRUCTION.**—Nothing in this sec-
4 tion shall be construed to prohibit an election official or
5 a unit of local government from being named as a defend-
6 ant.”.

7 (b) **EFFECTIVE DATE.**—The amendments made by
8 this section shall apply with respect to violations alleged
9 to have occurred on or after the date of the enactment
10 of this Act.

11 **SEC. 1703. TRANSMISSION REQUIREMENTS; REPEAL OF**
12 **WAIVER PROVISION.**

13 (a) **IN GENERAL.**—Paragraph (8) of section 102(a)
14 of the Uniformed and Overseas Citizens Absentee Voting
15 Act (52 U.S.C. 20302(a)) is amended to read as follows:

16 “(8) transmit a validly requested absentee bal-
17 lot to an absent uniformed services voter or overseas
18 voter by the date and in the manner determined
19 under subsection (g);”.

20 (b) **BALLOT TRANSMISSION REQUIREMENTS AND**
21 **REPEAL OF WAIVER PROVISION.**—Subsection (g) of sec-
22 tion 102 of such Act (52 U.S.C. 20302(g)) is amended
23 to read as follows:

24 “(g) **BALLOT TRANSMISSION REQUIREMENTS.**—

1 “(1) IN GENERAL.—For purposes of subsection
2 (a)(8), in the case in which a valid request for an
3 absentee ballot is received at least 47 days before an
4 election for Federal office, the following rules shall
5 apply:

6 “(A) TRANSMISSION DEADLINE.—The
7 State shall transmit the absentee ballot not
8 later than 46 days before the election.

9 “(B) SPECIAL RULES IN CASE OF FAILURE
10 TO TRANSMIT ON TIME.—

11 “(i) IN GENERAL.—If the State fails
12 to transmit any absentee ballot by the 46th
13 day before the election as required by sub-
14 paragraph (A) and the absent uniformed
15 services voter or overseas voter did not re-
16 quest electronic ballot transmission pursu-
17 ant to subsection (f), the State shall trans-
18 mit such ballot by express delivery.

19 “(ii) EXTENDED FAILURE.—If the
20 State fails to transmit any absentee ballot
21 by the 41st day before the election, in ad-
22 dition to transmitting the ballot as pro-
23 vided in clause (i), the State shall—

24 “(I) in the case of absentee bal-
25 lots requested by absent uniformed

1 services voters with respect to regu-
2 larly scheduled general elections, no-
3 tify such voters of the procedures es-
4 tablished under section 103A for the
5 collection and delivery of marked ab-
6 sentee ballots; and

7 “(II) in any other case, provide
8 for the return of such ballot by ex-
9 press delivery.

10 “(iii) COST OF EXPRESS DELIVERY.—

11 In any case in which express delivery is re-
12 quired under this subparagraph, the cost
13 of such express delivery—

14 “(I) shall not be paid by the
15 voter; and

16 “(II) if determined appropriate
17 by the chief State election official,
18 may be required by the State to be
19 paid by a local jurisdiction.

20 “(iv) EXCEPTION.—Clause (ii)(II)
21 shall not apply when an absent uniformed
22 services voter or overseas voter indicates
23 the preference to return the late sent ab-
24 sentee ballot by electronic transmission in

1 a State that permits return of an absentee
2 ballot by electronic transmission.

3 “(v) ENFORCEMENT.—A State’s com-
4 pliance with this subparagraph does not
5 bar the Attorney General from seeking ad-
6 ditional remedies necessary to fully resolve
7 or prevent ongoing, future, or systematic
8 violations of this provision or to effectuate
9 the purposes of this Act.

10 “(C) SPECIAL PROCEDURE IN EVENT OF
11 DISASTER.—If a disaster (hurricane, tornado,
12 earthquake, storm, volcanic eruption, landslide,
13 fire, flood, or explosion), or an act of terrorism
14 prevents the State from transmitting any ab-
15 sentee ballot by the 46th day before the election
16 as required by subparagraph (A), the chief
17 State election official shall notify the Attorney
18 General as soon as practicable and take all ac-
19 tions necessary, including seeking any necessary
20 judicial relief, to ensure that affected absent
21 uniformed services voters and overseas voters
22 are provided a reasonable opportunity to receive
23 and return their absentee ballots in time to be
24 counted.

1 “(2) REQUESTS RECEIVED AFTER 47TH DAY
2 BEFORE ELECTION.—For purposes of subsection
3 (a)(8), in the case in which a valid request for an
4 absentee ballot is received less than 47 days but not
5 less than 30 days before an election for Federal of-
6 fice, the State shall transmit the absentee ballot
7 within one business day of receipt of the request.”.

8 **SEC. 1704. USE OF SINGLE ABSENTEE BALLOT APPLICA-**
9 **TION FOR SUBSEQUENT ELECTIONS.**

10 (a) IN GENERAL.—Section 104 of the Uniformed and
11 Overseas Citizens Absentee Voting Act (52 U.S.C. 20306)
12 is amended to read as follows:

13 **“SEC. 104. TREATMENT OF BALLOT REQUESTS.**

14 “(a) IN GENERAL.—If a State accepts and processes
15 an official post card form (prescribed under section 101)
16 submitted by an absent uniformed services voter or over-
17 seas voter for simultaneous voter registration and absen-
18 tee ballot application (in accordance with section
19 102(a)(4)) and the voter requests that the application be
20 considered an application for an absentee ballot for each
21 subsequent election for Federal office held in the State
22 through the end of the calendar year following the next
23 regularly scheduled general election for Federal office, the
24 State shall provide an absentee ballot to the voter for each
25 such subsequent election.

1 “(b) EXCEPTION FOR VOTERS CHANGING REGISTRA-
2 TION.—Subsection (a) shall not apply with respect to a
3 voter registered to vote in a State for any election held
4 after the voter notifies the State that the voter no longer
5 wishes to be registered to vote in the State or after the
6 State determines that the voter has registered to vote in
7 another State or is otherwise no longer eligible to vote in
8 the State.

9 “(c) PROHIBITION OF REFUSAL OF APPLICATION ON
10 GROUNDS OF EARLY SUBMISSION.—A State may not
11 refuse to accept or to process, with respect to any election
12 for Federal office, any otherwise valid voter registration
13 application or absentee ballot application (including the
14 postcard form prescribed under section 101) submitted by
15 an absent uniformed services voter or overseas voter on
16 the grounds that the voter submitted the application be-
17 fore the first date on which the State otherwise accepts
18 or processes such applications for that election which are
19 submitted by absentee voters who are not members of the
20 uniformed services or overseas citizens.”.

21 (b) REQUIREMENT FOR REVISION TO POSTCARD
22 FORM.—

23 (1) IN GENERAL.—The Presidential designee
24 shall ensure that the official postcard form pre-
25 scribed under section 101(b)(2) of the Uniformed

1 and Overseas Citizens Absentee Voting Act (52
2 U.S.C. 20301(b)(2)) enables a voter using the form
3 to—

4 (A) request an absentee ballot for each
5 election for Federal office held in a State
6 through the end of the calendar year following
7 the next regularly scheduled general election for
8 Federal office; or

9 (B) request an absentee ballot for a spe-
10 cific election or elections for Federal office held
11 in a State during the period described in sub-
12 paragraph (A).

13 (2) PRESIDENTIAL DESIGNEE.—For purposes
14 of this paragraph, the term “Presidential designee”
15 means the individual designated under section
16 101(a) of the Uniformed and Overseas Citizens Ab-
17 sentee Voting Act (52 U.S.C. 20301(a)).

18 (c) EFFECTIVE DATE.—The amendment made by
19 subsection (a) shall apply with respect to voter registration
20 and absentee ballot applications which are submitted to
21 a State or local election official on or after the date of
22 the enactment of this Act.

1 **SEC. 1705. EXTENDING GUARANTEE OF RESIDENCY FOR**
2 **VOTING PURPOSES TO FAMILY MEMBERS OF**
3 **ABSENT MILITARY PERSONNEL.**

4 Section 102 of the Uniformed and Overseas Citizens
5 Absentee Voting Act (52 U.S.C. 20302), as amended by
6 section 1622, is amended by adding at the end the fol-
7 lowing new subsection:

8 “(i) GUARANTEE OF RESIDENCY FOR SPOUSES AND
9 DEPENDENTS OF ABSENT MEMBERS OF UNIFORMED
10 SERVICE.—For the purposes of voting in any election for
11 any Federal office or any State or local office, a spouse
12 or dependent of an individual who is an absent uniformed
13 services voter described in subparagraph (A) or (B) of sec-
14 tion 107(1) shall not, solely by reason of that individual’s
15 absence and without regard to whether or not such spouse
16 or dependent is accompanying that individual—

17 “(1) be deemed to have lost a residence or
18 domicile in that State, without regard to whether or
19 not that individual intends to return to that State;

20 “(2) be deemed to have acquired a residence or
21 domicile in any other State; or

22 “(3) be deemed to have become a resident in or
23 a resident of any other State.”.

1 **SEC. 1706. TECHNICAL CLARIFICATIONS TO CONFORM TO**
 2 **2009 MOVE ACT AMENDMENTS RELATED TO**
 3 **THE FEDERAL WRITE-IN ABSENTEE BALLOT.**

4 (a) IN GENERAL.—Section 102(a)(3) of the Uni-
 5 formed and Overseas Citizens Absentee Voting Act (52
 6 U.S.C. 20302(a)(3)) is amended by striking “general elec-
 7 tions” and inserting “general, special, primary, and runoff
 8 elections”.

9 (b) CONFORMING AMENDMENT.—Section 103 of
 10 such Act (52 U.S.C. 20303) is amended—

11 (1) in subsection (b)(2)(B), by striking “gen-
 12 eral”; and

13 (2) in the heading thereof, by striking “**GEN-**
 14 **ERAL**”.

15 **SEC. 1707. TREATMENT OF POST CARD REGISTRATION RE-**
 16 **QUESTS.**

17 Section 102 of the Uniformed and Overseas Citizens
 18 Absentee Voting Act (52 U.S.C. 20302), as amended by
 19 sections 1622 and 1705, is amended by adding at the end
 20 the following new subsection:

21 “(j) TREATMENT OF POST CARD REGISTRATIONS.—
 22 A State shall not remove any absent uniformed services
 23 voter or overseas voter who has registered to vote using
 24 the official post card form (prescribed under section 101)
 25 from the official list of registered voters except in accord-
 26 ance with subparagraph (A), (B), or (C) of section 8(a)(3)

1 of the National Voter Registration Act of 1993 (52 U.S.C.
2 20507).”.

3 **SEC. 1708. APPLICABILITY TO COMMONWEALTH OF THE**
4 **NORTHERN MARIANA ISLANDS.**

5 Paragraphs (6) and (8) of section 107 of the Uni-
6 formed and Overseas Citizens Absentee Voting Act (52
7 U.S.C. 20310) are each amended by striking “and Amer-
8 ican Samoa” and inserting “American Samoa, and the
9 Commonwealth of the Northern Mariana Islands”.

10 **SEC. 1709. ELIMINATION OF 14-DAY TIME PERIOD BETWEEN**
11 **GENERAL ELECTION AND RUNOFF ELECTION**
12 **FOR FEDERAL ELECTIONS IN THE VIRGIN IS-**
13 **LANDS AND GUAM.**

14 Section 2 of the Act entitled “An Act to provide that
15 the unincorporated territories of Guam and the Virgin Is-
16 lands shall each be represented in Congress by a Delegate
17 to the House of Representatives”, approved April 10,
18 1972 (48 U.S.C. 1712), is amended—

19 (1) by striking “(a) The Delegate” and insert-
20 ing “The Delegate”;

21 (2) by striking “on the fourteenth day following
22 such an election” in the fourth sentence of sub-
23 section (a); and

24 (3) by striking subsection (b).

1 **SEC. 1710. DEPARTMENT OF JUSTICE REPORT ON VOTER**
2 **DISENFRANCHISEMENT.**

3 Not later than 1 year of enactment of this Act, the
4 Attorney General shall submit to Congress a report on the
5 impact of wide-spread mail-in voting on the ability of ac-
6 tive duty military servicemembers to vote, how quickly
7 their votes are counted, and whether higher volumes of
8 mail-in votes makes it harder for such individuals to vote
9 in elections for Federal elections.

10 **SEC. 1711. EFFECTIVE DATE.**

11 Except as provided in section 1702(b) and section
12 1704(b), the amendments made by this subtitle shall apply
13 with respect to elections occurring on or after January 1,
14 2022.

15 **Subtitle K—Poll Worker**
16 **Recruitment and Training**

17 **SEC. 1801. GRANTS TO STATES FOR POLL WORKER RE-**
18 **CRUITMENT AND TRAINING.**

19 (a) GRANTS BY ELECTION ASSISTANCE COMMIS-
20 SION.—

21 (1) IN GENERAL.—The Election Assistance
22 Commission (hereafter referred to as the “Commis-
23 sion”) shall, subject to the availability of appropria-
24 tions provided to carry out this section, make a
25 grant to each eligible State for recruiting and train-

1 ing individuals to serve as poll workers on dates of
2 elections for public office.

3 (2) USE OF COMMISSION MATERIALS.—In car-
4 rying out activities with a grant provided under this
5 section, the recipient of the grant shall use the man-
6 ual prepared by the Commission on successful prac-
7 tices for poll worker recruiting, training, and reten-
8 tion as an interactive training tool, and shall develop
9 training programs with the participation and input
10 of experts in adult learning.

11 (3) ACCESS AND CULTURAL CONSIDER-
12 ATIONS.—The Commission shall ensure that the
13 manual described in paragraph (2) provides training
14 in methods that will enable poll workers to provide
15 access and delivery of services in a culturally com-
16 petent manner to all voters who use their services,
17 including those with limited English proficiency, di-
18 verse cultural and ethnic backgrounds, disabilities,
19 and regardless of gender, sexual orientation, or gen-
20 der identity. These methods must ensure that each
21 voter will have access to poll worker services that are
22 delivered in a manner that meets the unique needs
23 of the voter.

24 (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;

19 (D) provide assurances that the State will
20 dedicate poll worker recruitment efforts with re-
21 spect to—

22 (i) youth and minors, including by re-
23 cruiting at institutions of higher education
24 and secondary education; and

1 (ii) diversity, including with respect to
2 race, ethnicity, and disability; and

3 (E) provide such additional information
4 and certifications as the Commission deter-
5 mines to be essential to ensure compliance with
6 the requirements of this section.

7 (c) AMOUNT OF GRANT.—

8 (1) IN GENERAL.—The amount of a grant
9 made to a State under this section shall be equal to
10 the product of—

11 (A) the aggregate amount made available
12 for grants to States under this section; and

13 (B) the voting age population percentage
14 for the State.

15 (2) VOTING AGE POPULATION PERCENTAGE DE-
16 FINED.—In paragraph (1), the “voting age popu-
17 lation percentage” for a State is the quotient of—

18 (A) the voting age population of the State
19 (as determined on the basis of the most recent
20 information available from the Bureau of the
21 Census); and

22 (B) the total voting age population of all
23 States (as determined on the basis of the most
24 recent information available from the Bureau of
25 the Census).

1 (d) REPORTS TO CONGRESS.—

2 (1) REPORTS BY RECIPIENTS OF GRANTS.—Not
3 later than 6 months after the date on which the
4 final grant is made under this section, each recipient
5 of a grant shall submit a report to the Commission
6 on the activities conducted with the funds provided
7 by the grant.

8 (2) REPORTS BY COMMISSION.—Not later than
9 1 year after the date on which the final grant is
10 made under this section, the Commission shall sub-
11 mit a report to Congress on the grants made under
12 this section and the activities carried out by recipi-
13 ents with the grants, and shall include in the report
14 such recommendations as the Commission considers
15 appropriate.

16 (e) FUNDING.—

17 (1) CONTINUING AVAILABILITY OF AMOUNT AP-
18 PROPRIATED.—Any amount appropriated to carry
19 out this section shall remain available without fiscal
20 year limitation until expended.

21 (2) ADMINISTRATIVE EXPENSES.—Of the
22 amount appropriated for any fiscal year to carry out
23 this section, not more than 3 percent shall be avail-
24 able for administrative expenses of the Commission.

1 **SEC. 1802. STATE DEFINED.**

2 In this subtitle, the term “State” includes the Dis-
3 trict of Columbia, the Commonwealth of Puerto Rico,
4 Guam, American Samoa, the United States Virgin Is-
5 lands, and the Commonwealth of the Northern Mariana
6 Islands.

7 **Subtitle L—Enhancement of**
8 **Enforcement**

9 **SEC. 1811. ENHANCEMENT OF ENFORCEMENT OF HELP**
10 **AMERICA VOTE ACT OF 2002.**

11 (a) COMPLAINTS; AVAILABILITY OF PRIVATE RIGHT
12 OF ACTION.—Section 401 of the Help America Vote Act
13 of 2002 (52 U.S.C. 21111) is amended—

14 (1) by striking “The Attorney General” and in-
15 serting “(a) IN GENERAL.—The Attorney General”;
16 and

17 (2) by adding at the end the following new sub-
18 sections:

19 “(b) FILING OF COMPLAINTS BY AGGRIEVED PER-
20 SONS.—A person who is aggrieved by a violation of title
21 III which has occurred, is occurring, or is about to occur
22 may file a written, signed, notarized complaint with the
23 Attorney General describing the violation and requesting
24 the Attorney General to take appropriate action under this
25 section. The Attorney General shall immediately provide
26 a copy of a complaint filed under the previous sentence

1 to the entity responsible for administering the State-based
2 administrative complaint procedures described in section
3 402(a) for the State involved.

4 “(c) AVAILABILITY OF PRIVATE RIGHT OF AC-
5 TION.—Any person who is authorized to file a complaint
6 under subsection (b) (including any individual who seeks
7 to enforce the individual’s right to a voter-verifiable paper
8 ballot, the right to have the voter-verifiable paper ballot
9 counted in accordance with this Act, or any other right
10 under title III) may file an action under section 1979 of
11 the Revised Statutes of the United States (42 U.S.C.
12 1983) to enforce the uniform and nondiscriminatory elec-
13 tion technology and administration requirements under
14 subtitle A of title III.

15 “(d) NO EFFECT ON STATE PROCEDURES.—Nothing
16 in this section may be construed to affect the availability
17 of the State-based administrative complaint procedures re-
18 quired under section 402 to any person filing a complaint
19 under this subsection.”.

20 (b) EFFECTIVE DATE.—The amendments made by
21 this section shall apply with respect to violations occurring
22 with respect to elections for Federal office held in 2022
23 or any succeeding year.

1 **Subtitle M—Federal Election**
 2 **Integrity**

3 **SEC. 1821. PROHIBITION ON CAMPAIGN ACTIVITIES BY**
 4 **CHIEF STATE ELECTION ADMINISTRATION**
 5 **OFFICIALS.**

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

10 “CAMPAIGN ACTIVITIES BY CHIEF STATE ELECTION
 11 ADMINISTRATION OFFICIALS

12 “SEC. 319A. (a) PROHIBITION.—It shall be unlawful
 13 for a chief State election administration official to take
 14 an active part in political management or in a political
 15 campaign with respect to any election for Federal office
 16 over which such official has supervisory authority.

17 “(b) CHIEF STATE ELECTION ADMINISTRATION OF-
 18 FICIAL.—The term ‘chief State election administration of-
 19 ficial’ means the highest State official with responsibility
 20 for the administration of Federal elections under State
 21 law.

22 “(c) ACTIVE PART IN POLITICAL MANAGEMENT OR
 23 IN A POLITICAL CAMPAIGN.—The term ‘active part in po-
 24 litical management or in a political campaign’ means—

1 “(1) holding any position (including any unpaid
2 or honorary position) with an authorized committee
3 of a candidate, or participating in any decision mak-
4 ing of an authorized committee of a candidate;

5 “(2) the use of official authority or influence
6 for the purpose of interfering with or affecting the
7 result of an election for Federal office;

8 “(3) the solicitation, acceptance, or receipt of a
9 contribution from any person on behalf of a can-
10 didate for Federal office; and

11 “(4) any other act which would be prohibited
12 under paragraph (2) or (3) of section 7323(b) of
13 title 5, United States Code, if taken by an individual
14 to whom such paragraph applies (other than any
15 prohibition on running for public office).

16 “(d) EXCEPTION IN CASE OF RECUSAL FROM AD-
17 MINISTRATION OF ELECTIONS INVOLVING OFFICIAL OR
18 IMMEDIATE FAMILY MEMBER.—

19 “(1) IN GENERAL.—This section does not apply
20 to a chief State election administration official with
21 respect to an election for Federal office in which the
22 official or an immediate family member of the offi-
23 cial is a candidate, but only if—

1 “(A) such official recuses himself or herself
2 from all of the official’s responsibilities for the
3 administration of such election; and

4 “(B) the official who assumes responsi-
5 bility for supervising the administration of the
6 election does not report directly to such official.

7 “(2) IMMEDIATE FAMILY MEMBER DEFINED.—
8 In paragraph (1), the term ‘immediate family mem-
9 ber’ means, with respect to a candidate, a father,
10 mother, son, daughter, brother, sister, husband,
11 wife, father-in-law, or mother-in-law.”.

12 (b) EFFECTIVE DATE.—The amendments made by
13 subsection (a) shall apply with respect to elections for
14 Federal office held after December 2021.

15 **Subtitle N—Promoting Voter Ac-**
16 **cess Through Election Adminis-**
17 **tration Improvements**

18 **PART 1—PROMOTING VOTER ACCESS**

19 **SEC. 1901. TREATMENT OF INSTITUTIONS OF HIGHER EDU-**
20 **CATION.**

21 (a) TREATMENT OF CERTAIN INSTITUTIONS AS
22 VOTER REGISTRATION AGENCIES UNDER NATIONAL
23 VOTER REGISTRATION ACT OF 1993.—Section 7(a) of the
24 National Voter Registration Act of 1993 (52 U.S.C.
25 20506(a)) is amended—

1 (1) in paragraph (2)—

2 (A) by striking “and” at the end of sub-
3 paragraph (A);

4 (B) by striking the period at the end of
5 subparagraph (B) and inserting “; and”; and

6 (C) by adding at the end the following new
7 subparagraph:

8 “(C) each institution of higher education
9 which has a program participation agreement in
10 effect with the Secretary of Education under
11 section 487 of the Higher Education Act of
12 1965 (20 U.S.C. 1094), other than an institu-
13 tion which is treated as a contributing agency
14 under section 1013 of the For the People Act
15 of 2021.”; and

16 (2) in paragraph (6)(A), by inserting “or, in
17 the case of an institution of higher education, upon
18 initial enrollment of a student,” after “assistance,”.

19 (b) RESPONSIBILITIES OF INSTITUTIONS UNDER
20 HIGHER EDUCATION ACT OF 1965.—Section 487(a)(23)
21 of the Higher Education Act of 1965 (20 U.S.C.
22 1094(a)(23)) is amended to read as follows:

23 “(23)(A) The institution will make every rea-
24 sonable effort to—

1 “(i) distribute voter registration applica-
2 tions for elections for Federal office using a
3 form that meets the requirements of section
4 9(b) of the National Voter Registration Act of
5 1993 (52 U.S.C. 20508), which may include
6 sharing a direct, guided link to such applica-
7 tion, to each student enrolled at the institution
8 who has not been automatically registered to
9 vote by the institution in accordance with sec-
10 tion 1013 of the For the People Act of 2021,
11 including students who do not qualify as an in-
12 State student as defined in section 1013(f)(2)
13 of the For the People Act of 2021;

14 “(ii) provide clear guidance that each stu-
15 dent enrolled at the institution should—

16 “(I) register in the State in which the
17 student is eligible to vote in the next elec-
18 tion if registration is required, which may
19 include informing students from another
20 State of the ability to vote in the State of
21 the institution in which the students are
22 enrolled and physically in attendance, in
23 accordance with applicable State law; and

24 “(II) in the case of a student who has
25 already registered to vote in a State de-

1 scribed in subclause (I), update the stu-
2 dent’s existing voter registration if the stu-
3 dent’s address has changed recently or
4 since the last election in which the student
5 was eligible to vote;

6 “(iii) periodically share credible, non-
7 partisan resources (to be identified in consulta-
8 tion with the Election Assistance Commission)
9 to help students determine where and how they
10 are eligible to vote, which may include resources
11 from State and local election officials on voter
12 registration and voting requirements, including
13 voter registration deadlines, residency require-
14 ments, voter identification requirements, and
15 absentee voting options, as applicable; and

16 “(iv) in distributing voting materials (as
17 defined in section 203(b)(3) of the Voting
18 Rights Act of 1965 (52 U.S.C. 10503(b)(3))
19 that are produced by a covered State or polit-
20 ical subdivision described in subsection
21 203(b)(2) of such Act, ensure to the greatest
22 extent practicable that—

23 “(I) such voting materials are pro-
24 vided in accordance with section 203 of
25 that Act (52 U.S.C. 10503); and

1 “(II) all materials and information
2 made available electronically under this
3 paragraph—

4 “(aa) are accessible to individuals
5 with disabilities; and

6 “(bb) are compliant with the
7 most recent Web Content Accessibility
8 Guidelines, or successor guidelines.

9 “(B) An institution shall be considered to
10 have satisfied the requirements of clauses (i),
11 (ii), and (iii) of subparagraph (A) if—

12 “(i) with respect to each student en-
13 rolled in the institution who is not exclu-
14 sively enrolled in distance education at the
15 institution and who has not already been
16 registered to vote by the institution in ac-
17 cordance with section 1013 of the For the
18 People Act of 2021, including students
19 who do not qualify as an in-State student
20 as defined in section 1013(f)(2) of such
21 Act—

22 “(I) the institution, not less than
23 30 days in advance of the deadline for
24 registering to vote within the State for
25 the next scheduled statewide Federal

1 or State primary election and not less
2 than 30 days in advance of the dead-
3 line for registering to vote within the
4 State for the next scheduled statewide
5 Federal or State general election—

6 “(aa) distributes voter reg-
7 istration applications to such stu-
8 dents; or

9 “(bb) electronically trans-
10 mits a message to each such stu-
11 dent that is devoted exclusively to
12 voter registration and contains a
13 voter registration application ac-
14 ceptable for use in the State in
15 which the institution is located,
16 or an internet address where
17 such voter registration applica-
18 tion can be accessed or
19 downloaded;

20 “(II) during a period that an in-
21 stitution requires or encourages such
22 students to remain off-campus due to
23 a national, State, or local public
24 health or other emergency for an ex-
25 tended period of time, resulting in a

1 significant disruption to such stu-
2 dents' ability to vote in person, as ap-
3 plicable, the institution additionally—

4 “(aa) requests that the
5 State provide the institution with
6 absentee ballot applications, as
7 applicable, or that the State
8 share the official State website or
9 online portal through which eligi-
10 ble voters can directly request an
11 absentee ballot;

12 “(bb) distributes to each
13 such student an absentee ballot
14 application requested from the
15 State under item (aa) or the offi-
16 cial State website or online portal
17 through which eligible voters can
18 directly request an absentee bal-
19 lot, with instructions that the
20 form, website, or online portal
21 should be used only by students
22 eligible to vote in the State;

23 “(cc) notifies such students
24 of—

1 “(AA) applicable dead-
2 lines for requesting and sub-
3 mitting an absentee ballot;
4 and

5 “(BB) additional op-
6 tions for early and in-person
7 voting and voting on Elec-
8 tion Day, as applicable; and

9 “(dd) shares credible, non-
10 partisan resources (to be identi-
11 fied in consultation with the
12 Election Assistance Commission)
13 to help students who are reg-
14 istered in another State to apply
15 for absentee ballots in such
16 State, which may include re-
17 sources from State and local elec-
18 tion officials; and

19 “(III) the institution ensures
20 that an appropriate staff person or of-
21 fice has been designated as a Campus
22 Vote Coordinator, who shall—

23 “(aa) ensure compliance in
24 accordance with this paragraph
25 at the institution;

1 “(bb) be publicly designated
2 as the Campus Vote Coordinator,
3 including the Campus Vote Coor-
4 dinator’s contact information, on
5 the website of the institution; and

6 “(cc) upon request, provide
7 to students residency require-
8 ments for voting, including the
9 ability of students from other
10 States to vote in the State of the
11 institution in which they are en-
12 rolled and physically in attend-
13 ance, in accordance with applica-
14 ble State law; and

15 “(ii) with respect to each student en-
16 rolled exclusively in distance education or
17 correspondence programs, the institution—

18 “(I)(aa) transmits a message de-
19 voted exclusively to voter registration
20 that refers such students to a central-
21 ized voter registration website or plat-
22 form by providing the Internet ad-
23 dress or other method to access such
24 website or platform, that—

1 “(AA) provides applicable
2 voter registration application and
3 voting information for all States;
4 and

5 “(BB) is hosted by a website
6 operated by the Federal, State or
7 local government;

8 “(bb) transmits such message not
9 less than twice in each calendar year;
10 and

11 “(cc) maintains information on
12 the institution’s website containing
13 credible, nonpartisan resources to help
14 students determine where and how
15 they are eligible to vote, or a link to
16 such resources, and boosts awareness
17 of such information on the institu-
18 tion’s social media platforms; or

19 “(II) provides information to
20 such students in the same manner as
21 the institution provides information to
22 students not enrolled exclusively in
23 distance education under clause (i)(I).

24 “(C) The institution will substantially com-
25 ply with the requirements that apply to the in-

1 stitution under section 7 of the National Voter
2 Registration Act of 1993 (52 U.S.C. 20506) or
3 section 1013 of the For the People Act of 2021,
4 as the case may be.

5 “(D) In this paragraph—

6 “(i) the term ‘voter registration appli-
7 cation’ means the mail voter registration
8 application form for elections for Federal
9 office prescribed pursuant to section 9 of
10 the National Voter Registration Act of
11 1993 (52 U.S.C. 20508);

12 “(ii) the term ‘absentee ballot’ means
13 any ballot cast by any means other than in
14 person and for which the State requires an
15 application;

16 “(iii) the term ‘distance education’
17 has the meaning given the term in section
18 103, except such term shall not include
19 distance education that is provided due to
20 a decision of an institution to require or
21 encourage students of the institution to re-
22 main off-campus due to a national, State,
23 or local public health or other emergency;
24 and

1 “(iv) the term ‘Federal office’ has the
2 meaning given in section 301(3) of the
3 Federal Election Campaign Act of 1971
4 (52 U.S.C. 30101(3)).”.

5 (c) GRANTS TO INSTITUTIONS DEMONSTRATING EX-
6 CELLENCE IN STUDENT VOTER REGISTRATION.—

7 (1) GRANTS AUTHORIZED.—The Secretary of
8 Education may award competitive grants to public
9 and private nonprofit institutions of higher edu-
10 cation that are subject to the requirements of sec-
11 tion 487(a)(23) of the Higher Education Act of
12 1965 (20 U.S.C. 1094(a)(23)), as amended by sub-
13 section (b), and that the Secretary determines have
14 demonstrated excellence in registering students to
15 vote in elections for public office beyond meeting the
16 minimum requirements of such section.

17 (2) ELIGIBILITY.—An institution of higher edu-
18 cation is eligible to receive a grant under this sub-
19 section if the institution submits to the Secretary of
20 Education, at such time and in such form as the
21 Secretary may require, an application containing
22 such information and assurances as the Secretary
23 may require to make the determination described in
24 paragraph (1), including information and assurances

1 that the institution carried out activities to promote
2 voter registration by students, such as the following:

3 (A) Sponsoring large on-campus voter mo-
4 bilization and voter education efforts.

5 (B) Engaging the surrounding community
6 in nonpartisan voter registration and get out
7 the vote efforts, including initiatives to facilitate
8 the enfranchisement of groups of individuals
9 that have historically faced barriers to voting.

10 (C) Creating a website for students with
11 centralized information about voter registration
12 and election dates.

13 (D) Inviting candidates to speak on cam-
14 pus.

15 (E) Offering rides to students to the polls
16 to increase voter mobilization.

17 (3) AUTHORIZATION OF APPROPRIATIONS; RES-
18 ERVATION.—

19 (A) AUTHORIZATION OF APPROPRIA-
20 TIONS.—There are authorized to be appro-
21 priated for fiscal year 2022 and each suc-
22 ceeding fiscal year such sums as may be nec-
23 essary to award grants under this subsection.

24 (B) RESERVATION.—Of the funds appro-
25 priated under subparagraph (A) for a fiscal

1 year, the Secretary of Education shall ensure
2 that 25 percent is reserved for minority institu-
3 tions described in section 371(a) of the Higher
4 Education Act of 1965 (20 U.S.C. 1067q(a)).

5 (d) SENSE OF CONGRESS RELATING TO OPTION OF
6 STUDENTS TO REGISTER IN JURISDICTION OF INSTITU-
7 TION OF HIGHER EDUCATION OR JURISDICTION OF DOMI-
8 CILE.—It is the sense of Congress that, as provided under
9 existing law, students who attend an institution of higher
10 education and reside in the jurisdiction of the institution
11 while attending the institution should have the option of
12 registering to vote, without being subjected to intimidation
13 or deceptive practices, in elections for Federal office in
14 that jurisdiction or in the jurisdiction of their own domi-
15 cile.

16 **SEC. 1902. MINIMUM NOTIFICATION REQUIREMENTS FOR**
17 **VOTERS AFFECTED BY POLLING PLACE**
18 **CHANGES.**

19 (a) REQUIREMENTS.—Section 302 of the Help Amer-
20 ica Vote Act of 2002 (52 U.S.C. 21082), as amended by
21 section 1601(a), is amended—

22 (1) by redesignating subsection (f) as sub-
23 section (g); and

24 (2) by inserting after subsection (e) the fol-
25 lowing new subsection:

1 “(f) MINIMUM NOTIFICATION REQUIREMENTS FOR
2 VOTERS AFFECTED BY POLLING PLACE CHANGES.—

3 “(1) REQUIREMENT FOR PRECINCT-BASED
4 POLLING.—

5 “(A) IN GENERAL.—If an applicable indi-
6 vidual has been assigned to a polling place that
7 is different than the polling place that such in-
8 dividual was assigned with respect to the most
9 recent past election for Federal office in which
10 the individual was eligible to vote—

11 “(i) the appropriate election official
12 shall, not later than 2 days before the be-
13 ginning of an early voting period—

14 “(I) notify the individual of the
15 location of the polling place not later
16 than 2 days before the beginning of
17 an early voting period; and

18 “(II) post a general notice on the
19 website of the State or jurisdiction, on
20 social media platforms (if available),
21 and on signs at the prior polling place;
22 and

23 “(ii) if such assignment is made after
24 the date which is 2 days before the begin-
25 ning of an early voting period and the indi-

1 vidual appears on the date of the election
2 at the polling place to which the individual
3 was previously assigned, the jurisdiction
4 shall make every reasonable effort to en-
5 able the individual to vote a ballot on the
6 date of the election without the use of a
7 provisional ballot.

8 “(B) APPLICABLE INDIVIDUAL.—For pur-
9 poses of subparagraph (A), the term ‘applicable
10 individual’ means, with respect to any election
11 for Federal office, any individual—

12 “(i) who is registered to vote in a ju-
13 risdiction for such election and was reg-
14 istered to vote in such jurisdiction for the
15 most recent past election for Federal of-
16 fice; and

17 “(ii) whose voter registration address
18 has not changed since such most recent
19 past election for Federal office.

20 “(C) METHODS OF NOTIFICATION.—The
21 appropriate election official shall notify an indi-
22 vidual under clause (i)(I) of subparagraph (A)
23 by mail, telephone, and (if available) text mes-
24 sage and electronic mail, taking into consider-

1 ation factors which include the linguistic pref-
2 erences of voters in the jurisdiction.

3 “(2) REQUIREMENTS FOR VOTE CENTERS.—In
4 the case of a jurisdiction in which individual are not
5 assigned to specific polling places, not later than 2
6 days before the beginning of an early voting period,
7 the appropriate election official shall notify each
8 voter eligible to vote in such jurisdiction of the loca-
9 tion of all polling places at which the individual may
10 vote.

11 “(3) NOTICE WITH RESPECT TO CLOSED POLL-
12 ING PLACES.—

13 “(A) IN GENERAL.—If a location which
14 served as a polling place for an election for
15 Federal office in a State does not serve as a
16 polling place in the next election for Federal of-
17 fice held in the State, the State shall ensure
18 that signs, taking into consideration factors
19 which include the linguistic preferences of vot-
20 ers in the jurisdiction, are posted at such loca-
21 tion on the date of the election and during any
22 early voting period for the election containing
23 the following information:

1 “(i) A statement that the location is
2 not serving as a polling place in the elec-
3 tion.

4 “(ii) The locations serving as polling
5 places in the election in the jurisdiction in-
6 volved.

7 “(iii) The name and address of any
8 substitute polling place serving the same
9 precinct and directions from the former
10 polling place to the new polling place.

11 “(iv) Contact information, including a
12 telephone number and website, for the ap-
13 propriate State or local election official
14 through which an individual may find the
15 polling place to which the individual is as-
16 signed for the election.

17 “(B) INTERNET POSTING.—Each State
18 which is required to post signs under subpara-
19 graph (A) shall also provide such information
20 through a website and through social media (if
21 available).

22 “(4) EFFECTIVE DATE.—This subsection shall
23 apply with respect to elections held on or after Janu-
24 ary 1, 2022.”.

1 (b) CONFORMING AMENDMENT.—Section 302(g) of
2 such Act (52 U.S.C. 21082(g)), as redesignated by sub-
3 section (a) and as amended by section 1601(b), is amend-
4 ed by striking “(d)(2) and (e)(2)” and inserting “(d)(2),
5 (e)(2), and (f)(4)”.

6 **SEC. 1903. PERMITTING USE OF SWORN WRITTEN STATE-**
7 **MENT TO MEET IDENTIFICATION REQUIRE-**
8 **MENTS FOR VOTING.**

9 (a) PERMITTING USE OF STATEMENT.—Subtitle A of
10 title III of the Help America Vote Act of 2002 (52 U.S.C.
11 21081 et seq.) is amended by inserting after section 303
12 the following new section:

13 **“SEC. 303A. PERMITTING USE OF SWORN WRITTEN STATE-**
14 **MENT OR STUDENT IDENTIFICATION CARD**
15 **TO MEET IDENTIFICATION REQUIREMENTS.**

16 “(a) USE OF STATEMENT OR STUDENT IDENTIFICA-
17 TION CARD.—

18 “(1) IN GENERAL.—Except as provided in sub-
19 section (c), if a State has in effect any requirement
20 that an individual present identification as a condi-
21 tion of receiving and casting a ballot in an election
22 for Federal office, the State shall permit the indi-
23 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—

4 “(i) a sworn written statement, signed
5 by the individual under penalty of perjury,
6 attesting to the individual’s identity and
7 attesting that the individual is eligible to
8 vote in the election; or

9 “(ii) if such individual is a student en-
10 rolled at an institution of higher education
11 (as defined under section 102 of the High-
12 er Education Act of 1965 (20 U.S.C.
13 1002)), a student identification card as-
14 signed to the individual from an institution
15 of higher education; or

16 “(B) in the case of an individual who de-
17 sires to vote by mail, by submitting with the
18 ballot—

19 “(i) the statement described in sub-
20 paragraph (A)(i); or

21 “(ii) if such individual is a student en-
22 rolled at an institution of higher education
23 (as so defined), a copy of the student iden-
24 tification card described in subparagraph
25 (A)(ii).

1 “(2) DEVELOPMENT OF PRE-PRINTED VERSION
2 OF STATEMENT BY COMMISSION.—The Commission
3 shall develop a pre-printed version of the statement
4 described in paragraph (1)(A)(i) which includes a
5 blank space for an individual to provide a name and
6 signature for use by election officials in States which
7 are subject to paragraph (1).

8 “(3) PROVIDING PRE-PRINTED COPY OF STATE-
9 MENT.—A State which is subject to paragraph (1)
10 shall—

11 “(A) make copies of the pre-printed
12 version of the statement described in paragraph
13 (1)(A)(i) which is prepared by the Commission
14 available at polling places for election officials
15 to distribute to individuals who desire to vote in
16 person; and

17 “(B) include a copy of such pre-printed
18 version of the statement with each blank absen-
19 tee or other ballot transmitted to an individual
20 who desires to vote by mail.

21 “(b) REQUIRING USE OF BALLOT IN SAME MANNER
22 AS INDIVIDUALS PRESENTING IDENTIFICATION.—An in-
23 dividual who presents or submits a sworn written state-
24 ment or presents a student identification card in accord-
25 ance with subsection (a)(1) shall be permitted to cast a

1 ballot in the election in the same manner as an individual
2 who presents identification.

3 “(c) EXCEPTION FOR FIRST-TIME VOTERS REG-
4 ISTERING BY MAIL.—Subsections (a) and (b) do not apply
5 to the requirements under paragraph (2) of section 303(b)
6 with respect to any individual described in paragraph (1)
7 of such section who is required to meet the requirements
8 of paragraph (2) of such section or to an individual de-
9 scribed in paragraph (5)(A) of section 303(b) who is re-
10 quired to meet the requirements of paragraph (5)(B) of
11 such section.”.

12 (b) REQUIRING STATES TO INCLUDE INFORMATION
13 ON USE OF SWORN WRITTEN STATEMENT AND STUDENT
14 IDENTIFICATION CARD IN VOTING INFORMATION MATE-
15 RIAL POSTED AT POLLING PLACES.—Section 302(b)(2) of
16 such Act (52 U.S.C. 21082(b)(2)), as amended by section
17 1072(b) and section 1202(b), is amended—

18 (1) by striking “and” at the end of subpara-
19 graph (G);

20 (2) by striking the period at the end of sub-
21 paragraph (H) and inserting “; and”; and

22 (3) by adding at the end the following new sub-
23 paragraph:

24 “(I) in the case of a State that has in ef-
25 fect any requirement that an individual present

1 identification as a condition of receiving and
2 casting a ballot in an election for Federal office,
3 information on how an individual may meet
4 such requirement by presenting a sworn written
5 statement or student identification card in ac-
6 cordance with section 303A.”.

7 (c) CLERICAL AMENDMENT.—The table of contents
8 of such Act is amended by inserting after the item relating
9 to section 303 the following new item:

“Sec. 303A. Permitting use of sworn written statement or student identification
card to meet identification requirements.”.

10 (d) EFFECTIVE DATE.—The amendments made by
11 this section shall apply with respect to elections occurring
12 on or after the date of the enactment of this Act.

13 **SEC. 1904. ACCOMMODATIONS FOR VOTERS RESIDING IN**
14 **INDIAN LANDS.**

15 (a) ACCOMMODATIONS DESCRIBED.—

16 (1) DESIGNATION OF BALLOT PICKUP AND COL-
17 LECTION LOCATIONS.—Given the widespread lack of
18 residential mail delivery in Indian Country, an In-
19 dian Tribe may designate buildings as ballot pickup
20 and collection locations with respect to an election
21 for Federal office at no cost to the Indian Tribe. An
22 Indian Tribe may designate one building per pre-
23 cinct located within Indian lands. The applicable
24 State or political subdivision shall collect ballots

1 from those locations. The applicable State or polit-
2 ical subdivision shall provide the Indian Tribe with
3 accurate precinct maps for all precincts located with-
4 in Indian lands 60 days before the election.

5 (2) PROVISION OF MAIL-IN AND ABSENTEE
6 BALLOTS.—The State or political subdivision shall
7 provide mail-in and absentee ballots with respect to
8 an election for Federal office to each individual who
9 is registered to vote in the election who resides on
10 Indian lands in the State or political subdivision in-
11 volved without requiring a residential address or a
12 mail-in or absentee ballot request.

13 (3) USE OF DESIGNATED BUILDING AS RESI-
14 DENTIAL AND MAILING ADDRESS.—The address of a
15 designated building that is a ballot pickup and col-
16 lection location with respect to an election for Fed-
17 eral office may serve as the residential address and
18 mailing address for voters living on Indian lands if
19 the tribally designated building is in the same pre-
20 cinct as that voter. If there is no tribally designated
21 building within a voter’s precinct, the voter may use
22 another tribally designated building within the In-
23 dian lands where the voter is located. Voters using
24 a tribally designated building outside of the voter’s
25 precinct may use the tribally designated building as

1 a mailing address and may separately designate the
2 voter's appropriate precinct through a description of
3 the voter's address, as specified in section
4 9428.4(a)(2) of title 11, Code of Federal Regula-
5 tions.

6 (4) LANGUAGE ACCESSIBILITY.—In the case of
7 a State or political subdivision that is a covered
8 State or political subdivision under section 203 of
9 the Voting Rights Act of 1965 (52 U.S.C. 10503),
10 that State or political subdivision shall provide ab-
11 sentee or mail-in voting materials with respect to an
12 election for Federal office in the language of the ap-
13 plicable minority group as well as in the English lan-
14 guage, bilingual election voting assistance, and writ-
15 ten translations of all voting materials in the lan-
16 guage of the applicable minority group, as required
17 by section 203 of the Voting Rights Act of 1965 (52
18 U.S.C. 10503), as amended by subsection (b).

19 (5) CLARIFICATION.—Nothing in this section
20 alters the ability of an individual voter residing on
21 Indian lands to request a ballot in a manner avail-
22 able to all other voters in the State.

23 (6) DEFINITIONS.—In this section:

24 (A) ELECTION FOR FEDERAL OFFICE.—

25 The term “election for Federal office” means a

1 general, special, primary or runoff election for
2 the office of President or Vice President, or of
3 Senator or Representative in, or Delegate or
4 Resident Commissioner to, the Congress.

5 (B) INDIAN.—The term “Indian” has the
6 meaning given the term in section 4 of the In-
7 dian Self-Determination and Education Assist-
8 ance Act (25 U.S.C. 5304).

9 (C) INDIAN LANDS.—The term “Indian
10 lands” includes—

11 (i) any Indian country of an Indian
12 Tribe, as defined under section 1151 of
13 title 18, United States Code;

14 (ii) any land in Alaska owned, pursu-
15 ant to the Alaska Native Claims Settle-
16 ment Act (43 U.S.C. 1601 et seq.), by an
17 Indian Tribe that is a Native village (as
18 defined in section 3 of that Act (43 U.S.C.
19 1602)) or by a Village Corporation that is
20 associated with an Indian Tribe (as de-
21 fined in section 3 of that Act (43 U.S.C.
22 1602));

23 (iii) any land on which the seat of the
24 Tribal Government is located; and

1 (iv) any land that is part or all of a
2 Tribal designated statistical area associ-
3 ated with an Indian Tribe, or is part or all
4 of an Alaska Native village statistical area
5 associated with an Indian Tribe, as defined
6 by the Census Bureau for the purposes of
7 the most recent decennial census.

8 (D) INDIAN TRIBE.—The term “Indian
9 Tribe” has the meaning given the term “Indian
10 tribe” in section 4 of the Indian Self-Deter-
11 mination and Education Assistance Act (25
12 U.S.C. 5304).

13 (E) TRIBAL GOVERNMENT.—The term
14 “Tribal Government” means the recognized
15 governing body of an Indian Tribe.

16 (7) ENFORCEMENT.—

17 (A) ATTORNEY GENERAL.—The Attorney
18 General may bring a civil action in an appro-
19 priate district court for such declaratory or in-
20 junctive relief as is necessary to carry out this
21 subsection.

22 (B) PRIVATE RIGHT OF ACTION.—

23 (i) A person or Tribal Government
24 who is aggrieved by a violation of this sub-
25 section may provide written notice of the

1 violation to the chief election official of the
2 State involved.

3 (ii) An aggrieved person or Tribal
4 Government may bring a civil action in an
5 appropriate district court for declaratory
6 or injunctive relief with respect to a viola-
7 tion of this subsection, if—

8 (I) that person or Tribal Govern-
9 ment provides the notice described in
10 clause (i); and

11 (II)(aa) in the case of a violation
12 that occurs more than 120 days be-
13 fore the date of an election for Fed-
14 eral office, the violation remains and
15 90 days or more have passed since the
16 date on which the chief election offi-
17 cial of the State receives the notice
18 under clause (i); or

19 (bb) in the case of a violation
20 that occurs 120 days or less before
21 the date of an election for Federal of-
22 fice, the violation remains and 20
23 days or more have passed since the
24 date on which the chief election offi-

1 cial of the State receives the notice
2 under clause (i).

3 (iii) In the case of a violation of this
4 section that occurs 30 days or less before
5 the date of an election for Federal office,
6 an aggrieved person or Tribal Government
7 may bring a civil action in an appropriate
8 district court for declaratory or injunctive
9 relief with respect to the violation without
10 providing notice to the chief election offi-
11 cial of the State under clause (i).

12 (b) BILINGUAL ELECTION REQUIREMENTS.—Section
13 203 of the Voting Rights Act of 1965 (52 U.S.C. 10503)
14 is amended—

15 (1) in subsection (b)(3)(C), by striking “1990”
16 and inserting “2010”; and

17 (2) by striking subsection (c) and inserting the
18 following:

19 “(c) PROVISION OF VOTING MATERIALS IN THE LAN-
20 GUAGE OF A MINORITY GROUP.—

21 “(1) IN GENERAL.—Whenever any State or po-
22 litical subdivision subject to the prohibition of sub-
23 section (b) of this section provides any registration
24 or voting notices, forms, instructions, assistance, or
25 other materials or information relating to the elec-

1 total process, including ballots, it shall provide them
2 in the language of the applicable minority group as
3 well as in the English language.

4 “(2) EXCEPTIONS.—

5 “(A) In the case of a minority group that
6 is not American Indian or Alaska Native and
7 the language of that minority group is oral or
8 unwritten, the State or political subdivision
9 shall be required only to furnish, in the covered
10 language, oral instructions, assistance, trans-
11 lation of voting materials, or other information
12 relating to registration and voting.

13 “(B) In the case of a minority group that
14 is American Indian or Alaska Native, the State
15 or political subdivision shall be required only to
16 furnish in the covered language oral instruc-
17 tions, assistance, or other information relating
18 to registration and voting, including all voting
19 materials, if the Tribal Government of that mi-
20 nority group has certified that the language of
21 the applicable American Indian or Alaska Na-
22 tive language is presently unwritten or the
23 Tribal Government does not want written trans-
24 lations in the minority language.

1 “(3) WRITTEN TRANSLATIONS FOR ELECTION
2 WORKERS.—Notwithstanding paragraph (2), the
3 State or political division may be required to provide
4 written translations of voting materials, with the
5 consent of any applicable Indian Tribe, to election
6 workers to ensure that the translations from English
7 to the language of a minority group are complete,
8 accurate, and uniform.”.

9 (c) EFFECTIVE DATE.—This section and the amend-
10 ments made by this section shall apply with respect to the
11 regularly scheduled general election for Federal office held
12 in November 2022 and each succeeding election for Fed-
13 eral office.

14 **SEC. 1905. ENSURING EQUITABLE AND EFFICIENT OPER-**
15 **ATION OF POLLING PLACES.**

16 (a) IN GENERAL.—

17 (1) REQUIREMENT.—Subtitle A of title III of
18 the Help America Vote Act of 2002 (52 U.S.C.
19 21081 et seq.), as amended by section 1031(a), sec-
20 tion 1056(a), section 1101(a), section 1102(a), sec-
21 tion 1103(a), section 1104(a), section 1611(a), sec-
22 tion 1621(a), section 1622(a), and section 1623(b),
23 is amended—

24 (A) by redesignating sections 314 and 315
25 as sections 315 and 316, respectively; and

1 (B) by inserting after section 313 the fol-
2 lowing new section:

3 **“SEC. 314. ENSURING EQUITABLE AND EFFICIENT OPER-**
4 **ATION OF POLLING PLACES.**

5 “(a) PREVENTING UNREASONABLE WAITING TIMES
6 FOR VOTERS.—

7 “(1) IN GENERAL.—Each State or jurisdiction
8 shall take reasonable efforts to provide a sufficient
9 number of voting systems, poll workers, and other
10 election resources (including physical resources) at a
11 polling place used in any election for Federal office,
12 including a polling place at which individuals may
13 cast ballots prior to the date of the election, to en-
14 sure—

15 “(A) a fair and equitable waiting time for
16 all voters in the State or jurisdiction; and

17 “(B) that no individual will be required to
18 wait longer than 30 minutes to cast a ballot at
19 the polling place.

20 “(2) CRITERIA.—In determining the number of
21 voting systems, poll workers, and other election re-
22 sources provided at a polling place for purposes of
23 paragraph (1), the State or jurisdiction shall take
24 into account the following factors:

25 “(A) The voting age population.

1 “(B) Voter turnout in past elections.

2 “(C) The number of voters registered.

3 “(D) The number of voters who have reg-
4 istered since the most recent Federal election.

5 “(E) Census data for the population served
6 by the polling place, such as the proportion of
7 the voting-age population who are under 25
8 years of age or who are naturalized citizens.

9 “(F) The needs and numbers of voters
10 with disabilities and voters with limited English
11 proficiency.

12 “(G) The type of voting systems used.

13 “(H) The length and complexity of initia-
14 tives, referenda, and other questions on the bal-
15 lot.

16 “(I) Such other factors, including relevant
17 demographic factors relating to the population
18 served by the polling place, as the State con-
19 siders appropriate.

20 “(3) RULE OF CONSTRUCTION.—Nothing in
21 this subsection may be construed—

22 “(A) to authorize a State or jurisdiction to
23 meet the requirements of this subsection by
24 closing any polling place, prohibiting an indi-
25 vidual from entering a line at a polling place,

1 or refusing to permit an individual who has ar-
2 rived at a polling place prior to closing time
3 from voting at the polling place; or

4 “(B) to limit the use of mobile voting cen-
5 ters.

6 “(b) LIMITING VARIATIONS ON NUMBER OF HOURS
7 OF OPERATION OF POLLING PLACES WITHIN A STATE.—

8 “(1) LIMITATION.—

9 “(A) IN GENERAL.—Except as provided in
10 subparagraph (B) and paragraph (2), each
11 State shall establish hours of operation for all
12 polling places in the State on the date of any
13 election for Federal office held in the State
14 such that the polling place with the greatest
15 number of hours of operation on such date is
16 not in operation for more than 2 hours longer
17 than the polling place with the fewest number
18 of hours of operation on such date.

19 “(B) PERMITTING VARIANCE ON BASIS OF
20 POPULATION.—Subparagraph (A) does not
21 apply to the extent that the State establishes
22 variations in the hours of operation of polling
23 places on the basis of the overall population or
24 the voting age population (as the State may se-

1 lect) of the unit of local government in which
2 such polling places are located.

3 “(2) EXCEPTIONS FOR POLLING PLACES WITH
4 HOURS ESTABLISHED BY UNITS OF LOCAL GOVERN-
5 MENT.—Paragraph (1) does not apply in the case of
6 a polling place—

7 “(A) whose hours of operation are estab-
8 lished, in accordance with State law, by the unit
9 of local government in which the polling place
10 is located; or

11 “(B) which is required pursuant to an
12 order by a court to extend its hours of oper-
13 ation beyond the hours otherwise established.

14 “(c) EFFECTIVE DATE.—This section shall take ef-
15 fect upon the expiration of the 180-day period which be-
16 gins on the date of the enactment of this subsection.”.

17 (2) CONFORMING AMENDMENTS RELATING TO
18 ISSUANCE OF VOLUNTARY GUIDANCE BY ELECTION
19 ASSISTANCE COMMISSION.—Section 321(b) of such
20 Act (52 U.S.C. 21101(b)), as redesignated and
21 amended by section 1101(b) and as amended by sec-
22 tions, 1102, 1103, 1104, and 1611, is amended—

23 (A) by striking “and” at the end of para-
24 graph (4);

1 (B) by redesignating paragraph (5) as
2 paragraph (6);

3 (C) in paragraph (6), as so redesignated,
4 by striking “paragraph (4)” and inserting
5 “paragraph (4) or (5)”; and

6 (D) by inserting after paragraph (4) the
7 following new paragraph:

8 “(5) in the case of the recommendations with
9 respect to section 314, 180 days after the date of
10 the enactment of such section; and”.

11 (3) CLERICAL AMENDMENTS.—The table of
12 contents of such Act, as amended by section
13 1031(e), section 1056(b), section 1101(c), section
14 1102(e), section 1103(a), section 1104(c), section
15 1611(c), section 1621(a), section 1622(a), and sec-
16 tion 1623(b), is amended—

17 (A) by redesignating the items relating to
18 sections 314 and 315 as relating to sections
19 315 and 316, respectively; and

20 (B) by inserting after the item relating to
21 section 313 the following new item:

“Sec. 314. Ensuring equitable and efficient operation of polling places.”.

22 (b) STUDY OF METHODS TO ENFORCE FAIR AND EQ-
23 UITABLE WAITING TIMES.—

24 (1) STUDY.—The Election Assistance Commis-
25 sion and the Comptroller General of the United

1 States shall conduct a joint study of the effective-
2 ness of various methods of enforcing the require-
3 ments of section 314(a) of the Help America Vote
4 Act of 2002, as added by subsection (a), including
5 methods of best allocating resources to jurisdictions
6 which have had the most difficulty in providing a
7 fair and equitable waiting time at polling places to
8 all voters, and to communities of color in particular.

9 (2) REPORT.—Not later than 18 months after
10 the date of the enactment of this Act, the Election
11 Assistance Commission and the Comptroller General
12 of the United States shall publish and submit to
13 Congress a report on the study conducted under
14 paragraph (1).

15 **SEC. 1906. REQUIRING STATES TO PROVIDE SECURED**
16 **DROP BOXES FOR VOTED BALLOTS IN ELEC-**
17 **TIONS FOR FEDERAL OFFICE.**

18 (a) REQUIREMENT.—Subtitle A of title III of the
19 Help America Vote Act of 2002 (52 U.S.C. 21081 et seq.),
20 as amended by section 1031(a), section 1056(a), section
21 1101(a), section 1102(a), section 1103(a), section
22 1104(a), section 1611(a), section 1621(a), section
23 1622(a), section 1623(b), and section 1905(a), is amend-
24 ed—

1 (1) by redesignating sections 315 and 316 as
2 sections 316 and 317, respectively; and

3 (2) by inserting after section 314 the following
4 new section:

5 **“SEC. 315. USE OF SECURED DROP BOXES FOR VOTED BAL-**
6 **LOTS.**

7 “(a) **REQUIRING USE OF DROP BOXES.**—Each juris-
8 diction shall provide in-person, secured, and clearly labeled
9 drop boxes at which individuals may, at any time during
10 the period described in subsection (b), drop off voted bal-
11 lots in an election for Federal office.

12 “(b) **MINIMUM PERIOD FOR AVAILABILITY OF DROP**
13 **BOXES.**—The period described in this subsection is, with
14 respect to an election, the period which begins on the first
15 day on which the jurisdiction sends mail-in ballots or ab-
16 sentee ballots (other than ballots for absent uniformed
17 overseas voters (as defined in section 107(1) of the Uni-
18 formed and Overseas Citizens Absentee Voting Act (52
19 U.S.C. 20310(1))) or overseas voters (as defined in section
20 107(5) of such Act (52 U.S.C. 20310(5)))) to voters for
21 such election and which ends at the time the polls close
22 for the election in the jurisdiction involved.

23 “(c) **ACCESSIBILITY.**—

24 “(1) **HOURS OF ACCESS.**—

1 “(A) IN GENERAL.—Except as provided in
2 subparagraph (B), each drop box provided
3 under this section shall be accessible to voters
4 for a reasonable number of hours each day.

5 “(B) 24-HOUR DROP BOXES.—

6 “(i) IN GENERAL.—Of the number of
7 drop boxes provided in any jurisdiction,
8 not less the required number shall be ac-
9 cessible for 24-hours per day during the
10 period described in subsection (b).

11 “(ii) REQUIRED NUMBER.—The re-
12 quired number is the greater of—

13 “(I) 25 percent of the drop boxes
14 required under subsection (d); or

15 “(II) 1 drop box.

16 “(2) POPULATION.—

17 “(A) IN GENERAL.—Drop boxes provided
18 under this section shall be accessible for use—

19 “(i) by individuals with disabilities, as
20 determined in consultation with the protec-
21 tion and advocacy systems (as defined in
22 section 102 of the Developmental Disabil-
23 ities Assistance and Bill of Rights Act of
24 2000 (42 U.S.C. 15002)) of the State;

1 “(ii) by individuals with limited pro-
2 ficiency in the English language; and

3 “(iii) by homeless individuals (as de-
4 fined in section 103 of the McKinney-
5 Vento Homeless Assistance Act(42 U.S.C.
6 11302)) within the State.

7 “(B) DETERMINATION OF ACCESSIBILITY
8 FOR INDIVIDUALS WITH DISABILITIES.—For
9 purposes of this paragraph, drop boxes shall be
10 considered to be accessible for use by individ-
11 uals with disabilities if the drop boxes meet
12 such criteria as the Attorney General may es-
13 tablish for such purposes.

14 “(C) RULE OF CONSTRUCTION.—If a drop
15 box provided under this section is on the
16 grounds of or inside a building or facility which
17 serves as a polling place for an election during
18 the period described in subsection (b), nothing
19 in this subsection may be construed to waive
20 any requirements regarding the accessibility of
21 such polling place for the use of individuals
22 with disabilities, individuals with limited pro-
23 ficiency in the English language, or homeless
24 individuals.

1 “(d) NUMBER OF DROP BOXES.—Each jurisdiction
2 shall have—

3 “(1) in the case of any election for Federal of-
4 fice prior to the regularly scheduled general election
5 for Federal office held in November 2024, not less
6 than 1 drop box for every 45,000 registered voters
7 located in the jurisdiction; and

8 “(2) in the case of the regularly scheduled gen-
9 eral election for Federal office held in November
10 2024 and each election for Federal office occurring
11 thereafter, not less than the greater of—

12 “(A) 1 drop box for every 45,000 reg-
13 istered voters located in the jurisdiction; or

14 “(B) 1 drop box for every 15,000 votes
15 that were cast by mail in the jurisdiction in the
16 most recent general election that includes an
17 election for the office of President.

18 In no case shall a jurisdiction have less than 1 drop
19 box for any election for Federal office.

20 “(e) LOCATION OF DROP BOXES.—The State shall
21 determine the location of drop boxes provided under this
22 section in a jurisdiction on the basis of criteria which en-
23 sure that the drop boxes are—

24 “(1) available to all voters on a non-discrimina-
25 tory basis;

1 “(2) accessible to voters with disabilities (in ac-
2 cordance with subsection (c));

3 “(3) accessible by public transportation to the
4 greatest extent possible;

5 “(4) available during all hours of the day;

6 “(5) sufficiently available in all communities in
7 the jurisdiction, including rural communities and on
8 Tribal lands within the jurisdiction (subject to sub-
9 section (f)); and

10 “(6) geographically distributed to provide a rea-
11 sonable opportunity for voters to submit their voted
12 ballot in a timely manner.

13 “(f) RULES FOR DROP BOXES ON TRIBAL LANDS.—
14 In making a determination of the number and location of
15 drop boxes provided under this section on Tribal lands in
16 a jurisdiction, the appropriate State and local election offi-
17 cials shall—

18 “(1) consult with Tribal leaders prior to making
19 the determination; and

20 “(2) take into account criteria such as the
21 availability of direct-to-door residential mail delivery,
22 the distance and time necessary to travel to the drop
23 box locations (including in inclement weather),
24 modes of transportation available, conditions of

1 roads, and the availability (if any) of public trans-
2 portation.

3 “(g) TIMING OF SCANNING AND PROCESSING OF
4 BALLOTS.—For purposes of section 311(g) (relating to
5 the timing of the processing and scanning of ballots for
6 tabulation), a vote cast using a drop box provided under
7 this section shall be treated in the same manner as a ballot
8 cast by mail.

9 “(h) POSTING OF INFORMATION.—On or adjacent to
10 each drop box provided under this section, the State shall
11 post information on the requirements that voted absentee
12 ballots must meet in order to be counted and tabulated
13 in the election.

14 “(i) REMOTE SURVEILLANCE.—Nothing in this sec-
15 tion shall prohibit a State from providing for the security
16 of drop boxes through remote or electronic surveillance.

17 “(j) EFFECTIVE DATE.—This section shall apply
18 with respect to the regularly scheduled general election for
19 Federal office held in November 2022 and each succeeding
20 election for Federal office.”.

21 (b) CLERICAL AMENDMENTS.—The table of contents
22 of such Act, as amended by section 1031(c), section
23 1056(b), section 1101(c), section 1102(c), section
24 1103(a), section 1104(c), section 1611(c), section

1 1621(c), section 1622(a), section 1623(b), and section
2 1905(a), is amended—

3 (1) by redesignating the items relating to sec-
4 tions 315 and 316 as relating to sections 316 and
5 317, respectively; and

6 (2) by inserting after the item relating to sec-
7 tion 314 the following new item:

“Sec. 315. Use of secured drop boxes for voted absentee ballots.”.

8 **SEC. 1907. PROHIBITING STATES FROM RESTRICTING**
9 **CURBSIDE VOTING.**

10 (a) **REQUIREMENT.**—Subtitle A of title III of the
11 Help America Vote Act of 2002 (52 U.S.C. 21081 et seq.),
12 as amended by section 1031(a), section 1056(a), section
13 1101(a), section 1102(a), section 1103(a), section
14 1104(a), section 1611(a), section 1621(a), section
15 1622(a), section 1623(b), section 1905(a), and section
16 1906(a), is amended—

17 (1) by redesignating sections 316 and 317 as
18 sections 317 and 318, respectively; and

19 (2) by inserting after section 315 the following
20 new section:

21 **“SEC. 316. PROHIBITING STATES FROM RESTRICTING**
22 **CURBSIDE VOTING.**

23 “(a) **PROHIBITION.**—A State may not—

24 “(1) prohibit any jurisdiction administering an
25 election for Federal office in the State from utilizing

1 curbside voting as a method by which individuals
2 may cast ballots in the election; or

3 “(2) impose any restrictions which would ex-
4 clude any individual who is eligible to vote in such
5 an election in a jurisdiction which utilizes curbside
6 voting from casting a ballot in the election by the
7 method of curbside voting.

8 “(b) EFFECTIVE DATE.—This section shall apply
9 with respect to the regularly scheduled general election for
10 Federal office held in November 2022 and each succeeding
11 election for Federal office.”.

12 (b) CLERICAL AMENDMENTS.—The table of contents
13 of such Act, as amended by section 1031(c), section
14 1056(b), section 1101(c), section 1102(c), section
15 1103(a), section 1104(c), section 1611(c), section
16 1621(a), section 1622(a), section 1623(b), section
17 1905(a), and section 1906(b), is amended—

18 (1) by redesignating the items relating to sec-
19 tions 316 and 317 as relating to sections 317 and
20 318, respectively; and

21 (2) by inserting after the item relating to sec-
22 tion 315 the following new item:

“Sec. 316. Prohibiting States from restricting curbside voting.”.

1 **SEC. 1908. PROHIBITING RESTRICTIONS ON DONATIONS OF**
2 **FOOD AND BEVERAGES AT POLLING STA-**
3 **TIONS.**

4 (a) REQUIREMENT.—Subtitle A of title III of the
5 Help America Vote Act of 2002 (52 U.S.C. 21081 et seq.),
6 as amended by section 1031(a), section 1056(a), section
7 1101(a), section 1102(a), section 1103(a), section
8 1104(a), section 1611(a), section 1621(a), section
9 1622(a), section 1623(b), section 1905(a), section
10 1906(a), and section 1907(a), is amended—

11 (1) by redesignating sections 317 and 318 as
12 sections 318 and 319, respectively; and

13 (2) by inserting after section 316 the following
14 new section:

15 **“SEC. 317. PROHIBITING STATES FROM RESTRICTING DO-**
16 **NATIONS OF FOOD AND BEVERAGES AT**
17 **POLLING STATIONS.**

18 “(a) PROHIBITION.—A State may not impose any re-
19 striction on providing food and nonalcoholic beverages to
20 persons at a polling location for a Federal election, pro-
21 vided that such food and nonalcoholic beverages are dis-
22 tributed without regard to the electoral participation or
23 political preferences of the recipients.

24 “(b) EFFECTIVE DATE.—This section shall apply
25 with respect to elections for Federal office occurring on
26 and after January 1, 2022.”.

1 (b) VOLUNTARY GUIDANCE.—Section 321(b)(4) of
 2 such Act (52 U.S.C. 21101(b)), as added and redesignated
 3 by section 1101(b) and as amended by sections 1102,
 4 1103, 1104, and 1623, is amended by striking “and 313”
 5 and inserting “313, and 317”.

6 (c) CLERICAL AMENDMENTS.—The table of contents
 7 of such Act, as amended by section 1031(c), section
 8 1056(b), section 1101(c), section 1102(c), section
 9 1103(a), section 1104(c), section 1611(c), section
 10 1621(a), section 1622(a), section 1623(b), section
 11 1905(a), section 1906(b), and section 1907(b) is amend-
 12 ed—

13 (1) by redesignating the items relating to sec-
 14 tions 317 and 318 as relating to sections 319 and
 15 320, respectively; and

16 (2) by inserting after the item relating to sec-
 17 tion 316 the following new item:

“Sec. 317. Prohibiting States from restricting donations of food and beverages
 at polling stations.”.

18 **SEC. 1909. GAO STUDY ON VOTER TURNOUT RATES.**

19 The Comptroller General of the United States shall
 20 conduct a study on voter turnout rates delineated by age
 21 in States and localities that permit voters to participate
 22 in elections before reaching the age of 18, with a focus
 23 on localities that permit voting upon reaching the age of
 24 16.

PART 2—DISASTER AND EMERGENCY**CONTINGENCY PLANS****SEC. 1911. REQUIREMENTS FOR FEDERAL ELECTION CONTINGENCY PLANS IN RESPONSE TO NATURAL DISASTERS AND EMERGENCIES.**

(a) IN GENERAL.—

(1) ESTABLISHMENT.—Not later than 90 days after the date of the enactment of this Act, each State and each jurisdiction in a State which is responsible for administering elections for Federal office shall establish a contingency plan to enable individuals to vote in elections for Federal office during a state of emergency, public health emergency, or national emergency which has been declared for reasons including—

(A) a natural disaster; or

(B) an infectious disease.

(2) PUBLICATION.—Each State and jurisdiction shall make the plan established under paragraph (1) publicly available, except that such State or jurisdiction may redact provisions necessary to preserve national security or public safety.

(3) UPDATING.—Each State and jurisdiction shall update the contingency plan established under this subsection not less frequently than every 5 years.

1 (b) REQUIREMENTS RELATING TO SAFETY.—The
2 contingency plan established under subsection (a) shall in-
3 clude initiatives to provide equipment and resources need-
4 ed to protect the health and safety of poll workers, election
5 staff, and voters when voting in person.

6 (c) REQUIREMENTS RELATING TO RECRUITMENT OF
7 POLL WORKERS.—The contingency plan established
8 under subsection (a) shall include initiatives by the chief
9 State election official and local election officials to recruit
10 poll workers from resilient or unaffected populations,
11 which may include—

12 (1) employees of other State and local govern-
13 ment offices; and

14 (2) in the case in which an infectious disease
15 poses significant increased health risks to elderly in-
16 dividuals, students of secondary schools and institu-
17 tions of higher education in the State.

18 (d) ENFORCEMENT.—

19 (1) ATTORNEY GENERAL.—The Attorney Gen-
20 eral may bring a civil action against any State or ju-
21 risdiction in an appropriate United States district
22 court for such declaratory and injunctive relief (in-
23 cluding a temporary restraining order, a permanent
24 or temporary injunction, or other order) as may be

1 necessary to carry out the requirements of this sec-
2 tion.

3 (2) PRIVATE RIGHT OF ACTION.—

4 (A) IN GENERAL.—In the case of a viola-
5 tion of this section, any person who is aggrieved
6 by such violation may provide written notice of
7 the violation to the chief election official of the
8 State involved.

9 (B) RELIEF.—If the violation is not cor-
10 rected within 20 days after receipt of a notice
11 under subparagraph (A), or within 5 days after
12 receipt of the notice if the violation occurred
13 within 120 days before the date of an election
14 for Federal office, the aggrieved person may, in
15 a civil action, obtain declaratory or injunctive
16 relief with respect to the violation.

17 (C) SPECIAL RULE.—If the violation oc-
18 curred within 5 days before the date of an elec-
19 tion for Federal office, the aggrieved person
20 need not provide notice to the chief election of-
21 ficial of the State involved under subparagraph
22 (A) before bringing a civil action under sub-
23 paragraph (B).

24 (e) DEFINITIONS.—

1 (1) ELECTION FOR FEDERAL OFFICE.—For
 2 purposes of this section, the term “election for Fed-
 3 eral office” means a general, special, primary, or
 4 runoff election for the office of President or Vice
 5 President, or of Senator or Representative in, or
 6 Delegate or Resident Commissioner to, the Con-
 7 gress.

8 (2) STATE.—For purposes of this section, the
 9 term “State” includes the District of Columbia, the
 10 Commonwealth of Puerto Rico, Guam, American
 11 Samoa, the United States Virgin Islands, and the
 12 Commonwealth of the Northern Mariana Islands.

13 (f) EFFECTIVE DATE.—This section shall apply with
 14 respect to the regularly scheduled general election for Fed-
 15 eral office held in November 2022 and each succeeding
 16 election for Federal office.

17 **PART 3—IMPROVEMENTS IN OPERATION OF**
 18 **ELECTION ASSISTANCE COMMISSION**

19 **SEC. 1921. REAUTHORIZATION OF ELECTION ASSISTANCE**
 20 **COMMISSION.**

21 Section 210 of the Help America Vote Act of 2002
 22 (52 U.S.C. 20930) is amended—

23 (1) by striking “for each of the fiscal years
 24 2003 through 2005” and inserting “for fiscal year
 25 2021 and each succeeding fiscal year”; and

1 (2) by striking “(but not to exceed \$10,000,000
2 for each such year)”.

3 **SEC. 1922. REQUIRING STATES TO PARTICIPATE IN POST-**
4 **GENERAL ELECTION SURVEYS.**

5 (a) **REQUIREMENT.**—Title III of the Help America
6 Vote Act of 2002 (52 U.S.C. 21081 et seq.), as amended
7 by section 1903(a), is further amended by inserting after
8 section 303A the following new section:

9 **“SEC. 303B. REQUIRING PARTICIPATION IN POST-GENERAL**
10 **ELECTION SURVEYS.**

11 “(a) **REQUIREMENT.**—Each State shall furnish to the
12 Commission such information as the Commission may re-
13 quest for purposes of conducting any post-election survey
14 of the States with respect to the administration of a regu-
15 larly scheduled general election for Federal office.

16 “(b) **EFFECTIVE DATE.**—This section shall apply
17 with respect to the regularly scheduled general election for
18 Federal office held in November 2022 and any succeeding
19 election.”.

20 (b) **CLERICAL AMENDMENT.**—The table of contents
21 of such Act, as amended by section 1903(c), is further
22 amended by inserting after the item relating to section
23 303A the following new item:

“Sec. 303B. Requiring participation in post-general election surveys.”.

1 **SEC. 1923. REPORTS BY NATIONAL INSTITUTE OF STAND-**
2 **ARDS AND TECHNOLOGY ON USE OF FUNDS**
3 **TRANSFERRED FROM ELECTION ASSISTANCE**
4 **COMMISSION.**

5 (a) **REQUIRING REPORTS ON USE OF FUNDS AS**
6 **CONDITION OF RECEIPT.**—Section 231 of the Help Amer-
7 ica Vote Act of 2002 (52 U.S.C. 20971) is amended by
8 adding at the end the following new subsection:

9 “(e) **REPORT ON USE OF FUNDS TRANSFERRED**
10 **FROM COMMISSION.**—To the extent that funds are trans-
11 ferred from the Commission to the Director of the Na-
12 tional Institute of Standards and Technology for purposes
13 of carrying out this section during any fiscal year, the Di-
14 rector may not use such funds unless the Director certifies
15 at the time of transfer that the Director will submit a re-
16 port to the Commission not later than 90 days after the
17 end of the fiscal year detailing how the Director used such
18 funds during the year.”.

19 (b) **EFFECTIVE DATE.**—The amendment made by
20 subsection (a) shall apply with respect to fiscal year 2022
21 and each succeeding fiscal year.

22 **SEC. 1924. RECOMMENDATIONS TO IMPROVE OPERATIONS**
23 **OF ELECTION ASSISTANCE COMMISSION.**

24 (a) **ASSESSMENT OF INFORMATION TECHNOLOGY**
25 **AND CYBERSECURITY.**—Not later than December 31,
26 2021, the Election Assistance Commission shall carry out

1 an assessment of the security and effectiveness of the
2 Commission's information technology systems, including
3 the cybersecurity of such systems.

4 (b) IMPROVEMENTS TO ADMINISTRATIVE COMPLAINT
5 PROCEDURES.—

6 (1) REVIEW OF PROCEDURES.—The Election
7 Assistance Commission shall carry out a review of
8 the effectiveness and efficiency of the State-based
9 administrative complaint procedures established and
10 maintained under section 402 of the Help America
11 Vote Act of 2002 (52 U.S.C. 21112) for the inves-
12 tigation and resolution of allegations of violations of
13 title III of such Act.

14 (2) RECOMMENDATIONS TO STREAMLINE PRO-
15 CEDURES.—Not later than December 31, 2021, the
16 Commission shall submit to Congress a report on
17 the review carried out under paragraph (1), and
18 shall include in the report such recommendations as
19 the Commission considers appropriate to streamline
20 and improve the procedures which are the subject of
21 the review.

1 **SEC. 1925. REPEAL OF EXEMPTION OF ELECTION ASSIST-**
2 **ANCE COMMISSION FROM CERTAIN GOVERN-**
3 **MENT CONTRACTING REQUIREMENTS.**

4 (a) **IN GENERAL.**—Section 205 of the Help America
5 Vote Act of 2002 (52 U.S.C. 20925) is amended by strik-
6 ing subsection (e).

7 (b) **EFFECTIVE DATE.**—The amendment made by
8 subsection (a) shall apply with respect to contracts entered
9 into by the Election Assistance Commission on or after
10 the date of the enactment of this Act.

11 **PART 4—MISCELLANEOUS PROVISIONS**

12 **SEC. 1931. APPLICATION OF LAWS TO COMMONWEALTH OF**
13 **NORTHERN MARIANA ISLANDS.**

14 (a) **NATIONAL VOTER REGISTRATION ACT OF**
15 **1993.**—Section 3(4) of the National Voter Registration
16 Act of 1993 (52 U.S.C. 20502(4)) is amended by striking
17 “States and the District of Columbia” and inserting
18 “States, the District of Columbia, and the Commonwealth
19 of the Northern Mariana Islands”.

20 (b) **HELP AMERICA VOTE ACT OF 2002.**—

21 (1) **COVERAGE OF COMMONWEALTH OF THE**
22 **NORTHERN MARIANA ISLANDS.**—Section 901 of the
23 Help America Vote Act of 2002 (52 U.S.C. 21141)
24 is amended by striking “and the United States Vir-
25 gin Islands” and inserting “the United States Virgin

1 Islands, and the Commonwealth of the Northern
2 Mariana Islands”.

3 (2) CONFORMING AMENDMENTS TO HELP
4 AMERICA VOTE ACT OF 2002.—Such Act is further
5 amended as follows:

6 (A) The second sentence of section
7 213(a)(2) (52 U.S.C. 20943(a)(2)) is amended
8 by striking “and American Samoa” and insert-
9 ing “American Samoa, and the Commonwealth
10 of the Northern Mariana Islands”.

11 (B) Section 252(c)(2) (52 U.S.C.
12 21002(c)(2)) is amended by striking “or the
13 United States Virgin Islands” and inserting
14 “the United States Virgin Islands, or the Com-
15 monwealth of the Northern Mariana Islands”.

16 (3) CONFORMING AMENDMENT RELATING TO
17 CONSULTATION OF HELP AMERICA VOTE FOUNDA-
18 TION WITH LOCAL ELECTION OFFICIALS.—Section
19 90102(c) of title 36, United States Code, is amend-
20 ed by striking “and the United States Virgin Is-
21 lands” and inserting “the United States Virgin Is-
22 lands, and the Commonwealth of the Northern Mar-
23 iana Islands”.

1 **SEC. 1932. DEFINITION OF ELECTION FOR FEDERAL OF-**
 2 **FICE.**

3 (a) DEFINITION.—Title IX of the Help America Vote
 4 Act of 2002 (52 U.S.C. 21141 et seq.) is amended by add-
 5 ing at the end the following new section:

6 **“SEC. 907. ELECTION FOR FEDERAL OFFICE DEFINED.**

7 “For purposes of titles I through III, the term ‘elec-
 8 tion for Federal office’ means a general, special, primary,
 9 or runoff election for the office of President or Vice Presi-
 10 dent, or of Senator or Representative in, or Delegate or
 11 Resident Commissioner to, the Congress.”.

12 (b) CLERICAL AMENDMENT.—The table of contents
 13 of such Act is amended by adding at the end of the items
 14 relating to title IX the following new item:

“Sec. 907. Election for Federal office defined.”.

15 **SEC. 1933. CLARIFICATION OF EXEMPTION FOR STATES**
 16 **WHICH DO NOT COLLECT TELEPHONE INFOR-**
 17 **MATION.**

18 (a) AMENDMENT TO HELP AMERICA VOTE ACT OF
 19 2002.—Subtitle A of title III of the Help America Vote
 20 Act of 2002 (52 U.S.C. 21081 et seq.), as amended by
 21 section 1031(a), section 1056(a) section 1101(a), section
 22 1102(a), section 1103(a), section 1104(a), section
 23 1611(a), section 1621(a), section 1622(a), section
 24 1623(b), section 1905(a), section 1906(a), section 1907(a),
 25 and section 1908(a), is amended—

1 (1) by redesignating section 319 as section 320;

2 and

3 (2) by inserting after section 318 the following

4 new section:

5 **“SEC. 319. APPLICATION OF CERTAIN PROVISIONS TO**
6 **STATES WHICH DO NOT COLLECT TELE-**
7 **PHONE INFORMATION.**

8 “(a) IN GENERAL.—To the extent that any provision
9 of this title imposes a requirement on a State or jurisdic-
10 tion relating to contacting voters by telephone, such provi-
11 sion shall not apply in the case of any State in which con-
12 tinuously on and after the date of the enactment of this
13 Act, does not collect telephone numbers for voters as part
14 of voter registration in the State with respect to an elec-
15 tion for Federal office.

16 “(b) EXCEPTION.—Subsection (a) shall not apply in
17 any case in which the voter has voluntarily provided tele-
18 phone information.”.

19 (b) CLERICAL AMENDMENTS.—The table of contents
20 of such Act, as amended by section 1031(c), section
21 1101(d), section 1102(c), section 1103(a)(3), section
22 1104(c), section 1611(c), section 1621(c), section 1622(c),
23 section 1623(b), section 1905(b), section 1906(a), section
24 1907(b), and section 1908(b), is amended—

1 (1) by redesignating the items relating to sec-
2 tions 319 as relating to sections 320; and

3 (2) by inserting after the item relating to sec-
4 tion 318 the following new item:

“Sec. 319. Application of certain provisions to States which do not collect tele-
phone information.”.

5 **SEC. 1934. NO EFFECT ON OTHER LAWS.**

6 (a) IN GENERAL.—Except as specifically provided,
7 nothing in this title may be construed to authorize or re-
8 quire conduct prohibited under any of the following laws,
9 or to supersede, restrict, or limit the application of such
10 laws:

11 (1) The Voting Rights Act of 1965 (52 U.S.C.
12 10301 et seq.).

13 (2) The Voting Accessibility for the Elderly and
14 Handicapped Act (52 U.S.C. 20101 et seq.).

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

17 (4) The National Voter Registration Act of
18 1993 (52 U.S.C. 20501 et seq.).

19 (5) The Americans with Disabilities Act of
20 1990 (42 U.S.C. 12101 et seq.).

21 (6) The Rehabilitation Act of 1973 (29 U.S.C.
22 701 et seq.).

23 (b) NO EFFECT ON PRECLEARANCE OR OTHER RE-
24 QUIREMENTS UNDER VOTING RIGHTS ACT.—The ap-

1 proval by any person of a payment or grant application
2 under this title, or any other action taken by any person
3 under this title, shall not be considered to have any effect
4 on requirements for preclearance under section 5 of the
5 Voting Rights Act of 1965 (52 U.S.C. 10304) or any other
6 requirements of such Act.

7 (c) NO EFFECT ON AUTHORITY OF STATES TO PRO-
8 VIDE GREATER OPPORTUNITIES FOR VOTING.—Nothing
9 in this title or the amendments made by this title may
10 be construed to prohibit any State from enacting any law
11 which provides greater opportunities for individuals to reg-
12 ister to vote and to vote in elections for Federal office than
13 are provided by this title and the amendments made by
14 this title.

15 **SEC. 1935. CLARIFICATION OF EXEMPTION FOR STATES**
16 **WITHOUT VOTER REGISTRATION.**

17 To the extent that any provision of this title or any
18 amendment made by this title imposes a requirement on
19 a State relating to registering individuals to vote in elec-
20 tions for Federal office, such provision shall not apply in
21 the case of any State in which, under law that is in effect
22 continuously on and after the date of the enactment of
23 this Act, there is no voter registration requirement for any
24 voter in the State with respect to an election for Federal
25 office.

1 **Subtitle O—Increased Protections**
2 **for Election Workers**

3 **SEC. 1941. HARASSMENT OF ELECTION WORKERS PROHIB-**
4 **ITED.**

5 (a) IN GENERAL.—Chapter 29 of title 18, United 6
6 States Code, as amended by section 1071(a), is amended
7 by adding at the end the following new section:

8 **“SEC. 613. HARASSMENT OF ELECTION RELATED OFFI-**
9 **CIALS.**

10 “(a) HARASSMENT OF ELECTION WORKERS.—It
11 shall be unlawful for any person, whether acting under
12 color of law or otherwise, to intimidate, threaten, coerce,
13 harass, or attempt to intimidate, threaten, coerce or har-
14 ass an election worker described in subsection (b) with in-
15 tent to impede, intimidate, or interfere with such official
16 while engaged in the performance of official duties, or with
17 intent to retaliate against such official on account of the
18 performance of official duties.

19 “(b) ELECTION WORKER DESCRIBED.—An election
20 worker as described in this section is any individual who
21 is an election official, poll worker, or an election volunteer
22 in connection with an election for a Federal office.

23 “(c) PENALTY.—Any person who violates subsection
24 (a) shall be fined not more than \$100,000, imprisoned for
25 not more than 5 years, or both.”.

1 (b) CLERICAL AMENDMENT.—The table of sections
 2 for chapter 29 of title 18, United States Code, as amended
 3 by section 1071(b), is amended by adding at the end the
 4 following new item:

“613. Harassment of election related officials.”.

5 **SEC. 1942. PROTECTION OF ELECTION WORKERS.**

6 Paragraph (2) of section 119(b) of title 18, United
 7 States Code, is amended by striking “or” at the end of
 8 subparagraph (C), by inserting “or” at the end of sub-
 9 paragraph (D), and by adding at the end the following
 10 new subparagraph:

11 “(E) any individual who is an election offi-
 12 cial, a poll worker, or an election volunteer in
 13 connection with an election for a Federal of-
 14 fice;”.

15 **Subtitle P—Severability**

16 **SEC. 1951. SEVERABILITY.**

17 If any provision of this title or amendment made by
 18 this title, or the application of a provision or amendment
 19 to any person or circumstance, is held to be unconstitu-
 20 tional, the remainder of this title and amendments made
 21 by this title, and the application of the provisions and
 22 amendment to any person or circumstance, shall not be
 23 affected by the holding.

1 **TITLE II—ELECTION INTEGRITY**
2 **Subtitle A—Findings Reaffirming**
3 **the Commitment of Congress to**
4 **Restore the Voting Rights Act of**
5 **1965**

6 **SEC. 2001. FINDINGS REAFFIRMING COMMITMENT OF CON-**
7 **GRESS TO RESTORE THE VOTING RIGHTS**
8 **ACT.**

9 (a) FINDINGS.—Congress finds the following:

10 (1) The right to vote for all Americans is a fun-
11 damental right guaranteed by the United States
12 Constitution.

13 (2) Federal, State, and local governments
14 should protect the right to vote and promote voter
15 participation across all demographics.

16 (3) The Voting Rights Act has empowered the
17 Department of Justice and Federal courts for nearly
18 a half a century to block discriminatory voting prac-
19 tices before their implementation in States and local-
20 ities with the most troubling histories, ongoing
21 records of racial discrimination, and demonstrations
22 of lower participation rates for protected classes.

23 (4) There continues to be an alarming move-
24 ment to erect barriers to make it more difficult for
25 Americans to participate in our Nation's democratic

1 process. The Nation has witnessed unprecedented ef-
2 forts to turn back the clock and enact suppressive
3 laws that block access to the franchise for commu-
4 nities of color which have faced historic and con-
5 tinuing discrimination, as well as disabled, young, el-
6 derly, and low-income Americans.

7 (5) The Supreme Court's decision in *Shelby*
8 *County v. Holder* (570 U.S. 529 (2013)), gutted
9 decades-long Federal protections for communities of
10 color and language-minority populations facing ongo-
11 ing discrimination, emboldening States and local ju-
12 risdictions to pass voter suppression laws and imple-
13 ment procedures, like those requiring photo identi-
14 fication, limiting early voting hours, eliminating
15 same-day registration, purging voters from the rolls,
16 and reducing the number of polling places.

17 (6) Racial discrimination in voting is a clear
18 and persistent problem. The actions of States and
19 localities around the country post-Shelby County, in-
20 cluding at least 10 findings by Federal courts of in-
21 tentional discrimination, underscored the need for
22 Congress to conduct investigatory and evidentiary
23 hearings to determine the legislation necessary to re-
24 store the Voting Rights Act and combat continuing
25 efforts in America that suppress the free exercise of

1 the franchise in Black and other communities of
2 color.

3 (7) Evidence of discriminatory voting practice
4 spans from decades ago through to the past several
5 election cycles. The 2018 midterm elections, for ex-
6 ample, demonstrated ongoing discrimination in vot-
7 ing.

8 (8) During the 116th Congress, congressional
9 committees in the House of Representatives held nu-
10 merous hearings, collecting substantial testimony
11 and other evidence which underscored the need to
12 pass a restoration of the Voting Rights Act.

13 (9) On December 6, 2019, the House of Rep-
14 resentatives passed the John R. Lewis Voting Rights
15 Advancement Act, which would restore and mod-
16 ernize the Voting Rights Act, in accordance with
17 language from the *Shelby County* decision. Congress
18 reaffirms that the barriers faced by too many voters
19 across this Nation when trying to cast their ballot
20 necessitate reintroduction of many of the protections
21 once afforded by the Voting Rights Act.

22 (10) The 2020 primary and general elections
23 provide further evidence that systemic voter dis-
24 crimination and intimidation continues to occur in
25 communities of color across the country, making it

1 clear that full access to the franchise will not be
2 achieved until Congress restores key provisions of
3 the Voting Rights Act.

4 (11) As of late-February 2021, 43 States had
5 introduced, prefiled, or carried over 253 bills to re-
6 strict voting access that, primarily, limit mail voting
7 access, impose stricter voter ID requirements, slash
8 voter registration opportunities, or enable more ag-
9 gressive voter roll purges.

10 (b) PURPOSES.—The purposes of this Act are as fol-
11 lows:

12 (1) To improve access to the ballot for all citi-
13 zens.

14 (2) To establish procedures by which States
15 and localities, in accordance with past actions, sub-
16 mit voting practice changes for preclearance by the
17 Federal Government.

18 (3) To enhance the integrity and security of our
19 voting systems.

20 (4) To ensure greater accountability for the ad-
21 ministration of elections by States and localities.

22 (5) To restore protections for voters against
23 practices in States and localities plagued by the per-
24 sistence of voter disenfranchisement.

1 (6) To ensure that Federal civil rights laws pro-
2 tect the rights of voters against discriminatory and
3 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 Coal-
17 ition’s four-State survey of voter discrimination
18 (2016) and 9 field hearings in Indian Country (2017
19 and 2018) revealed obstacles that Native Americans
20 must overcome, including a lack of accessible and
21 proximate registration and polling sites, nontradi-
22 tional addresses for residents on Indian reservations,
23 inadequate language assistance for Tribal members,
24 and voter identification laws that discriminate
25 against Native Americans. The Department of Jus-

1 tice and courts have recognized that some jurisdic-
2 tions have been unresponsive to reasonable requests
3 from federally recognized Indian Tribes for more ac-
4 cessible and proximate voter registration sites and
5 in-person voting locations.

6 (3) The 2018 midterm and 2020 general elec-
7 tions provide further evidence that systemic voter
8 discrimination and intimidation continues to occur in
9 communities of color and Tribal lands across the
10 country, making it clear that democracy reform can-
11 not be achieved until Congress restores key provi-
12 sions of the Voting Rights Act of 1965 and passes
13 additional protections.

14 (4) Congress has broad, plenary authority to
15 enact legislation to safeguard the voting rights of
16 Native American voters.

17 (5) Congress must conduct investigatory and
18 evidentiary hearings to determine the necessary leg-
19 islation to restore the Voting Rights Act of 1965
20 and combat continuous efforts that suppress the
21 voter franchise within Tribal lands, to include, but
22 not to be limited to, the Native American Voting
23 Rights Act and the Voting Rights Advancement Act.

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) The 705,000 District of Columbia residents
7 deserve voting representation in Congress and local
8 self-government, which only statehood can provide.

9 (2) The United States is the only democratic
10 country that denies both voting representation in the
11 national legislature and local self-government to the
12 residents of its nation's capital.

13 (3) There are no constitutional, historical, fis-
14 cal, or economic reasons why the Americans who live
15 in the District of Columbia should not be granted
16 statehood.

17 (4) Since the founding of the United States, the
18 residents of the District of Columbia have always
19 carried all of the obligations of citizenship, including
20 serving in all of the Nation's wars and paying Fed-
21 eral taxes, but have been denied voting representa-
22 tion in Congress and freedom from congressional in-
23 terference in purely local matters.

1 (5) The District of Columbia pays more Federal
2 taxes per capita than any State and more Federal
3 taxes than 22 States.

4 (6) The District of Columbia has a larger popu-
5 lation than 2 States (Wyoming and Vermont), and
6 6 States have a population under one million.

7 (7) The District of Columbia has a larger budg-
8 et than 12 States.

9 (8) The Constitution of the United States gives
10 Congress the authority to admit new States (clause
11 1, section 3, article IV) and reduce the size of the
12 seat of the Government of the United States (clause
13 17, section 8, article I). All 37 new States have been
14 admitted by an act of Congress, and Congress has
15 previously reduced the size of the seat of the Gov-
16 ernment of the United States.

17 (9) On June 26, 2020, by a vote of 232–180,
18 the House of Representatives passed H.R. 51, the
19 Washington, D.C. Admission Act, which would have
20 admitted the State of Washington, Douglass Com-
21 monwealth from the residential portions of the Dis-
22 trict of Columbia and reduced the size of the seat
23 of the Government of the United States to the
24 United States Capitol, the White House, the United

1 States Supreme Court, the National Mall, and the
2 principal Federal monuments and buildings.

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 World War I, as an expression

1 of their commitment to American democratic prin-
2 ciples 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.—After August 31, 2021, and
7 before October 1, 2021, 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 determines are urgent for consid-
14 eration by Congress.

15 (g) REPORT.—Not later than December 31, 2021,
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 (demonstrated through statistical data and other
20 metrics) that come with political disenfranchisement
21 of United States citizens in territories of the United
22 States;

23 (2) impediments to full and equal voting rights
24 for United States citizens who are residents of terri-
25 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 de-
19 termines is 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 of the Task
23 Force, except that the report may contain dissenting
24 views.

1 (i) HEARINGS AND SESSIONS.—The Task Force may,
 2 for the purpose of carrying out this section, hold hearings,
 3 sit and act at times and places, take testimony, and re-
 4 ceive evidence as the Task Force considers appropriate.

5 (j) STAKEHOLDER PARTICIPATION.—In carrying out
 6 its duties, the Task Force shall consult with the govern-
 7 ments of American Samoa, Guam, the Commonwealth of
 8 the Northern Mariana Islands, the Commonwealth of
 9 Puerto Rico, and the United States Virgin Islands.

10 (k) RESOURCES.—The Task Force shall carry out its
 11 duties by utilizing existing facilities, services, and staff of
 12 the House of Representatives and the Senate.

13 (l) TERMINATION.—The Task Force shall terminate
 14 upon issuing the report required under subsection (g).

15 **Subtitle E—Redistricting Reform**

16 **SEC. 2400. SHORT TITLE; FINDING OF CONSTITUTIONAL AU-** 17 **THORITY.**

18 (a) SHORT TITLE.—This subtitle may be cited as the
 19 “Redistricting Reform Act of 2021”.

20 (b) FINDING OF CONSTITUTIONAL AUTHORITY.—
 21 Congress finds that it has the authority to establish the
 22 terms and conditions States must follow in carrying out
 23 congressional redistricting after an apportionment of
 24 Members of the House of Representatives because—

1 (1) the authority granted to Congress under ar-
2 ticle I, section 4 of the Constitution of the United
3 States gives Congress the power to enact laws gov-
4 erning the time, place, and manner of elections for
5 Members of the House of Representatives; and

6 (2) the authority granted to Congress under
7 section 5 of the 14th amendment to the Constitution
8 gives Congress the power to enact laws to enforce
9 section 2 of such amendment, which requires Rep-
10 representatives to be apportioned among the several
11 States according to their number.

12 **PART 1—REQUIREMENTS FOR CONGRESSIONAL**
13 **REDISTRICTING**

14 **SEC. 2401. REQUIRING CONGRESSIONAL REDISTRICTING**
15 **TO BE CONDUCTED THROUGH PLAN OF INDE-**
16 **PENDENT STATE COMMISSION.**

17 (a) **USE OF PLAN REQUIRED.**—Notwithstanding any
18 other provision of law, and except as provided in sub-
19 section (c), any congressional redistricting conducted by
20 a State shall be conducted in accordance with—

21 (1) the redistricting plan developed and enacted
22 into law by the independent redistricting commission
23 established in the State, in accordance with part 2;
24 or

1 (2) if a plan developed by such commission is
2 not enacted into law, the redistricting plan developed
3 and enacted into law by a 3-judge court, in accord-
4 ance with section 2421.

5 (b) CONFORMING AMENDMENT.—Section 22(c) of
6 the Act entitled “An Act to provide for the fifteenth and
7 subsequent decennial censuses and to provide for appor-
8 tionment of Representatives in Congress”, approved June
9 18, 1929 (2 U.S.C. 2a(c)), is amended by striking “in the
10 manner provided by the law thereof” and inserting “in the
11 manner provided by the Redistricting Reform Act of
12 2021”.

13 (c) SPECIAL RULE FOR EXISTING COMMISSIONS.—
14 Subsection (a) does not apply to any State in which, under
15 law in effect continuously on and after the date of the
16 enactment of this Act, congressional redistricting is car-
17 ried out in accordance with a plan developed and approved
18 by an independent redistricting commission that is in com-
19 pliance with each of the following requirements:

20 (1) PUBLICLY AVAILABLE APPLICATION PROC-
21 ESS.—Membership on the commission is open to citi-
22 zens of the State through a publicly available appli-
23 cation process.

24 (2) DISQUALIFICATIONS FOR GOVERNMENT
25 SERVICE AND POLITICAL APPOINTMENT.—Individ-

1 uals who, for a covered period of time as established
2 by the State, hold or have held public office, individ-
3 uals who are or have been candidates for elected
4 public office, and individuals who serve or have
5 served as an officer, employee, or paid consultant of
6 a campaign committee of a candidate for public of-
7 fice are disqualified from serving on the commission.

8 (3) SCREENING FOR CONFLICTS.—Individuals
9 who apply to serve on the commission are screened
10 through a process that excludes persons with con-
11 flicts of interest from the pool of potential commis-
12 sioners.

13 (4) MULTI-PARTISAN COMPOSITION.—Member-
14 ship on the commission represents those who are af-
15 filiated with the 2 political parties whose candidates
16 received the most votes in the most recent statewide
17 election for Federal office held in the State, as well
18 as those who are unaffiliated with any party or who
19 are affiliated with political parties other than the 2
20 political parties whose candidates received the most
21 votes in the most recent statewide election for Fed-
22 eral office held in the State.

23 (5) CRITERIA FOR REDISTRICTING.—Members
24 of the commission are required to meet certain cri-
25 teria in the map drawing process, including mini-

1 mizing the division of communities of interest and a
2 ban on drawing maps to favor a political party.

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

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

11 (A) Members who are affiliated with the
12 political party whose candidate received the
13 most votes in the most recent statewide election
14 for Federal office held in the State.

15 (B) Members who are affiliated with the
16 political party whose candidate received the sec-
17 ond most votes in the most recent statewide
18 election for Federal office held in the State.

19 (C) Members who are not affiliated with
20 any political party or who are affiliated with po-
21 litical parties other than the political parties de-
22 scribed in subparagraphs (A) and (B).

23 (d) TREATMENT OF STATE OF IOWA.—Subsection (a)
24 does not apply to the State of Iowa, so long as congres-
25 sional redistricting in such State is carried out in accord-

1 ance with a plan developed by the Iowa Legislative Serv-
2 ices Agency with the assistance of a Temporary Redis-
3 tricting Advisory Commission, under law which was in ef-
4 fect for the most recent congressional redistricting carried
5 out in the State prior to the date of the enactment of this
6 Act and which remains in effect continuously on and after
7 the date of the enactment of this Act.

8 **SEC. 2402. BAN ON MID-DECADE REDISTRICTING.**

9 A State that has been redistricted in accordance with
10 this subtitle and a State described in section 2401(c) may
11 not be redistricted again until after the next apportion-
12 ment of Representatives under section 22(a) of the Act
13 entitled “An Act to provide for the fifteenth and subse-
14 quent decennial censuses and to provide for an apportion-
15 ment of Representatives in Congress”, approved June 18,
16 1929 (2 U.S.C. 2a), unless a court requires the State to
17 conduct such subsequent redistricting to comply with the
18 Constitution of the United States, the Voting Rights Act
19 of 1965 (52 U.S.C. 10301 et seq.), the Constitution of
20 the State, or the terms or conditions of this subtitle.

21 **SEC. 2403. CRITERIA FOR REDISTRICTING.**

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

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

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

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

19 (4) Districts shall respect communities of inter-
20 est, neighborhoods, and political subdivisions to the
21 extent practicable and after compliance with the re-
22 quirements of paragraphs (1) through (3). A com-
23 munity of interest is defined as an area with recog-
24 nized similarities of interests, including ethnic, ra-
25 cial, economic, tribal, social, cultural, geographic or

1 historic identities. The term communities of interest
2 may, in certain circumstances, include political sub-
3 divisions such as counties, municipalities, tribal
4 lands and reservations, or school districts, but shall
5 not include common relationships with political par-
6 ties or political candidates.

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

9 (1) PROHIBITION.—The redistricting plan en-
10 acted by a State shall not, when considered on a
11 Statewide basis, be drawn with the intent or the ef-
12 fect of unduly favoring or disfavoring any political
13 party.

14 (2) DETERMINATION OF EFFECT.—

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

22 (B) PLANS DEEMED TO HAVE EFFECT OF
23 UNDULY FAVORING OR DISFAVORING A POLIT-
24 ICAL PARTY.—Without limiting other ways in
25 which a redistricting plan may be determined to

1 have the effect of unduly favoring or disfavoring
2 a political party under the totality of cir-
3 cumstances under subparagraph (A), a redistricting plan shall be deemed to have the effect
4 of unduly favoring or disfavoring a political
5 party if—
6

7 (i) modeling based on relevant historical
8 voting patterns shows that the plan is
9 statistically likely to result in a partisan
10 bias of more than one seat in States with
11 20 or fewer congressional districts or a
12 partisan bias of more than 2 seats in
13 States with more than 20 congressional
14 districts, as determined using quantitative
15 measures of partisan fairness, which may
16 include, but are not limited to, the seats-
17 to-votes curve for an enacted plan, the efficiency gap, the declination, partisan asymmetry, and the mean-median difference;
18 and
19 and

20
21 (ii) alternative plans, which may include, but are not limited to, those generated by redistricting algorithms, exist
22 that could have complied with the require-
23
24

1 ments of law and not been in violation of
2 paragraph (1).

3 (3) DETERMINATION OF INTENT.—For pur-
4 poses of paragraph (1), a rebuttable presumption
5 shall exist that a redistricting plan enacted by the
6 legislature of a State was not enacted with the in-
7 tent of unduly favoring or disfavoring a political
8 party if the plan was enacted with the support of at
9 least a third of the members of the second largest
10 political party in each house of the legislature.

11 (4) NO VIOLATION BASED ON CERTAIN CRI-
12 TERIA.—No redistricting plan shall be found to be
13 in violation of paragraph (1) because of partisan
14 bias attributable to the application of the criteria set
15 forth in paragraphs (1), (2), or (3) of subsection (a),
16 unless one or more alternative plans could have com-
17 plied with such paragraphs without having the effect
18 of unduly favoring or disfavoring a political party.

19 (c) FACTORS PROHIBITED FROM CONSIDERATION.—
20 In developing the redistricting plan for the State, the inde-
21 pendent redistricting commission may not take into con-
22 sideration any of the following factors, except as necessary
23 to comply with the criteria described in paragraphs (1)
24 through (3) of subsection (a), to achieve partisan fairness
25 and comply with subsection (b), and to enable the redis-

1 trieting plan to be measured against the external metrics
2 described in section 2413(d):

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

5 (2) The political party affiliation or voting his-
6 tory of the population of a district.

7 (d) APPLICABILITY.—This section applies to any au-
8 thority, whether appointed, elected, judicial, or otherwise,
9 that designs or enacts a congressional redistricting plan
10 of a State.

11 (e) SEVERABILITY OF CRITERIA.—If any of the cri-
12 teria set forth in this section, or the application of such
13 criteria to any person or circumstance, is held to be uncon-
14 stitutional, the remaining criteria set forth in this section,
15 and the application of such criteria to any person or cir-
16 cumstance, shall not be affected by the holding.

17 **PART 2—INDEPENDENT REDISTRICTING**
18 **COMMISSIONS**

19 **SEC. 2411. INDEPENDENT REDISTRICTING COMMISSION.**

20 (a) APPOINTMENT OF MEMBERS.—

21 (1) IN GENERAL.—The nonpartisan agency es-
22 tablished or designated by a State under section
23 2414(a) shall establish an independent redistricting
24 commission for the State, which shall consist of 15
25 members appointed by the agency as follows:

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

6 (i) The agency shall appoint 2 mem-
7 bers on a random basis from the majority
8 category of the approved selection pool (as
9 described in section 2412(b)(1)(A)).

10 (ii) The agency shall appoint 2 mem-
11 bers on a random basis from the minority
12 category of the approved selection pool (as
13 described in section 2412(b)(1)(B)).

14 (iii) The agency shall appoint 2 mem-
15 bers on a random basis from the inde-
16 pendent category of the approved selection
17 pool (as described in section
18 2412(b)(1)(C)).

19 (B) Not later than November 15 of a year
20 ending in the numeral zero, the members ap-
21 pointed by the agency under subparagraph (A)
22 shall, at a public meeting held not earlier than
23 15 days after notice of the meeting has been
24 given to the public, then appoint 9 members as
25 follows:

1 (i) The members shall appoint 3 mem-
2 bers from the majority category of the ap-
3 proved selection pool (as described in sec-
4 tion 2412(b)(1)(A)).

5 (ii) The members shall appoint 3
6 members from the minority category of the
7 approved selection pool (as described in
8 section 2412(b)(1)(B)).

9 (iii) The members shall appoint 3
10 members from the independent category of
11 the approved selection pool (as described in
12 section 2412(b)(1)(C)).

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

15 (A) AFFIRMATIVE VOTE OF AT LEAST 4
16 MEMBERS.—The appointment of any of the 9
17 members of the independent redistricting com-
18 mission who are appointed by the first members
19 of the commission pursuant to subparagraph
20 (B) of paragraph (1), as well as the designation
21 of alternates for such members pursuant to
22 subparagraph (B) of paragraph (3) and the ap-
23 pointment of alternates to fill vacancies pursu-
24 ant to subparagraph (B) of paragraph (4), shall
25 require the affirmative vote of at least 4 of the

1 members appointed by the nonpartisan agency
2 under subparagraph (A) of paragraph (1), in-
3 cluding at least one member from each of the
4 categories referred to in such subparagraph.

5 (B) ENSURING DIVERSITY.—In appointing
6 the 9 members pursuant to subparagraph (B)
7 of paragraph (1), as well as in designating al-
8 ternates pursuant to subparagraph (B) of para-
9 graph (3) and in appointing alternates to fill
10 vacancies pursuant to subparagraph (B) of
11 paragraph (4), the first members of the inde-
12 pendent redistricting commission shall ensure
13 that the membership is representative of the de-
14 mographic groups (including racial, ethnic, eco-
15 nomic, and gender) and geographic regions of
16 the State, and provides racial, ethnic, and lan-
17 guage minorities protected under the Voting
18 Rights Act of 1965 with a meaningful oppor-
19 tunity to participate in the development of the
20 State’s redistricting plan.

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

23 (A) MEMBERS APPOINTED BY AGENCY.—

24 At the time the agency appoints the members
25 of the independent redistricting commission

1 under subparagraph (A) of paragraph (1) from
2 each of the categories referred to in such sub-
3 paragraph, the agency shall, on a random basis,
4 designate 2 other individuals from such cat-
5 egory to serve as alternate members who may
6 be appointed to fill vacancies in the commission
7 in accordance with paragraph (4).

8 (B) MEMBERS APPOINTED BY FIRST MEM-
9 BERS.—At the time the members appointed by
10 the agency appoint the other members of the
11 independent redistricting commission under
12 subparagraph (B) of paragraph (1) from each
13 of the categories referred to in such subpara-
14 graph, the members shall, in accordance with
15 the special rules described in paragraph (2),
16 designate 2 other individuals from such cat-
17 egory to serve as alternate members who may
18 be appointed to fill vacancies in the commission
19 in accordance with paragraph (4).

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

22 (A) MEMBERS APPOINTED BY AGENCY.—If
23 a vacancy occurs in the commission with respect
24 to a member who was appointed by the non-
25 partisan agency under subparagraph (A) of

1 paragraph (1) from one of the categories re-
2 ferred to in such subparagraph, the agency
3 shall fill the vacancy by appointing, on a ran-
4 dom basis, one of the 2 alternates from such
5 category who was designated under subpara-
6 graph (A) of paragraph (3). At the time the
7 agency appoints an alternate to fill a vacancy
8 under the previous sentence, the agency shall
9 designate, on a random basis, another indi-
10 vidual from the same category to serve as an al-
11 ternate member, in accordance with subpara-
12 graph (A) of paragraph (3).

13 (B) MEMBERS APPOINTED BY FIRST MEM-
14 BERS.—If a vacancy occurs in the commission
15 with respect to a member who was appointed by
16 the first members of the commission under sub-
17 subparagraph (B) of paragraph (1) from one of the
18 categories referred to in such subparagraph, the
19 first members shall, in accordance with the spe-
20 cial rules described in paragraph (2), fill the va-
21 cancy by appointing one of the 2 alternates
22 from such category who was designated under
23 subparagraph (B) of paragraph (3). At the time
24 the first members appoint an alternate to fill a
25 vacancy under the previous sentence, the first

1 members shall, in accordance with the special
2 rules described in paragraph (2), designate an-
3 other individual from the same category to
4 serve as an alternate member, in accordance
5 with subparagraph (B) of paragraph (3).

6 (5) REMOVAL.—A member of the independent
7 redistricting commission may be removed by a ma-
8 jority vote of the remaining members of the commis-
9 sion if it is shown by a preponderance of the evi-
10 dence that the member is not eligible to serve on the
11 commission under section 2412(a).

12 (b) PROCEDURES FOR CONDUCTING COMMISSION
13 BUSINESS.—

14 (1) CHAIR.—Members of an independent redis-
15 tricting commission established under this section
16 shall select by majority vote one member who was
17 appointed from the independent category of the ap-
18 proved selection pool described in section
19 2412(b)(1)(C) to serve as chair of the commission.
20 The commission may not take any action to develop
21 a redistricting plan for the State under section 2413
22 until the appointment of the commission's chair.

23 (2) REQUIRING MAJORITY APPROVAL FOR AC-
24 TIONS.—The independent redistricting commission
25 of a State may not publish and disseminate any

1 draft or final redistricting plan, or take any other
2 action, without the approval of at least—

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

5 (B) at least one member of the commission
6 appointed from each of the categories of the ap-
7 proved selection pool described in section
8 2412(b)(1).

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

11 (c) STAFF; CONTRACTORS.—

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

19 (2) CONTRACTORS.—The independent redis-
20 tricting commission of a State may enter into such
21 contracts with vendors as it considers appropriate,
22 subject to State law, except that any such contract
23 shall be valid only if approved by the vote of a ma-
24 jority of the members of the commission, including
25 at least one member appointed from each of the cat-

1 egories of the approved selection pool described in
2 section 2412(b)(1).

3 (3) REPORTS ON EXPENDITURES FOR POLIT-
4 ICAL ACTIVITY.—

5 (A) REPORT BY APPLICANTS.—Each indi-
6 vidual who applies for a position as an employee
7 of the independent redistricting commission and
8 each vendor who applies for a contract with the
9 commission shall, at the time of applying, file
10 with the commission a report summarizing—

11 (i) any expenditure for political activ-
12 ity made by such individual or vendor dur-
13 ing the 10 most recent calendar years; and

14 (ii) any income received by such indi-
15 vidual or vendor during the 10 most recent
16 calendar years which is attributable to an
17 expenditure for political activity.

18 (B) ANNUAL REPORTS BY EMPLOYEES
19 AND VENDORS.—Each person who is an em-
20 ployee or vendor of the independent redis-
21 tricting commission shall, not later than one
22 year after the person is appointed as an em-
23 ployee or enters into a contract as a vendor (as
24 the case may be) and annually thereafter for
25 each year during which the person serves as an

1 employee or a vendor, file with the commission
2 a report summarizing the expenditures and in-
3 come described in subparagraph (A) during the
4 10 most recent calendar years.

5 (C) EXPENDITURE FOR POLITICAL ACTIV-
6 ITY DEFINED.—In this paragraph, the term
7 “expenditure for political activity” means a dis-
8 bursement for any of the following:

9 (i) An independent expenditure, as de-
10 fined in section 301(17) of the Federal
11 Election Campaign Act of 1971 (52 U.S.C.
12 30101(17)).

13 (ii) An electioneering communication,
14 as defined in section 304(f)(3) of such Act
15 (52 U.S.C. 30104(f)(3)) or any other pub-
16 lic communication, as defined in section
17 301(22) of such Act (52 U.S.C.
18 30101(22)) that would be an electioneering
19 communication if it were a broadcast,
20 cable, or satellite communication.

21 (iii) Any dues or other payments to
22 trade associations or organizations de-
23 scribed in section 501(c) of the Internal
24 Revenue Code of 1986 and exempt from
25 tax under section 501(a) of such Code that

1 are, or could reasonably be anticipated to
2 be, used or transferred to another associa-
3 tion or organization for a use described in
4 paragraph (1), (2), or (4) of section 501(c)
5 of such Code.

6 (4) GOAL OF IMPARTIALITY.—The commission
7 shall take such steps as it considers appropriate to
8 ensure that any staff appointed under this sub-
9 section, and any vendor with whom the commission
10 enters into a contract under this subsection, will
11 work in an impartial manner, and may require any
12 person who applies for an appointment to a staff po-
13 sition or for a vendor’s contract with the commission
14 to provide information on the person’s history of po-
15 litical activity beyond the information on the per-
16 son’s expenditures for political activity provided in
17 the reports required under paragraph (3) (including
18 donations to candidates, political committees, and
19 political parties) as a condition of the appointment
20 or the contract.

21 (5) DISQUALIFICATION; WAIVER.—

22 (A) IN GENERAL.—The independent redistricting
23 commission may not appoint an indi-
24 vidual as an employee, and may not enter into
25 a contract with a vendor, if the individual or

1 vendor meets any of the criteria for the dis-
2 qualification of an individual from serving as a
3 member of the commission which are set forth
4 in section 2412(a)(2).

5 (B) WAIVER.—The commission may by
6 unanimous vote of its members waive the appli-
7 cation of subparagraph (A) to an individual or
8 a vendor after receiving and reviewing the re-
9 port filed by the individual or vendor under
10 paragraph (3).

11 (d) TERMINATION.—

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

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

17 (B) the day on which the nonpartisan
18 agency established or designated by a State
19 under section 2414(a) has, in accordance with
20 section 2412(b)(1), submitted a selection pool
21 to the Select Committee on Redistricting for the
22 State established under section 2414(b).

23 (2) PRESERVATION OF RECORDS.—The State
24 shall ensure that the records of the independent re-
25 districting commission are retained in the appro-

1 appropriate State archive in such manner as may be nec-
2 essary to enable the State to respond to any civil ac-
3 tion brought with respect to congressional redistricting in the State.
4

5 **SEC. 2412. ESTABLISHMENT OF SELECTION POOL OF INDIVIDUALS ELIGIBLE TO SERVE AS MEMBERS OF COMMISSION.**
6
7

8 (a) CRITERIA FOR ELIGIBILITY.—

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

13 (A) As of the date of appointment, the individual is registered to vote in elections for
14 Federal office held in the State.
15

16 (B) During the 3-year period ending on the date of the individual's appointment, the individual has been continuously registered to
17 vote with the same political party, or has not been registered to vote with any political party.
18
19
20

21 (C) The individual submits to the non-partisan agency established or designated by a
22 State under section 2414, at such time and in such form as the agency may require, an application for inclusion in the selection pool under
23
24
25

1 this section, and includes with the application a
2 written statement, with an attestation under
3 penalty of perjury, containing the following in-
4 formation and assurances:

5 (i) The full current name and any
6 former names of, and the contact informa-
7 tion for, the individual, including an elec-
8 tronic mail address, the address of the in-
9 dividual's residence, mailing address, and
10 telephone numbers.

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

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

16 (iv) The reason or reasons the indi-
17 vidual desires to serve on the independent
18 redistricting commission, the individual's
19 qualifications, and information relevant to
20 the ability of the individual to be fair and
21 impartial, including—

22 (I) any involvement with, or fi-
23 nancial support of, professional, so-
24 cial, political, religious, or community
25 organizations or causes; and

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

3 (v) An assurance that the individual
4 shall commit to carrying out the individ-
5 ual's duties under this subtitle in an hon-
6 est, independent, and impartial fashion,
7 and to upholding public confidence in the
8 integrity of the redistricting process.

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

15 (2) DISQUALIFICATIONS.—An individual is not
16 eligible to serve as a member of the commission if
17 any of the following applies during any of the cov-
18 ered periods described in paragraph (3):

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

24 (B) The individual or (in the case of the
25 covered periods described in subparagraphs (A)

1 and (B) of paragraph (3)) an immediate family
2 member of the individual serves as an officer of
3 a political party or as an officer, employee, or
4 paid consultant of a campaign committee of a
5 candidate for public office or of any political ac-
6 tion committee (as determined in accordance
7 with the law of the State).

8 (C) The individual or (in the case of the
9 covered periods described in subparagraphs (A)
10 and (B) of paragraph (3)) an immediate family
11 member of the individual holds a position as a
12 registered lobbyist under the Lobbying Dislo-
13 sure Act of 1995 (2 U.S.C. 1601 et seq.) or an
14 equivalent State or local law.

15 (D) 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 is an employee of an
19 elected public official, a contractor with the gov-
20 ernment of the State, or a donor to the cam-
21 paign of any candidate for public office or to
22 any political action committee (other than a
23 donor who, during any of such covered periods,
24 gives an aggregate amount of \$1,000 or less to

1 the campaigns of all candidates for all public
2 offices and to all political action committees).

3 (E) The individual paid a civil money pen-
4 alty or criminal fine, or was sentenced to a
5 term of imprisonment, for violating any provi-
6 sion of the Federal Election Campaign Act of
7 1971 (52 U.S.C. 30101 et seq.).

8 (F) The individual or (in the case of the
9 covered periods described in subparagraphs (A)
10 and (B) of paragraph (3)) an immediate family
11 member of the individual is an agent of a for-
12 eign principal under the Foreign Agents Reg-
13 istration Act of 1938, as amended (22 U.S.C.
14 611 et seq.).

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

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

21 (B) The period beginning on the date of
22 the individual’s appointment and ending on Au-
23 gust 14 of the next year ending in the numeral
24 one.

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

4 (4) IMMEDIATE FAMILY MEMBER DEFINED.—In
5 this subsection, the term “immediate family mem-
6 ber” means, with respect to an individual, a father,
7 stepfather, mother, stepmother, son, stepson, daugh-
8 ter, stepdaughter, brother, stepbrother, sister, step-
9 sister, husband, wife, father-in-law, or mother-in-
10 law.

11 (b) DEVELOPMENT AND SUBMISSION OF SELECTION
12 POOL.—

13 (1) IN GENERAL.—Not later than June 15 of
14 each year ending in the numeral zero, the non-
15 partisan agency established or designated by a State
16 under section 2414(a) shall develop and submit to
17 the Select Committee on Redistricting for the State
18 established under section 2414(b) a selection pool of
19 36 individuals who are eligible to serve as members
20 of the independent redistricting commission of the
21 State under this subtitle, consisting of individuals in
22 the following categories:

23 (A) A majority category, consisting of 12
24 individuals who are affiliated with the political
25 party whose candidate received the most votes

1 in the most recent statewide election for Fed-
2 eral office held in the State.

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

8 (C) An independent category, consisting of
9 12 individuals who are not affiliated with either
10 of the political parties described in subpara-
11 graph (A) or subparagraph (B).

12 (2) FACTORS TAKEN INTO ACCOUNT IN DEVEL-
13 OPING POOL.—In selecting individuals for the selec-
14 tion pool under this subsection, the nonpartisan
15 agency shall—

16 (A) ensure that the pool is representative
17 of the demographic groups (including racial,
18 ethnic, economic, and gender) and geographic
19 regions of the State, and includes applicants
20 who would allow racial, ethnic, and language
21 minorities protected under the Voting Rights
22 Act of 1965 a meaningful opportunity to par-
23 ticipate in the development of the State’s redis-
24 tricting plan; and

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

7 (3) INTERVIEWS OF APPLICANTS.—To assist
8 the nonpartisan agency in developing the selection
9 pool under this subsection, the nonpartisan agency
10 shall conduct interviews of applicants under oath. If
11 an individual is included in a selection pool devel-
12 oped under this section, all of the interviews of the
13 individual shall be transcribed and the transcriptions
14 made available on the nonpartisan agency’s website
15 contemporaneously with release of the report under
16 paragraph (6).

17 (4) DETERMINATION OF POLITICAL PARTY AF-
18 FILIATION OF INDIVIDUALS IN SELECTION POOL.—
19 For purposes of this section, an individual shall be
20 considered to be affiliated with a political party only
21 if the nonpartisan agency is able to verify (to the
22 greatest extent possible) the information the indi-
23 vidual provides in the application submitted under
24 subsection (a)(1)(C), including by considering addi-
25 tional information provided by other persons with

1 knowledge of the individual's history of political ac-
2 tivity.

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

14 (6) REPORT ON ESTABLISHMENT OF SELEC-
15 TION POOL.—At the time the nonpartisan agency
16 submits the selection pool to the Select Committee
17 on Redistricting under paragraph (1), it shall pub-
18 lish and post on the agency's public website a report
19 describing the process by which the pool was devel-
20 oped, and shall include in the report a description of
21 how the individuals in the pool meet the eligibility
22 criteria of subsection (a) and of how the pool reflects
23 the factors the agency is required to take into con-
24 sideration under paragraph (2).

1 (7) PUBLIC COMMENT ON SELECTION POOL.—
2 During the 14-day period which begins on the date
3 the nonpartisan agency publishes the report under
4 paragraph (6), the agency shall accept comments
5 from the public on the individuals included in the se-
6 lection pool. The agency shall post all such com-
7 ments contemporaneously on the nonpartisan agen-
8 cy’s website and shall transmit them to the Select
9 Committee on Redistricting immediately upon the
10 expiration of such period.

11 (8) ACTION BY SELECT COMMITTEE.—

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

17 (i) approve the pool as submitted by
18 the nonpartisan agency, in which case the
19 pool shall be considered the approved selec-
20 tion pool for purposes of section
21 2411(a)(1); or

22 (ii) reject the pool, in which case the
23 nonpartisan agency shall develop and sub-
24 mit a replacement selection pool in accord-
25 ance with subsection (c).

1 (B) INACTION DEEMED REJECTION.—If
2 the Select Committee on Redistricting fails to
3 approve or reject the pool within the deadline
4 set forth in subparagraph (A), the Select Com-
5 mittee shall be deemed to have rejected the pool
6 for purposes of such subparagraph.

7 (c) DEVELOPMENT OF REPLACEMENT SELECTION
8 POOL.—

9 (1) IN GENERAL.—If the Select Committee on
10 Redistricting rejects the selection pool submitted by
11 the nonpartisan agency under subsection (b), not
12 later than 14 days after the rejection, the non-
13 partisan agency shall develop and submit to the Se-
14 lect Committee a replacement selection pool, under
15 the same terms and conditions that applied to the
16 development and submission of the selection pool
17 under paragraphs (1) through (7) of subsection (b).
18 The replacement pool submitted under this para-
19 graph may include individuals who were included in
20 the rejected selection pool submitted under sub-
21 section (b), so long as at least one of the individuals
22 in the replacement pool was not included in such re-
23 jected pool.

24 (2) ACTION BY SELECT COMMITTEE.—

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

6 (i) approve the pool as submitted by
7 the nonpartisan agency, in which case the
8 pool shall be considered the approved selec-
9 tion pool for purposes of section
10 2411(a)(1); or

11 (ii) reject the pool, in which case the
12 nonpartisan agency shall develop and sub-
13 mit a second replacement selection pool in
14 accordance with subsection (d).

15 (B) INACTION DEEMED REJECTION.—If
16 the Select Committee on Redistricting fails to
17 approve or reject the pool within the deadline
18 set forth in subparagraph (A), the Select Com-
19 mittee shall be deemed to have rejected the pool
20 for purposes of such subparagraph.

21 (d) DEVELOPMENT OF SECOND REPLACEMENT SE-
22 LECTION POOL.—

23 (1) IN GENERAL.—If the Select Committee on
24 Redistricting rejects the replacement selection pool
25 submitted by the nonpartisan agency under sub-

1 section (c), not later than 14 days after the rejec-
2 tion, the nonpartisan agency shall develop and sub-
3 mit to the Select Committee a second replacement
4 selection pool, under the same terms and conditions
5 that applied to the development and submission of
6 the selection pool under paragraphs (1) through (7)
7 of subsection (b). The second replacement selection
8 pool submitted under this paragraph may include in-
9 dividuals who were included in the rejected selection
10 pool submitted under subsection (b) or the rejected
11 replacement selection pool submitted under sub-
12 section (c), so long as at least one of the individuals
13 in the replacement pool was not included in either
14 such rejected pool.

15 (2) ACTION BY SELECT COMMITTEE.—

16 (A) IN GENERAL.—Not earlier than 15
17 days and not later than 14 days after receiving
18 the second replacement selection pool from the
19 nonpartisan agency under paragraph (1), the
20 Select Committee on Redistricting shall, by ma-
21 jority vote—

22 (i) approve the pool as submitted by
23 the nonpartisan agency, in which case the
24 pool shall be considered the approved selec-

1 tion pool for purposes of section
2 2411(a)(1); or

3 (ii) reject the pool.

4 (B) INACTION DEEMED REJECTION.—If
5 the Select Committee on Redistricting fails to
6 approve or reject the pool within the deadline
7 set forth in subparagraph (A), the Select Com-
8 mittee shall be deemed to have rejected the pool
9 for purposes of such subparagraph.

10 (C) EFFECT OF REJECTION.—If the Select
11 Committee on Redistricting rejects the second
12 replacement pool from the nonpartisan agency
13 under paragraph (1), the redistricting plan for
14 the State shall be developed and enacted in ac-
15 cordance with part 3.

16 **SEC. 2413. PUBLIC NOTICE AND INPUT.**

17 (a) PUBLIC NOTICE AND INPUT.—

18 (1) USE OF OPEN AND TRANSPARENT PROC-
19 ESS.—The independent redistricting commission of a
20 State shall hold each of its meetings in public, shall
21 solicit and take into consideration comments from
22 the public, including proposed maps, throughout the
23 process of developing the redistricting plan for the
24 State, and shall carry out its duties in an open and
25 transparent manner which provides for the widest

1 public dissemination reasonably possible of its pro-
2 posed and final redistricting plans.

3 (2) WEBSITE.—

4 (A) FEATURES.—The commission shall
5 maintain a public internet site which is not af-
6 filiated with or maintained by the office of any
7 elected official and which includes the following
8 features:

9 (i) General information on the com-
10 mission, its role in the redistricting proc-
11 ess, and its members, including contact in-
12 formation.

13 (ii) An updated schedule of commis-
14 sion hearings and activities, including
15 deadlines for the submission of comments.

16 (iii) All draft redistricting plans devel-
17 oped by the commission under subsection
18 (b) and the final redistricting plan devel-
19 oped under subsection (c), including the
20 accompanying written evaluation under
21 subsection (d).

22 (iv) All comments received from the
23 public on the commission's activities, in-
24 cluding any proposed maps submitted
25 under paragraph (1).

1 (v) Live streaming of commission
2 hearings and an archive of previous meet-
3 ings, including any documents considered
4 at any such meeting, which the commission
5 shall post not later than 24 hours after the
6 conclusion of the meeting.

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

14 (vii) A method by which members of
15 the public may submit comments and pro-
16 posed maps directly to the commission.

17 (viii) All records of the commission,
18 including all communications to or from
19 members, employees, and contractors re-
20 garding the work of the commission.

21 (ix) A list of all contractors receiving
22 payment from the commission, together
23 with the annual disclosures submitted by
24 the contractors under section 2411(c)(3).

1 (x) A list of the names of all individ-
2 uals who submitted applications to serve
3 on the commission, together with the appli-
4 cations submitted by individuals included
5 in any selection pool, except that the com-
6 mission may redact from such applications
7 any financial or other personally sensitive
8 information.

9 (B) SEARCHABLE FORMAT.—The commis-
10 sion shall ensure that all information posted
11 and maintained on the site under this para-
12 graph, including information and proposed
13 maps submitted by the public, shall be main-
14 tained in an easily searchable format.

15 (C) DEADLINE.—The commission shall en-
16 sure that the public internet site under this
17 paragraph is operational (in at least a prelimi-
18 nary format) not later than January 1 of the
19 year ending in the numeral one.

20 (3) PUBLIC COMMENT PERIOD.—The commis-
21 sion shall solicit, accept, and consider comments
22 from the public with respect to its duties, activities,
23 and procedures at any time during the period—

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

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

5 (4) MEETINGS AND HEARINGS IN VARIOUS GEO-
6 GRAPHIC LOCATIONS.—To the greatest extent prac-
7 ticable, the commission shall hold its meetings and
8 hearings in various geographic regions and locations
9 throughout the State.

10 (5) MULTIPLE LANGUAGE REQUIREMENTS FOR
11 ALL NOTICES.—The commission shall make each no-
12 tice which is required to be posted and published
13 under this section available in any language in which
14 the State (or any jurisdiction in the State) is re-
15 quired to provide election materials under section
16 203 of the Voting Rights Act of 1965 (52 U.S.C.
17 10503).

18 (b) DEVELOPMENT AND PUBLICATION OF PRELIMI-
19 NARY REDISTRICTING PLAN.—

20 (1) IN GENERAL.—Prior to developing and pub-
21 lishing a final redistricting plan under subsection
22 (c), the independent redistricting commission of a
23 State shall develop and publish a preliminary redis-
24 tracting plan.

1 (2) MINIMUM PUBLIC HEARINGS AND OPPOR-
2 TUNITY FOR COMMENT PRIOR TO DEVELOPMENT.—

3 (A) 3 HEARINGS REQUIRED.—Prior to de-
4 veloping a preliminary redistricting plan under
5 this subsection, the commission shall hold not
6 fewer than 3 public hearings at which members
7 of the public may provide input and comments
8 regarding the potential contents of redistricting
9 plans for the State and the process by which
10 the commission will develop the preliminary
11 plan under this subsection.

12 (B) MINIMUM PERIOD FOR NOTICE PRIOR
13 TO HEARINGS.—Not fewer than 14 days prior
14 to the date of each hearing held under this
15 paragraph, the commission shall post notices of
16 the hearing on the website maintained under
17 subsection (a)(2), and shall provide for the pub-
18 lication of such notices in newspapers of general
19 circulation throughout the State. Each such no-
20 tice shall specify the date, time, and location of
21 the hearing.

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

1 provided under subsection (a)(2)(A), any such
2 map shall be made publicly available on the
3 commission's website and open to comment.

4 (3) PUBLICATION OF PRELIMINARY PLAN.—

5 (A) IN GENERAL.—The commission shall
6 post the preliminary redistricting plan devel-
7 oped under this subsection, together with a re-
8 port that includes the commission's responses
9 to any public comments received under sub-
10 section (a)(3), on the website maintained under
11 subsection (a)(2), and shall provide for the pub-
12 lication of each such plan in newspapers of gen-
13 eral circulation throughout the State.

14 (B) MINIMUM PERIOD FOR NOTICE PRIOR
15 TO PUBLICATION.—Not fewer than 14 days
16 prior to the date on which the commission posts
17 and publishes the preliminary plan under this
18 paragraph, the commission shall notify the pub-
19 lic through the website maintained under sub-
20 section (a)(2), as well as through publication of
21 notice in newspapers of general circulation
22 throughout the State, of the pending publica-
23 tion of the plan.

24 (4) MINIMUM POST-PUBLICATION PERIOD FOR
25 PUBLIC COMMENT.—The commission shall accept

1 and consider comments from the public (including
2 through the website maintained under subsection
3 (a)(2)) with respect to the preliminary redistricting
4 plan published under paragraph (3), including pro-
5 posed revisions to maps, for not fewer than 30 days
6 after the date on which the plan is published.

7 (5) POST-PUBLICATION HEARINGS.—

8 (A) 3 HEARINGS REQUIRED.—After post-
9 ing and publishing the preliminary redistricting
10 plan under paragraph (3), the commission shall
11 hold not fewer than 3 public hearings in dif-
12 ferent geographic areas of the State at which
13 members of the public may provide input and
14 comments regarding the preliminary plan.

15 (B) MINIMUM PERIOD FOR NOTICE PRIOR
16 TO HEARINGS.—Not fewer than 14 days prior
17 to the date of each hearing held under this
18 paragraph, the commission shall post notices of
19 the hearing on the website maintained under
20 subsection (a)(2), and shall provide for the pub-
21 lication of such notices in newspapers of general
22 circulation throughout the State. Each such no-
23 tice shall specify the date, time, and location of
24 the hearing.

1 (6) PERMITTING MULTIPLE PRELIMINARY
2 PLANS.—At the option of the commission, after de-
3 veloping and publishing the preliminary redistricting
4 plan under this subsection, the commission may de-
5 velop and publish subsequent preliminary redis-
6 tricting plans, so long as the process for the develop-
7 ment and publication of each such subsequent plan
8 meets the requirements set forth in this subsection
9 for the development and publication of the first pre-
10 liminary redistricting plan.

11 (c) PROCESS FOR ENACTMENT OF FINAL REDIS-
12 TRICTING PLAN.—

13 (1) IN GENERAL.—After taking into consider-
14 ation comments from the public on any preliminary
15 redistricting plan developed and published under
16 subsection (b), the independent redistricting commis-
17 sion of a State shall develop and publish a final re-
18 districting plan for the State.

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

24 (3) PUBLICATION OF PLAN AND ACCOMPANYING
25 MATERIALS.—Not fewer than 14 days before the

1 date of the meeting under paragraph (2), the com-
2 mission shall provide the following information to
3 the public through the website maintained under
4 subsection (a)(2), as well as through newspapers of
5 general circulation throughout the State:

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

8 (B) A report by the commission to accom-
9 pany the plan which provides the background
10 for the plan and the commission's reasons for
11 selecting the plan as the final redistricting plan,
12 including responses to the public comments re-
13 ceived on any preliminary redistricting plan de-
14 veloped and published under subsection (b).

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

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

23 (A) such final plan is approved by a major-
24 ity of the whole membership of the commission;
25 and

1 (B) at least one member of the commission
2 appointed from each of the categories of the ap-
3 proved selection pool described in section
4 2412(b)(1) approves such final plan.

5 (5) REVIEW BY DEPARTMENT OF JUSTICE.—

6 (A) REQUIRING SUBMISSION OF PLAN FOR
7 REVIEW.—The final redistricting plan shall not
8 be deemed to be enacted into law unless the
9 State submits the plan to the Department of
10 Justice for an administrative review to deter-
11 mine if the plan is in compliance with the cri-
12 teria described in paragraphs (2) and (3) of
13 section 2403(a).

14 (B) TERMINATION OF REVIEW.—The De-
15 partment of Justice shall terminate any admin-
16 istrative review under subparagraph (A) if, dur-
17 ing the 45-day period which begins on the date
18 the plan is enacted into law, an action is filed
19 in a United States district court alleging that
20 the plan is not in compliance with the criteria
21 described in paragraphs (2) and (3) of section
22 2403(a).

23 (d) WRITTEN EVALUATION OF PLAN AGAINST EX-
24 TERNAL METRICS.—The independent redistricting com-
25 mission shall include with each redistricting plan devel-

1 oped and published under this section a written evaluation
2 that measures each such plan against external metrics
3 which cover the criteria set forth in section 2403(a), in-
4 cluding the impact of the plan on the ability of commu-
5 nities of color to elect candidates of choice, measures of
6 partisan fairness using multiple accepted methodologies,
7 and the degree to which the plan preserves or divides com-
8 munities of interest.

9 (e) **TIMING.**—The independent redistricting commis-
10 sion of a State may begin its work on the redistricting
11 plan of the State upon receipt of relevant population infor-
12 mation from the Bureau of the Census, and shall approve
13 a final redistricting plan for the State in each year ending
14 in the numeral one not later than 8 months after the date
15 on which the State receives the State apportionment notice
16 or October 1, whichever occurs later.

17 **SEC. 2414. ESTABLISHMENT OF RELATED ENTITIES.**

18 (a) **ESTABLISHMENT OR DESIGNATION OF NON-**
19 **PARTISAN AGENCY OF STATE LEGISLATURE.**—

20 (1) **IN GENERAL.**—Each State shall establish a
21 nonpartisan agency in the legislative branch of the
22 State government to appoint the members of the
23 independent redistricting commission for the State
24 in accordance with section 2411.

1 (2) NONPARTISANSHIP DESCRIBED.—For pur-
2 poses of this subsection, an agency shall be consid-
3 ered to be nonpartisan if under law the agency—

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

6 (B) is required to maintain impartiality;
7 and

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

10 (3) TRAINING OF MEMBERS APPOINTED TO
11 COMMISSION.—Not later than January 15 of a year
12 ending in the numeral one, the nonpartisan agency
13 established or designated under this subsection shall
14 provide the members of the independent redistricting
15 commission with initial training on their obligations
16 as members of the commission, including obligations
17 under the Voting Rights Act of 1965 (52 U.S.C.
18 10301 et seq.) and other applicable laws.

19 (4) REGULATIONS.—The nonpartisan agency
20 established or designated under this subsection shall
21 adopt and publish regulations, after notice and op-
22 portunity for comment, establishing the procedures
23 that the agency will follow in fulfilling its duties
24 under this subtitle, including the procedures to be
25 used in vetting the qualifications and political affili-

1 ation of applicants and in creating the selection
2 pools, the randomized process to be used in selecting
3 the initial members of the independent redistricting
4 commission, and the rules that the agency will apply
5 to ensure that the agency carries out its duties
6 under this subtitle in a maximally transparent, pub-
7 licly accessible, and impartial manner.

8 (5) DESIGNATION OF EXISTING AGENCY.—At
9 its option, a State may designate an existing agency
10 in the legislative branch of its government to appoint
11 the members of the independent redistricting com-
12 mission plan for the State under this subtitle, so
13 long as the agency meets the requirements for non-
14 partisanship under this subsection.

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

22 (7) PRESERVATION OF RECORDS.—The State
23 shall ensure that the records of the nonpartisan
24 agency are retained in the appropriate State archive
25 in such manner as may be necessary to enable the

1 State to respond to any civil action brought with re-
2 spect to congressional redistricting in the State.

3 (8) DEADLINE.—The State shall meet the re-
4 quirements of this subsection not later than each
5 October 15 of a year ending in the numeral nine.

6 (b) ESTABLISHMENT OF SELECT COMMITTEE ON RE-
7 DISTRICTING.—

8 (1) IN GENERAL.—Each State shall appoint a
9 Select Committee on Redistricting to approve or dis-
10 approve a selection pool developed for the State by
11 the nonpartisan agency pursuant to section 2412(b).

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

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

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

23 (C) One member of the lower house of the
24 State legislature, who shall be appointed by the

1 leader of the party with the greatest number of
2 seats in the lower house.

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

7 (3) SPECIAL RULE FOR STATES WITH UNICAM-
8 ERAL LEGISLATURE.—In the case of a State with a
9 unicameral legislature, the Select Committee on Re-
10 districting for the State under this subsection shall
11 consist of the following members:

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

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

22 (4) DEADLINE.—The State shall meet the re-
23 quirements of this subsection not later than each
24 January 15 of a year ending in the numeral zero.

1 (5) RULE OF CONSTRUCTION.—Nothing in this
 2 subsection may be construed to prohibit the leader
 3 of any political party in a legislature from appoint-
 4 ment to the Select Committee on Redistricting.

5 **SEC. 2415. REPORT ON DIVERSITY OF MEMBERSHIPS OF**
 6 **INDEPENDENT REDISTRICTING COMMIS-**
 7 **SIONS.**

8 Not later than May 15 of a year ending in the nu-
 9 meral one, the Comptroller General of the United States
 10 shall submit to Congress a report on the extent to which
 11 the memberships of independent redistricting commissions
 12 for States established under this part with respect to the
 13 immediately preceding year ending in the numeral zero
 14 meet the diversity requirements as provided for in sections
 15 2411(a)(2)(B) and 2412(b)(2).

16 **PART 3—ROLE OF COURTS IN DEVELOPMENT OF**
 17 **REDISTRICTING PLANS**

18 **SEC. 2421. ENACTMENT OF PLAN DEVELOPED BY 3-JUDGE**
 19 **COURT.**

20 (a) DEVELOPMENT OF PLAN.—If any of the trig-
 21 gering events described in subsection (f) occur with re-
 22 spect to a State—

23 (1) not later than December 15 of the year in
 24 which the triggering event occurs, the United States
 25 district court for the applicable venue, acting

1 through a 3-judge court convened pursuant to sec-
2 tion 2284 of title 28, United States Code, shall de-
3 velop and publish the congressional redistricting
4 plan for the State; and

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

9 (b) APPLICABLE VENUE DESCRIBED.—For purposes
10 of this section, the “applicable venue” with respect to a
11 State is the District of Columbia or the judicial district
12 in which the capital of the State is located, as selected
13 by the first party to file with the court sufficient evidence
14 of the occurrence of a triggering event described in sub-
15 section (f).

16 (c) PROCEDURES FOR DEVELOPMENT OF PLAN.—

17 (1) CRITERIA.—In developing a redistricting
18 plan for a State under this section, the court shall
19 adhere to the same terms and conditions that ap-
20 plied (or that would have applied, as the case may
21 be) to the development of a plan by the independent
22 redistricting commission of the State under section
23 2403.

24 (2) ACCESS TO INFORMATION AND RECORDS OF
25 COMMISSION.—The court shall have access to any

1 information, data, software, or other records and
2 material that was used (or that would have been
3 used, as the case may be) by the independent redistricting
4 commission of the State in carrying out its
5 duties under this subtitle.

6 (3) HEARING; PUBLIC PARTICIPATION.—In developing a redistricting plan for a State, the court
7 shall—
8

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

13
14 (B) consider other submissions and comments by the public, including proposals for redistricting plans to cover the entire State or
15 any portion of the State.
16
17

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

23 (d) PUBLICATION OF PLAN.—

24 (1) PUBLIC AVAILABILITY OF INITIAL PLAN.—

25 Upon completing the development of one or more

1 initial redistricting plans, the court shall make the
2 plans available to the public at no cost, and shall
3 also make available the underlying data used by the
4 court to develop the plans and a written evaluation
5 of the plans against external metrics (as described in
6 section 2413(d)).

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

15 (e) USE OF INTERIM PLAN.—In the event that the
16 court is not able to develop and publish a final redis-
17 tricting plan for the State with sufficient time for an up-
18 coming election to proceed, the court may develop and
19 publish an interim redistricting plan which shall serve as
20 the redistricting plan for the State until the court develops
21 and publishes a final plan in accordance with this section.
22 Nothing in this subsection may be construed to limit or
23 otherwise affect the authority or discretion of the court
24 to develop and publish the final redistricting plan, includ-

1 ing the discretion to make any changes the court deems
 2 necessary to an interim redistricting plan.

3 (f) TRIGGERING EVENTS DESCRIBED.—The “trig-
 4 gering events” described in this subsection are as follows:

5 (1) The failure of the State to establish or des-
 6 ignate a nonpartisan agency of the State legislature
 7 under section 2414(a) prior to the expiration of the
 8 deadline set forth in section 2414(a)(8).

9 (2) The failure of the State to appoint a Select
 10 Committee on Redistricting under section 2414(b)
 11 prior to the expiration of the deadline set forth in
 12 section 2414(b)(4).

13 (3) The failure of the Select Committee on Re-
 14 districting to approve any selection pool under sec-
 15 tion 2412 prior to the expiration of the deadline set
 16 forth for the approval of the second replacement se-
 17 lection pool in section 2412(d)(2).

18 (4) The failure of the independent redistricting
 19 commission of the State to approve a final redis-
 20 tricting plan for the State prior to the expiration of
 21 the deadline set forth in section 2413(e).

22 **SEC. 2422. SPECIAL RULE FOR REDISTRICTING CON-**
 23 **DUCTED UNDER ORDER OF FEDERAL COURT.**

24 If a Federal court requires a State to conduct redis-
 25 tricting subsequent to an apportionment of Representa-

1 tives in the State in order to comply with the Constitution
2 or to enforce the Voting Rights Act of 1965 (52 U.S.C.
3 10301 et seq.), section 2413 shall apply with respect to
4 the redistricting, except that the court may revise any of
5 the deadlines set forth in such section if the court deter-
6 mines that a revision is appropriate in order to provide
7 for a timely enactment of a new redistricting plan for the
8 State.

9 **PART 4—ADMINISTRATIVE AND MISCELLANEOUS**
10 **PROVISIONS**

11 **SEC. 2431. PAYMENTS TO STATES FOR CARRYING OUT RE-**
12 **DISTRICTING.**

13 (a) **AUTHORIZATION OF PAYMENTS.**—Subject to sub-
14 section (d), not later than 30 days after a State receives
15 a State apportionment notice, the Election Assistance
16 Commission shall, subject to the availability of appropria-
17 tions provided pursuant to subsection (e), make a payment
18 to the State in an amount equal to the product of—

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

21 (2) \$150,000.

22 (b) **USE OF FUNDS.**—A State shall use the payment
23 made under this section to establish and operate the
24 State’s independent redistricting commission, to imple-

1 ment the State redistricting plan, and to otherwise carry
2 out congressional redistricting in the State.

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

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

10 (1) REQUIREMENT.—Except as provided in
11 paragraph (2), the Election Assistance Commission
12 may not make a payment to a State under this sec-
13 tion until the State certifies to the Commission that
14 the nonpartisan agency established or designated by
15 a State under section 2414(a) has, in accordance
16 with section 2412(b)(1), submitted a selection pool
17 to the Select Committee on Redistricting for the
18 State established under section 2414(b).

19 (2) EXCEPTION FOR STATES WITH EXISTING
20 COMMISSIONS.—In the case of a State which, pursu-
21 ant to section 2401(c), is exempt from the require-
22 ments of section 2401(a), the Commission may not
23 make a payment to the State under this section until
24 the State certifies to the Commission that its redis-

1 tricting commission meets the requirements of sec-
2 tion 2401(c).

3 (3) EXCEPTION FOR STATE OF IOWA.—In the
4 case of the State of Iowa, the Commission may not
5 make a payment to the State under this section until
6 the State certifies to the Commission that it will
7 carry out congressional redistricting pursuant to the
8 State’s apportionment notice in accordance with a
9 plan developed by the Iowa Legislative Services
10 Agency with the assistance of a Temporary Redis-
11 tricting Advisory Commission, as provided under the
12 law described in section 2401(d).

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

16 **SEC. 2432. CIVIL ENFORCEMENT.**

17 (a) CIVIL ENFORCEMENT.—

18 (1) ACTIONS BY ATTORNEY GENERAL.—The At-
19 torney General may bring a civil action in an appro-
20 priate district court for such relief as may be appro-
21 priate to carry out this subtitle.

22 (2) AVAILABILITY OF PRIVATE RIGHT OF AC-
23 TION.—Any citizen of a State who is aggrieved by
24 the failure of the State to meet the requirements of
25 this subtitle may bring a civil action in the United

1 States district court for the applicable venue for
2 such relief as may be appropriate to remedy the fail-
3 ure. For purposes of this section, the “applicable
4 venue” is the District of Columbia or the judicial
5 district in which the capital of the State is located,
6 as selected by the person who brings the civil action.

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

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

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

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

21 (4) A copy of the complaint shall be delivered
22 promptly to the Clerk of the House of Representa-
23 tives and the Secretary of the Senate.

24 (5) A final decision in the action shall be re-
25 viewable only by appeal directly to the Supreme

1 Court of the United States. Such appeal shall be
2 taken by the filing of a notice of appeal within 10
3 days, and the filing of a jurisdictional statement
4 within 30 days, of the entry of the final decision.

5 (6) It shall be the duty of the district court and
6 the Supreme Court of the United States to advance
7 on the docket and to expedite to the greatest pos-
8 sible extent the disposition of the action and appeal.

9 (c) REMEDIES.—

10 (1) ADOPTION OF REPLACEMENT PLAN.—

11 (A) IN GENERAL.—If the district court in
12 an action under this section finds that the con-
13 gressional redistricting plan of a State violates,
14 in whole or in part, the requirements of this
15 subtitle—

16 (i) the court shall adopt a replacement
17 congressional redistricting plan for the
18 State in accordance with the process set
19 forth in section 2421; or

20 (ii) if circumstances warrant and no
21 delay to an upcoming regularly scheduled
22 election for the House of Representatives
23 in the State would result, the district court
24 may allow a State to develop and propose
25 a remedial congressional redistricting plan

1 for consideration by the court, and such
2 remedial plan may be developed by the
3 State by adopting such appropriate
4 changes to the State's enacted plan as may
5 be ordered by the court.

6 (B) SPECIAL RULE IN CASE FINAL ADJU-
7 DICATION NOT EXPECTED WITHIN 3 MONTHS
8 OF ELECTION.—If final adjudication of an ac-
9 tion under this section is not reasonably ex-
10 pected to be completed at least three months
11 prior to the next regularly scheduled election
12 for the House of Representatives in the State,
13 the district court shall, as the balance of equi-
14 ties warrant,—

15 (i) order development, adoption, and
16 use of an interim congressional redistricting
17 plan in accordance with section
18 2421(e) to address any claims under this
19 title for which a party seeking relief has
20 demonstrated a substantial likelihood of
21 success; or

22 (ii) order adjustments to the timing of
23 primary elections for the House of Rep-
24 resentatives, as needed, to allow sufficient
25 opportunity for adjudication of the matter

1 and adoption of a remedial or replacement
2 plan for use in the next regularly sched-
3 uled general elections for the House of
4 Representatives.

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

11 (3) NO STAY PENDING APPEAL.—Notwith-
12 standing the appeal of an order finding that a con-
13 gressional redistricting plan of a State violates, in
14 whole or in part, the requirements of this subtitle,
15 no stay shall issue which shall bar the development
16 or adoption of a replacement or remedial plan under
17 this subsection, as may be directed by the district
18 court, pending such appeal.

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

23 (e) RELATION TO OTHER LAWS.—

24 (1) RIGHTS AND REMEDIES ADDITIONAL TO
25 OTHER RIGHTS AND REMEDIES.—The rights and

1 remedies established by this section are in addition
2 to all other rights and remedies provided by law, and
3 neither the rights and remedies established by this
4 section nor any other provision of this subtitle shall
5 supersede, restrict, or limit the application of the
6 Voting Rights Act of 1965 (52 U.S.C. 10301 et
7 seq.).

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

12 (f) LEGISLATIVE PRIVILEGE.—No person, legisla-
13 ture, or State may claim legislative privilege under either
14 State or Federal law in a civil action brought under this
15 section or in any other legal challenge, under either State
16 or Federal law, to a redistricting plan enacted under this
17 subtitle.

18 **SEC. 2433. STATE APPORTIONMENT NOTICE DEFINED.**

19 In this subtitle, the “State apportionment notice”
20 means, with respect to a State, the notice sent to the State
21 from the Clerk of the House of Representatives under sec-
22 tion 22(b) of the Act entitled “An Act to provide for the
23 fifteenth and subsequent decennial censuses and to pro-
24 vide for an apportionment of Representatives in Con-

1 gress”, approved June 18, 1929 (2 U.S.C. 2a), of the
 2 number of Representatives to which the State is entitled.

3 **SEC. 2434. NO EFFECT ON ELECTIONS FOR STATE AND**
 4 **LOCAL OFFICE.**

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

10 **SEC. 2435. EFFECTIVE DATE.**

11 This subtitle and the amendments made by this sub-
 12 title shall apply with respect to redistricting carried out
 13 pursuant to the decennial census conducted during 2030
 14 or any succeeding decennial census.

15 **PART 5—REQUIREMENTS FOR REDISTRICTING**
 16 **CARRIED OUT PURSUANT TO 2020 CENSUS**

17 **Subpart A—Application of Certain Requirements for**
 18 **Redistricting Carried Out Pursuant to 2020 Census**

19 **SEC. 2441. APPLICATION OF CERTAIN REQUIREMENTS FOR**
 20 **REDISTRICTING CARRIED OUT PURSUANT TO**
 21 **2020 CENSUS.**

22 Notwithstanding section 2435, parts 1, 3, and 4 of
 23 this subtitle and the amendments made by such parts shall
 24 apply with respect to congressional redistricting carried
 25 out pursuant to the decennial census conducted during

1 2020 in the same manner as such parts and the amend-
2 ments made by such parts apply with respect to redistricting
3 carried out pursuant to the decennial census conducted
4 during 2030, except as follows:

5 (1) Except as provided in subsection (c) and
6 subsection (d) of section 2401, the redistricting shall
7 be conducted in accordance with—

8 (A) the redistricting plan developed and
9 enacted into law by the independent redistricting
10 commission established in the State in
11 accordance with subpart B; or

12 (B) if a plan developed by such commission
13 is not enacted into law, the redistricting plan
14 developed and enacted into law by a 3-judge
15 court in accordance with section 2421.

16 (2) If any of the triggering events described in
17 section 2442 occur with respect to the State, the
18 United States district court for the applicable venue
19 shall develop and publish the redistricting plan for
20 the State, in accordance with section 2421, not later
21 than December 15, 2021.

22 (3) For purposes of section 2431(d)(1), the
23 Election Assistance Commission may not make a
24 payment to a State under such section until the
25 State certifies to the Commission that the non-

1 partisan agency established or designated by a State
2 under section 2454(a) has, in accordance with sec-
3 tion 2452(b)(1), submitted a selection pool to the
4 Select Committee on Redistricting for the State es-
5 tablished under section 2454(b).

6 **SEC. 2442. TRIGGERING EVENTS.**

7 For purposes of the redistricting carried out pursuant
8 to the decennial census conducted during 2020, the trig-
9 gering events described in this section are as follows:

10 (1) The failure of the State to establish or des-
11 ignate a nonpartisan agency under section 2454(a)
12 prior to the expiration of the deadline under section
13 2454(a)(6).

14 (2) The failure of the State to appoint a Select
15 Committee on Redistricting under section 2454(b)
16 prior to the expiration of the deadline under section
17 2454(b)(4).

18 (3) The failure of the Select Committee on Re-
19 districting to approve a selection pool under section
20 2452(b) prior to the expiration of the deadline under
21 section 2452(b)(7).

22 (4) The failure of the independent redistricting
23 commission of the State to approve a final redis-
24 tricting plan for the State under section 2453 prior

1 to the expiration of the deadline under section
2 2453(e).

3 **Subpart B—Independent Redistricting Commissions**
4 **for Redistricting Carried Out Pursuant to 2020**
5 **Census**

6 **SEC. 2451. USE OF INDEPENDENT REDISTRICTING COMMIS-**
7 **SIONS FOR REDISTRICTING CARRIED OUT**
8 **PURSUANT TO 2020 CENSUS.**

9 (a) APPOINTMENT OF MEMBERS.—

10 (1) IN GENERAL.—The nonpartisan agency es-
11 tablished or designated by a State under section
12 2454(a) shall establish an independent redistricting
13 commission under this part for the State, which
14 shall consist of 15 members appointed by the agency
15 as follows:

16 (A) Not later than August 5, 2021, the
17 agency shall, at a public meeting held not ear-
18 lier than 15 days after notice of the meeting
19 has been given to the public, first appoint 6
20 members as follows:

21 (i) The agency shall appoint 2 mem-
22 bers on a random basis from the majority
23 category of the approved selection pool (as
24 described in section 2452(b)(1)(A)).

1 (ii) The agency shall appoint 2 mem-
2 bers on a random basis from the minority
3 category of the approved selection pool (as
4 described in section 2452(b)(1)(B)).

5 (iii) The agency shall appoint 2 mem-
6 bers on a random basis from the inde-
7 pendent category of the approved selection
8 pool (as described in section
9 2452(b)(1)(C)).

10 (B) Not later than August 15, 2021, the
11 members appointed by the agency under sub-
12 paragraph (A) shall, at a public meeting held
13 not earlier than 15 days after notice of the
14 meeting has been given to the public, then ap-
15 point 9 members as follows:

16 (i) The members shall appoint 3 mem-
17 bers from the majority category of the ap-
18 proved selection pool (as described in sec-
19 tion 2452(b)(1)(A)).

20 (ii) The members shall appoint 3
21 members from the minority category of the
22 approved selection pool (as described in
23 section 2452(b)(1)(B)).

24 (iii) The members shall appoint 3
25 members from the independent category of

1 the approved selection pool (as described in
2 section 2452(b)(1)(C)).

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

5 (A) AFFIRMATIVE VOTE OF AT LEAST 4
6 MEMBERS.—The appointment of any of the 9
7 members of the independent redistricting com-
8 mission who are appointed by the first members
9 of the commission pursuant to subparagraph
10 (B) of paragraph (1) shall require the affirma-
11 tive vote of at least 4 of the members appointed
12 by the nonpartisan agency under subparagraph
13 (A) of paragraph (1), including at least one
14 member from each of the categories referred to
15 in such subparagraph.

16 (B) ENSURING DIVERSITY.—In appointing
17 the 9 members pursuant to subparagraph (B)
18 of paragraph (1), the first members of the inde-
19 pendent redistricting commission shall ensure
20 that the membership is representative of the de-
21 mographic groups (including racial, ethnic, eco-
22 nomic, and gender) and geographic regions of
23 the State, and provides racial, ethnic, and lan-
24 guage minorities protected under the Voting
25 Rights Act of 1965 with a meaningful oppor-

1 tunity to participate in the development of the
2 State's redistricting plan.

3 (3) REMOVAL.—A member of the independent
4 redistricting commission may be removed by a ma-
5 jority vote of the remaining members of the commis-
6 sion if it is shown by a preponderance of the evi-
7 dence that the member is not eligible to serve on the
8 commission under section 2452(a).

9 (b) PROCEDURES FOR CONDUCTING COMMISSION
10 BUSINESS.—

11 (1) REQUIRING MAJORITY APPROVAL FOR AC-
12 TIONS.—The independent redistricting commission
13 of a State under this part may not publish and dis-
14 seminate any draft or final redistricting plan, or
15 take any other action, without the approval of at
16 least—

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

19 (B) at least one member of the commission
20 appointed from each of the categories of the ap-
21 proved selection pool described in section
22 2452(b)(1).

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

25 (c) STAFF; CONTRACTORS.—

1 (1) STAFF.—Under a public application process
2 in which all application materials are available for
3 public inspection, the independent redistricting com-
4 mission of a State under this part shall appoint and
5 set the pay of technical experts, legal counsel, con-
6 sultants, and such other staff as it considers appro-
7 priate, subject to State law.

8 (2) CONTRACTORS.—The independent redis-
9 tricting commission of a State may enter into such
10 contracts with vendors as it considers appropriate,
11 subject to State law, except that any such contract
12 shall be valid only if approved by the vote of a ma-
13 jority of the members of the commission, including
14 at least one member appointed from each of the cat-
15 egories of the approved selection pool described in
16 section 2452(b)(1).

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

23 (d) PRESERVATION OF RECORDS.—The State shall
24 ensure that the records of the independent redistricting
25 commission are retained in the appropriate State archive

1 in such manner as may be necessary to enable the State
2 to respond to any civil action brought with respect to con-
3 gressional redistricting in the State.

4 **SEC. 2452. ESTABLISHMENT OF SELECTION POOL OF INDI-**
5 **VIDUALS ELIGIBLE TO SERVE AS MEMBERS**
6 **OF COMMISSION.**

7 (a) CRITERIA FOR ELIGIBILITY.—

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

12 (A) As of the date of appointment, the in-
13 dividual is registered to vote in elections for
14 Federal office held in the State.

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

20 (C) The individual submits to the non-
21 partisan agency established or designated by a
22 State under section 2454, at such time and in
23 such form as the agency may require, an appli-
24 cation for inclusion in the selection pool under
25 this section, and includes with the application a

1 written statement, with an attestation under
2 penalty of perjury, containing the following in-
3 formation and assurances:

4 (i) The full current name and any
5 former names of, and the contact informa-
6 tion for, the individual, including an elec-
7 tronic mail address, the address of the in-
8 dividual's residence, mailing address, and
9 telephone numbers.

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

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

15 (iv) The reason or reasons the indi-
16 vidual desires to serve on the independent
17 redistricting commission, the individual's
18 qualifications, and information relevant to
19 the ability of the individual to be fair and
20 impartial, including—

21 (I) any involvement with, or fi-
22 nancial support of, professional, so-
23 cial, political, religious, or community
24 organizations or causes; and

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

3 (v) An assurance that the individual
4 shall commit to carrying out the individ-
5 ual's duties under this subtitle in an hon-
6 est, independent, and impartial fashion,
7 and to upholding public confidence in the
8 integrity of the redistricting process.

9 (vi) An assurance that, during such
10 covered period as the State may establish
11 with respect to any of the subparagraphs
12 of paragraph (2), the individual has not
13 taken and will not take any action which
14 would disqualify the individual from serv-
15 ing as a member of the commission under
16 such paragraph.

17 (2) DISQUALIFICATIONS.—An individual is not
18 eligible to serve as a member of the commission if
19 any of the following applies with respect to such cov-
20 ered period as the State may establish:

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

24 (B) The individual or an immediate family
25 member of the individual serves as an officer of

1 a political party or as an officer, employee, or
2 paid consultant of a campaign committee of a
3 candidate for public office or of any political ac-
4 tion committee (as determined in accordance
5 with the law of the State).

6 (C) The individual or an immediate family
7 member of the individual holds a position as a
8 registered lobbyist under the Lobbying Disclo-
9 sure Act of 1995 (2 U.S.C. 1601 et seq.) or an
10 equivalent State or local law.

11 (D) The individual or an immediate family
12 member of the individual is an employee of an
13 elected public official, a contractor with the gov-
14 ernment of the State, or a donor to the cam-
15 paign of any candidate for public office or to
16 any political action committee (other than a
17 donor who, during any of such covered periods,
18 gives an aggregate amount of \$1,000 or less to
19 the campaigns of all candidates for all public
20 offices and to all political action committees).

21 (E) The individual paid a civil money pen-
22 alty or criminal fine, or was sentenced to a
23 term of imprisonment, for violating any provi-
24 sion of the Federal Election Campaign Act of
25 1971 (52 U.S.C. 30101 et seq.).

1 (F) The individual or an immediate family
2 member of the individual is an agent of a for-
3 foreign principal under the Foreign Agents Reg-
4 istration Act of 1938, as amended (22 U.S.C.
5 611 et seq.).

6 (3) IMMEDIATE FAMILY MEMBER DEFINED.—In
7 this subsection, the term “immediate family mem-
8 ber” means, with respect to an individual, a father,
9 stepfather, mother, stepmother, son, stepson, daugh-
10 ter, stepdaughter, brother, stepbrother, sister, step-
11 sister, husband, wife, father-in-law, or mother-in-
12 law.

13 (b) DEVELOPMENT AND SUBMISSION OF SELECTION
14 POOL.—

15 (1) IN GENERAL.—Not later than July 15,
16 2021, the nonpartisan agency established or des-
17 ignated by a State under section 2454(a) shall de-
18 velop and submit to the Select Committee on Redis-
19 tricting for the State established under section
20 2454(b) a selection pool of 36 individuals who are
21 eligible to serve as members of the independent re-
22 districting commission of the State under this part,
23 consisting of individuals in the following categories:

24 (A) A majority category, consisting of 12
25 individuals who are affiliated with the political

1 party whose candidate received the most votes
2 in the most recent Statewide election for Fed-
3 eral office held in the State.

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

9 (C) An independent category, consisting of
10 12 individuals who are not affiliated with either
11 of the political parties described in subpara-
12 graph (A) or subparagraph (B).

13 (2) FACTORS TAKEN INTO ACCOUNT IN DEVEL-
14 OPING POOL.—In selecting individuals for the selec-
15 tion pool under this subsection, the nonpartisan
16 agency shall—

17 (A) ensure that the pool is representative
18 of the demographic groups (including racial,
19 ethnic, economic, and gender) and geographic
20 regions of the State, and includes applicants
21 who would allow racial, ethnic, and language
22 minorities protected under the Voting Rights
23 Act of 1965 a meaningful opportunity to par-
24 ticipate in the development of the State’s redis-
25 tricting plan; and

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

7 (3) DETERMINATION OF POLITICAL PARTY AF-
8 FILIATION OF INDIVIDUALS IN SELECTION POOL.—
9 For purposes of this section, an individual shall be
10 considered to be affiliated with a political party only
11 if the nonpartisan agency is able to verify (to the
12 greatest extent possible) the information the indi-
13 vidual provides in the application submitted under
14 subsection (a)(1)(C), including by considering addi-
15 tional information provided by other persons with
16 knowledge of the individual's history of political ac-
17 tivity.

18 (4) ENCOURAGING RESIDENTS TO APPLY FOR
19 INCLUSION IN POOL.—The nonpartisan agency shall
20 take such steps as may be necessary to ensure that
21 residents of the State across various geographic re-
22 gions and demographic groups are aware of the op-
23 portunity to serve on the independent redistricting
24 commission, including publicizing the role of the
25 panel and using newspapers, broadcast media, and

1 online sources, including ethnic media, to encourage
2 individuals to apply for inclusion in the selection
3 pool developed under this subsection.

4 (5) REPORT ON ESTABLISHMENT OF SELEC-
5 TION POOL.—At the time the nonpartisan agency
6 submits the selection pool to the Select Committee
7 on Redistricting under paragraph (1), it shall pub-
8 lish a report describing the process by which the
9 pool was developed, and shall include in the report
10 a description of how the individuals in the pool meet
11 the eligibility criteria of subsection (a) and of how
12 the pool reflects the factors the agency is required
13 to take into consideration under paragraph (2).

14 (6) PUBLIC COMMENT ON SELECTION POOL.—
15 During the 14-day period which begins on the date
16 the nonpartisan agency publishes the report under
17 paragraph (5), the agency shall accept comments
18 from the public on the individuals included in the se-
19 lection pool. The agency shall transmit all such com-
20 ments to the Select Committee on Redistricting im-
21 mediately upon the expiration of such period.

22 (7) ACTION BY SELECT COMMITTEE.—

23 (A) IN GENERAL.—Not later than August
24 1, 2021, the Select Committee on Redistricting
25 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 2451(a)(1); or

6 (ii) reject the pool, in which case the
 7 redistricting plan for the State shall be de-
 8 veloped and enacted in accordance with
 9 part 3.

10 (B) INACTION DEEMED REJECTION.—If
 11 the Select Committee on Redistricting fails to
 12 approve or reject the pool within the deadline
 13 set forth in subparagraph (A), the Select Com-
 14 mittee shall be deemed to have rejected the pool
 15 for purposes of such subparagraph.

16 **SEC. 2453. CRITERIA FOR REDISTRICTING PLAN; PUBLIC**
 17 **NOTICE AND INPUT.**

18 (a) PUBLIC NOTICE AND INPUT.—

19 (1) USE OF OPEN AND TRANSPARENT PROC-
 20 ESS.—The independent redistricting commission of a
 21 State under this part shall hold each of its meetings
 22 in public, shall solicit and take into consideration
 23 comments from the public, including proposed maps,
 24 throughout the process of developing the redis-
 25 tricting plan for the State, and shall carry out its

1 duties in an open and transparent manner which
2 provides for the widest public dissemination reason-
3 ably possible of its proposed and final redistricting
4 plans.

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

12 (3) MEETINGS AND HEARINGS IN VARIOUS GEO-
13 GRAPHIC LOCATIONS.—To the greatest extent prac-
14 ticable, the commission shall hold its meetings and
15 hearings in various geographic regions and locations
16 throughout the State.

17 (4) MULTIPLE LANGUAGE REQUIREMENTS FOR
18 ALL NOTICES.—The commission shall make each no-
19 tice which is required to be published under this sec-
20 tion available in any language in which the State (or
21 any jurisdiction in the State) is required to provide
22 election materials under section 203 of the Voting
23 Rights Act of 1965 (52 U.S.C. 10503).

24 (b) DEVELOPMENT AND PUBLICATION OF PRELIMI-
25 NARY REDISTRICTING PLAN.—

1 (1) IN GENERAL.—Prior to developing and pub-
2 lishing a final redistricting plan under subsection
3 (c), the independent redistricting commission of a
4 State under this part shall develop and publish a
5 preliminary redistricting plan.

6 (2) MINIMUM PUBLIC HEARINGS AND OPPOR-
7 TUNITY FOR COMMENT PRIOR TO DEVELOPMENT.—

8 (A) 2 HEARINGS REQUIRED.—Prior to de-
9 veloping a preliminary redistricting plan under
10 this subsection, the commission shall hold not
11 fewer than 2 public hearings at which members
12 of the public may provide input and comments
13 regarding the potential contents of redistricting
14 plans for the State and the process by which
15 the commission will develop the preliminary
16 plan under this subsection.

17 (B) NOTICE PRIOR TO HEARINGS.—The
18 commission shall provide for the publication of
19 notices of each hearing held under this para-
20 graph, including in newspapers of general cir-
21 culation throughout the State. Each such notice
22 shall specify the date, time, and location of the
23 hearing.

24 (C) SUBMISSION OF PLANS AND MAPS BY
25 MEMBERS OF THE PUBLIC.—Any member of

1 the public may submit maps or portions of
2 maps for consideration by the commission.

3 (3) PUBLICATION OF PRELIMINARY PLAN.—The
4 commission shall provide for the publication of the
5 preliminary redistricting plan developed under this
6 subsection, including in newspapers of general cir-
7 culation throughout the State, and shall make pub-
8 licly available a report that includes the commis-
9 sion’s responses to any public comments received
10 under this subsection.

11 (4) PUBLIC COMMENT AFTER PUBLICATION.—
12 The commission shall accept and consider comments
13 from the public with respect to the preliminary re-
14 districting plan published under paragraph (3), in-
15 cluding proposed revisions to maps, until 14 days
16 before the date of the meeting under subsection
17 (c)(2) at which the members of the commission shall
18 vote on approving the final redistricting plan for en-
19 actment into law.

20 (5) POST-PUBLICATION HEARINGS.—

21 (A) 2 HEARINGS REQUIRED.—After pub-
22 lishing the preliminary redistricting plan under
23 paragraph (3), and not later than 14 days be-
24 fore the date of the meeting under subsection
25 (c)(2) at which the members of the commission

1 shall vote on approving the final redistricting
2 plan for enactment into law, the commission
3 shall hold not fewer than 2 public hearings in
4 different geographic areas of the State at which
5 members of the public may provide input and
6 comments regarding the preliminary plan.

7 (B) NOTICE PRIOR TO HEARINGS.—The
8 commission shall provide for the publication of
9 notices of each hearing held under this para-
10 graph, including in newspapers of general cir-
11 culation throughout the State. Each such notice
12 shall specify the date, time, and location of the
13 hearing.

14 (6) PERMITTING MULTIPLE PRELIMINARY
15 PLANS.—At the option of the commission, after de-
16 veloping and publishing the preliminary redistricting
17 plan under this subsection, the commission may de-
18 velop and publish subsequent preliminary redis-
19 tricting plans, so long as the process for the develop-
20 ment and publication of each such subsequent plan
21 meets the requirements set forth in this subsection
22 for the development and publication of the first pre-
23 liminary redistricting plan.

24 (c) PROCESS FOR ENACTMENT OF FINAL REDIS-
25 TRICTING PLAN.—

1 (1) IN GENERAL.—After taking into consider-
2 ation comments from the public on any preliminary
3 redistricting plan developed and published under
4 subsection (b), the independent redistricting commis-
5 sion of a State under this part shall develop and
6 publish a final redistricting plan for the State.

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

12 (3) PUBLICATION OF PLAN AND ACCOMPANYING
13 MATERIALS.—Not fewer than 14 days before the
14 date of the meeting under paragraph (2), the com-
15 mission shall make the following information avail-
16 able to the public, including through newspapers of
17 general circulation throughout the State:

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

20 (B) A report by the commission to accom-
21 pany the plan which provides the background
22 for the plan and the commission's reasons for
23 selecting the plan as the final redistricting plan,
24 including responses to the public comments re-

1 ceived on any preliminary redistricting plan de-
2 veloped and published under subsection (b).

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

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

11 (A) such final plan is approved by a major-
12 ity of the whole membership of the commission;
13 and

14 (B) at least one member of the commission
15 appointed from each of the categories of the ap-
16 proved selection pool described in section
17 2452(b)(1) approves such final plan.

18 (d) WRITTEN EVALUATION OF PLAN AGAINST EX-
19 TERNAL METRICS.—The independent redistricting com-
20 mission of a State under this part shall include with each
21 redistricting plan developed and published under this sec-
22 tion a written evaluation that measures each such plan
23 against external metrics which cover the criteria set forth
24 in section 2403(a), including the impact of the plan on
25 the ability of communities of color to elect candidates of

1 choice, measures of partisan fairness using multiple ac-
2 cepted methodologies, and the degree to which the plan
3 preserves or divides communities of interest.

4 (e) DEADLINE.—The independent redistricting com-
5 mission of a State under this part shall approve a final
6 redistricting plan for the State not later than November
7 15, 2021.

8 **SEC. 2454. ESTABLISHMENT OF RELATED ENTITIES.**

9 (a) ESTABLISHMENT OR DESIGNATION OF NON-
10 PARTISAN AGENCY OF STATE LEGISLATURE.—

11 (1) IN GENERAL.—Each State shall establish a
12 nonpartisan agency in the legislative branch of the
13 State government to appoint the members of the
14 independent redistricting commission for the State
15 under this part in accordance with section 2451.

16 (2) NONPARTISANSHIP DESCRIBED.—For pur-
17 poses of this subsection, an agency shall be consid-
18 ered to be nonpartisan if under law the agency—

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

21 (B) is required to maintain impartiality;
22 and

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

1 (3) DESIGNATION OF EXISTING AGENCY.—At
2 its option, a State may designate an existing agency
3 in the legislative branch of its government to appoint
4 the members of the independent redistricting com-
5 mission plan for the State under this subtitle, so
6 long as the agency meets the requirements for non-
7 partisanship under this subsection.

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

15 (5) PRESERVATION OF RECORDS.—The State
16 shall ensure that the records of the nonpartisan
17 agency are retained in the appropriate State archive
18 in such manner as may be necessary to enable the
19 State to respond to any civil action brought with re-
20 spect to congressional redistricting in the State.

21 (6) DEADLINE.—The State shall meet the re-
22 quirements of this subsection not later than June 1,
23 2021.

24 (b) ESTABLISHMENT OF SELECT COMMITTEE ON RE-
25 DISTRICTING.—

1 (1) IN GENERAL.—Each State shall appoint a
2 Select Committee on Redistricting to approve or dis-
3 approve a selection pool developed by the inde-
4 pendent redistricting commission for the State under
5 this part under section 2452.

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

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

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

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

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

1 (3) SPECIAL RULE FOR STATES WITH UNICAM-
2 ERAL LEGISLATURE.—In the case of a State with a
3 unicameral legislature, the Select Committee on Re-
4 districting for the State under this subsection shall
5 consist of the following members:

6 (A) Two members of the State legislature
7 appointed by the chair of the political party of
8 the State whose candidate received the highest
9 percentage of votes in the most recent State-
10 wide election for Federal office held in the
11 State.

12 (B) Two members of the State legislature
13 appointed by the chair of the political party
14 whose candidate received the second highest
15 percentage of votes in the most recent State-
16 wide election for Federal office held in the
17 State.

18 (4) DEADLINE.—The State shall meet the re-
19 quirements of this subsection not later than June
20 15, 2021.

21 (5) RULE OF CONSTRUCTION.—Nothing in this
22 subsection may be construed to prohibit the leader
23 of any political party in a legislature from appoint-
24 ment to the Select Committee on Redistricting.

1 **SEC. 2455. REPORT ON DIVERSITY OF MEMBERSHIPS OF**
2 **INDEPENDENT REDISTRICTING COMMIS-**
3 **SIONS.**

4 Not later than November 15, 2021, the Comptroller
5 General of the United States shall submit to Congress a
6 report on the extent to which the memberships of inde-
7 pendent redistricting commissions for States established
8 under this part with respect to the immediately preceding
9 year ending in the numeral zero meet the diversity require-
10 ments as provided for in sections 2451(a)(2)(B) and
11 2452(b)(2).

12 **Subtitle F—Saving Eligible Voters**
13 **From Voter Purging**

14 **SEC. 2501. SHORT TITLE.**

15 This subtitle may be cited as the “Stop Automatically
16 Voiding Eligible Voters Off Their Enlisted Rolls in States
17 Act” or the “Save Voters Act”.

18 **SEC. 2502. CONDITIONS FOR REMOVAL OF VOTERS FROM**
19 **LIST OF REGISTERED VOTERS.**

20 (a) **CONDITIONS DESCRIBED.**—The National Voter
21 Registration Act of 1993 (52 U.S.C. 20501 et seq.) is
22 amended by inserting after section 8 the following new
23 section:

1 **“SEC. 8A. CONDITIONS FOR REMOVAL OF VOTERS FROM**
2 **OFFICIAL LIST OF REGISTERED VOTERS.**

3 “(a) VERIFICATION ON BASIS OF OBJECTIVE AND
4 RELIABLE EVIDENCE OF INELIGIBILITY.—

5 “(1) REQUIRING VERIFICATION.—Notwith-
6 standing any other provision of this Act, a State
7 may not remove the name of any registrant from the
8 official list of voters eligible to vote in elections for
9 Federal office in the State unless the State verifies,
10 on the basis of objective and reliable evidence, that
11 the registrant is ineligible to vote in such elections.

12 “(2) FACTORS NOT CONSIDERED AS OBJECTIVE
13 AND RELIABLE EVIDENCE OF INELIGIBILITY.—For
14 purposes of paragraph (1), the following factors, or
15 any combination thereof, shall not be treated as ob-
16 jective and reliable evidence of a registrant’s ineligi-
17 bility to vote:

18 “(A) The failure of the registrant to vote
19 in any election.

20 “(B) The failure of the registrant to re-
21 spond to any election mail, unless the election
22 mail has been returned as undeliverable.

23 “(C) The failure of the registrant to take
24 any other action with respect to voting in any
25 election or with respect to the registrant’s sta-
26 tus as a registrant.

1 “(3) EXCEPTION.—This subsection shall not
2 prevent a State from considering the factors de-
3 scribed in paragraph (2) when removing a registrant
4 from the official list of voters pursuant to section
5 8(d)(1)(B), provided that the notice sent under sec-
6 tion 8(d)(2) was itself sent on the basis of objective
7 and reliable evidence.

8 “(b) NOTICE AFTER REMOVAL.—

9 “(1) NOTICE TO INDIVIDUAL REMOVED.—

10 “(A) IN GENERAL.—Not later than 48
11 hours after a State removes the name of a reg-
12 istrant from the official list of eligible voters,
13 the State shall send notice of the removal to the
14 former registrant, and shall include in the no-
15 tice the grounds for the removal and informa-
16 tion on how the former registrant may contest
17 the removal or be reinstated, including a tele-
18 phone number for the appropriate election offi-
19 cial.

20 “(B) EXCEPTIONS.—Subparagraph (A)
21 does not apply in the case of a registrant—

22 “(i) who sends written confirmation to
23 the State that the registrant is no longer
24 eligible to vote in the registrar’s jurisdic-

1 tion in which the registrant was registered;
2 or

3 “(ii) who is removed from the official
4 list of eligible voters by reason of the death
5 of the registrant.

6 “(2) PUBLIC NOTICE.—Not later than 48 hours
7 after conducting any general program to remove the
8 names of ineligible voters from the official list of eli-
9 gible voters (as described in section 8(a)(4)), the
10 State shall disseminate a public notice through such
11 methods as may be reasonable to reach the general
12 public (including by publishing the notice in a news-
13 paper of wide circulation and posting the notice on
14 the websites of the appropriate election officials)
15 that list maintenance is taking place and that reg-
16 istrants should check their registration status to en-
17 sure no errors or mistakes have been made. The
18 State shall ensure that the public notice dissemi-
19 nated under this paragraph is in a format that is
20 reasonably convenient and accessible to voters with
21 disabilities, including voters who have low vision or
22 are blind.”.

23 (b) CONDITIONS FOR TRANSMISSION OF NOTICES OF
24 REMOVAL.—Section 8(d) of such Act (52 U.S.C.

1 20507(d)) is amended by adding at the end the following
2 new paragraph:

3 “(4) A State may not transmit a notice to a
4 registrant under this subsection unless the State ob-
5 tains objective and reliable evidence (in accordance
6 with the standards for such evidence which are de-
7 scribed in section 8A(a)(2)) that the registrant has
8 changed residence to a place outside the registrar’s
9 jurisdiction in which the registrant is registered.”.

10 (c) CONFORMING AMENDMENTS.—

11 (1) NATIONAL VOTER REGISTRATION ACT OF
12 1993.—Section 8(a) of such Act (52 U.S.C.
13 20507(a)) is amended—

14 (A) in paragraph (3), by striking “pro-
15 vide” and inserting “subject to section 8A, pro-
16 vide”; and

17 (B) in paragraph (4), by striking “con-
18 duct” and inserting “subject to section 8A, con-
19 duct”.

20 (2) HELP AMERICA VOTE ACT OF 2002.—Section
21 303(a)(4)(A) of the Help America Vote Act of 2002
22 (52 U.S.C. 21083(a)(4)(A)) is amended by striking
23 “registrants” the second place it appears and insert-
24 ing “and subject to section 8A of such Act, reg-
25 istrants”.

1 (d) EFFECTIVE DATE.—The amendments made by
2 this section shall take effect on the date of the enactment
3 of this Act.

4 **Subtitle G—No Effect on Authority**
5 **of States to Provide Greater Op-**
6 **portunities for Voting**

7 **SEC. 2601. NO EFFECT ON AUTHORITY OF STATES TO PRO-**
8 **VIDE GREATER OPPORTUNITIES FOR VOT-**
9 **ING.**

10 Nothing in this title or the amendments made by this
11 title may be construed to prohibit any State from enacting
12 any law which provides greater opportunities for individ-
13 uals to register to vote and to vote in elections for Federal
14 office than are provided by this title and the amendments
15 made by this title.

16 **Subtitle H—Residence of**
17 **Incarcerated Individuals**

18 **SEC. 2701. RESIDENCE OF INCARCERATED INDIVIDUALS.**

19 Section 141 of title 13, United States Code, is
20 amended—

21 (1) by redesignating subsection (g) as sub-
22 section (h); and

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

1 “(g)(1) Effective beginning with the 2020 decennial
2 census of population, in taking any tabulation of total pop-
3 ulation by States under subsection (a) for purposes of the
4 apportionment of Representatives in Congress among the
5 several States, the Secretary shall, with respect to an indi-
6 vidual incarcerated in a State, Federal, county, or munic-
7 ipal correctional center as of the date on which such cen-
8 sus is taken, attribute such individual to such individual’s
9 last place of residence before incarceration.

10 “(2) In carrying out this subsection, the Secretary
11 shall consult with each State department of corrections to
12 collect the information necessary to make the determina-
13 tion required under paragraph (1).”.

14 **Subtitle I—Findings Relating to** 15 **Youth Voting**

16 **SEC. 2801. FINDINGS RELATING TO YOUTH VOTING.**

17 Congress finds the following:

18 (1) The right to vote is a fundamental right of
19 citizens of the United States.

20 (2) The twenty-sixth amendment of the United
21 States Constitution guarantees that “The right of
22 citizens of the United States, who are eighteen years
23 of age or older, to vote shall not be denied or
24 abridged by the United States or by any State on
25 account of age.”.

1 (3) The twenty-sixth amendment of the United
2 States Constitution grants Congress the power to
3 enforce the amendment by appropriate legislation.

4 (4) The language of the twenty-sixth amend-
5 ment closely mirrors that of the fifteenth amend-
6 ment and the nineteenth amendment. Like those
7 amendments, the twenty-sixth amendment not only
8 prohibits denial of the right to vote but also pro-
9 hibits any actions that abridge the right to vote.

10 (5) Youth voter suppression undercuts partici-
11 pation in our democracy by introducing arduous ob-
12 stacles to new voters and discouraging a culture of
13 democratic engagement.

14 (6) Voting is habit forming, and allowing youth
15 voters unobstructed access to voting ensures that
16 more Americans will start a lifelong habit of voting
17 as soon as possible.

18 (7) Youth voter suppression is a clear, per-
19 sistent, and growing problem. The actions of States
20 and political subdivisions resulting in at least four
21 findings of twenty-sixth amendment violations as
22 well as pending litigation demonstrate the need for
23 Congress to take action to enforce the twenty-sixth
24 amendment.

1 (8) In *League of Women Voters of Florida, Inc.*
2 *v. Detzner* (2018), the United States District Court
3 in the Northern District of Florida found that the
4 Secretary of State’s actions that prevented in-person
5 early voting sites from being located on university
6 property revealed a stark pattern of discrimination
7 that was unexplainable on grounds other than age
8 and thus violated university students’ twenty-sixth
9 Amendment rights.

10 (9) In 2019, Michigan agreed to a settlement to
11 enhance college-age voters’ access after a twenty-
12 sixth amendment challenge was filed in federal
13 court. The challenge prompted the removal of a
14 Michigan voting law which required first-time voters
15 who registered by mail or through a third-party
16 voter registration drive to vote in person for the first
17 time, as well as the removal of another law which re-
18 quired the address listed on a voter’s driver license
19 to match the address listed on their voter registra-
20 tion card.

21 (10) Youth voter suppression tactics are often
22 linked to other tactics aimed at minority voters. For
23 example, students at Prairie View A&M University
24 (PVAMU), a historically black university in Texas,
25 have been the targets of voter suppression tactics for

1 decades. Before the 2018 election, PVAMU students
 2 sued Waller County on the basis of both racial and
 3 age discrimination over the county’s failure to en-
 4 sure equal early voting opportunities for students,
 5 spurring the county to reverse course and expand
 6 early voting access for students.

7 (11) The more than 25 million United States
 8 citizens ages 18-24 deserve equal opportunity to par-
 9 ticipate in the electoral process as guaranteed by the
 10 twenty-sixth amendment.

11 **Subtitle J—Severability**

12 **SEC. 2901. 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 III—ELECTION SECURITY**

21 **SEC. 3000. SHORT TITLE; SENSE OF CONGRESS.**

22 (a) **SHORT TITLE.**—This title may be cited as the
 23 “Election Security Act”.

24 (b) **SENSE OF CONGRESS ON NEED TO IMPROVE**
 25 **ELECTION INFRASTRUCTURE SECURITY.**—It is the sense

1 of Congress that, in light of the lessons learned from Rus-
2 sian interference in the 2016 Presidential election, the
3 Federal Government should intensify its efforts to improve
4 the security of election infrastructure in the United States,
5 including through the use of individual, durable, paper
6 ballots marked by the voter by hand.

7 **Subtitle A—Financial Support for**
8 **Election Infrastructure**

9 **PART 1—VOTING SYSTEM SECURITY**

10 **IMPROVEMENT GRANTS**

11 **SEC. 3001. GRANTS FOR OBTAINING COMPLIANT PAPER**
12 **BALLOT VOTING SYSTEMS AND CARRYING**
13 **OUT VOTING SYSTEM SECURITY IMPROVE-**
14 **MENTS.**

15 (a) AVAILABILITY OF GRANTS.—

16 (1) IN GENERAL.—Subtitle D of title II of the
17 Help America Vote Act of 2002 (52 U.S.C. 21001
18 et seq.), as amended by section 1622(c), is amended
19 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.—

10 “(1) IN GENERAL.—The Commission shall
11 make a grant to each eligible State—

12 “(A) to replace a voting system—

13 “(i) which does not meet the require-
14 ments which are first imposed on the State
15 pursuant to the amendments made by the
16 Voter Confidence and Increased Accessi-
17 bility Act of 2021 with a voting system
18 which—

19 “(I) does meet such require-
20 ments; and

21 “(II) in the case of a grand-
22 fathered voting system (as defined in
23 paragraph (2)), is in compliance with
24 the most recent voluntary voting sys-
25 tem guidelines; or

1 “(ii) which does meet such require-
2 ments but which is not in compliance with
3 the most recent voluntary voting system
4 guidelines with another system which does
5 meet such requirements and is in compli-
6 ance with such guidelines;

7 “(B) to carry out voting system security
8 improvements described in section 298A with
9 respect to the regularly scheduled general elec-
10 tion for Federal office held in November 2022
11 and each succeeding election for Federal office;

12 “(C) to implement and model best prac-
13 tices for ballot design, ballot instructions, and
14 the testing of ballots; and

15 “(D) to purchase or acquire accessible vot-
16 ing systems that meet the requirements of
17 paragraph (2)(A) and paragraph (3)(A)(i) of
18 section 301(a) by the means described in para-
19 graph (3)(B) of such section.

20 “(2) DEFINITION OF GRANDFATHERED VOTING
21 SYSTEM.—In this subsection, the term ‘grand-
22 fathered voting system’ means a voting system that
23 is used by a jurisdiction described in subparagraph
24 (B)(ii) or (C)(ii) of section 301(d)(2).

25 “(b) AMOUNT OF PAYMENT.—

1 “(1) IN GENERAL.—The amount of payment
2 made to an eligible State under this section shall be
3 the minimum payment amount described in para-
4 graph (2) plus the voting age population proportion
5 amount described in paragraph (3).

6 “(2) MINIMUM PAYMENT AMOUNT.—The min-
7 imum payment amount described in this paragraph
8 is—

9 “(A) in the case of any of the several
10 States or the District of Columbia, one-half of
11 1 percent of the aggregate amount made avail-
12 able for payments under this section; and

13 “(B) in the case of the Commonwealth of
14 Puerto Rico, Guam, American Samoa, or the
15 United States Virgin Islands, one-tenth of 1
16 percent of such aggregate amount.

17 “(3) VOTING AGE POPULATION PROPORTION
18 AMOUNT.—The voting age population proportion
19 amount described in this paragraph is the product
20 of—

21 “(A) the aggregate amount made available
22 for payments under this section minus the total
23 of all of the minimum payment amounts deter-
24 mined under paragraph (2); and

1 “(B) the voting age population proportion
2 for the State (as defined in paragraph (4)).

3 “(4) VOTING AGE POPULATION PROPORTION
4 DEFINED.—The term ‘voting age population propor-
5 tion’ means, with respect to a State, the amount
6 equal to the quotient of—

7 “(A) the voting age population of the State
8 (as reported in the most recent decennial cen-
9 sus); and

10 “(B) the total voting age population of all
11 States (as reported in the most recent decennial
12 census).

13 “(5) REQUIREMENT RELATING TO PURCHASE
14 OF ACCESSIBLE VOTING SYSTEMS.—An eligible State
15 shall use not less than 10 percent of funds received
16 by the State under this section to purchase acces-
17 sible voting systems described in subsection
18 (a)(1)(D).

19 “(c) ABILITY OF REPLACEMENT SYSTEMS TO AD-
20 MINISTER RANKED CHOICE ELECTIONS.—To the greatest
21 extent practicable, an eligible State which receives a grant
22 to replace a voting system under this section shall ensure
23 that the replacement system is capable of administering
24 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 infrastructure used
19 for elections, including addressing risks and
20 vulnerabilities which are identified under either of
21 the security risk and vulnerability assessments de-
22 scribed in paragraph (3), except that none of the
23 funds provided under this part may be used to ren-
24 ovate or replace a building or facility which is not
25 a primary provider of information technology serv-

1 ices for the administration of elections, and which is
2 used primarily for purposes other than the adminis-
3 tration of elections for public office.

4 “(5) Providing increased technical support for
5 any information technology infrastructure that the
6 chief State election official deems to be part of the
7 State’s election infrastructure or designates as crit-
8 ical to the operation of the State’s election infra-
9 structure.

10 “(6) Enhancing the cybersecurity and oper-
11 ations of the information technology infrastructure
12 described in paragraph (4).

13 “(7) Enhancing the cybersecurity of voter reg-
14 istration systems.

15 “(b) QUALIFIED ELECTION INFRASTRUCTURE VEN-
16 DORS DESCRIBED.—For purposes of this part, a ‘qualified
17 election infrastructure vendor’ is any person who provides,
18 supports, or maintains, or who seeks to provide, support,
19 or maintain, election infrastructure on behalf of a State,
20 unit of local government, or election agency (as defined
21 in section 3601 of the Election Security Act) who meets
22 the criteria described in section 3001(b) of the Election
23 Security Act.

1 **“SEC. 298B. ELIGIBILITY OF STATES.**

2 “A State is eligible to receive a grant under this part
3 if the State submits to the Commission, at such time and
4 in such form as the Commission may require, an applica-
5 tion containing—

6 “(1) a description of how the State will use the
7 grant to carry out the activities authorized under
8 this part;

9 “(2) a certification and assurance that, not
10 later than 5 years after receiving the grant, the
11 State will carry out voting system security improve-
12 ments, as described in section 298A; and

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

15 **“SEC. 298C. REPORTS TO CONGRESS.**

16 “Not later than 90 days after the end of each fiscal
17 year, the Commission shall submit a report to the appro-
18 priate congressional committees, including the Committees
19 on Homeland Security, House Administration, and the Ju-
20 diciary of the House of Representatives and the Commit-
21 tees on Homeland Security and Governmental Affairs, the
22 Judiciary, and Rules and Administration of the Senate,
23 on the activities carried out with the funds provided under
24 this part.

1 **“SEC. 298D. AUTHORIZATION OF APPROPRIATIONS.**

2 “(a) AUTHORIZATION.—There are authorized to be
3 appropriated for grants under this part—

4 “(1) \$1,000,000,000 for fiscal year 2021; and

5 “(2) \$175,000,000 for each of the fiscal years
6 2022, 2024, 2026, and 2028.

7 “(b) CONTINUING AVAILABILITY OF AMOUNTS.—Any
8 amounts appropriated pursuant to the authorization of
9 this section shall remain available until expended.”.

10 (2) CLERICAL AMENDMENT.—The table of con-
11 tents of such Act, as amended by section 1622(c),
12 is amended by adding at the end of the items relat-
13 ing to subtitle D 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.

14 (b) QUALIFIED ELECTION INFRASTRUCTURE VEN-
15 DORS.—

16 (1) IN GENERAL.—The Secretary, in consulta-
17 tion with the Chairman, shall establish and publish
18 criteria for qualified election infrastructure vendors
19 for purposes of section 298A of the Help America
20 Vote Act of 2002 (as added by this Act).

1 (2) CRITERIA.—The criteria established under
2 paragraph (1) shall include each of the following re-
3 quirements:

4 (A) The vendor shall—

5 (i) be owned and controlled by a cit-
6 izen or permanent resident of the United
7 States or a member of the Five Eyes intel-
8 ligence-sharing alliance; and

9 (ii) in the case of any election infra-
10 structure which is a voting machine, en-
11 sure that such voting machine is assembled
12 in the United States.

13 (B) The vendor shall disclose to the Sec-
14 retary and the Chairman, and to the chief State
15 election official of any State to which the ven-
16 dor provides any goods and services with funds
17 provided under part 8 of subtitle A of title II
18 of the Help America Vote Act of 2002 (as
19 added by this Act), of any sourcing outside the
20 United States for parts of the election infra-
21 structure.

22 (C) The vendor shall disclose to the Sec-
23 retary and the Chairman, and to the chief State
24 election official of any State to which the ven-
25 dor provides any goods and services with funds

1 provided under such part 8, the identification of
2 any entity or individual with a more than 5 per-
3 cent ownership interest in the vendor.

4 (D) The vendor agrees to ensure that the
5 election infrastructure will be developed and
6 maintained in a manner that is consistent with
7 the cybersecurity best practices issued by the
8 Cybersecurity and Infrastructure Security
9 Agency of the Department of Homeland Secu-
10 rity.

11 (E) The vendor agrees to maintain its in-
12 formation technology infrastructure in a man-
13 ner that is consistent with the cybersecurity
14 best practices issued by the Cybersecurity and
15 Infrastructure Security Agency of the Depart-
16 ment of Homeland Security.

17 (F) The vendor agrees to ensure that the
18 election infrastructure will be developed and
19 maintained in a manner that is consistent with
20 the supply chain best practices issued by the
21 Cybersecurity and Infrastructure Security
22 Agency of the Department of Homeland Secu-
23 rity.

24 (G) The vendor agrees to ensure that it
25 has personnel policies and practices in place

1 that are consistent with personnel best prac-
2 tices, including cybersecurity training and back-
3 ground checks, issued by the Cybersecurity and
4 Infrastructure Security Agency of the Depart-
5 ment of Homeland Security.

6 (H) The vendor agrees to ensure that the
7 election infrastructure will be developed and
8 maintained in a manner that is consistent with
9 data integrity best practices, including require-
10 ments for encrypted transfers and validation,
11 testing and checking printed materials for accu-
12 racy, and disclosure of quality control incidents,
13 issued by the Cybersecurity and Infrastructure
14 Security Agency of the Department of Home-
15 land Security.

16 (I) The vendor agrees to meet the require-
17 ments of paragraph (3) with respect to any
18 known or suspected cybersecurity incidents in-
19 volving any of the goods and services provided
20 by the vendor pursuant to a grant under part
21 8 of subtitle A of title II of the Help America
22 Vote Act of 2002 (as added by this Act).

23 (J) The vendor agrees to permit inde-
24 pendent security testing by the Commission (in
25 accordance with section 231(a) of the Help

1 America Vote Act of 2002 (52 U.S.C. 20971))
2 and by the Secretary of the goods and services
3 provided by the vendor pursuant to a grant
4 under part 8 of subtitle A of title II of the Help
5 America Vote Act of 2002 (as added by this
6 Act).

7 (3) CYBERSECURITY INCIDENT REPORTING RE-
8 QUIREMENTS.—

9 (A) IN GENERAL.—A vendor meets the re-
10 quirements of this paragraph if, upon becoming
11 aware of the possibility that an election cyberse-
12 curity incident has occurred involving any of
13 the goods and services provided by the vendor
14 pursuant to a grant under part 8 of subtitle A
15 of title II of the Help America Vote Act of
16 2002 (as added by this Act)—

17 (i) the vendor promptly assesses
18 whether or not such an incident occurred,
19 and submits a notification meeting the re-
20 quirements of subparagraph (B) to the
21 Secretary and the Chairman of the assess-
22 ment as soon as practicable (but in no case
23 later than 3 days after the vendor first be-
24 comes aware of the possibility that the in-
25 cident occurred);

1 (ii) if the incident involves goods or
2 services provided to an election agency, the
3 vendor submits a notification meeting the
4 requirements of subparagraph (B) to the
5 agency as soon as practicable (but in no
6 case later than 3 days after the vendor
7 first becomes aware of the possibility that
8 the incident occurred), and cooperates with
9 the agency in providing any other nec-
10 essary notifications relating to the inci-
11 dent; and

12 (iii) the vendor provides all necessary
13 updates to any notification submitted
14 under clause (i) or clause (ii).

15 (B) CONTENTS OF NOTIFICATIONS.—Each
16 notification submitted under clause (i) or clause
17 (ii) of subparagraph (A) shall contain the fol-
18 lowing information with respect to any election
19 cybersecurity incident covered by the notifica-
20 tion:

21 (i) The date, time, and time zone
22 when the election cybersecurity incident
23 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 election
7 cybersecurity incident, including the spe-
8 cific 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 (C) DEVELOPMENT OF CRITERIA FOR RE-
20 PORTING.—Not later than 1 year after the date
21 of enactment of this Act, the Director of the
22 Cybersecurity and Infrastructure Security
23 Agency shall, in consultation with the Election
24 Infrastructure Sector Coordinating Council, de-
25 velop criteria for incidents which are required to

1 be reported in accordance with subparagraph
2 (A).

3 **SEC. 3002. COORDINATION OF VOTING SYSTEM SECURITY**
4 **ACTIVITIES WITH USE OF REQUIREMENTS**
5 **PAYMENTS AND ELECTION ADMINISTRATION**
6 **REQUIREMENTS UNDER HELP AMERICA**
7 **VOTE ACT OF 2002.**

8 (a) DUTIES OF ELECTION ASSISTANCE COMMIS-
9 SION.—Section 202 of the Help America Vote Act of 2002
10 (52 U.S.C. 20922) is amended in the matter preceding
11 paragraph (1) by striking “by” and inserting “and the se-
12 curity of election infrastructure by”.

13 (b) MEMBERSHIP OF SECRETARY OF HOMELAND SE-
14 CURITY ON BOARD OF ADVISORS OF ELECTION ASSIST-
15 ANCE COMMISSION.—Section 214(a) of such Act (52
16 U.S.C. 20944(a)), as amended by section 1106, is amend-
17 ed—

18 (1) by striking “49 members” and inserting
19 “50 members”; and

20 (2) by adding at the end the following new
21 paragraph:

22 “(21) The Secretary of Homeland Security or
23 the Secretary’s designee.”.

24 (c) REPRESENTATIVE OF DEPARTMENT OF HOME-
25 LAND SECURITY ON TECHNICAL GUIDELINES DEVELOP-

1 MENT COMMITTEE.—Section 221(c)(1) of such Act (52
2 U.S.C. 20961(c)(1)) is amended—

3 (1) in the matter preceding subparagraph (A),
4 by striking “14” and inserting “15”;

5 (2) by redesignating subparagraph (E) as sub-
6 paragraph (F); and

7 (3) by inserting after subparagraph (D) the fol-
8 lowing new subparagraph:

9 “(E) A representative of the Department
10 of Homeland Security.”.

11 (d) GOALS OF PERIODIC STUDIES OF ELECTION AD-
12 MINISTRATION ISSUES; CONSULTATION WITH SECRETARY
13 OF HOMELAND SECURITY.—Section 241(a) of such Act
14 (52 U.S.C. 20981(a)) is amended—

15 (1) in the matter preceding paragraph (1), by
16 striking “the Commission shall” and inserting “the
17 Commission, in consultation with the Secretary of
18 Homeland Security (as appropriate), shall”;

19 (2) by striking “and” at the end of paragraph
20 (3);

21 (3) by redesignating paragraph (4) as para-
22 graph (5); and

23 (4) by inserting after paragraph (3) the fol-
24 lowing new paragraph:

1 “(4) will be secure against attempts to under-
2 mine the integrity of election systems by cyber or
3 other means; and”.

4 (e) REQUIREMENTS PAYMENTS.—

5 (1) USE OF PAYMENTS FOR VOTING SYSTEM
6 SECURITY IMPROVEMENTS.—Section 251(b) of such
7 Act (52 U.S.C. 21001(b)), as amended by section
8 1061(a)(2), is further amended by adding at the end
9 the following new paragraph:

10 “(5) PERMITTING USE OF PAYMENTS FOR VOT-
11 ING SYSTEM SECURITY IMPROVEMENTS.—A State
12 may use a requirements payment to carry out any
13 of the following activities:

14 “(A) Cyber and risk mitigation training.

15 “(B) Providing increased technical support
16 for any information technology infrastructure
17 that the chief State election official deems to be
18 part of the State’s election infrastructure or
19 designates as critical to the operation of the
20 State’s election infrastructure.

21 “(C) Enhancing the cybersecurity and op-
22 erations of the information technology infra-
23 structure described in subparagraph (B).

24 “(D) Enhancing the security of voter reg-
25 istration databases.”.

1 (2) INCORPORATION OF ELECTION INFRA-
2 STRUCTURE PROTECTION IN STATE PLANS FOR USE
3 OF PAYMENTS.—Section 254(a)(1) of such Act (52
4 U.S.C. 21004(a)(1)) is amended by striking the pe-
5 riod at the end and inserting “, including the protec-
6 tion of election infrastructure.”.

7 (3) COMPOSITION OF COMMITTEE RESPONSIBLE
8 FOR DEVELOPING STATE PLAN FOR USE OF PAY-
9 MENTS.—Section 255 of such Act (52 U.S.C.
10 21005) is amended—

11 (A) by redesignating subsection (b) as sub-
12 section (c); and

13 (B) by inserting after subsection (a) the
14 following new subsection:

15 “(b) GEOGRAPHIC REPRESENTATION.—The mem-
16 bers of the committee shall be a representative group of
17 individuals from the State’s counties, cities, towns, and
18 Indian tribes, and shall represent the needs of rural as
19 well as urban areas of the State, as the case may be.”.

20 (f) ENSURING PROTECTION OF COMPUTERIZED
21 STATEWIDE VOTER REGISTRATION LIST.—Section
22 303(a)(3) of such Act (52 U.S.C. 21083(a)(3)) is amend-
23 ed by striking the period at the end and inserting “, as
24 well as other measures to prevent and deter cybersecurity
25 incidents, as identified by the Commission, the Secretary

1 of Homeland Security, and the Technical Guidelines De-
2 velopment Committee.”.

3 **SEC. 3003. INCORPORATION OF DEFINITIONS.**

4 (a) IN GENERAL.—Section 901 of the Help America
5 Vote Act of 2002 (52 U.S.C. 21141), as amended by sec-
6 tion 1921(b)(1), is amended to read as follows:

7 **“SEC. 901. DEFINITIONS.**

8 “In this Act, the following definitions apply:

9 “(1) The term ‘cybersecurity incident’ has the
10 meaning given the term ‘incident’ in section 227 of
11 the Homeland Security Act of 2002 (6 U.S.C. 659).

12 “(2) The term ‘election infrastructure’ has the
13 meaning given such term in section 3601 of the
14 Election Security Act.

15 “(3) The term ‘State’ means each of the several
16 States, the District of Columbia, the Commonwealth
17 of Puerto Rico, Guam, American Samoa, the United
18 States Virgin Islands, and the Commonwealth of the
19 Northern Mariana Islands.”.

20 (b) CLERICAL AMENDMENT.—The table of contents
21 of such Act is amended by amending the item relating to
22 section 901 to read as follows:

“Sec. 901. Definitions.”.

1 **PART 2—POST-ELECTION AUDIT REQUIREMENT**

2 **SEC. 3011. POST-ELECTION AUDIT REQUIREMENT.**

3 (a) IN GENERAL.—Title III of the Help America
4 Vote Act of 2002 (52 U.S.C. 21081 et seq.), as amended
5 by section 1903(a) and section 1922, is amended by in-
6 serting after section 303B the following new section:

7 **“SEC. 303C. POST-ELECTION AUDITS.**

8 “(a) DEFINITIONS.—In this section:

9 “(1) POST-ELECTION AUDIT.—Except as pro-
10 vided in subsection (c)(1)(B), the term ‘post-election
11 audit’ means, with respect to any election contest, a
12 post-election process that—

13 “(A) has a probability of at least 95 per-
14 cent of correcting the reported outcome if the
15 reported outcome is not the correct outcome;

16 “(B) will not change the outcome if the re-
17 ported outcome is the correct outcome; and

18 “(C) involves a manual adjudication of
19 voter intent from some or all of the ballots val-
20 idly cast in the election contest.

21 “(2) REPORTED OUTCOME; CORRECT OUTCOME;
22 OUTCOME.—

23 “(A) REPORTED OUTCOME.—The term ‘re-
24 ported outcome’ means the outcome of an elec-
25 tion contest which is determined according to
26 the canvass and which will become the official,

1 certified outcome unless it is revised by an
2 audit, recount, or other legal process.

3 “(B) CORRECT OUTCOME.—The term ‘cor-
4 rect outcome’ means the outcome that would be
5 determined by a manual adjudication of voter
6 intent for all votes validly cast in the election
7 contest.

8 “(C) OUTCOME.—The term ‘outcome’
9 means the winner or set of winners of an elec-
10 tion contest.

11 “(3) MANUAL ADJUDICATION OF VOTER IN-
12 TENT.—The term ‘manual adjudication of voter in-
13 tent’ means direct inspection and determination by
14 humans, without assistance from electronic or me-
15 chanical tabulation devices, of the ballot choices
16 marked by voters on each voter-verifiable paper
17 record.

18 “(4) BALLOT MANIFEST.—The term ‘ballot
19 manifest’ means a record maintained by each juris-
20 diction that—

21 “(A) is created without reliance on any
22 part of the voting system used to tabulate
23 votes;

24 “(B) functions as a sampling frame for
25 conducting a post-election audit; and

1 “(C) accounts for all ballots validly cast re-
2 gardless of how they were tabulated and in-
3 cludes a precise description of the manner in
4 which the ballots are physically stored, includ-
5 ing the total number of physical groups of bal-
6 lots, the numbering system for each group, a
7 unique label for each group, and the number of
8 ballots in each such group.

9 “(b) REQUIREMENTS.—

10 “(1) IN GENERAL.—

11 “(A) AUDITS.—

12 “(i) IN GENERAL.—Each State and
13 jurisdiction shall administer post-election
14 audits of the results of all election contests
15 for Federal office held in the State in ac-
16 cordance with the requirements of para-
17 graph (2).

18 “(ii) EXCEPTION.—Clause (i) shall
19 not apply to any election contest for which
20 the State or jurisdiction conducts a full re-
21 count through a manual adjudication of
22 voter intent.

23 “(B) FULL MANUAL TABULATION.—If a
24 post-election audit conducted under subpara-
25 graph (A) corrects the reported outcome of an

1 election contest, the State or jurisdiction shall
2 use the results of the manual adjudication of
3 voter intent conducted as part of the post-elec-
4 tion audit as the official results of the election
5 contest.

6 “(2) AUDIT REQUIREMENTS.—

7 “(A) RULES AND PROCEDURES.—

8 “(i) IN GENERAL.—Not later than 6
9 years after the date of the enactment of
10 this section, the chief State election official
11 of the State shall establish rules and proce-
12 dures for conducting post-election audits.

13 “(ii) MATTERS INCLUDED.—The rules
14 and procedures established under clause (i)
15 shall include the following:

16 “(I) Rules and procedures for en-
17 suring the security of ballots and doc-
18 umenting that prescribed procedures
19 were followed.

20 “(II) Rules and procedures for
21 ensuring the accuracy of ballot mani-
22 fests produced by jurisdictions.

23 “(III) Rules and procedures for
24 governing the format of ballot mani-

1 ests and other data involved in post-
2 election audits.

3 “(IV) Methods to ensure that
4 any cast vote records used in a post-
5 election audit are those used by the
6 voting system to tally the results of
7 the election contest sent to the chief
8 State election official of the State and
9 made public.

10 “(V) Rules and procedures for
11 the random selection of ballots to be
12 inspected manually during each audit.

13 “(VI) Rules and procedures for
14 the calculations and other methods to
15 be used in the audit and to determine
16 whether and when the audit of each
17 election contest is complete.

18 “(VII) Rules and procedures for
19 testing any software used to conduct
20 post-election audits.

21 “(B) PUBLIC REPORT.—

22 “(i) IN GENERAL.—After the comple-
23 tion of the post-election audit and at least
24 5 days before the election contest is cer-
25 tified by the State, the State shall make

1 public and submit to the Commission a re-
2 port on the results of the audit, together
3 with such information as necessary to con-
4 firm that the audit was conducted prop-
5 erly.

6 “(ii) FORMAT OF DATA.—All data
7 published with the report under clause (i)
8 shall be published in machine-readable,
9 open data formats.

10 “(iii) PROTECTION OF ANONYMITY OF
11 VOTES.—Information and data published
12 by the State under this subparagraph shall
13 not compromise the anonymity of votes.

14 “(iv) REPORT MADE AVAILABLE BY
15 COMMISSION.—After receiving any report
16 submitted under clause (i), the Commis-
17 sion shall make such report available on its
18 website.

19 “(3) EFFECTIVE DATE; WAIVER.—

20 “(A) IN GENERAL.—Except as provided in
21 subparagraphs (B) and (C), each State and ju-
22 risdiction shall be required to comply with the
23 requirements of this subsection for the first reg-
24 ularly scheduled election for Federal office oc-

1 ccurring in 2032 and for each subsequent elec-
2 tion for Federal office.

3 “(B) WAIVER.—Except as provided in sub-
4 paragraph (C), if a State certifies to the Elec-
5 tion Assistance Commission not later than the
6 first regularly scheduled election for Federal of-
7 fice occurring in 2032, that the State will not
8 meet the deadline described in subparagraph
9 (A) because it would be impracticable to do so
10 and includes in the certification the reasons for
11 the failure to meet such deadline, subparagraph
12 (A) of this subsection and subsection (c)(2)(A)
13 shall apply to the State as if the reference in
14 such subsections to ‘2032’ were a reference to
15 ‘2034’.

16 “(C) ADDITIONAL WAIVER PERIOD.—If a
17 State certifies to the Election Assistance Com-
18 mission not later than the first regularly sched-
19 uled election for Federal office occurring in
20 2034, that the State will not meet the deadline
21 described in subparagraph (B) because it would
22 be impracticable to do so and includes in the
23 certification the reasons for the failure to meet
24 such deadline, subparagraph (B) of this sub-
25 section and subsection (c)(2)(A) shall apply to

1 the State as if the reference in such subsections
2 to ‘2034’ were a reference to ‘2036’.

3 “(c) PHASED IMPLEMENTATION.—

4 “(1) POST-ELECTION AUDITS.—

5 “(A) IN GENERAL.—For the regularly
6 scheduled elections for Federal office occurring
7 in 2024 and 2026, each State shall administer
8 a post-election audit of the result of at least one
9 statewide election contest for Federal office held
10 in the State, or if no such statewide contest is
11 on the ballot, one election contest for Federal
12 office chosen at random.

13 “(B) POST-ELECTION AUDIT DEFINED.—

14 In this subsection, the term ‘post-election audit’
15 means a post-election process that involves a
16 manual adjudication of voter intent from a
17 sample of ballots validly cast in the election
18 contest.

19 “(2) POST-ELECTION AUDITS FOR SELECT CON-
20 TESTS.—Subject to subparagraphs (B) and (C) of
21 subsection (b)(3), for the regularly scheduled elec-
22 tions for Federal office occurring in 2028 and for
23 each subsequent election for Federal office that oc-
24 curs prior to the first regularly scheduled election
25 for Federal office occurring in 2032, each State

1 shall administer a post-election audit of the result of
 2 at least one statewide election contest for Federal of-
 3 fice held in the State, or if no such statewide contest
 4 is on the ballot, one election contest for Federal of-
 5 fice chosen at random.

6 “(3) STATES THAT ADMINISTER POST-ELEC-
 7 TION AUDITS FOR ALL CONTESTS.—A State shall be
 8 exempt from the requirements of this subsection for
 9 any regularly scheduled election for Federal office in
 10 which the State meets the requirements of sub-
 11 section (b).”.

12 (b) CLERICAL AMENDMENT.—The table of contents
 13 for such Act, as amended by section 1903(c) and section
 14 1922, is amended by inserting after the item relating to
 15 section 303B the following new item:

“Sec. 303C . Post-election audits. ”.

16 (c) STUDY ON POST-ELECTION AUDIT BEST PRAC-
 17 TICES.—

18 (1) IN GENERAL.—The Director of the National
 19 Institute of Standards and Technology shall estab-
 20 lish an advisory committee to study post-election au-
 21 dits and establish best practices for post-election
 22 audit methodologies and procedures.

23 (2) ADVISORY COMMITTEE.—The Director of
 24 the National Institute of Standards and Technology

1 shall appoint individuals to the advisory committee
2 and secure the representation of—

3 (A) State and local election officials;

4 (B) individuals with experience and exper-
5 tise in election security;

6 (C) individuals with experience and exper-
7 tise in post-election audit procedures; and

8 (D) individuals with experience and exper-
9 tise in statistical methods.

10 (3) AUTHORIZATION OF APPROPRIATIONS.—

11 There are authorized to be appropriated such sums
12 as are necessary to carry out the purposes of this
13 subsection.

14 **SEC. 3012. GAO ANALYSIS OF EFFECTS OF AUDITS.**

15 (a) ANALYSIS.—Not later than 4 years after the reg-
16 ularly scheduled general election for Federal office occur-
17 ring in 2024, the Comptroller General of the United
18 States shall conduct an analysis of the extent to which
19 post-election audits under section 303C of the Help Amer-
20 ica Vote Act of 2002, as added by section 3011(a), have
21 improved the administration of elections and the security
22 of election infrastructure in the States receiving such
23 grants.

24 (b) REPORT.—The Comptroller General of the
25 United States shall submit a report on the analysis con-

1 ducted under subsection (a) to the appropriate congres-
2 sional committees.

3 **PART 3—ELECTION INFRASTRUCTURE**

4 **INNOVATION GRANT PROGRAM**

5 **SEC. 3021. ELECTION INFRASTRUCTURE INNOVATION**
6 **GRANT PROGRAM.**

7 (a) IN GENERAL.—Title III of the Homeland Secu-
8 rity Act of 2002 (6 U.S.C. 181 et seq.) is amended by
9 adding at the end the following new section:

10 **“SEC. 321. ELECTION INFRASTRUCTURE INNOVATION**
11 **GRANT PROGRAM.**

12 “(a) ESTABLISHMENT.—The Secretary, acting
13 through the Under Secretary for Science and Technology,
14 in coordination with the Chairman of the Election Assist-
15 ance Commission (established pursuant to the Help Amer-
16 ica Vote Act of 2002), and in consultation with the Direc-
17 tor of the National Science Foundation and the Director
18 of the National Institute of Standards and Technology,
19 shall establish a competitive grant program to award
20 grants to eligible entities, on a competitive basis, for pur-
21 poses of research and development that are determined to
22 have the potential to significantly improve the security (in-
23 cluding cybersecurity), quality, reliability, accuracy, acces-
24 sibility, and affordability of election infrastructure, and in-
25 crease voter participation.

1 “(b) REPORT TO CONGRESS.—Not later than 90 days
2 after the conclusion of each fiscal year for which grants
3 are awarded under this section, the Secretary shall submit
4 to the Committee on Homeland Security and the Com-
5 mittee on House Administration of the House of Rep-
6 resentatives and the Committee on Homeland Security
7 and Governmental Affairs and the Committee on Rules
8 and Administration of the Senate a report describing such
9 grants and analyzing the impact, if any, of such grants
10 on the security and operation of election infrastructure,
11 and on voter participation.

12 “(c) AUTHORIZATION OF APPROPRIATIONS.—There
13 are authorized to be appropriated to the Secretary
14 \$20,000,000 for each of fiscal years 2021 through 2029
15 for purposes of carrying out this section.

16 “(d) ELIGIBLE ENTITY DEFINED.—In this section,
17 the term ‘eligible entity’ means—

18 “(1) an institution of higher education (as such
19 term is defined in section 101(a) of the Higher Edu-
20 cation Act of 1965 (20 U.S.C. 1001(a)), including
21 an institution of higher education that is a histori-
22 cally Black college or university (which has the
23 meaning given the term ‘part B institution’ in sec-
24 tion 322 of such Act (20 U.S.C. 1061)) or other mi-

1 nority-serving institution listed in section 371(a) of
2 such Act (20 U.S.C. 1067q(a));

3 “(2) an organization described in section
4 501(c)(3) of the Internal Revenue Code of 1986 and
5 exempt from tax under section 501(a) of such Code;
6 or

7 “(3) an organization, association, or a for-profit
8 company, including a small business concern (as
9 such term is described in section 3 of the Small
10 Business Act (15 U.S.C. 632)), including a small
11 business concern owned and controlled by socially
12 and economically disadvantaged individuals (as such
13 term is defined in section 8(d)(3)(C) of the Small
14 Business Act (15 U.S.C. 637(d)(3)(C)).”.

15 (b) DEFINITION.—Section 2 of the Homeland Secu-
16 rity Act of 2002 (6 U.S.C. 101) is amended—

17 (1) by redesignating paragraphs (6) through
18 (20) as paragraphs (7) through (21), respectively;
19 and

20 (2) by inserting after paragraph (5) the fol-
21 lowing new paragraph:

22 “(6) ELECTION INFRASTRUCTURE.—The term
23 ‘election infrastructure’ means storage facilities,
24 polling places, and centralized vote tabulation loca-
25 tions used to support the administration of elections

1 for public office, as well as related information and
 2 communications technology, including voter registra-
 3 tion databases, voting machines, electronic mail and
 4 other communications systems (including electronic
 5 mail and other systems of vendors who have entered
 6 into contracts with election agencies to support the
 7 administration of elections, manage the election
 8 process, and report and display election results), and
 9 other systems used to manage the election process
 10 and to report and display election results on behalf
 11 of an election agency.”.

12 (c) CLERICAL AMENDMENT.—The table of contents
 13 in section 1(b) of the Homeland Security Act of 2002 is
 14 amended by inserting after the item relating to section
 15 320 the following:

“Sec. 321. Election infrastructure innovation grant program.”.

16 **Subtitle B—Security Measures**

17 **SEC. 3101. ELECTION INFRASTRUCTURE DESIGNATION.**

18 Subparagraph (J) of section 2001(3) of the Home-
 19 land Security Act of 2002 (6 U.S.C. 601(3)) is amended
 20 by inserting “, including election infrastructure” before
 21 the period at the end.

22 **SEC. 3102. TIMELY THREAT INFORMATION.**

23 Subsection (d) of section 201 of the Homeland Secu-
 24 rity Act of 2002 (6 U.S.C. 121) is amended by adding
 25 at the end the following:

1 “(24) To provide timely threat information re-
2 garding election infrastructure to the chief State
3 election official (as defined in section 3601 of the
4 For the People Act of 2021) of the State with re-
5 spect to which such information pertains.”.

6 **SEC. 3103. SECURITY CLEARANCE ASSISTANCE FOR ELEC-**
7 **TION OFFICIALS.**

8 In order to promote the timely sharing of information
9 on threats to election infrastructure, the Secretary may—

10 (1) help expedite a security clearance for the
11 chief State election official and other appropriate
12 State personnel involved in the administration of
13 elections, as designated by the chief State election
14 official;

15 (2) sponsor a security clearance for the chief
16 State election official and other appropriate State
17 personnel involved in the administration of elections,
18 as designated by the chief State election official; and

19 (3) facilitate the issuance of a temporary clear-
20 ance to the chief State election official and other ap-
21 propriate State personnel involved in the administra-
22 tion of elections, as designated by the chief State
23 election official, if the Secretary determines classi-
24 fied information to be timely and relevant to the
25 election infrastructure of the State at issue.

1 **SEC. 3104. SECURITY RISK AND VULNERABILITY ASSESS-**
2 **MENTS.**

3 (a) **IN GENERAL.**—Paragraph (6) of section 2209(c)
4 of the Homeland Security Act of 2002 (6 U.S.C. 659(e))
5 is amended by inserting “(including by carrying out a se-
6 curity risk and vulnerability assessment)” after “risk
7 management support”.

8 (b) **PRIORITIZATION TO ENHANCE ELECTION SECUC-**
9 **RITY.**—

10 (1) **IN GENERAL.**—Not later than 90 days after
11 receiving a written request from a chief State elec-
12 tion official, the Secretary shall, to the extent prac-
13 ticable, commence a security risk and vulnerability
14 assessment (pursuant to paragraph (6) of section
15 2209(e) of the Homeland Security Act of 2002, as
16 amended by subsection (a)) on election infrastruc-
17 ture in the State at issue.

18 (2) **NOTIFICATION.**—If the Secretary, upon re-
19 ceipt of a request described in paragraph (1), deter-
20 mines that a security risk and vulnerability assess-
21 ment referred to in such paragraph cannot be com-
22 menced within 90 days, the Secretary shall expedi-
23 tiously notify the chief State election official who
24 submitted such request.

1 **SEC. 3105. ANNUAL REPORTS.**

2 (a) **REPORTS ON ASSISTANCE AND ASSESSMENTS.—**

3 Not later than 1 year after the date of enactment of this
4 Act and annually thereafter through 2028, the Secretary
5 shall submit to the appropriate congressional commit-
6 tees—

7 (1) efforts to carry out section 3103 during the
8 prior year, including specific information regarding
9 which States were helped, how many officials have
10 been helped in each State, how many security clear-
11 ances have been sponsored in each State, and how
12 many temporary clearances have been issued in each
13 State; and

14 (2) efforts to carry out section 3104 during the
15 prior year, including specific information regarding
16 which States were helped, the dates on which the
17 Secretary received a request for a security risk and
18 vulnerability assessment referred to in such section,
19 the dates on which the Secretary commenced each
20 such request, and the dates on which the Secretary
21 transmitted a notification in accordance with sub-
22 section (b)(2) of such section.

23 (b) **REPORTS ON FOREIGN THREATS.—**Beginning
24 with fiscal year 2021, not later than 90 days after the
25 end of each fiscal year, the Secretary and the Director
26 of National Intelligence, in coordination with the heads of

1 appropriate offices of the Federal Government, shall sub-
2 mit to the appropriate congressional committees a joint
3 report on foreign threats, including physical and cyberse-
4 curity threats, to elections in the United States.

5 (c) INFORMATION FROM STATES.—For purposes of
6 preparing the reports required under this section, the Sec-
7 retary shall solicit and consider information and comments
8 from States and election agencies, except that the provi-
9 sion of such information and comments by a State or elec-
10 tion agency shall be voluntary and at the discretion of the
11 State or election agency.

12 **SEC. 3106. PRE-ELECTION THREAT ASSESSMENTS.**

13 (a) SUBMISSION OF ASSESSMENT BY DNI.—Not
14 later than 180 days before the date of each regularly
15 scheduled general election for Federal office, the Director
16 of National Intelligence shall submit an assessment of the
17 full scope of threats, including cybersecurity threats posed
18 by state actors and terrorist groups, to election infrastruc-
19 ture and recommendations to address or mitigate such
20 threats, as developed by the Secretary and Chairman, to—

- 21 (1) the chief State election official of each
22 State;
23 (2) the appropriate congressional committees;
24 and

1 (3) any other relevant congressional commit-
2 tees.

3 (b) UPDATES TO INITIAL ASSESSMENTS.—If, at any
4 time after submitting an assessment with respect to an
5 election under subsection (a), the Director of National In-
6 telligence determines that the assessment should be up-
7 dated to reflect new information regarding the threats in-
8 volved, the Director shall submit a revised assessment
9 under such subsection.

10 (c) DEFINITIONS.—In this section:

11 (1) CHAIRMAN.—The term “Chairman” means
12 the chair of the Election Assistance Commission.

13 (2) CHIEF STATE ELECTION OFFICIAL.—The
14 term “chief State election official” means, with re-
15 spect to a State, the individual designated by the
16 State under section 10 of the National Voter Reg-
17 istration Act of 1993 (52 U.S.C. 20509) to be re-
18 sponsible for coordination of the State’s responsibil-
19 ities under such Act.

20 (3) ELECTION INFRASTRUCTURE.—The term
21 “election infrastructure” means storage facilities,
22 polling places, and centralized vote tabulation loca-
23 tions used to support the administration of elections
24 for public office, as well as related information and
25 communications technology, including voter registra-

1 tion databases, voting machines, electronic mail and
 2 other communications systems (including electronic
 3 mail and other systems of vendors who have entered
 4 into contracts with election agencies to support the
 5 administration of elections, manage the election
 6 process, and report and display election results), and
 7 other systems used to manage the election process
 8 and to report and display election results on behalf
 9 of an election agency.

10 (4) SECRETARY.—The term “Secretary” means
 11 the Secretary of Homeland Security.

12 (5) STATE.—The term “State” has the mean-
 13 ing given such term in section 901 of the Help
 14 America Vote Act of 2002 (52 U.S.C. 21141).

15 (d) EFFECTIVE DATE.—This subtitle shall apply with
 16 respect to the regularly scheduled general election for Fed-
 17 eral office held in November 2022 and each succeeding
 18 regularly scheduled general election for Federal office.

19 **Subtitle C—Enhancing Protections**
 20 **for United States Democratic In-**
 21 **stitutions**

22 **SEC. 3201. NATIONAL STRATEGY TO PROTECT UNITED**
 23 **STATES DEMOCRATIC INSTITUTIONS.**

24 (a) IN GENERAL.—Not later than 1 year after the
 25 date of enactment of this Act, the President, acting

1 through the Secretary, in consultation with the Chairman,
2 the Secretary of Defense, the Secretary of State, the At-
3 torney General, the Secretary of Education, the Director
4 of National Intelligence, the Chairman of the Federal
5 Election Commission, and the heads of any other appro-
6 priate Federal agencies, shall issue a national strategy to
7 protect against cyber attacks, influence operations,
8 disinformation campaigns, and other activities that could
9 undermine the security and integrity of United States
10 democratic institutions.

11 (b) CONSIDERATIONS.—The national strategy re-
12 quired under subsection (a) shall include consideration of
13 the following:

14 (1) The threat of a foreign state actor, foreign
15 terrorist organization (as designated pursuant to
16 section 219 of the Immigration and Nationality Act
17 (8 U.S.C. 1189)), or a domestic actor carrying out
18 a cyber attack, influence operation, disinformation
19 campaign, or other activity aimed at undermining
20 the security and integrity of United States demo-
21 cratic institutions.

22 (2) The extent to which United States demo-
23 cratic institutions are vulnerable to a cyber attack,
24 influence operation, disinformation campaign, or

1 other activity aimed at undermining the security and
2 integrity of such democratic institutions.

3 (3) Potential consequences, such as an erosion
4 of public trust or an undermining of the rule of law,
5 that could result from a successful cyber attack, in-
6 fluence operation, disinformation campaign, or other
7 activity aimed at undermining the security and in-
8 tegrity of United States democratic institutions.

9 (4) Lessons learned from other governments the
10 institutions of which were subject to a cyber attack,
11 influence operation, disinformation campaign, or
12 other activity aimed at undermining the security and
13 integrity of such institutions, as well as actions that
14 could be taken by the United States Government to
15 bolster collaboration with foreign partners to detect,
16 deter, prevent, and counter such activities.

17 (5) Potential impacts, such as an erosion of
18 public trust in democratic institutions, as could be
19 associated with a successful cyber breach or other
20 activity negatively-affecting election infrastructure.

21 (6) Roles and responsibilities of the Secretary,
22 the Chairman, and the heads of other Federal enti-
23 ties and non-Federal entities, including chief State
24 election officials and representatives of multi-state
25 information sharing and analysis centers.

1 (7) Any findings, conclusions, and recommenda-
2 tions to strengthen protections for United States
3 democratic institutions that have been agreed to by
4 a majority of Commission members on the National
5 Commission to Protect United States Democratic
6 Institutions, authorized pursuant to section 3202.

7 (c) IMPLEMENTATION PLAN.—Not later than 90
8 days after the date on which the national strategy required
9 under subsection (a) is issued, the President, acting
10 through the Secretary, in coordination with the Chairman,
11 shall issue an implementation plan for Federal efforts to
12 implement such strategy that includes the following:

13 (1) Strategic objectives and corresponding
14 tasks.

15 (2) Projected timelines and costs for the tasks
16 referred to in paragraph (1).

17 (3) Metrics to evaluate performance of such
18 tasks.

19 (d) CLASSIFICATION.—The national strategy re-
20 quired under subsection (a) shall be in unclassified form.

21 (e) CIVIL RIGHTS REVIEW.—Not later than 60 days
22 after the date on which the national strategy required
23 under subsection (a) is issued, and not later than 60 days
24 after the date on which the implementation plan required
25 under subsection (c) is issued, the Privacy and Civil Lib-

1 erties Oversight Board (established under section 1061 of
2 the Intelligence Reform and Terrorism Prevention Act of
3 2004 (42 U.S.C. 2000ee)) shall submit a report to Con-
4 gress on any potential privacy and civil liberties impacts
5 of such strategy and implementation plan, respectively.

6 **SEC. 3202. NATIONAL COMMISSION TO PROTECT UNITED**
7 **STATES DEMOCRATIC INSTITUTIONS.**

8 (a) ESTABLISHMENT.—There is established within
9 the legislative branch the National Commission to Protect
10 United States Democratic Institutions (hereafter in this
11 section referred to as the “Commission”).

12 (b) PURPOSE.—The purpose of the Commission is to
13 counter efforts to undermine democratic institutions with-
14 in the United States.

15 (c) COMPOSITION.—

16 (1) MEMBERSHIP.—The Commission shall be
17 composed of 10 members appointed for the life of
18 the Commission as follows:

19 (A) One member shall be appointed by the
20 Secretary.

21 (B) One member shall be appointed by the
22 Chairman.

23 (C) Two members shall be appointed by
24 the majority leader of the Senate, in consulta-
25 tion with the Chairman of the Committee on

1 Homeland Security and Governmental Affairs
2 of the Senate, the Chairman of the Committee
3 on the Judiciary of the Senate, and the Chair-
4 man of the Committee on Rules and Adminis-
5 tration of the Senate.

6 (D) Two members shall be appointed by
7 the minority leader of the Senate, in consulta-
8 tion with the ranking minority member of the
9 Committee on Homeland Security and Govern-
10 mental Affairs of the Senate, the ranking mi-
11 nority member of the Committee on the Judici-
12 ary of the Senate, and the ranking minority
13 member of the Committee on Rules and Admin-
14 istration of the Senate.

15 (E) Two members shall be appointed by
16 the Speaker of the House of Representatives, in
17 consultation with the Chairman of the Com-
18 mittee on Homeland Security of the House of
19 Representatives, the Chairman of the Com-
20 mittee on House Administration of the House
21 of Representatives, and the Chairman of the
22 Committee on the Judiciary of the House of
23 Representatives.

24 (F) Two members shall be appointed by
25 the minority leader of the House of Representa-

1 tives, in consultation with the ranking minority
2 member of the Committee on Homeland Secu-
3 rity of the House of Representatives, the rank-
4 ing minority member of the Committee on the
5 Judiciary of the House of Representatives, and
6 the ranking minority member of the Committee
7 on House Administration of the House of Rep-
8 resentatives.

9 (2) QUALIFICATIONS.—Individuals shall be se-
10 lected for appointment to the Commission solely on
11 the basis of their professional qualifications, achieve-
12 ments, public stature, experience, and expertise in
13 relevant fields, including cybersecurity, national se-
14 curity, and the Constitution of the United States.

15 (3) NO COMPENSATION FOR SERVICE.—Mem-
16 bers may not receive compensation for service on the
17 Commission, but shall receive travel expenses, in-
18 cluding per diem in lieu of subsistence, in accord-
19 ance with chapter 57 of title 5, United States Code.

20 (4) DEADLINE FOR APPOINTMENT.—All mem-
21 bers of the Commission shall be appointed not later
22 than 60 days after the date of enactment of this
23 Act.

24 (5) VACANCIES.—A vacancy on the Commission
25 shall not affect its powers and shall be filled in the

1 manner in which the original appointment was
2 made. The appointment of the replacement member
3 shall be made not later than 60 days after the date
4 on which the vacancy occurs.

5 (d) CHAIR AND VICE CHAIR.—The Commission shall
6 elect a Chair and Vice Chair from among its members.

7 (e) QUORUM AND MEETINGS.—

8 (1) QUORUM.—The Commission shall meet and
9 begin the operations of the Commission not later
10 than 30 days after the date on which all members
11 have been appointed or, if such meeting cannot be
12 mutually agreed upon, on a date designated by the
13 Speaker of the House of Representatives and the
14 President pro Tempore of the Senate. Each subse-
15 quent meeting shall occur upon the call of the Chair
16 or a majority of its members. A majority of the
17 members of the Commission shall constitute a
18 quorum, but a lesser number may hold meetings.

19 (2) AUTHORITY OF INDIVIDUALS TO ACT FOR
20 COMMISSION.—Any member of the Commission may,
21 if authorized by the Commission, take any action
22 that the Commission is authorized to take under this
23 section.

24 (f) POWERS.—

1 (1) HEARINGS AND EVIDENCE.—The Commis-
2 sion (or, on the authority of the Commission, any
3 subcommittee or member thereof) may, for the pur-
4 pose of carrying out this section, hold hearings and
5 sit and act at such times and places, take such testi-
6 mony, receive such evidence, and administer such
7 oaths as the Commission considers advisable to
8 carry out its duties.

9 (2) CONTRACTING.—The Commission may, to
10 such extent and in such amounts as are provided in
11 appropriation Acts, enter into contracts to enable
12 the Commission to discharge its duties under this
13 section.

14 (g) ASSISTANCE FROM FEDERAL AGENCIES.—

15 (1) GENERAL SERVICES ADMINISTRATION.—
16 The Administrator of General Services shall provide
17 to the Commission on a reimbursable basis adminis-
18 trative support and other services for the perform-
19 ance of the Commission's functions.

20 (2) OTHER DEPARTMENTS AND AGENCIES.—In
21 addition to the assistance provided under paragraph
22 (1), the Department of Homeland Security, the
23 Election Assistance Commission, and other appro-
24 priate departments and agencies of the United
25 States shall provide to the Commission such serv-

1 ices, funds, facilities, and staff as they may deter-
2 mine advisable and as may be authorized by law.

3 (h) PUBLIC MEETINGS.—Any public meetings of the
4 Commission shall be conducted in a manner consistent
5 with the protection of information provided to or developed
6 for or by the Commission as required by any applicable
7 statute, regulation, or Executive order.

8 (i) SECURITY CLEARANCES.—

9 (1) IN GENERAL.—The heads of appropriate
10 departments and agencies of the executive branch
11 shall cooperate with the Commission to expeditiously
12 provide Commission members and staff with appro-
13 priate security clearances to the extent possible
14 under applicable procedures and requirements.

15 (2) PREFERENCES.—In appointing staff, ob-
16 taining detailees, and entering into contracts for the
17 provision of services for the Commission, the Com-
18 mission shall give preference to individuals who have
19 active security clearances.

20 (j) REPORTS.—

21 (1) INTERIM REPORTS.—At any time prior to
22 the submission of the final report under paragraph
23 (2), the Commission may submit interim reports to
24 the President and Congress containing such find-
25 ings, conclusions, and recommendations to strength-

1 en protections for democratic institutions in the
2 United States as have been agreed to by a majority
3 of the members of the Commission.

4 (2) FINAL REPORT.—Not later than 18 months
5 after the date of the first meeting of the Commis-
6 sion, the Commission shall submit to the President
7 and Congress a final report containing such find-
8 ings, conclusions, and recommendations to strength-
9 en protections for democratic institutions in the
10 United States as have been agreed to by a majority
11 of the members of the Commission.

12 (k) TERMINATION.—

13 (1) IN GENERAL.—The Commission shall termi-
14 nate upon the expiration of the 60-day period which
15 begins on the date on which the Commission submits
16 the final report required under subsection (j)(2).

17 (2) ADMINISTRATIVE ACTIVITIES PRIOR TO
18 TERMINATION.—During the 60-day period referred
19 to in paragraph (1), the Commission may carry out
20 such administrative activities as may be required to
21 conclude its work, including providing testimony to
22 committees of Congress concerning the final report
23 and disseminating the final report.

1 **Subtitle D—Promoting Cybersecu-**
2 **rity Through Improvements in**
3 **Election Administration**

4 **SEC. 3301. ELECTION CYBERSECURITY.**

5 Not later than 1 year after the date of the enactment
6 of this subsection, the Director of the Cybersecurity and
7 Infrastructure Security Agency of the Department of
8 Homeland Security, in consultation with the Commission,
9 shall issue election cybersecurity guidelines, including
10 standards and best practices for procuring, maintaining,
11 testing, operating, and updating election systems to pre-
12 vent and deter cybersecurity incidents.

13 **SEC. 3302. GUIDELINES AND CERTIFICATION FOR ELEC-**
14 **TRONIC POLL BOOKS AND REMOTE BALLOT**
15 **MARKING SYSTEMS.**

16 (a) **INCLUSION UNDER VOLUNTARY VOTING SYSTEM**
17 **GUIDELINES.**—Section 222 of the Help America Vote Act
18 of 2002 (52 U.S.C. 20962) is amended—

19 (1) by redesignating subsections (a), (b), (c),
20 (d), and (e) as subsections (b), (c), (d), (e), and (f);

21 (2) by inserting after the section heading the
22 following:

23 “(a) **VOLUNTARY VOTING SYSTEM GUIDELINES.**—
24 The Commission shall adopt voluntary voting system
25 guidelines that describe functionality, accessibility, and se-

1 curity principles for the design, development, and oper-
2 ation of voting systems, electronic poll books, and remote
3 ballot marking systems.”; and

4 (3) by adding at the end the following new sub-
5 sections:

6 “(g) INITIAL GUIDELINES FOR ELECTRONIC POLL
7 BOOKS AND REMOTE BALLOT MARKING SYSTEMS.—

8 “(1) ADOPTION DATE.—The Commission shall
9 adopt initial voluntary voting system guidelines for
10 electronic poll books and remote ballot marking sys-
11 tems by January 1, 2022.

12 “(2) SPECIAL RULE FOR INITIAL GUIDE-
13 LINES.—The Commission may adopt initial vol-
14 untary voting system guidelines for electronic poll
15 books and remote ballot marking systems without
16 modifying the most recently adopted voluntary vot-
17 ing system guidelines for voting systems.

18 “(h) DEFINITIONS.—In this section:

19 “(1) VOTING SYSTEM DEFINED.—The term
20 ‘voting system’ has the same meaning given that
21 term in section 301.

22 “(2) ELECTRONIC POLLBOOK DEFINED.—The
23 term ‘electronic poll book’ means the total combina-
24 tion of mechanical, electromechanical, or electronic
25 equipment (including the software, firmware, and

1 documentation required to program, control, and
 2 support the equipment) that is used—

3 “(A) to retain the list of registered voters
 4 at a polling location, or vote center, or other lo-
 5 cation at which voters cast votes in an election
 6 for Federal office; and

7 “(B) to identify registered voters who are
 8 eligible to vote in an election.”.

9 “(3) REMOTE BALLOT MARKING SYSTEM DE-
 10 FINED.—The term ‘remote ballot marking system’
 11 means an election system that—

12 “(A) is used by a voter to mark their bal-
 13 lots outside of a voting center or polling place;

14 “(B) allows a voter to receive a blank bal-
 15 lot to mark electronically, print, and then cast
 16 by returning the printed ballot to the elections
 17 office or other designated location; and

18 “(C) does not allow a voter to cast and re-
 19 turn a ballot electronically.”.

20 (b) PROVIDING FOR CERTIFICATION OF ELECTRONIC
 21 POLL BOOKS AND REMOTE BALLOT MARKING SYSTEM.—

22 Section 231(a) of the Help America Vote Act of 2002 (52
 23 U.S.C. 20971(a)) is amended, in each of paragraphs (1)
 24 and (2), by inserting “, electronic poll books, and remote
 25 ballot marking systems” after “software”.

1 **SEC. 3303. PRE-ELECTION REPORTS ON VOTING SYSTEM**

2 **USAGE.**

3 (a) REQUIRING STATES TO SUBMIT REPORTS.—Title
4 III of the Help America Vote Act of 2002 (52 U.S.C.
5 21081 et seq.) is amended by inserting after section 301
6 the following new section:

7 **“SEC. 301A. PRE-ELECTION REPORTS ON VOTING SYSTEM**

8 **USAGE.**

9 “(a) REQUIRING STATES TO SUBMIT REPORTS.—Not
10 later than 120 days before the date of each regularly
11 scheduled general election for Federal office, the chief
12 State election official of a State shall submit a report to
13 the Commission containing a detailed voting system usage
14 plan for each jurisdiction in the State which will admin-
15 ister the election, including a detailed plan for the usage
16 of electronic poll books and other equipment and compo-
17 nents of such system. If a jurisdiction acquires and imple-
18 ments a new voting system within the 120 days before the
19 date of the election, it shall notify the chief State election
20 official of the State, who shall submit to the Commission
21 in a timely manner an updated report under the preceding
22 sentence.

23 “(b) EFFECTIVE DATE.—Subsection (a) shall apply
24 with respect to the regularly scheduled general election for
25 Federal office held in November 2022 and each succeeding
26 regularly scheduled general election for Federal office.”.

1 (b) CLERICAL AMENDMENT.—The table of contents
 2 of such Act is amended by inserting after the item relating
 3 to section 301 the following new item:

“Sec. 301A. Pre-election reports on voting system usage.”.

4 **SEC. 3304. STREAMLINING COLLECTION OF ELECTION IN-**
 5 **FORMATION.**

6 Section 202 of the Help America Vote Act of 2002
 7 (52 U.S.C. 20922) is amended—

8 (1) by striking “The Commission” and insert-
 9 ing “(a) IN GENERAL.—The Commission”; and

10 (2) by adding at the end the following new sub-
 11 section:

12 “(b) WAIVER OF CERTAIN REQUIREMENTS.—Sub-
 13 chapter I of chapter 35 of title 44, United States Code,
 14 shall not apply to the collection of information for pur-
 15 poses of maintaining the clearinghouse described in para-
 16 graph (1) of subsection (a).”.

17 **Subtitle E—Preventing Election**
 18 **Hacking**

19 **SEC. 3401. SHORT TITLE.**

20 This subtitle may be cited as the “Prevent Election
 21 Hacking Act of 2021”.

22 **SEC. 3402. ELECTION SECURITY BUG BOUNTY PROGRAM.**

23 (a) ESTABLISHMENT.—Not later than 1 year after
 24 the date of enactment of this Act, the Secretary shall es-
 25 tablish a program to be known as the “Election Security

1 Bug Bounty Program” (hereafter in this subtitle referred
2 to as the “Program”) to improve the cybersecurity of the
3 systems used to administer elections for Federal office by
4 facilitating and encouraging assessments by independent
5 technical experts, in cooperation with State and local elec-
6 tion officials and election service providers, to identify and
7 report election cybersecurity vulnerabilities.

8 (b) VOLUNTARY PARTICIPATION BY ELECTION OFFI-
9 CIALS AND ELECTION SERVICE PROVIDERS.—

10 (1) NO REQUIREMENT TO PARTICIPATE IN PRO-
11 GRAM.—Participation in the Program shall be en-
12 tirely voluntary for State and local election officials
13 and election service providers.

14 (2) ENCOURAGING PARTICIPATION AND INPUT
15 FROM ELECTION OFFICIALS.—In developing the Pro-
16 gram, the Secretary shall solicit input from, and en-
17 courage participation by, State and local election of-
18 ficials.

19 (c) ACTIVITIES FUNDED.—In establishing and car-
20 rying out the Program, the Secretary shall—

21 (1) establish a process for State and local elec-
22 tion officials and election service providers to volun-
23 tarily participate in the Program;

24 (2) designate appropriate information systems
25 to be included in the Program;

1 (3) provide compensation to eligible individuals,
2 organizations, and companies for reports of pre-
3 viously unidentified security vulnerabilities within
4 the information systems designated under paragraph
5 (2) and establish criteria for individuals, organiza-
6 tions, and companies to be considered eligible for
7 such compensation in compliance with Federal laws;

8 (4) consult with the Attorney General on how
9 to ensure that approved individuals, organizations,
10 and companies that comply with the requirements of
11 the Program are protected from prosecution under
12 section 1030 of title 18, United States Code, and
13 similar provisions of law;

14 (5) consult with the Secretary of Defense and
15 the heads of other departments and agencies that
16 have implemented programs to provide compensation
17 for reports of previously undisclosed vulnerabilities
18 in information systems, regarding lessons that may
19 be applied from such programs;

20 (6) develop an expeditious process by which an
21 individual, organization, or company can register
22 with the Department, submit to a background check
23 as determined by the Department, and receive a de-
24 termination regarding eligibility for participation in
25 the Program; and

1 (7) engage qualified interested persons, includ-
2 ing representatives of private entities, about the
3 structure of the Program and, to the extent prac-
4 ticable, establish a recurring competition for inde-
5 pendent technical experts to assess election systems
6 for the purpose of identifying and reporting election
7 cybersecurity vulnerabilities.

8 (d) USE OF SERVICE PROVIDERS.—The Secretary
9 may award competitive contracts as necessary to manage
10 the Program.

11 (e) DEFINITIONS.—In this section:

12 (1) The term “Department” means the Depart-
13 ment of Homeland Security.

14 (2) The terms “election” and “Federal office”
15 have the meanings given such terms in section 301
16 of the Federal Election Campaign Act of 1971 (52
17 U.S.C. 30101).

18 (3) The term “election cybersecurity vulner-
19 ability” means any security vulnerability that affects
20 an election system.

21 (4) The term “election infrastructure” has the
22 meaning given such term in paragraph (6) of section
23 2 of the Homeland Security Act of 2002 (6 U.S.C.
24 101), as added by section 3021 of this title.

1 (5) The term “election service provider” means
2 any person providing, supporting, or maintaining an
3 election system on behalf of a State or local election
4 official, such as a contractor or vendor.

5 (6) The term “election system” means any in-
6 formation system which is part of an election infra-
7 structure.

8 (7) The term “information system” has the
9 meaning given such term in section 3502 of title 44,
10 United States Code.

11 (8) The term “Secretary” means the Secretary
12 of Homeland Security, or, upon designation by the
13 Secretary of Homeland Security, the Deputy Sec-
14 retary of Homeland Security, the Director of Cyber-
15 security and Infrastructure Security of the Cyberse-
16 curity and Infrastructure Security Agency of the De-
17 partment of Homeland Security, or a Senate-con-
18 firmed official who reports to the Director.

19 (9) The term “security vulnerability” has the
20 meaning given such term in section 102 of the Cy-
21 bersecurity Information Sharing Act of 2015 (6
22 U.S.C. 1501).

23 (10) The term “State” means each of the sev-
24 eral States, the District of Columbia, the Common-
25 wealth of Puerto Rico, Guam, American Samoa, the

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

3 (11) The term “voting system” has the mean-
 4 ing given such term in section 301(b) of the Help
 5 America Vote Act of 2002 (52 U.S.C. 21081(b)).

6 **Subtitle F—Election Security**
 7 **Grants Advisory Committee**

8 **SEC. 3501. ESTABLISHMENT OF ADVISORY COMMITTEE.**

9 (a) IN GENERAL.—Subtitle A of title II of the Help
 10 America Vote Act of 2002 (52 U.S.C. 20921 et seq.) is
 11 amended by adding at the end the following:

12 **“PART 5—ELECTION SECURITY GRANTS**

13 **ADVISORY COMMITTEE**

14 **“SEC. 225. ELECTION SECURITY GRANTS ADVISORY COM-**
 15 **MITTEE.**

16 “(a) ESTABLISHMENT.—There is hereby established
 17 an advisory committee (hereinafter in this part referred
 18 to as the ‘Committee’) to assist the Commission with re-
 19 spect to the award of grants to States under this Act for
 20 the purpose of election security.

21 “(b) DUTIES.—

22 “(1) IN GENERAL.—The Committee shall, with
 23 respect to an application for a grant received by the
 24 Commission—

25 “(A) review such application; and

1 “(B) recommend to the Commission
2 whether to award the grant to the applicant.

3 “(2) CONSIDERATIONS.—In reviewing an appli-
4 cation pursuant to paragraph (1)(A), the Committee
5 shall consider—

6 “(A) the record of the applicant with re-
7 spect to—

8 “(i) compliance of the applicant with
9 the requirements under subtitle A of title
10 III; and

11 “(ii) adoption of voluntary guidelines
12 issued by the Commission under subtitle B
13 of title III; and

14 “(B) the goals and requirements of elec-
15 tion security as described in title III of the For
16 the People Act of 2021.

17 “(c) MEMBERSHIP.—The Committee shall be com-
18 posed of 15 individuals appointed by the Executive Direc-
19 tor of the Commission with experience and expertise in
20 election security.

21 “(d) NO COMPENSATION FOR SERVICE.—Members of
22 the Committee shall not receive any compensation for
23 their service, but shall be paid travel expenses, including
24 per diem in lieu of subsistence, at rates authorized for em-
25 ployees of agencies under subchapter I of chapter 57 of

1 title 5, United States Code, while away from their homes
 2 or regular places of business in the performance of services
 3 for the Committee.”.

4 (b) CLERICAL AMENDMENT.—The table of contents
 5 of such Act is amended by inserting after the item relating
 6 to section 223 the following new items:

“PART 5—ELECTION SECURITY GRANTS ADVISORY COMMITTEE

“Sec. 225. Election security grants advisory committee.”.

7 (c) EFFECTIVE DATE.—The amendments made by
 8 this section shall take effect 1 year after the date of enact-
 9 ment of this Act.

10 **Subtitle G—Miscellaneous** 11 **Provisions**

12 **SEC. 3601. DEFINITIONS.**

13 Except as provided in sections 3106 and 3402, in this
 14 title, the following definitions apply:

15 (1) CHAIRMAN.—The term “Chairman” means
 16 the chair of the Election Assistance Commission.

17 (2) APPROPRIATE CONGRESSIONAL COMMIT-
 18 TEES.—The term “appropriate congressional com-
 19 mittees” means the Committees on Homeland Secu-
 20 rity and House Administration of the House of Rep-
 21 resentatives and the Committees on Homeland Secu-
 22 rity and Governmental Affairs and Rules and Ad-
 23 ministration of the Senate.

1 (3) CHIEF STATE ELECTION OFFICIAL.—The
2 term “chief State election official” means, with re-
3 spect to a State, the individual designated by the
4 State under section 10 of the National Voter Reg-
5 istration Act of 1993 (52 U.S.C. 20509) to be re-
6 sponsible for coordination of the State’s responsibil-
7 ities under such Act.

8 (4) COMMISSION.—The term “Commission”
9 means the Election Assistance Commission.

10 (5) DEMOCRATIC INSTITUTIONS.—The term
11 “democratic institutions” means the diverse range of
12 institutions that are essential to ensuring an inde-
13 pendent judiciary, free and fair elections, and rule of
14 law.

15 (6) ELECTION AGENCY.—The term “election
16 agency” means any component of a State, or any
17 component of a unit of local government in a State,
18 which is responsible for the administration of elec-
19 tions for Federal office in the State.

20 (7) ELECTION INFRASTRUCTURE.—The term
21 “election infrastructure” means storage facilities,
22 polling places, and centralized vote tabulation loca-
23 tions used to support the administration of elections
24 for public office, as well as related information and
25 communications technology, including voter registra-

1 tion databases, voting machines, electronic mail and
2 other communications systems (including electronic
3 mail and other systems of vendors who have entered
4 into contracts with election agencies to support the
5 administration of elections, manage the election
6 process, and report and display election results), and
7 other systems used to manage the election process
8 and to report and display election results on behalf
9 of an election agency.

10 (8) SECRETARY.—The term “Secretary” means
11 the Secretary of Homeland Security.

12 (9) STATE.—The term “State” has the mean-
13 ing given such term in section 901 of the Help
14 America Vote Act of 2002 (52 U.S.C. 21141).

15 **SEC. 3602. INITIAL REPORT ON ADEQUACY OF RESOURCES**

16 **AVAILABLE FOR IMPLEMENTATION.**

17 Not later than 120 days after the date of enactment
18 of this Act, the Chairman and the Secretary shall submit
19 a report to the appropriate committees of Congress, in-
20 cluding the Committees on Homeland Security and House
21 Administration of the House of Representatives and the
22 Committee on Homeland Security and Governmental Af-
23 fairs of the Senate, analyzing the adequacy of the funding,
24 resources, and personnel available to carry out this title
25 and 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 (a) REQUIREMENT.—Section 301(a) of the Help
6 America Vote Act of 2002 (52 U.S.C. 21081(a)), as
7 amended by section 1504, section 1506, and section 1507,
8 is further amended by adding at the end the following new
9 paragraph:

10 “(11) VOTING MACHINE REQUIREMENTS.—

11 “(A) MANUFACTURING REQUIREMENTS.—

12 By not later than the date of the regularly
13 scheduled general election for Federal office oc-
14 ccurring in November 2024, each State shall
15 seek to ensure to the extent practicable that
16 any voting machine used in such election and in
17 any subsequent election for Federal office is
18 manufactured in the United States.

19 “(B) ASSEMBLY REQUIREMENTS.—By not

20 later than the date of the regularly scheduled
21 general election for Federal office occurring in
22 November 2024, each State shall seek to ensure
23 that any voting machine purchased or acquired
24 for such election and in any subsequent election

1 for Federal office is assembled in the United
2 States.

3 “(C) SOFTWARE AND CODE REQUIRE-
4 MENTS.—By not later than the date of the reg-
5 ularly scheduled general election for Federal of-
6 fice occurring in November 2024, each State
7 shall seek to ensure that any software or code
8 developed for any voting system purchased or
9 acquired for such election and in any subse-
10 quent election for Federal office is developed
11 and stored in the United States.”.

12 (b) CONFORMING AMENDMENT RELATING TO EF-
13 FECTIVE DATE.—Section 301(d)(1) of such Act (52
14 U.S.C. 21081(d)(1)), as amended by section 1508, is
15 amended by striking “paragraph (2)” and inserting “sub-
16 section (a)(11) and paragraph (2)”.

17 **Subtitle I—Severability**

18 **SEC. 3801. SEVERABILITY.**

19 If any provision of this title or amendment made by
20 this title, or the application of a provision or amendment
21 to any person or circumstance, is held to be unconstitu-
22 tional, the remainder of this title and amendments made
23 by this title, and the application of the provisions and
24 amendment to any person or circumstance, shall not be
25 affected by the holding.

1 **DIVISION B—CAMPAIGN**
2 **FINANCE**
3 **TITLE IV—CAMPAIGN FINANCE**
4 **TRANSPARENCY**
5 **Subtitle A—Establishing Duty to**
6 **Report Foreign Election Inter-**
7 **ference**

8 **SEC. 4001. FINDINGS RELATING TO ILLICIT MONEY UNDER-**
9 **MINING OUR DEMOCRACY.**

10 Congress finds the following:

11 (1) Criminals, terrorists, and corrupt govern-
12 ment officials frequently abuse anonymously held
13 Limited Liability Companies (LLCs), also known as
14 “shell companies,” to hide, move, and launder the
15 dirty money derived from illicit activities such as
16 trafficking, bribery, exploitation, and embezzlement.
17 Ownership and control of the finances that run
18 through shell companies are obscured to regulators
19 and law enforcement because little information is re-
20 quired and collected when establishing these entities.

21 (2) The public release of the “Panama Papers”
22 in 2016 and the “Paradise Papers” in 2017 revealed
23 that these shell companies often purchase and sell
24 United States real estate. United States anti-money
25 laundering laws do not apply to cash transactions in-

1 volving real estate effectively concealing the bene-
2 ficiaries and transactions from regulators and law
3 enforcement.

4 (3) Since the Supreme Court's decisions in *Citi-*
5 *zens United v. Federal Election Commission*, 558
6 U.S. 310 (2010), millions of dollars have flowed into
7 super PACs through LLCs whose funders are anon-
8 ymous or intentionally obscured. Criminal investiga-
9 tions have uncovered LLCs that were used to hide
10 illegal campaign contributions from foreign criminal
11 fugitives, to advance international influence-buying
12 schemes, and to conceal contributions from donors
13 who were already under investigation for bribery and
14 racketeering. Voters have no way to know the true
15 sources of the money being routed through these
16 LLCs to influence elections, including whether any
17 of the funds come from foreign or other illicit
18 sources.

19 (4) Congress should curb the use of anonymous
20 shell companies for illicit purposes by requiring
21 United States companies to disclose their beneficial
22 owners, strengthening anti-money laundering and
23 counter-terrorism finance laws.

24 (5) Congress should examine the money laun-
25 dering and terrorist financing risks in the real estate

1 market, including the role of anonymous parties, and
2 review legislation to address any vulnerabilities iden-
3 tified in this sector.

4 (6) Congress should examine the methods by
5 which corruption flourishes and the means to detect
6 and deter the financial misconduct that fuels this
7 driver of global instability. Congress should monitor
8 government efforts to enforce United States anti-
9 corruption laws and regulations.

10 **SEC. 4002. FEDERAL CAMPAIGN REPORTING OF FOREIGN**
11 **CONTACTS.**

12 (a) INITIAL NOTICE.—

13 (1) IN GENERAL.—Section 304 of the Federal
14 Election Campaign Act of 1971 (52 U.S.C. 30104)
15 is amended by adding at the end the following new
16 subsection:

17 “(j) DISCLOSURE OF REPORTABLE FOREIGN CON-
18 TACTS.—

19 “(1) COMMITTEE OBLIGATION TO NOTIFY.—
20 Not later than 1 week after a reportable foreign con-
21 tact, each political committee shall notify the Fed-
22 eral Bureau of Investigation and the Commission of
23 the reportable foreign contact and provide a sum-
24 mary of the circumstances with respect to such re-
25 portable foreign contact. The Federal Bureau of In-

1 investigation, not later than 1 week after receiving a
2 notification from a political committee under this
3 paragraph, shall submit to the political committee,
4 the Permanent Select Committee on Intelligence of
5 the House of Representatives, and the Select Com-
6 mittee on Intelligence of the Senate written or elec-
7 tronic confirmation of receipt of the notification.

8 “(2) INDIVIDUAL OBLIGATION TO NOTIFY.—
9 Not later than 3 days after a reportable foreign con-
10 tact—

11 “(A) each candidate and each immediate
12 family member of a candidate shall notify the
13 treasurer or other designated official of the
14 principal campaign committee of such candidate
15 of the reportable foreign contact and provide a
16 summary of the circumstances with respect to
17 such reportable foreign contact; and

18 “(B) each official, employee, or agent of a
19 political committee shall notify the treasurer or
20 other designated official of the committee of the
21 reportable foreign contact and provide a sum-
22 mary of the circumstances with respect to such
23 reportable foreign contact.

24 “(3) REPORTABLE FOREIGN CONTACT.—In this
25 subsection:

1 “(A) IN GENERAL.—The term ‘reportable
2 foreign contact’ means any direct or indirect
3 contact or communication that—

4 “(i) is between—

5 “(I) a candidate, an immediate
6 family member of the candidate, a po-
7 litical committee, or any official, em-
8 ployee, or agent of such committee;
9 and

10 “(II) an individual that the per-
11 son described in subclause (I) knows,
12 has reason to know, or reasonably be-
13 lieves is a covered foreign national;
14 and

15 “(ii) the person described in clause
16 (i)(I) knows, has reason to know, or rea-
17 sonably believes involves—

18 “(I) an offer or other proposal
19 for a contribution, donation, expendi-
20 ture, disbursement, or solicitation de-
21 scribed in section 319; or

22 “(II) coordination or collabora-
23 tion with, an offer or provision of in-
24 formation or services to or from, or
25 persistent and repeated contact with,

1 a covered foreign national in connec-
2 tion with an election.

3 “(B) EXCEPTIONS.—

4 “(i) CONTACTS IN OFFICIAL CAPACITY
5 AS ELECTED OFFICIAL.—The term ‘report-
6 able foreign contact’ shall not include any
7 contact or communication with a covered
8 foreign national by an elected official or an
9 employee of an elected official solely in an
10 official capacity as such an official or em-
11 ployee.

12 “(ii) CONTACTS FOR PURPOSES OF
13 ENABLING OBSERVATION OF ELECTIONS
14 BY INTERNATIONAL OBSERVERS.—The
15 term ‘reportable foreign contact’ shall not
16 include any contact or communication with
17 a covered foreign national by any person
18 which is made for purposes of enabling the
19 observation of elections in the United
20 States by a foreign national or the obser-
21 vation of elections outside of the United
22 States by a candidate, political committee,
23 or any official, employee, or agent of such
24 committee.

1 “(iii) EXCEPTIONS NOT APPLICABLE
2 IF CONTACTS OR COMMUNICATIONS IN-
3 VOLVE PROHIBITED DISBURSEMENTS.—A
4 contact or communication by an elected of-
5 ficial or an employee of an elected official
6 shall not be considered to be made solely
7 in an official capacity for purposes of
8 clause (i), and a contact or communication
9 shall not be considered to be made for pur-
10 poses of enabling the observation of elec-
11 tions for purposes of clause (ii), if the con-
12 tact or communication involves a contribu-
13 tion, donation, expenditure, disbursement,
14 or solicitation described in section 319.

15 “(C) COVERED FOREIGN NATIONAL DE-
16 FINED.—

17 “(i) IN GENERAL.—In this paragraph,
18 the term ‘covered foreign national’
19 means—

20 “(I) a foreign principal (as de-
21 fined in section 1(b) of the Foreign
22 Agents Registration Act of 1938 (22
23 U.S.C. 611(b)) that is a government
24 of a foreign country or a foreign polit-
25 ical party;

1 “(II) any person who acts as an
2 agent, representative, employee, or
3 servant, or any person who acts in
4 any other capacity at the order, re-
5 quest, or under the direction or con-
6 trol, of a foreign principal described in
7 subclause (I) or of a person any of
8 whose activities are directly or indi-
9 rectly supervised, directed, controlled,
10 financed, or subsidized in whole or in
11 major part by a foreign principal de-
12 scribed in subclause (I); or

13 “(III) any person included in the
14 list of specially designated nationals
15 and blocked persons maintained by
16 the Office of Foreign Assets Control
17 of the Department of the Treasury
18 pursuant to authorities relating to the
19 imposition of sanctions relating to the
20 conduct of a foreign principal de-
21 scribed in subclause (I).

22 “(ii) CLARIFICATION REGARDING AP-
23 PLICATION TO CITIZENS OF THE UNITED
24 STATES.—In the case of a citizen of the
25 United States, subclause (II) of clause (i)

1 applies only to the extent that the person
2 involved acts within the scope of that per-
3 son's status as the agent of a foreign prin-
4 cipal described in subclause (I) of clause
5 (i).

6 “(4) IMMEDIATE FAMILY MEMBER.—In this
7 subsection, the term ‘immediate family member’
8 means, with respect to a candidate, a parent, parent-
9 in-law, spouse, adult child, or sibling.”.

10 (2) EFFECTIVE DATE.—The amendment made
11 by paragraph (1) shall apply with respect to report-
12 able foreign contacts which occur on or after the
13 date of the enactment of this Act.

14 (b) INFORMATION INCLUDED ON REPORT.—

15 (1) IN GENERAL.—Section 304(b) of such Act
16 (52 U.S.C. 30104(b)) is amended—

17 (A) by striking “and” at the end of para-
18 graph (7);

19 (B) by striking the period at the end of
20 paragraph (8) and inserting “; and”; and

21 (C) by adding at the end the following new
22 paragraph:

23 “(9) for any reportable foreign contact (as de-
24 fined in subsection (j)(3))—

1 “(A) the date, time, and location of the
2 contact;

3 “(B) the date and time of when a des-
4 ignated official of the committee was notified of
5 the contact;

6 “(C) the identity of individuals involved;
7 and

8 “(D) a description of the contact, including
9 the nature of any contribution, donation, ex-
10 penditure, disbursement, or solicitation involved
11 and the nature of any activity described in sub-
12 section (j)(3)(A)(ii)(II) involved.”.

13 (2) EFFECTIVE DATE.—The amendment made
14 by paragraph (1) shall apply with respect to reports
15 filed on or after the expiration of the 60-day period
16 which begins on the date of the enactment of this
17 Act.

18 **SEC. 4003. FEDERAL CAMPAIGN FOREIGN CONTACT RE-**
19 **PORTING COMPLIANCE SYSTEM.**

20 (a) IN GENERAL.—Section 302 of the Federal Elec-
21 tion Campaign Act of 1971 (52 U.S.C. 30102) is amended
22 by adding at the end the following new subsection:

23 “(j) REPORTABLE FOREIGN CONTACTS COMPLIANCE
24 POLICY.—

1 “(1) REPORTING.—Each political committee
2 shall establish a policy that requires all officials, em-
3 ployees, and agents of such committee (and, in the
4 case of an authorized committee, the candidate and
5 each immediate family member of the candidate) to
6 notify the treasurer or other appropriate designated
7 official of the committee of any reportable foreign
8 contact (as defined in section 304(j)) not later than
9 3 days after such contact was made.

10 “(2) RETENTION AND PRESERVATION OF
11 RECORDS.—Each political committee shall establish
12 a policy that provides for the retention and preserva-
13 tion of records and information related to reportable
14 foreign contacts (as so defined) for a period of not
15 less than 3 years.

16 “(3) CERTIFICATION.—

17 “(A) IN GENERAL.—Upon filing its state-
18 ment of organization under section 303(a), and
19 with each report filed under section 304(a), the
20 treasurer of each political committee (other
21 than an authorized committee) shall certify
22 that—

23 “(i) the committee has in place poli-
24 cies that meet the requirements of para-
25 graphs (1) and (2);

1 “(ii) the committee has designated an
2 official to monitor compliance with such
3 policies; and

4 “(iii) not later than 1 week after the
5 beginning of any formal or informal affili-
6 ation with the committee, all officials, em-
7 ployees, and agents of such committee
8 will—

9 “(I) receive notice of such poli-
10 cies;

11 “(II) be informed of the prohibi-
12 tions under section 319; and

13 “(III) sign a certification affirm-
14 ing their understanding of such poli-
15 cies and prohibitions.

16 “(B) AUTHORIZED COMMITTEES.—With
17 respect to an authorized committee, the can-
18 didate shall make the certification required
19 under subparagraph (A).”.

20 (b) EFFECTIVE DATE.—

21 (1) IN GENERAL.—The amendment made by
22 subsection (a) shall apply with respect to political
23 committees which file a statement of organization
24 under section 303(a) of the Federal Election Cam-

1 paign Act of 1971 (52 U.S.C. 30103(a)) on or after
2 the date of the enactment of this Act.

3 (2) TRANSITION RULE FOR EXISTING COMMIT-
4 TEES.—Not later than 30 days after the date of the
5 enactment of this Act, each political committee
6 under the Federal Election Campaign Act of 1971
7 shall file a certification with the Federal Election
8 Commission that the committee is in compliance
9 with the requirements of section 302(j) of such Act
10 (as added by subsection (a)).

11 **SEC. 4004. CRIMINAL PENALTIES.**

12 Section 309(d)(1) of the Federal Election Campaign
13 Act of 1971 (52 U.S.C. 30109(d)(1)) is amended by add-
14 ing at the end the following new subparagraphs:

15 “(E) Any person who knowingly and willfully com-
16 mits a violation of subsection (j) or (b)(9) of section 304
17 or section 302(j) shall be fined not more than \$500,000,
18 imprisoned not more than 5 years, or both.

19 “(F) Any person who knowingly and willfully conceals
20 or destroys any materials relating to a reportable foreign
21 contact (as defined in section 304(j)) shall be fined not
22 more than \$1,000,000, imprisoned not more than 5 years,
23 or both.”.

1 **SEC. 4005. REPORT TO CONGRESSIONAL INTELLIGENCE**
2 **COMMITTEES.**

3 (a) IN GENERAL.—Not later than 1 year after the
4 date of enactment of this Act, and annually thereafter,
5 the Director of the Federal Bureau of Investigation shall
6 submit to the congressional intelligence committees a re-
7 port relating to notifications received by the Federal Bu-
8 reau of Investigation under section 304(j)(1) of the Fed-
9 eral Election Campaign Act of 1971 (as added by section
10 4002(a) of this Act).

11 (b) ELEMENTS.—Each report under subsection (a)
12 shall include, at a minimum, the following with respect
13 to notifications described in subsection (a):

14 (1) The number of such notifications received
15 from political committees during the year covered by
16 the report.

17 (2) A description of protocols and procedures
18 developed by the Federal Bureau of Investigation re-
19 lating to receipt and maintenance of records relating
20 to such notifications.

21 (3) With respect to such notifications received
22 during the year covered by the report, a description
23 of any subsequent actions taken by the Director re-
24 sulting from the receipt of such notifications.

25 (c) CONGRESSIONAL INTELLIGENCE COMMITTEES
26 DEFINED.—In this section, the term “congressional intel-

1 ligence committees” has the meaning given that term in
2 section 3 of the National Security Act of 1947 (50 U.S.C.
3 3003).

4 **SEC. 4006. RULE OF CONSTRUCTION.**

5 Nothing in this subtitle or the amendments made by
6 this subtitle shall be construed—

7 (1) to impede legitimate journalistic activities;

8 or

9 (2) to impose any additional limitation on the
10 right to express political views or to participate in
11 public discourse of any individual who—

12 (A) resides in the United States;

13 (B) is not a citizen of the United States or
14 a national of the United States, as defined in
15 section 101(a)(22) of the Immigration and Na-
16 tionality Act (8 U.S.C. 1101(a)(22)); and

17 (C) is not lawfully admitted for permanent
18 residence, as defined by section 101(a)(20) of
19 the Immigration and Nationality Act (8 U.S.C.
20 1101(a)(20)).

21 **Subtitle B—DISCLOSE Act**

22 **SEC. 4100. SHORT TITLE.**

23 This subtitle may be cited as the “Democracy Is
24 Strengthened by Casting Light On Spending in Elections
25 Act of 2021” or the “DISCLOSE Act of 2021”.

1 **PART 1—CLOSING LOOPHOLES ALLOWING**
2 **SPENDING BY FOREIGN NATIONALS IN ELEC-**
3 **TIONS**

4 **SEC. 4101. CLARIFICATION OF PROHIBITION ON PARTICI-**
5 **PATION BY FOREIGN NATIONALS IN ELEC-**
6 **TION-RELATED ACTIVITIES.**

7 (a) CLARIFICATION OF PROHIBITION.—Section
8 319(a) of the Federal Election Campaign Act of 1971 (52
9 U.S.C. 30121(a)) is amended—

10 (1) by striking “or” at the end of paragraph

11 (1);

12 (2) by striking the period at the end of para-
13 graph (2) and inserting “; or”; and

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

16 “(3) a foreign national to direct, dictate, con-
17 trol, or directly or indirectly participate in the deci-
18 sion making process of any person (including a cor-
19 poration, labor organization, political committee, or
20 political organization) with regard to such person’s
21 Federal or non-Federal election-related activity, in-
22 cluding any decision concerning the making of con-
23 tributions, donations, expenditures, or disbursements
24 in connection with an election for any Federal,
25 State, or local office or any decision concerning the
26 administration of a political committee.”.

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

4 “(c) CERTIFICATION OF COMPLIANCE REQUIRED
5 PRIOR TO CARRYING OUT ACTIVITY.—Prior to the mak-
6 ing in connection with an election for Federal office of any
7 contribution, donation, expenditure, independent expendi-
8 ture, or disbursement for an electioneering communication
9 by a corporation, labor organization (as defined in section
10 316(b)), limited liability corporation, or partnership dur-
11 ing a year, the chief executive officer of the corporation,
12 labor organization, limited liability corporation, or part-
13 nership (or, if the corporation, labor organization, limited
14 liability corporation, or partnership does not have a chief
15 executive officer, the highest ranking official of the cor-
16 poration, labor organization, limited liability corporation,
17 or partnership), shall file a certification with the Commis-
18 sion, under penalty of perjury, that a foreign national did
19 not direct, dictate, control, or directly or indirectly partici-
20 pate in the decision making process relating to such activ-
21 ity in violation of subsection (a)(3), unless the chief execu-
22 tive officer has previously filed such a certification during
23 that calendar year.”.

24 (c) EFFECTIVE DATE.—The amendments made by
25 this section shall take effect upon the expiration of the

1 180-day period which begins on the date of the enactment
2 of this Act, and shall take effect without regard to whether
3 or not the Federal Election Commission has promulgated
4 regulations to carry out such amendments.

5 **SEC. 4102. CLARIFICATION OF APPLICATION OF FOREIGN**
6 **MONEY BAN TO CERTAIN DISBURSEMENTS**
7 **AND ACTIVITIES.**

8 (a) APPLICATION TO DISBURSEMENTS TO SUPER
9 PACS AND OTHER PERSONS.—Section 319(b) of the Fed-
10 eral Election Campaign Act of 1971 (52 U.S.C. 30121(b))
11 is amended—

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

15 (2) by striking “As used in this section” and in-
16 serting the following: “DEFINITIONS.—For purposes
17 of this section—

18 “(1) FOREIGN NATIONAL.—The term”; and

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

21 “(2) CONTRIBUTION AND DONATION.—For pur-
22 poses of paragraphs (1) and (2) of subsection (a),
23 the term ‘contribution or donation’ includes any dis-
24 bursement to a political committee which accepts do-
25 nations or contributions that do not comply with any

1 of the limitations, prohibitions, and reporting re-
2 quirements of this Act (or any disbursement to or on
3 behalf of any account of a political committee which
4 is established for the purpose of accepting such do-
5 nations or contributions), or to any other person for
6 the purpose of funding an expenditure, independent
7 expenditure, or electioneering communication (as de-
8 fined in section 304(f)(3)).”.

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

13 “(8) A separate segregated fund established by a cor-
14 poration may not make a contribution or expenditure dur-
15 ing a year unless the fund has certified to the Commission
16 the following during the year:

17 “(A) Each individual who manages the fund,
18 and who is responsible for exercising decisionmaking
19 authority for the fund, is a citizen of the United
20 States or is lawfully admitted for permanent resi-
21 dence in the United States.

22 “(B) No foreign national under section 319
23 participates in any way in the decisionmaking proc-
24 esses of the fund with regard to contributions or ex-
25 penditures under this Act.

1 “(C) The fund does not solicit or accept rec-
2 ommendations from any foreign national under sec-
3 tion 319 with respect to the contributions or expend-
4 itures made by the fund.

5 “(D) Any member of the board of directors of
6 the corporation who is a foreign national under sec-
7 tion 319 abstains from voting on matters concerning
8 the fund or its activities.”.

9 **SEC. 4103. AUDIT AND REPORT ON ILLICIT FOREIGN**
10 **MONEY IN FEDERAL ELECTIONS.**

11 (a) IN GENERAL.—Title III of the Federal Election
12 Campaign Act of 1971 (52 U.S.C. 30101 et seq.), as
13 amended by section 1821, is further amended by inserting
14 after section 319A the following new section:

15 **“SEC. 319B. AUDIT AND REPORT ON DISBURSEMENTS BY**
16 **FOREIGN NATIONALS.**

17 “(a) AUDIT.—

18 “(1) IN GENERAL.—The Commission shall con-
19 duct an audit after each Federal election cycle to de-
20 termine the incidence of illicit foreign money in such
21 Federal election cycle.

22 “(2) PROCEDURES.—In carrying out paragraph
23 (1), the Commission shall conduct random audits of
24 any disbursements required to be reported under

1 this Act, in accordance with procedures established
2 by the Commission.

3 “(b) REPORT.—Not later than 180 days after the end
4 of each Federal election cycle, the Commission shall sub-
5 mit to Congress a report containing—

6 “(1) results of the audit required by subsection
7 (a)(1);

8 “(2) an analysis of the extent to which illicit
9 foreign money was used to carry out disinformation
10 and propaganda campaigns focused on depressing
11 turnout among rural communities and the success or
12 failure of these efforts, together with recommenda-
13 tions to address these efforts in future elections;

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

21 “(4) an analysis of the extent to which illicit
22 foreign money was used to carry out disinformation
23 and propaganda campaigns focused on influencing
24 military and veteran communities and the success or

1 failure of these efforts, together with recommenda-
2 tions to address these efforts in future elections; and

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

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

6 “(1) The term ‘Federal election cycle’ means
7 the period which begins on the day after the date of
8 a regularly scheduled general election for Federal of-
9 fice and which ends on the date of the first regularly
10 scheduled general election for Federal office held
11 after such date.

12 “(2) The term ‘illicit foreign money’ means any
13 disbursement by a foreign national (as defined in
14 section 319(b)) prohibited under such section.”.

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

19 **SEC. 4104. PROHIBITION ON CONTRIBUTIONS AND DONA-**
20 **TIONS BY FOREIGN NATIONALS IN CONNec-**
21 **tion WITH BALLOT INITIATIVES AND**
22 **REFERENDA.**

23 (a) IN GENERAL.—Section 319(b) of the Federal
24 Election Campaign Act of 1971 (52 U.S.C. 30121(b)), as

1 amended by section 4102(a), is amended by adding at the
2 end the following new paragraph:

3 “(3) FEDERAL, STATE, OR LOCAL ELECTION.—

4 The term ‘Federal, State, or local election’ includes
5 a State or local ballot initiative or referendum.”.

6 (b) EFFECTIVE DATE.—The amendment made by
7 this section shall apply with respect to elections held in
8 2022 or any succeeding year.

9 **SEC. 4105. DISBURSEMENTS AND ACTIVITIES SUBJECT TO**
10 **FOREIGN MONEY BAN.**

11 (a) DISBURSEMENTS DESCRIBED.—Section
12 319(a)(1) of the Federal Election Campaign Act of 1971
13 (52 U.S.C. 30121(a)(1)), as amended by section 4101, is
14 amended—

15 (1) by striking “or” at the end of subparagraph
16 (B); and

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

19 “(C) an expenditure;

20 “(D) an independent expenditure;

21 “(E) a disbursement for an electioneering
22 communication (within the meaning of section
23 304(f)(3));

24 “(F) a disbursement for a communication
25 which is placed or promoted for a fee on a

1 website, web application, or digital application
2 that refers to a clearly identified candidate for
3 election for Federal office and is disseminated
4 within 60 days before a general, special or run-
5 off election for the office sought by the can-
6 didate or 30 days before a primary or pref-
7 erence election, or a convention or caucus of a
8 political party that has authority to nominate a
9 candidate for the office sought by the can-
10 didate;

11 “(G) a disbursement for a broadcast, cable
12 or satellite communication, or for a communica-
13 tion which is placed or promoted for a fee on
14 a website, web application, or digital applica-
15 tion, that promotes, supports, attacks or op-
16 poses the election of a clearly identified can-
17 didate for Federal, State, or local office (re-
18 gardless of whether the communication contains
19 express advocacy or the functional equivalent of
20 express advocacy);

21 “(H) a disbursement for a broadcast,
22 cable, or satellite communication, or for any
23 communication which is placed or promoted for
24 a fee on an online platform (as defined in sec-
25 tion 304(k)(3)), that discusses a national legis-

1 lative issue of public importance in a year in
2 which a regularly scheduled general election for
3 Federal office is held, but only if the disburse-
4 ment is made by a covered foreign national de-
5 scribed in section 304(j)(3)(C);

6 “(I) a disbursement by a covered foreign
7 national described in section 304(j)(3)(C) to
8 compensate any person for internet activity that
9 promotes, supports, attacks or opposes the elec-
10 tion of a clearly identified candidate for Fed-
11 eral, State, or local office (regardless of whether
12 the activity contains express advocacy or the
13 functional equivalent of express advocacy);

14 “(J) a disbursement for a Federal judicial
15 nomination communication (as defined in sec-
16 tion 324(d)(3));”.

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

1 **SEC. 4106. PROHIBITING ESTABLISHMENT OF CORPORA-**
 2 **TION TO CONCEAL ELECTION CONTRIBU-**
 3 **TIONS AND DONATIONS BY FOREIGN NATION-**
 4 **ALS.**

5 (a) PROHIBITION.—Chapter 29 of title 18, United
 6 States Code, as amended by section 1071(a) and section
 7 1941, is amended by adding at the end the following:

8 **“§ 614. Establishment of corporation to conceal elec-**
 9 **tion contributions and donations by for-**
 10 **ign nationals**

11 “(a) OFFENSE.—It shall be unlawful for an owner,
 12 officer, attorney, or incorporation agent of a corporation,
 13 company, or other entity to establish or use the corpora-
 14 tion, company, or other entity with the intent to conceal
 15 an activity of a foreign national (as defined in section 319
 16 of the Federal Election Campaign Act of 1971 (52 U.S.C.
 17 30121)) prohibited under such section 319.

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

21 (b) TABLE OF SECTIONS.—The table of sections for
 22 chapter 29 of title 18, United States Code, as amended
 23 by section 1071(b) and section 1941, is amended by in-
 24 serting after the item relating to section 612 the following:

“614. Establishment of corporation to conceal election contributions and dona-
 tions by foreign nationals.”.

1 **PART 2—REPORTING OF CAMPAIGN-RELATED**
2 **DISBURSEMENTS**

3 **SEC. 4111. REPORTING OF CAMPAIGN-RELATED DISBURSE-**
4 **MENTS.**

5 (a) DISCLOSURE REQUIREMENTS FOR CORPORA-
6 TIONS, LABOR ORGANIZATIONS, AND CERTAIN OTHER
7 ENTITIES.—

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

11 **“SEC. 324. DISCLOSURE OF CAMPAIGN-RELATED DISBURSE-**
12 **MENTS BY COVERED ORGANIZATIONS.**

13 “(a) DISCLOSURE STATEMENT.—

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

18 “(A) in the case of the first statement filed
19 under this subsection, for the period beginning
20 on the first day of the election reporting cycle
21 (or, if earlier, the period beginning one year before the first such disclosure date) and ending
22 on the first such disclosure date; and
23 on the first such disclosure date; and
24 on the first such disclosure date; and
25 on the first such disclosure date; and
26 on the first such disclosure date; and

1 “(B) in the case of any subsequent state-
2 ment filed under this subsection, for the period
3 beginning on the previous disclosure date and
4 ending on such disclosure date.

5 “(2) INFORMATION DESCRIBED.—The informa-
6 tion described in this paragraph is as follows:

7 “(A) The name of the covered organization
8 and the principal place of business of such or-
9 ganization and, in the case of a covered organi-
10 zation that is a corporation (other than a busi-
11 ness concern that is an issuer of a class of secu-
12 rities registered under section 12 of the Securi-
13 ties Exchange Act of 1934 (15 U.S.C. 78l) or
14 that is required to file reports under section
15 15(d) of that Act (15 U.S.C. 78o(d))) or an en-
16 tity described in subsection (e)(2), a list of the
17 beneficial owners (as defined in paragraph
18 (4)(A)) of the entity that—

19 “(i) identifies each beneficial owner by
20 name and current residential or business
21 street address; and

22 “(ii) if any beneficial owner exercises
23 control over the entity through another
24 legal entity, such as a corporation, partner-
25 ship, limited liability company, or trust,

1 identifies each such other legal entity and
2 each such beneficial owner who will use
3 that other entity to exercise control over
4 the entity.

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

10 “(C) In the case of a campaign-related dis-
11 bursement that is not a covered transfer, the
12 election to which the campaign-related disburse-
13 ment pertains and if the disbursement is made
14 for a public communication, the name of any
15 candidate identified in such communication and
16 whether such communication is in support of or
17 in opposition to a candidate.

18 “(D) A certification by the chief executive
19 officer or person who is the head of the covered
20 organization that the campaign-related dis-
21 bursement is not made in cooperation, consulta-
22 tion, or concert with or at the request or sug-
23 gestion of a candidate, authorized committee, or
24 agent of a candidate, political party, or agent of
25 a political party.

1 “(E)(i) If the covered organization makes
2 campaign-related disbursements using exclu-
3 sively funds in a segregated bank account con-
4 sisting of funds that were paid directly to such
5 account by persons other than the covered orga-
6 nization that controls the account, for each
7 such payment to the account—

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

11 “(II) the date and amount of such
12 payment; and

13 “(III) the aggregate amount of all
14 such payments made by the person during
15 the period beginning on the first day of the
16 election reporting cycle (or, if earlier, the
17 period beginning one year before the dis-
18 closure date) and ending on the disclosure
19 date,

20 but only if such payment was made by a person
21 who made payments to the account in an aggre-
22 gate amount of \$10,000 or more during the pe-
23 riod beginning on the first day of the election
24 reporting cycle (or, if earlier, the period begin-

1 ning one year before the disclosure date) and
2 ending on the disclosure date.

3 “(ii) In any calendar year after 2022, sec-
4 tion 315(e)(1)(B) shall apply to the amount de-
5 scribed in clause (i) in the same manner as
6 such section applies to the limitations estab-
7 lished under subsections (a)(1)(A), (a)(1)(B),
8 (a)(3), and (h) of such section, except that for
9 purposes of applying such section to the
10 amounts described in subsection (b), the ‘base
11 period’ shall be calendar year 2022.

12 “(F)(i) If the covered organization makes
13 campaign-related disbursements using funds
14 other than funds in a segregated bank account
15 described in subparagraph (E), for each pay-
16 ment to the covered organization—

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

20 “(II) the date and amount of such
21 payment; and

22 “(III) the aggregate amount of all
23 such payments made by the person during
24 the period beginning on the first day of the
25 election reporting cycle (or, if earlier, the

1 period beginning one year before the dis-
2 closure date) and ending on the disclosure
3 date,

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

11 “(ii) In any calendar year after 2022, sec-
12 tion 315(c)(1)(B) shall apply to the amount de-
13 scribed in clause (i) in the same manner as
14 such section applies to the limitations estab-
15 lished under subsections (a)(1)(A), (a)(1)(B),
16 (a)(3), and (h) of such section, except that for
17 purposes of applying such section to the
18 amounts described in subsection (b), the ‘base
19 period’ shall be calendar year 2022.

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

23 “(3) EXCEPTIONS.—

24 “(A) AMOUNTS RECEIVED IN ORDINARY
25 COURSE OF BUSINESS.—The requirement to in-

1 clude in a statement filed under paragraph (1)
2 the information described in paragraph (2)
3 shall not apply to amounts received by the cov-
4 ered organization in commercial transactions in
5 the ordinary course of any trade or business
6 conducted by the covered organization or in the
7 form of investments (other than investments by
8 the principal shareholder in a limited liability
9 corporation) in the covered organization. For
10 purposes of this subparagraph, amounts re-
11 ceived by a covered organization as remittances
12 from an employee to the employee’s collective
13 bargaining representative shall be treated as
14 amounts received in commercial transactions in
15 the ordinary course of the business conducted
16 by the covered organization.

17 “(B) DONOR RESTRICTION ON USE OF
18 FUNDS.—The requirement to include in a state-
19 ment submitted under paragraph (1) the infor-
20 mation described in subparagraph (F) of para-
21 graph (2) shall not apply if—

22 “(i) the person described in such sub-
23 paragraph prohibited, in writing, the use of
24 the payment made by such person for cam-
25 paign-related disbursements; and

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

6 “(C) THREAT OF HARASSMENT OR RE-
7 PRISAL.—The requirement to include any infor-
8 mation relating to the name or address of any
9 person (other than a candidate) in a statement
10 submitted under paragraph (1) shall not apply
11 if the inclusion of the information would subject
12 the person to serious threats, harassment, or
13 reprisals.

14 “(4) OTHER DEFINITIONS.—For purposes of
15 this section:

16 “(A) BENEFICIAL OWNER DEFINED.—

17 “(i) IN GENERAL.—Except as pro-
18 vided in clause (ii), the term ‘beneficial
19 owner’ means, with respect to any entity,
20 a natural person who, directly or indi-
21 rectly—

22 “(I) exercises substantial control
23 over an entity through ownership, vot-
24 ing rights, agreement, or otherwise; or

1 “(II) has a substantial interest in
2 or receives substantial economic bene-
3 fits from the assets of an entity.

4 “(ii) EXCEPTIONS.—The term ‘bene-
5 ficial owner’ shall not include—

6 “(I) a minor child;

7 “(II) a person acting as a nomi-
8 nee, intermediary, custodian, or agent
9 on behalf of another person;

10 “(III) a person acting solely as
11 an employee of an entity and whose
12 control over or economic benefits from
13 the entity derives solely from the em-
14 ployment status of the person;

15 “(IV) a person whose only inter-
16 est in an entity is through a right of
17 inheritance, unless the person also
18 meets the requirements of clause (i);
19 or

20 “(V) a creditor of an entity, un-
21 less the creditor also meets the re-
22 quirements of clause (i).

23 “(iii) ANTI-ABUSE RULE.—The excep-
24 tions under clause (ii) shall not apply if
25 used for the purpose of evading, circum-

1 venting, or abusing the provisions of clause
2 (i) or paragraph (2)(A).

3 “(B) DISCLOSURE DATE.—The term ‘dis-
4 closure date’ means—

5 “(i) the first date during any election
6 reporting cycle by which a person has
7 made campaign-related disbursements ag-
8 gregating more than \$10,000; and

9 “(ii) any other date during such elec-
10 tion reporting cycle by which a person has
11 made campaign-related disbursements ag-
12 gregating more than \$10,000 since the
13 most recent disclosure date for such elec-
14 tion reporting cycle.

15 “(C) ELECTION REPORTING CYCLE.—The
16 term ‘election reporting cycle’ means the 2-year
17 period beginning on the date of the most recent
18 general election for Federal office, except that
19 in the case of a campaign-related disbursement
20 for a Federal judicial nomination communica-
21 tion, such term means any calendar year in
22 which the campaign-related disbursement is
23 made.

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 (e)
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) An applicable public communication.

10 “(C) An electioneering communication, as
11 defined in section 304(f)(3).

12 “(D) A Federal judicial nomination com-
13 munication.

14 “(E) A covered transfer.

15 “(2) APPLICABLE PUBLIC COMMUNICATIONS.—

16 “(A) IN GENERAL.—The term ‘applicable
17 public communication’ means any public com-
18 munication that refers to a clearly identified
19 candidate for election for Federal office and
20 which promotes or supports the election of a
21 candidate for that office, or attacks or opposes
22 the election of a candidate for that office, with-
23 out regard to whether the communication ex-
24 pressly advocates a vote for or against a can-
25 didate for that office.

1 “(B) EXCEPTION.—Such term shall not in-
2 clude any news story, commentary, or editorial
3 distributed through the facilities of any broad-
4 casting station or any print, online, or digital
5 newspaper, magazine, publication, or periodical,
6 unless such facilities are owned or controlled by
7 any political party, political committee, or can-
8 didate.

9 “(3) FEDERAL JUDICIAL NOMINATION COMMU-
10 NICATION.—

11 “(A) IN GENERAL.—The term ‘Federal ju-
12 dicial nomination communication’ means any
13 communication—

14 “(i) that is by means of any broad-
15 cast, cable, or satellite, paid internet, or
16 paid digital communication, paid pro-
17 motion, newspaper, magazine, outdoor ad-
18 vertising facility, mass mailing, telephone
19 bank, telephone messaging effort of more
20 than 500 substantially similar calls or elec-
21 tronic messages within a 30-day period, or
22 any other form of general public political
23 advertising; and

24 “(ii) which promotes, supports, at-
25 tacks, or opposes the nomination or Senate

1 confirmation of an individual as a Federal
2 judge or justice.

3 “(B) EXCEPTION.—Such term shall not in-
4 clude any news story, commentary, or editorial
5 distributed through the facilities of any broad-
6 casting station or any print, online, or digital
7 newspaper, magazine, publication, or periodical,
8 unless such facilities are owned or controlled by
9 any political party, political committee, or can-
10 didate.

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

16 “(e) COVERED ORGANIZATION DEFINED.—In this
17 section, the term ‘covered organization’ means any of the
18 following:

19 “(1) A corporation (other than an organization
20 described in section 501(c)(3) of the Internal Rev-
21 enue Code of 1986).

22 “(2) A limited liability corporation that is not
23 otherwise treated as a corporation for purposes of
24 this Act (other than an organization described in

1 section 501(c)(3) of the Internal Revenue Code of
2 1986).

3 “(3) An organization described in section
4 501(c) of such Code and exempt from taxation
5 under section 501(a) of such Code (other than an
6 organization described in section 501(c)(3) of such
7 Code).

8 “(4) A labor organization (as defined in section
9 316(b)).

10 “(5) Any political organization under section
11 527 of the Internal Revenue Code of 1986, other
12 than a political committee under this Act (except as
13 provided in paragraph (6)).

14 “(6) A political committee with an account that
15 accepts donations or contributions that do not com-
16 ply with the contribution limits or source prohibi-
17 tions under this Act, but only with respect to such
18 accounts.

19 “(f) COVERED TRANSFER DEFINED.—

20 “(1) IN GENERAL.—In this section, the term
21 ‘covered transfer’ means any transfer or payment of
22 funds by a covered organization to another person if
23 the covered organization—

24 “(A) designates, requests, or suggests that
25 the amounts be used for—

1 “(i) campaign-related disbursements
2 (other than covered transfers); or

3 “(ii) making a transfer to another
4 person for the purpose of making or pay-
5 ing for such campaign-related disburse-
6 ments;

7 “(B) made such transfer or payment in re-
8 sponse to a solicitation or other request for a
9 donation or payment for—

10 “(i) the making of or paying for cam-
11 paign-related disbursements (other than
12 covered transfers); or

13 “(ii) making a transfer to another
14 person for the purpose of making or pay-
15 ing for such campaign-related disburse-
16 ments;

17 “(C) engaged in discussions with the re-
18 cipient of the transfer or payment regarding—

19 “(i) the making of or paying for cam-
20 paign-related disbursements (other than
21 covered transfers); or

22 “(ii) donating or transferring any
23 amount of such transfer or payment to an-
24 other person for the purpose of making or

1 paying for such campaign-related disburse-
2 ments;

3 “(D) made campaign-related disburse-
4 ments (other than a covered transfer) in an ag-
5 gregate amount of \$50,000 or more during the
6 2-year period ending on the date of the transfer
7 or payment, or knew or had reason to know
8 that the person receiving the transfer or pay-
9 ment made such disbursements in such an ag-
10 gregate amount during that 2-year period; or

11 “(E) knew or had reason to know that the
12 person receiving the transfer or payment would
13 make campaign-related disbursements in an ag-
14 gregate amount of \$50,000 or more during the
15 2-year period beginning on the date of the
16 transfer or payment.

17 “(2) EXCLUSIONS.—The term ‘covered transfer’
18 does not include any of the following:

19 “(A) A disbursement made by a covered
20 organization in a commercial transaction in the
21 ordinary course of any trade or business con-
22 ducted by the covered organization or in the
23 form of investments made by the covered orga-
24 nization.

1 “(B) A disbursement made by a covered
2 organization if—

3 “(i) the covered organization prohib-
4 ited, in writing, the use of such disburse-
5 ment for campaign-related disbursements;
6 and

7 “(ii) the recipient of the disbursement
8 agreed to follow the prohibition and depos-
9 ited the disbursement in an account which
10 is segregated from any account used to
11 make campaign-related disbursements.

12 “(3) SPECIAL RULE REGARDING TRANSFERS
13 AMONG AFFILIATES.—

14 “(A) SPECIAL RULE.—A transfer of an
15 amount by one covered organization to another
16 covered organization which is treated as a
17 transfer between affiliates under subparagraph
18 (C) shall be considered a covered transfer by
19 the covered organization which transfers the
20 amount only if the aggregate amount trans-
21 ferred during the year by such covered organi-
22 zation to that same covered organization is
23 equal to or greater than \$50,000.

24 “(B) DETERMINATION OF AMOUNT OF
25 CERTAIN PAYMENTS AMONG AFFILIATES.—In

1 determining the amount of a transfer between
2 affiliates for purposes of subparagraph (A), to
3 the extent that the transfer consists of funds
4 attributable to dues, fees, or assessments which
5 are paid by individuals on a regular, periodic
6 basis in accordance with a per-individual cal-
7 culation which is made on a regular basis, the
8 transfer shall be attributed to the individuals
9 paying the dues, fees, or assessments and shall
10 not be attributed to the covered organization.

11 “(C) DESCRIPTION OF TRANSFERS BE-
12 TWEEN AFFILIATES.—A transfer of amounts
13 from one covered organization to another cov-
14 ered organization shall be treated as a transfer
15 between affiliates if—

16 “(i) one of the organizations is an af-
17 filiate of the other organization; or

18 “(ii) each of the organizations is an
19 affiliate of the same organization,

20 except that the transfer shall not be treated as
21 a transfer between affiliates if one of the orga-
22 nizations is established for the purpose of mak-
23 ing campaign-related disbursements.

24 “(D) DETERMINATION OF AFFILIATE STA-
25 TUS.—For purposes of subparagraph (C), a

1 covered organization is an affiliate of another
2 covered organization if—

3 “(i) the governing instrument of the
4 organization requires it to be bound by de-
5 cisions of the other organization;

6 “(ii) the governing board of the orga-
7 nization includes persons who are specifi-
8 cally designated representatives of the
9 other organization or are members of the
10 governing board, officers, or paid executive
11 staff members of the other organization, or
12 whose service on the governing board is
13 contingent upon the approval of the other
14 organization; or

15 “(iii) the organization is chartered by
16 the other organization.

17 “(E) COVERAGE OF TRANSFERS TO AF-
18 FILIATED SECTION 501(c)(3) ORGANIZA-
19 TIONS.—This paragraph shall apply with re-
20 spect to an amount transferred by a covered or-
21 ganization to an organization described in para-
22 graph (3) of section 501(c) of the Internal Rev-
23 enue Code of 1986 and exempt from tax under
24 section 501(a) of such Code in the same man-
25 ner as this paragraph applies to an amount

1 transferred by a covered organization to an-
2 other covered organization.

3 “(g) NO EFFECT ON OTHER REPORTING REQUIRE-
4 MENTS.—Nothing in this section shall be construed to
5 waive or otherwise affect any other requirement of this
6 Act which relates to the reporting of campaign-related dis-
7 bursements.”.

8 (2) CONFORMING AMENDMENT.—Section
9 304(f)(6) of such Act (52 U.S.C. 30104) is amended
10 by striking “Any requirement” and inserting “Ex-
11 cept as provided in section 324(b), any require-
12 ment”.

13 (b) COORDINATION WITH FINCEN.—

14 (1) IN GENERAL.—The Director of the Finan-
15 cial Crimes Enforcement Network of the Depart-
16 ment of the Treasury shall provide the Federal Elec-
17 tion Commission with such information as necessary
18 to assist in administering and enforcing section 324
19 of the Federal Election Campaign Act of 1971, as
20 amended by this section.

21 (2) REPORT.—Not later than 6 months after
22 the date of the enactment of this Act, the Chairman
23 of the Federal Election Commission, in consultation
24 with the Director of the Financial Crimes Enforce-
25 ment Network of the Department of the Treasury,

1 shall submit to Congress a report with recommenda-
2 tions for providing further legislative authority to as-
3 sist in the administration and enforcement of such
4 section 324.

5 **SEC. 4112. APPLICATION OF FOREIGN MONEY BAN TO DIS-**
6 **BURSEMENTS FOR CAMPAIGN-RELATED DIS-**
7 **BURSEMENTS CONSISTING OF COVERED**
8 **TRANSFERS.**

9 Section 319(b)(2) of the Federal Election Campaign
10 Act of 1971 (52 U.S.C. 30121(a)(1)(A)), as amended by
11 section 4102, is amended—

12 (1) by striking “includes any disbursement”
13 and inserting “includes—

14 “(A) any disbursement”;

15 (2) by striking the period at the end and insert-
16 ing “; and”, and

17 (3) by adding at the end the following new sub-
18 paragraph:

19 “(B) any disbursement, other than a dis-
20 bursement described in section 324(a)(3)(A), to
21 another person who made a campaign-related
22 disbursement consisting of a covered transfer
23 (as described in section 324) during the 2-year
24 period ending on the date of the disburse-
25 ment.”.

1 **SEC. 4113. EFFECTIVE DATE.**

2 The amendments made by this part shall apply with
3 respect to disbursements made on or after January 1,
4 2022, and shall take effect without regard to whether or
5 not the Federal Election Commission has promulgated
6 regulations to carry out such amendments.

7 **PART 3—OTHER ADMINISTRATIVE REFORMS**

8 **SEC. 4121. PETITION FOR CERTIORARI.**

9 Section 307(a)(6) of the Federal Election Campaign
10 Act of 1971 (52 U.S.C. 30107(a)(6)) is amended by in-
11 serting “(including a proceeding before the Supreme
12 Court on certiorari)” after “appeal”.

13 **SEC. 4122. JUDICIAL REVIEW OF ACTIONS RELATED TO**
14 **CAMPAIGN FINANCE LAWS.**

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

19 **“SEC. 407. JUDICIAL REVIEW.**

20 “(a) IN GENERAL.—If any action is brought for de-
21 claratory or injunctive relief to challenge, whether facially
22 or as-applied, the constitutionality or lawfulness of any
23 provision of this Act or of chapter 95 or 96 of the Internal
24 Revenue Code of 1986, or is brought to with respect to
25 any action of the Commission under chapter 95 or 96 of

1 the Internal Revenue Code of 1986, the following rules
2 shall apply:

3 “(1) The action shall be filed in the United
4 States District Court for the District of Columbia
5 and an appeal from the decision of the district court
6 may be taken to the Court of Appeals for the Dis-
7 trict of Columbia Circuit.

8 “(2) In the case of an action relating to declar-
9 atory or injunctive relief to challenge the constitu-
10 tionality of a provision, the party filing the action
11 shall concurrently deliver a copy of the complaint to
12 the Clerk of the House of Representatives and the
13 Secretary of the Senate.

14 “(3) It shall be the duty of the United States
15 District Court for the District of Columbia and the
16 Court of Appeals for the District of Columbia Cir-
17 cuit to advance on the docket and to expedite to the
18 greatest possible extent the disposition of the action
19 and appeal.

20 “(b) CLARIFYING SCOPE OF JURISDICTION.—If an
21 action at the time of its commencement is not subject to
22 subsection (a), but an amendment, counterclaim, cross-
23 claim, affirmative defense, or any other pleading or motion
24 is filed challenging, whether facially or as-applied, the con-
25 stitutionality or lawfulness of this Act or of chapter 95

1 or 96 of the Internal Revenue Code of 1986, or is brought
2 to with respect to any action of the Commission under
3 chapter 95 or 96 of the Internal Revenue Code of 1986,
4 the district court shall transfer the action to the District
5 Court for the District of Columbia, and the action shall
6 thereafter be conducted pursuant to subsection (a).

7 “(c) INTERVENTION BY MEMBERS OF CONGRESS.—
8 In any action described in subsection (a) relating to de-
9 claratory or injunctive relief to challenge the constitu-
10 tionality of a provision, any Member of the House of Rep-
11 resentatives (including a Delegate or Resident Commis-
12 sioner to the Congress) or Senate shall have the right to
13 intervene either in support of or opposition to the position
14 of a party to the case regarding the constitutionality of
15 the provision. To avoid duplication of efforts and reduce
16 the burdens placed on the parties to the action, the court
17 in any such action may make such orders as it considers
18 necessary, including orders to require interveners taking
19 similar positions to file joint papers or to be represented
20 by a single attorney at oral argument.

21 “(d) CHALLENGE BY MEMBERS OF CONGRESS.—Any
22 Member of Congress may bring an action, subject to the
23 special rules described in subsection (a), for declaratory
24 or injunctive relief to challenge, whether facially or as-ap-

1 plied, the constitutionality of any provision of this Act or
2 chapter 95 or 96 of the Internal Revenue Code of 1986.”.

3 (b) CONFORMING AMENDMENTS.—

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

6 **“SEC. 9011. JUDICIAL REVIEW.**

7 “For provisions relating to judicial review of certifi-
8 cations, determinations, and actions by the Commission
9 under this chapter, see section 407 of the Federal Election
10 Campaign Act of 1971.”.

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

13 **“SEC. 9041. JUDICIAL REVIEW.**

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

17 (3) Section 310 of the Federal Election Cam-
18 paign Act of 1971 (52 U.S.C. 30110) is repealed.

19 (4) Section 403 of the Bipartisan Campaign
20 Reform Act of 2002 (52 U.S.C. 30110 note) is re-
21 pealed.

22 (c) EFFECTIVE DATE.—The amendments made by
23 this section shall apply to actions brought on or after Jan-
24 uary 1, 2021.

1 **Subtitle C—Honest Ads**

2 **SEC. 4201. SHORT TITLE.**

3 This subtitle may be cited as the “Honest Ads Act”.

4 **SEC. 4202. PURPOSE.**

5 The purpose of this subtitle is to enhance the integ-
6 rity of American democracy and national security by im-
7 proving disclosure requirements for online political adver-
8 tisements in order to uphold the Supreme Court’s well-
9 established standard that the electorate bears the right to
10 be fully informed.

11 **SEC. 4203. FINDINGS.**

12 Congress makes the following findings:

13 (1) In 2002, the Bipartisan Campaign Reform
14 Act of 2002 (Public Law 107–155) became law, es-
15 tablishing disclosure requirements for political adver-
16 tisements distributed from a television or radio
17 broadcast station or provider of cable or satellite tel-
18 evision. In 2003, the Supreme Court upheld regula-
19 tions on electioneering communications established
20 under the Act, noting that such requirements “pro-
21 vide the electorate with information and insure that
22 the voters are fully informed about the person or
23 group who is speaking.” The Court reaffirmed this
24 conclusion in 2010 by an 8-1 vote.

1 (2) In its 2006 rulemaking, the Federal Elec-
2 tion Commission, the independent Federal agency
3 charged with protecting the integrity of the Federal
4 campaign finance process, noted that 18 percent of
5 all Americans cited the internet as their leading
6 source of news about the 2004 Presidential election.
7 By contrast, Gallup and the Knight Foundation
8 found in 2020 that the majority of Americans, 58
9 percent, got most of their news about elections on-
10 line.

11 (3) According to a study from Borrell Associ-
12 ates, in 2016, \$1,415,000,000 was spent on online
13 advertising, more than quadruple the amount in
14 2012.

15 (4) The reach of a few large internet plat-
16 forms—larger than any broadcast, satellite, or cable
17 provider—has greatly facilitated the scope and effec-
18 tiveness of disinformation campaigns. For instance,
19 the largest platform has over 210,000,000 American
20 users—over 160,000,000 of them on a daily basis.
21 By contrast, the largest cable television provider has
22 22,430,000 subscribers, while the largest satellite
23 television provider has 21,000,000 subscribers. And
24 the most-watched television broadcast in United
25 States history had 118,000,000 viewers.

1 (5) The public nature of broadcast television,
2 radio, and satellite ensures a level of publicity for
3 any political advertisement. These communications
4 are accessible to the press, fact-checkers, and polit-
5 ical opponents. This creates strong disincentives for
6 a candidate to disseminate materially false, inflam-
7 matory, or contradictory messages to the public. So-
8 cial media platforms, in contrast, can target portions
9 of the electorate with direct, ephemeral advertise-
10 ments often on the basis of private information the
11 platform has on individuals, enabling political adver-
12 tisements that are contradictory, racially or socially
13 inflammatory, or materially false.

14 (6) According to comscore, 2 companies own 8
15 of the 10 most popular smart phone applications as
16 of June 2017, including the most popular social
17 media and email services which deliver information
18 and news to users without requiring proactivity by
19 the user. Those same 2 companies accounted for 99
20 percent of revenue growth from digital advertising in
21 2016, including 77 percent of gross spending. 79
22 percent of online Americans—representing 68 per-
23 cent of all Americans—use the single largest social
24 network, while 66 percent of these users are most
25 likely to get their news from that site.

1 (7) Large social media platforms are the only
2 entities in possession of certain key data related to
3 paid online ads, including the exact audience tar-
4 geted by those ads and their number of impressions.
5 Such information, which cannot be reliably disclosed
6 by the purchasers of ads, is extremely useful for in-
7 forming the electorate, guarding against corruption,
8 and aiding in the enforcement of existing campaign
9 finance regulations.

10 (8) Paid advertisements on social media plat-
11 forms have served as critical tools for foreign online
12 influence campaigns—even those that rely on large
13 amounts of unpaid content—because such ads allow
14 foreign actors to test the effectiveness of different
15 messages, expose their messages to audiences who
16 have not sought out such content, and recruit audi-
17 ences for future campaigns and posts.

18 (9) In testimony before the Senate Select Com-
19 mittee on Intelligence titled, “Disinformation: A
20 Primer in Russian Active Measures and Influence
21 Campaigns”, multiple expert witnesses testified that
22 while the disinformation tactics of foreign adver-
23 saries have not necessarily changed, social media
24 services now provide “platform[s] practically pur-
25 pose-built for active measures[.]” Similarly, as Gen.

1 Keith B. Alexander (RET.), the former Director of
2 the National Security Agency, testified, during the
3 Cold War “if the Soviet Union sought to manipulate
4 information flow, it would have to do so principally
5 through its own propaganda outlets or through ac-
6 tive measures that would generate specific news:
7 planting of leaflets, inciting of violence, creation of
8 other false materials and narratives. But the news
9 itself was hard to manipulate because it would have
10 required actual control of the organs of media, which
11 took long-term efforts to penetrate. Today, however,
12 because the clear majority of the information on so-
13 cial media sites is uncurated and there is a rapid
14 proliferation of information sources and other sites
15 that can reinforce information, there is an increasing
16 likelihood that the information available to average
17 consumers may be inaccurate (whether intentionally
18 or otherwise) and may be more easily manipulable
19 than in prior eras.”.

20 (10) On November 24, 2016, The Washington
21 Post reported findings from 2 teams of independent
22 researchers that concluded Russians “exploited
23 American-made technology platforms to attack U.S.
24 democracy at a particularly vulnerable moment ***

1 as part of a broadly effective strategy of sowing dis-
2 trust in U.S. democracy and its leaders.”.

3 (11) 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 (12) On September 6, 2017, the nation’s larg-
16 est social media platform disclosed that between
17 June 2015 and May 2017, Russian entities pur-
18 chased \$100,000 in political advertisements, pub-
19 lishing roughly 3,000 ads linked to fake accounts as-
20 sociated with the Internet Research Agency, a pro-
21 Kremlin organization. According to the company,
22 the ads purchased focused “on amplifying divisive
23 social and political messages ***”.

24 (13) Findings from a 2017 study on the manip-
25 ulation of public opinion through social media con-

1 ducted by the Computational Propaganda Research
2 Project at the Oxford Internet Institute found that
3 the Kremlin is using pro-Russian bots to manipulate
4 public discourse to a highly targeted audience. With
5 a sample of nearly 1,300,000 tweets, researchers
6 found that in the 2016 election’s 3 decisive States,
7 propaganda constituted 40 percent of the sampled
8 election-related tweets that went to Pennsylvanians,
9 34 percent to Michigan voters, and 30 percent to
10 those in Wisconsin. In other swing States, the figure
11 reached 42 percent in Missouri, 41 percent in Flor-
12 ida, 40 percent in North Carolina, 38 percent in
13 Colorado, and 35 percent in Ohio.

14 (14) 2018 reporting by the Washington Post
15 estimated that paid Russian ads received more than
16 37,000,000 impressions in 2016 and 2017.

17 (15) A 2019 Senate Select Committee on
18 Intelligence’s Report on Russian Active Measures
19 Campaigns and Interference in the 2016 U.S. Elec-
20 tion Volume 2: Russia’s Use of Social Media with
21 Additional Views, the Committee recommended
22 “that Congress examine legislative approaches to en-
23 suring Americans know the sources of online polit-
24 ical advertisements. The Federal Election Campaign
25 Act of 1971 requires political advertisements on tele-

1 vision, radio and satellite to disclose the sponsor of
2 the advertisement. The same requirements should
3 apply online. This will also help to ensure that the
4 IRA or any similarly situated actors cannot use paid
5 advertisements for purposes of foreign inter-
6 ference.”.

7 (16) A 2020 study by researchers at New York
8 University found undisclosed political advertisement
9 purchases on a large social media platform by a Chi-
10 nese state media company in violation of that plat-
11 form’s supposed prohibitions on foreign spending on
12 ads of social, national, or electoral importance.

13 (17) The same study also found that “there are
14 persistent issues with advertisers failing to disclose
15 political ads” and that in one social media plat-
16 form’s political ad archive, 68,879 pages (54.6 per-
17 cent of pages with political ads included in the ar-
18 chive) never provided a disclosure. Overall, there
19 were 357,099 ads run on that platforms without a
20 disclosure, accounting for at least \$37,000,000 in
21 spending on political ads.

22 (18) A 2020 report by the bipartisan and bi-
23 cameral U.S. Cyberspace Solarium Commission
24 found that “Although foreign nationals are banned
25 from contributing to U.S. political campaigns, they

1 are still allowed to purchase U.S. political advertise-
2 ments online, making the internet a fertile environ-
3 ment for conducting a malign influence campaign to
4 undermine American elections.” The Commission
5 concluded that Russian interference in the 2016
6 election was and still is possible, “because the
7 FECA, which establishes rules for transparency in
8 television, radio, and print media political adver-
9 tising, has not been amended to extend the same po-
10 litical advertising requirements to internet plat-
11 forms,” and that “[a]pplying these standards across
12 all media of communication would, among other
13 things, increase transparency of funding for political
14 advertisements, which would in turn strengthen reg-
15 ulators’ ability to reduce improper foreign influence
16 in our elections.”

17 (19) On March 16, 2021, the Office of the Di-
18 rector of National Intelligence released the declas-
19 sified Intelligence Community assessment of foreign
20 threats to the 2020 U.S. Federal elections. The de-
21 classified report found: “Throughout the election
22 cycle, Russia’s online influence actors sought to af-
23 fect U.S. public perceptions of the candidates, as
24 well as advance Moscow’s longstanding goals of un-
25 dermining confidence in US election processes and

1 increasing sociopolitical divisions among the Amer-
2 ican people.” The report also determined that Iran
3 sought to influence the election by “creating and
4 amplifying social media content that criticized [can-
5 didates].”

6 (20) According to a Wall Street Journal report
7 in April 2021, voluntary ad libraries operated by
8 major platforms rely on foreign governments to self-
9 report political ad purchases. These ad-buys, includ-
10 ing those diminishing major human rights violations
11 like the Uighur genocide, are under-reported by for-
12 eign government purchasers, with no substantial
13 oversight or repercussions from the platforms.

14 (21) Multiple reports have indicated that online
15 ads have become a key vector for strategic influence
16 by the People’s Republic of China. An April 2021
17 Wall Street Journal report noted that the Chinese
18 government and Chinese state-owned enterprises are
19 major purchasers of ads on the U.S.’s largest social
20 media platform, including to advance Chinese propa-
21 ganda.

22 (22) Large online platforms have made changes
23 to their policies intended to make it harder for for-
24 eign actors to purchase political ads. However, these
25 private actions have not been taken by all platforms,

1 have not been reliably enforced, and are subject to
2 immediate change at the discretion of the platforms.

3 (23) The Federal Election Commission has
4 failed to take action to address online political ad-
5 vertisements and current regulations on political ad-
6 vertisements do not provide sufficient transparency
7 to uphold the public's right to be fully informed
8 about political advertisements made online.

9 **SEC. 4204. SENSE OF CONGRESS.**

10 It is the sense of Congress that—

11 (1) the dramatic increase in digital political ad-
12 vertisements, and the growing centrality of online
13 platforms in the lives of Americans, requires the
14 Congress and the Federal Election Commission to
15 take meaningful action to ensure that laws and reg-
16 ulations provide the accountability and transparency
17 that is fundamental to our democracy;

18 (2) free and fair elections require both trans-
19 parency and accountability which give the public a
20 right to know the true sources of funding for polit-
21 ical advertisements, be they foreign or domestic, in
22 order to make informed political choices and hold
23 elected officials accountable; and

24 (3) transparency of funding for political adver-
25 tisements is essential to enforce other campaign fi-

1 nance laws, including the prohibition on campaign
2 spending by foreign nationals.

3 **SEC. 4205. EXPANSION OF DEFINITION OF PUBLIC COMMU-**
4 **NICATION.**

5 (a) IN GENERAL.—Paragraph (22) of section 301 of
6 the Federal Election Campaign Act of 1971 (52 U.S.C.
7 30101(22)) is amended by striking “or satellite commu-
8 nication” and inserting “satellite, paid internet, or paid
9 digital communication”.

10 (b) TREATMENT OF CONTRIBUTIONS AND EXPENDI-
11 TURES.—Section 301 of such Act (52 U.S.C. 30101) is
12 amended—

13 (1) in paragraph (8)(B)(v), by striking “on
14 broadcasting stations, or in newspapers, magazines,
15 or similar types of general public political adver-
16 tising” and inserting “in any public communica-
17 tion”; and

18 (2) in paragraph (9)(B)—

19 (A) by amending clause (i) to read as fol-
20 lows:

21 “(i) any news story, commentary, or
22 editorial distributed through the facilities
23 of any broadcasting station or any print,
24 online, or digital newspaper, magazine,
25 blog, publication, or periodical, unless such

1 broadcasting, print, online, or digital facili-
2 ties are owned or controlled by any polit-
3 ical party, political committee, or can-
4 didate;” and

5 (B) in clause (iv), by striking “on broad-
6 casting stations, or in newspapers, magazines,
7 or similar types of general public political ad-
8 vertising” and inserting “in any public commu-
9 nication”.

10 (c) DISCLOSURE AND DISCLAIMER STATEMENTS.—
11 Subsection (a) of section 318 of such Act (52 U.S.C.
12 30120) is amended—

13 (1) by striking “financing any communication
14 through any broadcasting station, newspaper, maga-
15 zine, outdoor advertising facility, mailing, or any
16 other type of general public political advertising”
17 and inserting “financing any public communication”;
18 and

19 (2) by striking “solicits any contribution
20 through any broadcasting station, newspaper, maga-
21 zine, outdoor advertising facility, mailing, or any
22 other type of general public political advertising”
23 and inserting “solicits any contribution through any
24 public communication”.

1 (d) REGULATION.—Not later than 1 year after the
2 date of the enactment of this Act, the Federal Election
3 Commission shall promulgate regulations on what con-
4 stitutes a paid internet or paid digital communication for
5 purposes of paragraph (22) of section 301 of the Federal
6 Election Campaign Act of 1971(52 U.S.C. 30101(22)), as
7 amended by subsection (a), except that such regulation
8 shall not define a paid internet or paid digital communica-
9 tion to include communications for which the only pay-
10 ment consists of internal resources, such as employee com-
11 pensation, of the entity paying for the communication.

12 **SEC. 4206. EXPANSION OF DEFINITION OF ELECTION-**
13 **EERING COMMUNICATION.**

14 (a) EXPANSION TO ONLINE COMMUNICATIONS.—

15 (1) APPLICATION TO QUALIFIED INTERNET AND
16 DIGITAL COMMUNICATIONS.—

17 (A) IN GENERAL.—Subparagraph (A) of
18 section 304(f)(3) of the Federal Election Cam-
19 paign Act of 1971 (52 U.S.C. 30104(f)(3)(A))
20 is amended by striking “or satellite communica-
21 tion” each place it appears in clauses (i) and
22 (ii) and inserting “satellite, or qualified internet
23 or digital communication”.

24 (B) QUALIFIED INTERNET OR DIGITAL
25 COMMUNICATION.—Paragraph (3) of section

1 304(f) of such Act (52 U.S.C. 30104(f)) is
2 amended by adding at the end the following
3 new subparagraph:

4 “(D) QUALIFIED INTERNET OR DIGITAL
5 COMMUNICATION.—The term ‘qualified internet
6 or digital communication’ means any commu-
7 nication which is placed or promoted for a fee
8 on an online platform (as defined in subsection
9 (k)(3)).”.

10 (2) NONAPPLICATION OF RELEVANT ELEC-
11 TORATE TO ONLINE COMMUNICATIONS.—Section
12 304(f)(3)(A)(i)(III) of such Act (52 U.S.C.
13 30104(f)(3)(A)(i)(III)) is amended by inserting “any
14 broadcast, cable, or satellite” before “communica-
15 tion”.

16 (3) NEWS EXEMPTION.—Section
17 304(f)(3)(B)(i) of such Act (52 U.S.C.
18 30104(f)(3)(B)(i)) is amended to read as follows:

19 “(i) a communication appearing in a
20 news story, commentary, or editorial dis-
21 tributed through the facilities of any
22 broadcasting station or any online or dig-
23 ital newspaper, magazine, blog, publica-
24 tion, or periodical, unless such broad-
25 casting, online, or digital facilities are

1 owned or controlled by any political party,
2 political committee, or candidate;”.

3 (b) EFFECTIVE DATE.—The amendments made by
4 this section shall apply with respect to communications
5 made on or after January 1, 2022.

6 **SEC. 4207. APPLICATION OF DISCLAIMER STATEMENTS TO**
7 **ONLINE COMMUNICATIONS.**

8 (a) CLEAR AND CONSPICUOUS MANNER REQUIRE-
9 MENT.—Subsection (a) of section 318 of the Federal Elec-
10 tion Campaign Act of 1971 (52 U.S.C. 30120(a)) is
11 amended—

12 (1) by striking “shall clearly state” each place
13 it appears in paragraphs (1), (2), and (3) and in-
14 serting “shall state in a clear and conspicuous man-
15 ner”; and

16 (2) by adding at the end the following flush
17 sentence: “For purposes of this section, a commu-
18 nication does not make a statement in a clear and
19 conspicuous manner if it is difficult to read or hear
20 or if the placement is easily overlooked.”.

21 (b) SPECIAL RULES FOR QUALIFIED INTERNET OR
22 DIGITAL COMMUNICATIONS.—

23 (1) IN GENERAL.—Section 318 of such Act (52
24 U.S.C. 30120) is amended by adding at the end the
25 following new subsection:

1 “(e) SPECIAL RULES FOR QUALIFIED INTERNET OR
2 DIGITAL COMMUNICATIONS.—

3 “(1) SPECIAL RULES WITH RESPECT TO STATE-
4 MENTS.—In the case of any qualified internet or
5 digital communication (as defined in section
6 304(f)(3)(D)) which is disseminated through a me-
7 dium in which the provision of all of the information
8 specified in this section is not possible, the commu-
9 nication shall, in a clear and conspicuous manner—

10 “(A) state the name of the person who
11 paid for the communication; and

12 “(B) provide a means for the recipient of
13 the communication to obtain the remainder of
14 the information required under this section with
15 minimal effort and without receiving or viewing
16 any additional material other than such re-
17 quired information.

18 “(2) SAFE HARBOR FOR DETERMINING CLEAR
19 AND CONSPICUOUS MANNER.—A statement in quali-
20 fied internet or digital communication (as defined in
21 section 304(f)(3)(D)) shall be considered to be made
22 in a clear and conspicuous manner as provided in
23 subsection (a) if the communication meets the fol-
24 lowing requirements:

1 “(A) TEXT OR GRAPHIC COMMUNICA-
2 TIONS.—In the case of a text or graphic com-
3 munication, the statement—

4 “(i) appears in letters at least as large
5 as the majority of the text in the commu-
6 nication; and

7 “(ii) meets the requirements of para-
8 graphs (2) and (3) of subsection (c).

9 “(B) AUDIO COMMUNICATIONS.—In the
10 case of an audio communication, the statement
11 is spoken in a clearly audible and intelligible
12 manner at the beginning or end of the commu-
13 nication and lasts at least 3 seconds.

14 “(C) VIDEO COMMUNICATIONS.—In the
15 case of a video communication which also in-
16 cludes audio, the statement—

17 “(i) is included at either the beginning
18 or the end of the communication; and

19 “(ii) is made both in—

20 “(I) a written format that meets
21 the requirements of subparagraph (A)
22 and appears for at least 4 seconds;
23 and

1 “(II) an audible format that
2 meets the requirements of subpara-
3 graph (B).

4 “(D) OTHER COMMUNICATIONS.—In the
5 case of any other type of communication, the
6 statement is at least as clear and conspicuous
7 as the statement specified in subparagraph (A),
8 (B), or (C).”.

9 (2) NONAPPLICATION OF CERTAIN EXCEP-
10 TIONS.—The exceptions provided in section
11 110.11(f)(1)(i) and (ii) of title 11, Code of Federal
12 Regulations, or any successor to such rules, shall
13 have no application to qualified internet or digital
14 communications (as defined in section 304(f)(3)(D)
15 of the Federal Election Campaign Act of 1971).

16 (c) MODIFICATION OF ADDITIONAL REQUIREMENTS
17 FOR CERTAIN COMMUNICATIONS.—Section 318(d) of such
18 Act (52 U.S.C. 30120(d)) is amended—

19 (1) in paragraph (1)(A)—

20 (A) by striking “which is transmitted
21 through radio” and inserting “which is in an
22 audio format”; and

23 (B) by striking “BY RADIO” in the heading
24 and inserting “AUDIO FORMAT”;

25 (2) in paragraph (1)(B)—

1 (A) by striking “which is transmitted
2 through television” and inserting “which is in
3 video format”; and

4 (B) by striking “BY TELEVISION” in the
5 heading and inserting “VIDEO FORMAT”; and

6 (3) in paragraph (2)—

7 (A) by striking “transmitted through radio
8 or television” and inserting “made in audio or
9 video format”; and

10 (B) by striking “through television” in the
11 second sentence and inserting “in video for-
12 mat”.

13 **SEC. 4208. POLITICAL RECORD REQUIREMENTS FOR ON-**
14 **LINE PLATFORMS.**

15 (a) IN GENERAL.—Section 304 of the Federal Elec-
16 tion Campaign Act of 1971 (52 U.S.C. 30104), as amend-
17 ed by section 4002, is amended by adding at the end the
18 following new subsection:

19 “(k) DISCLOSURE OF CERTAIN ONLINE ADVERTISE-
20 MENTS.—

21 “(1) IN GENERAL.—

22 “(A) REQUIREMENTS FOR ONLINE PLAT-
23 FORMS.—

24 “(i) IN GENERAL.—An online plat-
25 form shall maintain, and make available

1 for online public inspection in machine
2 readable format, a complete record of any
3 request to purchase on such online plat-
4 form a qualified political advertisement
5 which is made by a person whose aggre-
6 gate requests to purchase qualified political
7 advertisements on such online platform
8 during the calendar year exceeds \$500.

9 “(ii) REQUIREMENT RELATING TO PO-
10 LITICAL ADS SOLD BY THIRD PARTY AD-
11 VERTISING VENDORS.—An online platform
12 that displays a qualified political advertise-
13 ment sold by a third party advertising ven-
14 dor as defined in (3)(C), shall include on
15 its own platform an easily accessible and
16 identifiable link to the records maintained
17 by the third-party advertising vendor under
18 clause (i) regarding such qualified political
19 advertisement.

20 “(B) REQUIREMENTS FOR ADVER-
21 TISERS.—Any person who requests to purchase
22 a qualified political advertisement on an online
23 platform shall provide the online platform with
24 such information as is necessary for the online

1 platform to comply with the requirements of
2 subparagraph (A).

3 “(2) CONTENTS OF RECORD.—A record main-
4 tained under paragraph (1)(A) shall contain—

5 “(A) a digital copy of the qualified political
6 advertisement;

7 “(B) a description of the audience targeted
8 by the advertisement, the number of views gen-
9 erated from the advertisement, and the date
10 and time that the advertisement is first dis-
11 played and last displayed; and

12 “(C) information regarding—

13 “(i) the average rate charged for the
14 advertisement;

15 “(ii) the name of the candidate to
16 which the advertisement refers and the of-
17 fice to which the candidate is seeking elec-
18 tion, the election to which the advertise-
19 ment refers, or the national legislative
20 issue to which the advertisement refers (as
21 applicable);

22 “(iii) in the case of a request made
23 by, or on behalf of, a candidate, the name
24 of the candidate, the authorized committee

1 of the candidate, and the treasurer of such
2 committee; and

3 “(iv) in the case of any request not
4 described in clause (iii), the name of the
5 person purchasing the advertisement, the
6 name and address of a contact person for
7 such person, and a list of the chief execu-
8 tive officers or members of the executive
9 committee or of the board of directors of
10 such person.

11 “(3) ONLINE PLATFORM.—

12 “(A) IN GENERAL.—For purposes of this
13 subsection, subject to subparagraph (B), the
14 term ‘online platform’ means any public-facing
15 website, web application, or digital application
16 (including a social network, ad network, or
17 search engine) which—

18 “(i)(I) sells qualified political adver-
19 tisements; and

20 “(II) has 50,000,000 or more unique
21 monthly United States visitors or users for
22 a majority of months during the preceding
23 12 months; or

24 “(ii) is a third-party advertising ven-
25 dor that has 50,000,000 or more unique

1 monthly United States visitors in the ag-
2 gregate on any advertisement space that it
3 has sold or bought for a majority of
4 months during the preceding 12 months,
5 as measured by an independent digital rat-
6 ings service accredited by the Media Rat-
7 ings Council (or its successor).

8 “(B) EXEMPTION.—Such term shall not
9 include any online platform that is a distribu-
10 tion facility of any broadcasting station or
11 newspaper, magazine, blog, publication, or peri-
12 odical.

13 “(C) THIRD-PARTY ADVERTISING VENDOR
14 DEFINED.—For purposes of this subsection, the
15 term ‘third-party advertising vendor’ includes,
16 but is not limited to, any third-party adver-
17 tising vendor network, advertising agency, ad-
18 vertiser, or third-party advertisement serving
19 company that buys and sells advertisement
20 space on behalf of unaffiliated third-party
21 websites, search engines, digital applications, or
22 social media sites.

23 “(4) QUALIFIED POLITICAL ADVERTISEMENT.—
24 For purposes of this subsection, the term ‘qualified
25 political advertisement’ means any advertisement

1 (including search engine marketing, display adver-
2 tisements, video advertisements, native advertise-
3 ments, and sponsorships) that—

4 “(A) is made by or on behalf of a can-
5 didate; or

6 “(B) communicates a message relating to
7 any political matter of national importance, in-
8 cluding—

9 “(i) a candidate;

10 “(ii) any election to Federal office; or

11 “(iii) a national legislative issue of
12 public importance.

13 “(5) TIME TO MAINTAIN FILE.—The informa-
14 tion required under this subsection shall be made
15 available as soon as possible and shall be retained by
16 the online platform for a period of not less than 4
17 years.

18 “(6) SPECIAL RULE.—For purposes of this sub-
19 section, multiple versions of an advertisement that
20 contain no material differences (such as versions
21 that differ only because they contain a recipient’s
22 name, or differ only in size, color, font, or layout)
23 may be treated as a single qualified political adver-
24 tisement.

1 “(7) PENALTIES.—For penalties for failure by
2 online platforms, and persons requesting to purchase
3 a qualified political advertisement on online plat-
4 forms, to comply with the requirements of this sub-
5 section, see section 309.”.

6 (b) RULEMAKING.—Not later than 120 days after the
7 date of the enactment of this Act, the Federal Election
8 Commission shall establish rules—

9 (1) requiring common data formats for the
10 record required to be maintained under section
11 304(j) of the Federal Election Campaign Act of
12 1971 (as added by subsection (a)) so that all online
13 platforms submit and maintain data online in a com-
14 mon, machine-readable and publicly accessible for-
15 mat; and

16 (2) establishing search interface requirements
17 relating to such record, including searches by can-
18 didate name, issue, purchaser, and date.

19 (c) REPORTING.—Not later than 2 years after the
20 date of the enactment of this Act, and biannually there-
21 after, the Chairman of the Federal Election Commission
22 shall submit a report to Congress on—

23 (1) matters relating to compliance with and the
24 enforcement of the requirements of section 304(k) of

1 the Federal Election Campaign Act of 1971, as
2 added by subsection (a);

3 (2) recommendations for any modifications to
4 such section to assist in carrying out its purposes;
5 and

6 (3) identifying ways to bring transparency and
7 accountability to political advertisements distributed
8 online for free.

9 **SEC. 4209. PREVENTING CONTRIBUTIONS, EXPENDITURES,**
10 **INDEPENDENT EXPENDITURES, AND DIS-**
11 **BURSEMENTS FOR ELECTIONEERING COM-**
12 **MUNICATIONS BY FOREIGN NATIONALS IN**
13 **THE FORM OF ONLINE ADVERTISING.**

14 Section 319 of the Federal Election Campaign Act
15 of 1971 (52 U.S.C. 30121), as amended by section
16 4101(b), is further amended by adding at the end the fol-
17 lowing new subsection:

18 “(d) RESPONSIBILITIES OF BROADCAST STATIONS,
19 PROVIDERS OF CABLE AND SATELLITE TELEVISION, AND
20 ONLINE PLATFORMS.—

21 “(1) IN GENERAL.—Each television or radio
22 broadcast station, provider of cable or satellite tele-
23 vision, or online platform (as defined in section
24 304(k)(3)) shall make reasonable efforts to ensure
25 that communications described in section 318(a) and

1 made available by such station, provider, or platform
 2 are not purchased by a foreign national, directly or
 3 indirectly.

4 “(2) REGULATIONS.— Not later than 1 year
 5 after the date of the enactment of this subsection,
 6 the Commission shall promulgate regulations on
 7 what constitutes reasonable efforts under paragraph
 8 (1).”.

9 **SEC. 4210. REQUIRING ONLINE PLATFORMS TO DISPLAY**
 10 **NOTICES IDENTIFYING SPONSORS OF POLIT-**
 11 **ICAL ADVERTISEMENTS AND TO ENSURE NO-**
 12 **TICES CONTINUE TO BE PRESENT WHEN AD-**
 13 **VERTISEMENTS ARE SHARED.**

14 (a) IN GENERAL.—Section 304 of the Federal Elec-
 15 tion Campaign Act of 1971 (52 U.S.C. 30104), as amend-
 16 ed by section 4002 and section 4208(a), is amended by
 17 adding at the end the following new subsection:

18 “(1) ENSURING DISPLAY AND SHARING OF SPONSOR
 19 IDENTIFICATION IN ONLINE POLITICAL ADVERTISE-
 20 MENTS.—

21 “(1) REQUIREMENT.—An online platform dis-
 22 playing a qualified political advertisement shall—

23 “(A) display with the advertisement a visi-
 24 ble notice identifying the sponsor of the adver-
 25 tisement (or, if it is not practical for the plat-

1 form to display such a notice, a notice that the
 2 advertisement is sponsored by a person other
 3 than the platform); and

4 “(B) ensure that the notice will continue to
 5 be displayed if a viewer of the advertisement
 6 shares the advertisement with others on that
 7 platform.

8 “(2) DEFINITIONS.—In this subsection—

9 “(A) the term ‘online platform’ has the
 10 meaning given such term in subsection (k)(3);
 11 and

12 “(B) the term “qualified political adver-
 13 tisement’ has the meaning given such term in
 14 subsection (k)(4).”.

15 (b) EFFECTIVE DATE.—The amendment made by
 16 subsection (a) shall apply with respect to advertisements
 17 displayed on or after the 120-day period which begins on
 18 the date of the enactment of this Act.

19 **Subtitle D—Stand By Every Ad**

20 **SEC. 4301. SHORT TITLE.**

21 This subtitle may be cited as the “Stand By Every
 22 Ad Act”.

23 **SEC. 4302. STAND BY EVERY AD.**

24 (a) EXPANDED DISCLAIMER REQUIREMENTS FOR
 25 CERTAIN COMMUNICATIONS.—Section 318 of the Federal

1 Election Campaign Act of 1971 (52 U.S.C. 30120), as
2 amended by section 4207(b)(1), is further amended—

3 (1) by redesignating subsection (e) as sub-
4 section (f); and

5 (2) by inserting after subsection (d) the fol-
6 lowing new subsection:

7 “(e) EXPANDED DISCLAIMER REQUIREMENTS FOR
8 COMMUNICATIONS NOT AUTHORIZED BY CANDIDATES OR
9 COMMITTEES.—

10 “(1) IN GENERAL.—Except as provided in para-
11 graph (6), any communication described in para-
12 graph (3) of subsection (a) which is transmitted in
13 an audio or video format (including an internet or
14 digital communication), or which is an internet or
15 digital communication transmitted in a text or
16 graphic format, shall include, in addition to the re-
17 quirements of paragraph (3) of subsection (a), the
18 following:

19 “(A) The individual disclosure statement
20 described in paragraph (2)(A) (if the person
21 paying for the communication is an individual)
22 or the organizational disclosure statement de-
23 scribed in paragraph (2)(B) (if the person pay-
24 ing for the communication is not an individual).

1 “(B) If the communication is transmitted
2 in a video format, or is an internet or digital
3 communication which is transmitted in a text or
4 graphic format, and is paid for in whole or in
5 part with a payment which is treated as a cam-
6 paign-related disbursement under section 324—

7 “(i) the Top Five Funders list (if ap-
8 plicable); or

9 “(ii) in the case of a communication
10 which, as determined on the basis of cri-
11 teria established in regulations issued by
12 the Commission, is of such short duration
13 that including the Top Five Funders list in
14 the communication would constitute a
15 hardship to the person paying for the com-
16 munication by requiring a disproportionate
17 amount of the content of the communica-
18 tion to consist of the Top Five Funders
19 list, the name of a website which contains
20 the Top Five Funders list (if applicable)
21 or, in the case of an internet or digital
22 communication, a hyperlink to such
23 website.

24 “(C) If the communication is transmitted
25 in an audio format and is paid for in whole or

1 in part with a payment which is treated as a
2 campaign-related disbursement under section
3 324—

4 “(i) the Top Two Funders list (if ap-
5 plicable); or

6 “(ii) in the case of a communication
7 which, as determined on the basis of cri-
8 teria established in regulations issued by
9 the Commission, is of such short duration
10 that including the Top Two Funders list in
11 the communication would constitute a
12 hardship to the person paying for the com-
13 munication by requiring a disproportionate
14 amount of the content of the communica-
15 tion to consist of the Top Two Funders
16 list, the name of a website which contains
17 the Top Two Funders list (if applicable).

18 “(2) DISCLOSURE STATEMENTS DESCRIBED.—

19 “(A) INDIVIDUAL DISCLOSURE STATE-
20 MENTS.—The individual disclosure statement
21 described in this subparagraph is the following:
22 ‘I am _____, and I approve this
23 message.’, with the blank filled in with the
24 name of the applicable individual.

1 “(B) ORGANIZATIONAL DISCLOSURE
2 STATEMENTS.—The organizational disclosure
3 statement described in this subparagraph is the
4 following: ‘I am _____, the
5 _____ of _____, and
6 _____ approves this message.’,
7 with—

8 “(i) the first blank to be filled in with
9 the name of the applicable individual;

10 “(ii) the second blank to be filled in
11 with the title of the applicable individual;
12 and

13 “(iii) the third and fourth blank each
14 to be filled in with the name of the organi-
15 zation or other person paying for the com-
16 munication.

17 “(3) METHOD OF CONVEYANCE OF STATE-
18 MENT.—

19 “(A) COMMUNICATIONS IN TEXT OR
20 GRAPHIC FORMAT.—In the case of a commu-
21 nication to which this subsection applies which
22 is transmitted in a text or graphic format, the
23 disclosure statements required under paragraph
24 (1) shall appear in letters at least as large as
25 the majority of the text in the communication.

1 “(B) COMMUNICATIONS TRANSMITTED IN
2 AUDIO FORMAT.—In the case of a communica-
3 tion to which this subsection applies which is
4 transmitted in an audio format, the disclosure
5 statements required under paragraph (1) shall
6 be made by audio by the applicable individual
7 in a clear and conspicuous manner.

8 “(C) COMMUNICATIONS TRANSMITTED IN
9 VIDEO FORMAT.—In the case of a communica-
10 tion to which this subsection applies which is
11 transmitted in a video format, the information
12 required under paragraph (1)—

13 “(i) shall appear in writing at the end
14 of the communication or in a crawl along
15 the bottom of the communication in a clear
16 and conspicuous manner, with a reasonable
17 degree of color contrast between the back-
18 ground and the printed statement, for a
19 period of at least 6 seconds; and

20 “(ii) shall also be conveyed by an
21 unobscured, full-screen view of the applica-
22 ble individual or by the applicable indi-
23 vidual making the statement in voice-over
24 accompanied by a clearly identifiable pho-
25 tograph or similar image of the individual,

1 except in the case of a Top Five Funders
2 list.

3 “(4) APPLICABLE INDIVIDUAL DEFINED.—The
4 term ‘applicable individual’ means, with respect to a
5 communication to which this subsection applies—

6 “(A) if the communication is paid for by
7 an individual, the individual involved;

8 “(B) if the communication is paid for by a
9 corporation, the chief executive officer of the
10 corporation (or, if the corporation does not have
11 a chief executive officer, the highest ranking of-
12 ficial of the corporation);

13 “(C) if the communication is paid for by a
14 labor organization, the highest ranking officer
15 of the labor organization; and

16 “(D) if the communication is paid for by
17 any other person, the highest ranking official of
18 such person.

19 “(5) TOP FIVE FUNDERS LIST AND TOP TWO
20 FUNDERS LIST DEFINED.—

21 “(A) TOP FIVE FUNDERS LIST.—The term
22 ‘Top Five Funders list’ means, with respect to
23 a communication which is paid for in whole or
24 in part with a campaign-related disbursement
25 (as defined in section 324), a list of the five

1 persons who, during the 12-month period end-
2 ing on the date of the disbursement, provided
3 the largest payments of any type in an aggre-
4 gate amount equal to or exceeding \$10,000 to
5 the person who is paying for the communication
6 and the amount of the payments each such per-
7 son provided. If two or more people provided
8 the fifth largest of such payments, the person
9 paying for the communication shall select one of
10 those persons to be included on the Top Five
11 Funders list.

12 “(B) TOP TWO FUNDERS LIST.—The term
13 ‘Top Two Funders list’ means, with respect to
14 a communication which is paid for in whole or
15 in part with a campaign-related disbursement
16 (as defined in section 324), a list of the persons
17 who, during the 12-month period ending on the
18 date of the disbursement, provided the largest
19 and the second largest payments of any type in
20 an aggregate amount equal to or exceeding
21 \$10,000 to the person who is paying for the
22 communication and the amount of the pay-
23 ments each such person provided. If two or
24 more persons provided the second largest of
25 such payments, the person paying for the com-

1 munication shall select one of those persons to
2 be included on the Top Two Funders list.

3 “(C) EXCLUSION OF CERTAIN PAY-
4 MENTS.—For purposes of subparagraphs (A)
5 and (B), in determining the amount of pay-
6 ments made by a person to a person paying for
7 a communication, there shall be excluded the
8 following:

9 “(i) Any amounts provided in the or-
10 dinary course of any trade or business con-
11 ducted by the person paying for the com-
12 munication or in the form of investments
13 in the person paying for the communica-
14 tion.

15 “(ii) Any payment which the person
16 prohibited, in writing, from being used for
17 campaign-related disbursements, but only
18 if the person paying for the communication
19 agreed to follow the prohibition and depos-
20 ited the payment in an account which is
21 segregated from any account used to make
22 campaign-related disbursements.

23 “(6) SPECIAL RULES FOR CERTAIN COMMU-
24 NICATIONS.—

1 “(A) EXCEPTION FOR COMMUNICATIONS
2 PAID FOR BY POLITICAL PARTIES AND CERTAIN
3 POLITICAL COMMITTEES.—This subsection does
4 not apply to any communication to which sub-
5 section (d)(2) applies.

6 “(B) TREATMENT OF VIDEO COMMUNICA-
7 TIONS LASTING 10 SECONDS OR LESS.—In the
8 case of a communication to which this sub-
9 section applies which is transmitted in a video
10 format, or is an internet or digital communica-
11 tion which is transmitted in a text or graphic
12 format, the communication shall meet the fol-
13 lowing requirements:

14 “(i) The communication shall include
15 the individual disclosure statement de-
16 scribed in paragraph (2)(A) (if the person
17 paying for the communication is an indi-
18 vidual) or the organizational disclosure
19 statement described in paragraph (2)(B)
20 (if the person paying for the communica-
21 tion is not an individual).

22 “(ii) The statement described in
23 clause (i) shall appear in writing at the
24 end of the communication, or in a crawl
25 along the bottom of the communication, in

1 a clear and conspicuous manner, with a
2 reasonable degree of color contrast between
3 the background and the printed statement,
4 for a period of at least 4 seconds.

5 “(iii) The communication shall in-
6 clude, in a clear and conspicuous manner,
7 a website address with a landing page
8 which will provide all of the information
9 described in paragraph (1) with respect to
10 the communication. Such address shall ap-
11 pear for the full duration of the commu-
12 nication.

13 “(iv) To the extent that the format in
14 which the communication is made permits
15 the use of a hyperlink, the communication
16 shall include a hyperlink to the website ad-
17 dress described in clause (iii).”.

18 (b) APPLICATION OF EXPANDED REQUIREMENTS TO
19 PUBLIC COMMUNICATIONS CONSISTING OF CAMPAIGN-RE-
20 LATED DISBURSEMENTS.—

21 (1) IN GENERAL.—Section 318(a) of such Act
22 (52 U.S.C. 30120(a)) is amended by striking “for
23 the purpose of financing communications expressly
24 advocating the election or defeat of a clearly identi-
25 fied candidate” and inserting “for a campaign-re-

1 lated disbursement, as defined in section 324, con-
2 sisting of a public communication”.

3 (2) CLARIFICATION OF EXEMPTION FROM IN-
4 CLUSION OF CANDIDATE DISCLAIMER STATEMENT IN
5 FEDERAL JUDICIAL NOMINATION COMMUNICA-
6 TIONS.—Section 318(a)(3) of such Act (52 U.S.C.
7 30120(a)(3)) is amended by striking “shall state”
8 and inserting “shall (except in the case of a Federal
9 judicial nomination communication, as defined in
10 section 324(d)(3)) state”.

11 (c) EXCEPTION FOR COMMUNICATIONS PAID FOR BY
12 POLITICAL PARTIES AND CERTAIN POLITICAL COMMIT-
13 TEES.—Section 318(d)(2) of such Act (52 U.S.C.
14 30120(d)(2)) is amended—

15 (1) in the heading, by striking “OTHERS” and
16 inserting “CERTAIN POLITICAL COMMITTEES”;

17 (2) by striking “Any communication” and in-
18 serting “(A) Any communication”;

19 (3) by inserting “which (except to the extent
20 provided in subparagraph (B)) is paid for by a polit-
21 ical committee (including a political committee of a
22 political party) and” after “subsection (a)”;

23 (4) by striking “or other person” each place it
24 appears; and

1 (5) by adding at the end the following new sub-
2 paragraph:

3 “(B)(i) This paragraph does not apply to a
4 communication paid for in whole or in part during
5 a calendar year with a campaign-related disburse-
6 ment, but only if the covered organization making
7 the campaign-related disbursement made campaign-
8 related disbursements (as defined in section 324) ag-
9 gregating more than \$10,000 during such calendar
10 year.

11 “(ii) For purposes of clause (i), in determining
12 the amount of campaign-related disbursements made
13 by a covered organization during a year, there shall
14 be excluded the following:

15 “(I) Any amounts received by the covered
16 organization in the ordinary course of any trade
17 or business conducted by the covered organiza-
18 tion or in the form of investments in the cov-
19 ered organization.

20 “(II) Any amounts received by the covered
21 organization from a person who prohibited, in
22 writing, the organization from using such
23 amounts for campaign-related disbursements,
24 but only if the covered organization agreed to
25 follow the prohibition and deposited the

1 amounts in an account which is segregated
2 from any account used to make campaign-re-
3 lated disbursements.”.

4 **SEC. 4303. DISCLAIMER REQUIREMENTS FOR COMMUNICA-**
5 **TIONS MADE THROUGH PRERECORDED TELE-**
6 **PHONE CALLS.**

7 (a) APPLICATION OF REQUIREMENTS.—

8 (1) IN GENERAL.—Section 318(a) of the Fed-
9 eral Election Campaign Act of 1971 (52 U.S.C.
10 30120(a)), as amended by section 4205(c), is
11 amended by striking “public communication” each
12 place it appears and inserting the following: “public
13 communication (including a telephone call consisting
14 in substantial part of a prerecorded audio mes-
15 sage)”.

16 (2) APPLICATION TO COMMUNICATIONS SUB-
17 JECT TO EXPANDED DISCLAIMER REQUIREMENTS.—

18 Section 318(e)(1) of such Act (52 U.S.C.
19 30120(e)(1)), as added by section 4302(a), is
20 amended in the matter preceding subparagraph (A)
21 by striking “which is transmitted in an audio or
22 video format” and inserting “which is transmitted in
23 an audio or video format or which consists of a tele-
24 phone call consisting in substantial part of a
25 prerecorded audio message”.

1 (b) TREATMENT AS COMMUNICATION TRANSMITTED
2 IN AUDIO FORMAT.—

3 (1) COMMUNICATIONS BY CANDIDATES OR AU-
4 THORIZED PERSONS.—Section 318(d) of such Act
5 (52 U.S.C. 30120(d)) is amended by adding at the
6 end the following new paragraph:

7 “(3) PRERECORDED TELEPHONE CALLS.—Any
8 communication described in paragraph (1), (2), or
9 (3) of subsection (a) (other than a communication
10 which is subject to subsection (e)) which is a tele-
11 phone call consisting in substantial part of a
12 prerecorded audio message shall include, in addition
13 to the requirements of such paragraph, the audio
14 statement required under subparagraph (A) of para-
15 graph (1) or the audio statement required under
16 paragraph (2) (whichever is applicable), except that
17 the statement shall be made at the beginning of the
18 telephone call.”.

19 (2) COMMUNICATIONS SUBJECT TO EXPANDED
20 DISCLAIMER REQUIREMENTS.—Section 318(e)(3) of
21 such Act (52 U.S.C. 30120(e)(3)), as added by sec-
22 tion 4302(a), is amended by adding at the end the
23 following new subparagraph:

24 “(D) PRERECORDED TELEPHONE
25 CALLS.—In the case of a communication to

1 which this subsection applies which is a tele-
2 phone call consisting in substantial part of a
3 prerecorded audio message, the communication
4 shall be considered to be transmitted in an
5 audio format.”.

6 **SEC. 4304. NO EXPANSION OF PERSONS SUBJECT TO DIS-**
7 **CLAIMER REQUIREMENTS ON INTERNET**
8 **COMMUNICATIONS.**

9 Nothing in this subtitle or the amendments made by
10 this subtitle may be construed to require any person who
11 is not required under section 318 of the Federal Election
12 Campaign Act of 1971 to include a disclaimer on commu-
13 nications made by the person through the internet to in-
14 clude any disclaimer on any such communications.

15 **SEC. 4305. EFFECTIVE DATE.**

16 The amendments made by this subtitle shall apply
17 with respect to communications made on or after January
18 1, 2022, and shall take effect without regard to whether
19 or not the Federal Election Commission has promulgated
20 regulations to carry out such amendments.

1 Subtitle E—Deterring Foreign**2 Interference in Elections****3 PART 1—DETERRENCE UNDER FEDERAL****4 ELECTION CAMPAIGN ACT OF 1971****5 SEC. 4401. RESTRICTIONS ON EXCHANGE OF CAMPAIGN IN-**
6 FORMATION BETWEEN CANDIDATES AND
7 FOREIGN POWERS.

8 Section 319 of the Federal Election Campaign Act
9 of 1971 (52 U.S.C. 30121), as amended by section
10 4101(b) and section 4209, is further amended by adding
11 at the end the following new subsection:

12 “(e) RESTRICTIONS ON EXCHANGE OF INFORMATION
13 BETWEEN CANDIDATES AND FOREIGN POWERS.—

14 “(1) TREATMENT OF OFFER TO SHARE NON-
15 PUBLIC CAMPAIGN MATERIAL AS SOLICITATION OF
16 CONTRIBUTION FROM FOREIGN NATIONAL.—If a
17 candidate or an individual affiliated with the cam-
18 paign of a candidate, or if a political committee or
19 an individual affiliated with a political committee,
20 provides or offers to provide nonpublic campaign
21 material to a covered foreign national or to another
22 person whom the candidate, committee, or individual
23 knows or has reason to know will provide the mate-
24 rial to a covered foreign national, the candidate,
25 committee, or individual (as the case may be) shall

1 be considered for purposes of this section to have so-
2 licited a contribution or donation described in sub-
3 section (a)(1)(A) from a foreign national.

4 “(2) DEFINITIONS.—In this subsection, the fol-
5 lowing definitions apply:

6 “(A) The term ‘candidate’ means an indi-
7 vidual who seeks nomination for, or election to,
8 any Federal, State, or local public office.

9 “(B) The term ‘covered foreign national’
10 has the meaning given such term in section
11 304(j)(3)(C).

12 “(C) The term ‘individual affiliated with a
13 campaign’ means, with respect to a candidate,
14 an employee of any organization legally author-
15 ized under Federal, State, or local law to sup-
16 port the candidate’s campaign for nomination
17 for, or election to, any Federal, State, or local
18 public office, as well as any independent con-
19 tractor of such an organization and any indi-
20 vidual who performs services on behalf of the
21 organization, whether paid or unpaid.

22 “(D) The term ‘individual affiliated with a
23 political committee’ means, with respect to a
24 political committee, an employee of the com-
25 mittee as well as any independent contractor of

1 the committee and any individual who performs
2 services on behalf of the committee, whether
3 paid or unpaid.

4 “(E) The term ‘nonpublic campaign mate-
5 rial’ means, with respect to a candidate or a po-
6 litical committee, campaign material that is
7 produced by the candidate or the committee or
8 produced at the candidate or committee’s ex-
9 pense or request which is not distributed or
10 made available to the general public or other-
11 wise in the public domain, including polling and
12 focus group data and opposition research, ex-
13 cept that such term does not include material
14 produced for purposes of consultations relating
15 solely to the candidate’s or committee’s position
16 on a legislative or policy matter.”.

17 **SEC. 4402. CLARIFICATION OF STANDARD FOR DETER-**
18 **MINING EXISTENCE OF COORDINATION BE-**
19 **TWEEN CAMPAIGNS AND OUTSIDE INTER-**
20 **ESTS.**

21 Section 315(a) of the Federal Election Campaign Act
22 of 1971 (52 U.S.C. 30116(a)) is amended by adding at
23 the end the following new paragraph:

24 “(10) For purposes of paragraph (7), an expenditure
25 or disbursement may be considered to have been made in

1 cooperation, consultation, or concert with, or coordinated
2 with, a person without regard to whether or not the co-
3 operation, consultation, or coordination is carried out pur-
4 suant to agreement or formal collaboration.”.

5 **SEC. 4403. PROHIBITION ON PROVISION OF SUBSTANTIAL**
6 **ASSISTANCE RELATING TO CONTRIBUTION**
7 **OR DONATION BY FOREIGN NATIONALS.**

8 Section 319 of the Federal Election Campaign Act
9 of 1971 (52 U.S.C. 30121), as amended by section
10 4101(a), section 4101(b), section 4105, section 4209, and
11 section 4401, is further amended—

12 (1) in subsection (a)—

13 (A) by striking “or” at the end of para-
14 graph (2);

15 (B) by striking the period at the end of
16 paragraph (3) and inserting “; or”; and

17 (C) by adding at the end the following:

18 “(4) a person to knowingly provide substantial
19 assistance to another person in carrying out an ac-
20 tivity described in paragraph (1), (2), or (3).”; and

21 (2) by adding at the end the following new sub-
22 sections:

23 “(f) KNOWINGLY DESCRIBED.—

24 “(1) IN GENERAL.—For purposes of subsection
25 (a)(4), the term ‘knowingly’ means actual knowl-

1 edge, constructive knowledge, awareness of pertinent
2 facts that would lead a reasonable person to con-
3 clude there is a substantial probability, or awareness
4 of pertinent facts that would lead a reasonable per-
5 son to conduct a reasonable inquiry to establish—

6 “(A) with respect to an activity described
7 in subsection (a)(1), that the contribution, do-
8 nation, expenditure, independent expenditure,
9 or disbursement is from a foreign national;

10 “(B) with respect to an activity described
11 in subsection (a)(2), that the contribution or
12 donation solicited, accepted, or received is from
13 a foreign national; and

14 “(C) with respect to an activity described
15 in subsection (a)(3), that the person directing,
16 dictating, controlling, or directly or indirectly
17 participating in the decision-making process is
18 a foreign national.

19 “(2) PERTINENT FACTS.—For purposes of
20 paragraph (1), pertinent facts include, but are not
21 limited to, that the person making the contribution,
22 donation, expenditure, independent expenditure, or
23 disbursement, or that the person from whom the
24 contribution or donation is solicited, accepted, or re-
25 ceived, or that the person directing, dictating, con-

1 trolling, or directly or indirectly participating in the
2 decision-making process—

3 “(A) uses a foreign passport or passport
4 number for identification purposes;

5 “(B) provides a foreign address;

6 “(C) uses a check or other written instru-
7 ment drawn on a foreign bank, or by a wire
8 transfer from a foreign bank, in carrying out
9 the activity; or

10 “(D) resides abroad.

11 “(g) SUBSTANTIAL ASSISTANCE DEFINED.—As used
12 in this section, the term ‘substantial assistance’ means,
13 with respect to an activity prohibited by paragraph (1),
14 (2), or (3) of subsection (a), involvement with an intent
15 to facilitate successful completion of the activity.”.

16 **SEC. 4404. CLARIFICATION OF APPLICATION OF FOREIGN**
17 **MONEY BAN.**

18 (a) CLARIFICATION OF TREATMENT OF PROVISION
19 OF CERTAIN INFORMATION AS CONTRIBUTION OR DONA-
20 TION OF A THING OF VALUE.—Section 319 of the Federal
21 Election Campaign Act of 1971 (52 U.S.C. 30121), as
22 amended by section 4101(a), section 4101(b), section
23 4209, section 4401, and section 4403, is amended by add-
24 ing at the end the following new subsection:

1 “(h) CLARIFICATION OF TREATMENT OF PROVISION
2 OF CERTAIN INFORMATION AS CONTRIBUTION OR DONA-
3 TION OF A THING OF VALUE.—For purposes of this sec-
4 tion, a ‘contribution or donation of money or other thing
5 of value’ includes the provision of opposition research,
6 polling, or other non-public information relating to a can-
7 didate for election for a Federal, State, or local office for
8 the purpose of influencing the election, regardless of
9 whether such research, polling, or information has mone-
10 tary value, except that nothing in this subsection shall be
11 construed to treat the mere provision of an opinion about
12 a candidate as a thing of value for purposes of this sec-
13 tion.”.

14 (b) CLARIFICATION OF APPLICATION OF FOREIGN
15 MONEY BAN TO ALL CONTRIBUTIONS AND DONATIONS
16 OF THINGS OF VALUE AND TO ALL SOLICITATIONS OF
17 CONTRIBUTIONS AND DONATIONS OF THINGS OF
18 VALUE.—Section 319(a) of such Act (52 U.S.C.
19 30121(a)), as amended by section 4105 and section 4403,
20 is amended—

21 (1) in paragraph (1)(A), by striking “promise
22 to make a contribution or donation” and inserting
23 “promise to make such a contribution or donation”;

24 (2) in paragraph (1)(B), by striking “donation”
25 and inserting “donation of money or other thing of

1 value, or to make an express or implied promise to
 2 make such a contribution or donation,”; and

3 (3) by amending paragraph (2) to read as fol-
 4 lows:

5 “(2) a person to solicit, accept, or receive (di-
 6 rectly or indirectly) a contribution, donation, or dis-
 7 bursement described in paragraph (1), or to solicit,
 8 accept, or receive (directly or indirectly) an express
 9 or implied promise to make such a contribution or
 10 donation, from a foreign national;”.

11 **PART 2—NOTIFYING STATES OF**
 12 **DISINFORMATION CAMPAIGNS BY FOREIGN**
 13 **NATIONALS**

14 **SEC. 4411. NOTIFYING STATES OF DISINFORMATION CAM-**
 15 **PAIGNS BY FOREIGN NATIONALS.**

16 (a) **REQUIRING DISCLOSURE.**—If the Federal Elec-
 17 tion Commission makes a determination that a foreign na-
 18 tional has initiated or has attempted to initiate a
 19 disinformation campaign targeted at an election for public
 20 office held in a State, the Commission shall notify the
 21 State involved of the determination not later than 30 days
 22 after making the determination.

23 (b) **DEFINITIONS.**—In this section the term “foreign
 24 national” has the meaning given such term in section

1 319(b) of the Federal Election Campaign Act of 1971 (52
2 U.S.C. 30121(b)).

3 **PART 3—PROHIBITING USE OF DEEPPAKES IN**
4 **ELECTION CAMPAIGNS**

5 **SEC. 4421. PROHIBITION ON DISTRIBUTION OF MATERI-**
6 **ALLY DECEPTIVE AUDIO OR VISUAL MEDIA**
7 **PRIOR TO ELECTION.**

8 (a) IN GENERAL.—Title III of the Federal Election
9 Campaign Act of 1971 (52 U.S.C. 30101 et seq.) is
10 amended by adding at the end the following new section:

11 **“SEC. 325. PROHIBITION ON DISTRIBUTION OF MATERI-**
12 **ALLY DECEPTIVE MEDIA PRIOR TO ELEC-**
13 **TION.**

14 “(a) IN GENERAL.—Except as provided in sub-
15 sections (b) and (c), a person, political committee, or other
16 entity shall not, within 60 days of an election for Federal
17 office at which a candidate for elective office will appear
18 on the ballot, distribute, with actual malice, materially de-
19 ceptive audio or visual media of the candidate with the
20 intent to injure the candidate’s reputation or to deceive
21 a voter into voting for or against the candidate.

22 “(b) EXCEPTION.—

23 “(1) REQUIRED LANGUAGE.—The prohibition
24 in subsection (a) does not apply if the audio or vis-
25 ual media includes—

1 “(A) a disclosure stating: “This
2 _____ has been manipulated.”; and

3 “(B) filled in the blank in the disclosure
4 under subparagraph (A), the term ‘image’,
5 ‘video’, or ‘audio’, as most accurately describes
6 the media.

7 “(2) VISUAL MEDIA.—For visual media, the
8 text of the disclosure shall appear in a size that is
9 easily readable by the average viewer and no smaller
10 than the largest font size of other text appearing in
11 the visual media. If the visual media does not in-
12 clude any other text, the disclosure shall appear in
13 a size that is easily readable by the average viewer.
14 For visual media that is video, the disclosure shall
15 appear for the duration of the video.

16 “(3) AUDIO-ONLY MEDIA.—If the media con-
17 sists of audio only, the disclosure shall be read in a
18 clearly spoken manner and in a pitch that can be
19 easily heard by the average listener, at the beginning
20 of the audio, at the end of the audio, and, if the
21 audio is greater than 2 minutes in length, inter-
22 spersed within the audio at intervals of not greater
23 than 2 minutes each.

24 “(c) INAPPLICABILITY TO CERTAIN ENTITIES.—This
25 section does not apply to the following:

1 “(1) A radio or television broadcasting station,
2 including a cable or satellite television operator, pro-
3 grammer, or producer, that broadcasts materially
4 deceptive audio or visual media prohibited by this
5 section as part of a bona fide newscast, news inter-
6 view, news documentary, or on-the-spot coverage of
7 bona fide news events, if the broadcast clearly ac-
8 knowledges through content or a disclosure, in a
9 manner that can be easily heard or read by the aver-
10 age listener or viewer, that there are questions about
11 the authenticity of the materially deceptive audio or
12 visual media.

13 “(2) A radio or television broadcasting station,
14 including a cable or satellite television operator, pro-
15 grammer, or producer, when it is paid to broadcast
16 materially deceptive audio or visual media.

17 “(3) An internet website, or a regularly pub-
18 lished newspaper, magazine, or other periodical of
19 general circulation, including an internet or elec-
20 tronic publication, that routinely carries news and
21 commentary of general interest, and that publishes
22 materially deceptive audio or visual media prohibited
23 by this section, if the publication clearly states that
24 the materially deceptive audio or visual media does

1 not accurately represent the speech or conduct of the
2 candidate.

3 “(4) Materially deceptive audio or visual media
4 that constitutes satire or parody.

5 “(d) CIVIL ACTION.—

6 “(1) INJUNCTIVE OR OTHER EQUITABLE RE-
7 LIEF.—A candidate for elective office whose voice or
8 likeness appears in a materially deceptive audio or
9 visual media distributed in violation of this section
10 may seek injunctive or other equitable relief prohib-
11 iting the distribution of audio or visual media in vio-
12 lation of this section. An action under this para-
13 graph shall be entitled to precedence in accordance
14 with the Federal Rules of Civil Procedure.

15 “(2) DAMAGES.—A candidate for elective office
16 whose voice or likeness appears in a materially de-
17 ceptive audio or visual media distributed in violation
18 of this section may bring an action for general or
19 special damages against the person, committee, or
20 other entity that distributed the materially deceptive
21 audio or visual media. The court may also award a
22 prevailing party reasonable attorney’s fees and costs.
23 This paragraph shall not be construed to limit or
24 preclude a plaintiff from securing or recovering any
25 other available remedy.

1 “(3) BURDEN OF PROOF.—In any civil action
2 alleging a violation of this section, the plaintiff shall
3 bear the burden of establishing the violation through
4 clear and convincing evidence.

5 “(e) RULE OF CONSTRUCTION.—This section shall
6 not be construed to alter or negate any rights, obligations,
7 or immunities of an interactive service provider under sec-
8 tion 230 of title 47, United States Code.

9 “(f) MATERIALLY DECEPTIVE AUDIO OR VISUAL
10 MEDIA DEFINED.—In this section, the term ‘materially
11 deceptive audio or visual media’ means an image or an
12 audio or video recording of a candidate’s appearance,
13 speech, or conduct that has been intentionally manipulated
14 in a manner such that both of the following conditions
15 are met:

16 “(1) The image or audio or video recording
17 would falsely appear to a reasonable person to be
18 authentic.

19 “(2) The image or audio or video recording
20 would cause a reasonable person to have a fun-
21 damentally different understanding or impression of
22 the expressive content of the image or audio or video
23 recording than that person would have if the person
24 were hearing or seeing the unaltered, original
25 version of the image or audio or video recording.”.

1 (b) CRIMINAL PENALTIES.—Section 309(d)(1) of the
 2 Federal Election Campaign Act of 1971 (52 U.S.C.
 3 30109(d)(1)), as amended by section 4004, is further
 4 amended by adding at the end the following new subpara-
 5 graph:

6 “(G) Any person who knowingly and will-
 7 fully commits a violation of section 325 shall be
 8 fined not more than \$100,000, imprisoned not
 9 more than 5 years, or both.”.

10 (c) EFFECT ON DEFAMATION ACTION.—For pur-
 11 poses of an action for defamation, a violation of section
 12 325 of the Federal Election Campaign Act of 1971, as
 13 added by subsection (a), shall constitute defamation per
 14 se.

15 **PART 4—ASSESSMENT OF EXEMPTION OF REG-**
 16 **ISTRATION REQUIREMENTS UNDER FARA**
 17 **FOR REGISTERED LOBBYISTS**

18 **SEC. 4431. ASSESSMENT OF EXEMPTION OF REGISTRATION**
 19 **REQUIREMENTS UNDER FARA FOR REG-**
 20 **ISTERED LOBBYISTS.**

21 Not later than 180 days after the date of the enact-
 22 ment of this Act, the Comptroller General of the United
 23 States shall conduct and submit to Congress an assess-
 24 ment of the implications of the exemption provided under
 25 the Foreign Agents Registration Act of 1938, as amended

1 (22 U.S.C. 611 et seq.) for agents of foreign principals
2 who are also registered lobbyists under the Lobbying Dis-
3 closure Act of 1995 (2 U.S.C. 1601 et seq.), and shall
4 include in the assessment an analysis of the extent to
5 which revisions in such Acts might mitigate the risk of
6 foreign government money influencing elections or political
7 processes in the United States.

8 **Subtitle F—Secret Money**
9 **Transparency**

10 **SEC. 4501. REPEAL OF RESTRICTION OF USE OF FUNDS BY**
11 **INTERNAL REVENUE SERVICE TO BRING**
12 **TRANSPARENCY TO POLITICAL ACTIVITY OF**
13 **CERTAIN NONPROFIT ORGANIZATIONS.**

14 Section 122 of the Financial Services and General
15 Government Appropriations Act, 2021 (division E of Pub-
16 lic Law 116–260) is hereby repealed.

1 **Subtitle G—Shareholder Right-to-**
 2 **Know**

3 **SEC. 4601. 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 631 of the Financial Services and General
 9 Government Appropriations Act, 2021 (division E of Pub-
 10 lic Law 116–260) is hereby repealed.

11 **SEC. 4602. SHAREHOLDER APPROVAL OF CORPORATE PO-**
 12 **LITICAL ACTIVITY.**

13 (a) IN GENERAL.—The Securities Exchange Act of
 14 1934 (15 U.S.C. 78a et seq.) is amended by inserting after
 15 section 14B (15 U.S.C. 78n–2) the following:

16 **“SEC. 14C. SHAREHOLDER APPROVAL OF CERTAIN POLIT-**
 17 **ICAL EXPENDITURES AND DISCLOSURE OF**
 18 **VOTES OF INSTITUTIONAL INVESTORS.**

19 “(a) DEFINITIONS.—In this section—

20 “(1) the term ‘expenditure for political activi-
 21 ties’—

22 “(A) means—

23 “(i) an independent expenditure (as
 24 defined in section 301(17) of the Federal

1 Election Campaign Act of 1971 (52 U.S.C.
2 30101(17)));

3 “(ii) an electioneering communication
4 (as defined in section 304(f)(3) of that Act
5 (52 U.S.C. 30104(f)(3))) and any other
6 public communication (as defined in sec-
7 tion 301(22) of that Act (52 U.S.C.
8 30101(22))) that would be an election-
9 eering communication if it were a broad-
10 cast, cable, or satellite communication; or

11 “(iii) dues or other payments to trade
12 associations or organizations described in
13 section 501(c) of the Internal Revenue
14 Code of 1986 and exempt from tax under
15 section 501(a) of that Code that are, or
16 could reasonably be anticipated to be, used
17 or transferred to another association or or-
18 ganization for the purposes described in
19 clauses (i) or (ii); and

20 “(B) does not include—

21 “(i) direct lobbying efforts through
22 registered lobbyists employed or hired by
23 the issuer;

1 “(ii) communications by an issuer to
2 its shareholders and executive or adminis-
3 trative personnel and their families; or

4 “(iii) the establishment and adminis-
5 tration of contributions to a separate seg-
6 regated fund to be utilized for political
7 purposes by a corporation; and

8 “(2) the term ‘issuer’ does not include an in-
9 vestment company registered under section 8 of the
10 Investment Company Act of 1940 (15 U.S.C. 80a-
11 8).

12 “(b) SHAREHOLDER AUTHORIZATION FOR POLIT-
13 ICAL EXPENDITURES.—Each solicitation of proxy, con-
14 sent, or authorization by an issuer with a class of equity
15 securities registered under section 12 shall—

16 “(1) contain—

17 “(A) a description of the specific nature of
18 any expenditure for political activities proposed
19 to be made by the issuer for the forthcoming
20 fiscal year that has not been authorized by a
21 vote of the shareholders of the issuer, to the ex-
22 tent the specific nature is known to the issuer;
23 and

1 “(B) the total amount of expenditures for
2 political activities proposed to be made by the
3 issuer for the forthcoming fiscal year; and

4 “(2) provide for a separate vote of the share-
5 holders of the issuer to authorize such expenditures
6 for political activities in the total amount described
7 in paragraph (1).

8 “(c) VOTE REQUIRED TO MAKE EXPENDITURES.—
9 No issuer shall make an expenditure for political activities
10 in any fiscal year unless such expenditure—

11 “(1) is of the nature of those proposed by the
12 issuer in subsection (b)(1); and

13 “(2) has been authorized by a vote of the ma-
14 jority of the outstanding shares of the issuer in ac-
15 cordance with subsection (b)(2).

16 “(d) FIDUCIARY DUTY; LIABILITY.—

17 “(1) FIDUCIARY DUTY.—A violation of sub-
18 section (c) shall be considered a breach of a fidu-
19 ciary duty of the officers and directors who author-
20 ized the expenditure for political activities.

21 “(2) LIABILITY.—An officer or director of an
22 issuer who authorizes an expenditure for political ac-
23 tivities in violation of subsection (c) shall be jointly
24 and severally liable in any action brought in a court
25 of competent jurisdiction to any person or class of

1 persons who held shares at the time the expenditure
2 for political activities was made for an amount equal
3 to 3 times the amount of the expenditure for polit-
4 ical activities.

5 “(e) DISCLOSURE OF VOTES.—

6 “(1) DISCLOSURE REQUIRED.—Each institu-
7 tional investment manager subject to section 13(f)
8 shall disclose not less frequently than annually how
9 the institutional investment manager voted on any
10 shareholder vote under subsection (a), unless the
11 vote is otherwise required by rule of the Commission
12 to be reported publicly.

13 “(2) RULES.—Not later than 6 months after
14 the date of enactment of this section, the Commis-
15 sion shall issue rules to carry out this subsection
16 that require that a disclosure required under para-
17 graph (1)—

18 “(A) be made not later than 30 days after
19 a vote described in paragraph (1); and

20 “(B) be made available to the public
21 through the EDGAR system as soon as prac-
22 ticable.

23 “(f) SAFE HARBOR FOR CERTAIN DIVESTMENT DE-
24 CISIONS.—Notwithstanding any other provision of Federal
25 or State law, if an institutional investment manager makes

1 the disclosures required under subsection (e), no person
2 may bring any civil, criminal, or administrative action
3 against the institutional investment manager, or any em-
4 ployee, officer, or director thereof, based solely upon a de-
5 cision of the investment manager to divest from, or not
6 to invest in, securities of an issuer due to an expenditure
7 for political activities made by the issuer.”.

8 (b) **REQUIRED BOARD VOTE ON CORPORATE EX-**
9 **PENDITURES FOR POLITICAL ACTIVITIES.**—The Securi-
10 ties Exchange Act of 1934 (15 U.S.C. 78 et seq.) is
11 amended by adding after section 16 (15 U.S.C. 78p) the
12 following:

13 **“SEC. 16A. REQUIRED BOARD VOTE ON CORPORATE EX-**
14 **PENDITURES FOR POLITICAL ACTIVITIES.**

15 “(a) **DEFINITIONS.**—In this section, the terms ‘ex-
16 penditure for political activities’ and ‘issuer’ have the
17 meanings given the terms in section 14C.

18 “(b) **LISTING ON EXCHANGES.**—Not later than 180
19 days after the date of enactment of this section, the Com-
20 mission shall, by rule, direct the national securities ex-
21 changes and national securities associations to prohibit the
22 listing of any class of equity security of an issuer that
23 is not in compliance with the requirements of any portion
24 of subsection (c).

1 “(c) REQUIREMENT FOR VOTE IN CORPORATE BY-
2 LAWS.—

3 “(1) VOTE REQUIRED.—The bylaws of an
4 issuer shall expressly provide for a vote of the board
5 of directors of the issuer on—

6 “(A) any expenditure for political activities
7 in excess of \$50,000; and

8 “(B) any expenditure for political activities
9 that would result in the total amount spent by
10 the issuer for a particular election (as defined
11 in section 301(1) of the Federal Election Cam-
12 paign Act of 1971 (52 U.S.C. 30101(1))) in ex-
13 cess of \$50,000.

14 “(2) PUBLIC AVAILABILITY.—An issuer shall
15 make the votes of each member of the board of di-
16 rectors for a vote required under paragraph (1) pub-
17 licly available not later than 48 hours after the vote,
18 including in a clear and conspicuous location on the
19 internet web site of the issuer.

20 “(d) NO EFFECT ON DETERMINATION OF COORDINA-
21 TION WITH CANDIDATES OR CAMPAIGNS.—For purposes
22 of the Federal Election Campaign Act of 1971 (52 U.S.C.
23 30101 et seq.), an expenditure for political activities by
24 an issuer shall not be treated as made in concert or co-
25 operation with, or at the request or suggestion of, any can-

1 didate or committee solely because a member of the board
2 of directors of the issuer voted on the expenditure as re-
3 quired under this section.”.

4 (c) REPORTING REQUIREMENTS.—Section 13 of the
5 Securities Exchange Act of 1934 (15 U.S.C. 78m) is
6 amended by adding at the end the following:

7 “(s) REPORTING REQUIREMENTS RELATING TO CER-
8 TAIN POLITICAL EXPENDITURES.—

9 “(1) DEFINITIONS.—In this subsection, the
10 terms ‘expenditure for political activities’ and
11 ‘issuer’ have the meanings given the terms in section
12 14C.

13 “(2) QUARTERLY REPORTS.—

14 “(A) REPORTS REQUIRED.—Not later than
15 180 days after the date of enactment of this
16 subsection, the Commission shall amend the re-
17 porting rules under this section to require each
18 issuer with a class of equity securities reg-
19 istered under section 12 of this title to submit
20 to the Commission and the shareholders of the
21 issuer a quarterly report containing—

22 “(i) a description of any expenditure
23 for political activities made during the pre-
24 ceding quarter;

1 “(ii) the date of each expenditure for
2 political activities;

3 “(iii) the amount of each expenditure
4 for political activities;

5 “(iv) the votes of each member of the
6 board of directors authorizing the expendi-
7 ture for political activity, as required under
8 section 16A(c);

9 “(v) if the expenditure for political ac-
10 tivities was made in support of or opposed
11 to a candidate, the name of the candidate
12 and the office sought by, and the political
13 party affiliation of, the candidate; and

14 “(vi) the name or identity of trade as-
15 sociations or organizations described in
16 section 501(c) of the Internal Revenue
17 Code of 1986 and exempt from tax under
18 section 501(a) of such Code which receive
19 dues or other payments as described in
20 section 14C(a)(1)(A)(iii).

21 “(B) PUBLIC AVAILABILITY.—The Com-
22 mission shall ensure that, to the greatest extent
23 practicable, the quarterly reports required
24 under this paragraph are publicly available
25 through the internet web site of the Commis-

1 sion and through the EDGAR system in a man-
2 ner that is searchable, sortable, and download-
3 able, consistent with the requirements under
4 section 24.

5 “(3) ANNUAL REPORTS.—Not later than 180
6 days after the date of enactment of this subsection,
7 the Commission shall, by rule, require each issuer to
8 include in the annual report of the issuer to share-
9 holders a summary of each expenditure for political
10 activities made during the preceding year in excess
11 of \$10,000, and each expenditure for political activi-
12 ties for a particular election if the total amount of
13 such expenditures for that election is in excess of
14 \$10,000.”.

15 (d) REPORTS.—

16 (1) SECURITIES AND EXCHANGE COMMIS-
17 SION.—The Securities and Exchange Commission
18 shall—

19 (A) conduct an annual assessment of the
20 compliance of issuers and officers and members
21 of the boards of directors of issuers with sec-
22 tions 13(s), 14C, and 16A of the Securities Ex-
23 change Act of 1934, as added by this section;
24 and

1 (B) submit to Congress an annual report
2 containing the results of the assessment under
3 paragraph (1).

4 (2) GOVERNMENT ACCOUNTABILITY OFFICE.—
5 The Comptroller General of the United States shall
6 periodically evaluate and report to Congress on the
7 effectiveness of the oversight by the Securities and
8 Exchange Commission of the reporting and disclo-
9 sure requirements under sections 13(s), 14C, and
10 16A of the Securities Exchange Act of 1934, as
11 added by this section.

12 **Subtitle H—Disclosure of Political**
13 **Spending by Government Con-**
14 **tractors**

15 **SEC. 4701. REPEAL OF RESTRICTION ON USE OF FUNDS TO**
16 **REQUIRE DISCLOSURE OF POLITICAL SPEND-**
17 **ING BY GOVERNMENT CONTRACTORS.**

18 Section 735 of the Financial Services and General
19 Government Appropriations Act, 2021 (division E of Pub-
20 lic Law 116–260) is hereby repealed.

1 **Subtitle I—Limitation and Disclo-**
 2 **sure Requirements for Presi-**
 3 **dential Inaugural Committees**

4 **SEC. 4801. SHORT TITLE.**

5 This subtitle may be cited as the “Presidential Inau-
 6 gural Committee Oversight Act”.

7 **SEC. 4802. LIMITATIONS AND DISCLOSURE OF CERTAIN DO-**
 8 **NATIONS TO, AND DISBURSEMENTS BY, INAU-**
 9 **GURAL COMMITTEES.**

10 (a) REQUIREMENTS FOR INAUGURAL COMMIT-
 11 TEES.—Title III of the Federal Election Campaign Act
 12 of 1971 (52 U.S.C. 30101 et seq.), as amended by section
 13 4421, is amended by adding at the end the following new
 14 section:

15 **“SEC. 326. INAUGURAL COMMITTEES.**

16 **“(a) PROHIBITED DONATIONS.—**

17 **“(1) IN GENERAL.—It shall be unlawful—**

18 **“(A) for an Inaugural Committee—**

19 **“(i) to solicit, accept, or receive a do-**
 20 **nation from a person that is not an indi-**
 21 **vidual; or**

22 **“(ii) to solicit, accept, or receive a do-**
 23 **nation from a foreign national;**

24 **“(B) for a person—**

1 “(i) to make a donation to an Inau-
2 gural Committee in the name of another
3 person, or to knowingly authorize his or
4 her name to be used to effect such a dona-
5 tion;

6 “(ii) to solicit or knowingly accept a
7 donation to an Inaugural Committee made
8 by a person in the name of another person;
9 or

10 “(iii) to convert a donation to an In-
11 augural Committee to personal use as de-
12 scribed in paragraph (2); and

13 “(C) for a foreign national to, directly or
14 indirectly, make a donation, or make an express
15 or implied promise to make a donation, to an
16 Inaugural Committee.

17 “(2) CONVERSION OF DONATION TO PERSONAL
18 USE.—For purposes of paragraph (1)(B)(iii), a do-
19 nation shall be considered to be converted to per-
20 sonal use if any part of the donated amount is used
21 to fulfill a commitment, obligation, or expense of a
22 person that would exist irrespective of the respon-
23 sibilities of the Inaugural Committee under chapter
24 5 of title 36, United States Code.

1 “(3) NO EFFECT ON DISBURSEMENT OF UN-
2 USED FUNDS TO NONPROFIT ORGANIZATIONS.—
3 Nothing in this subsection may be construed to pro-
4 hibit an Inaugural Committee from disbursing un-
5 used funds to an organization which is described in
6 section 501(c)(3) of the Internal Revenue Code of
7 1986 and is exempt from taxation under section
8 501(a) of such Code.

9 “(b) LIMITATION ON DONATIONS.—

10 “(1) IN GENERAL.—It shall be unlawful for an
11 individual to make donations to an Inaugural Com-
12 mittee which, in the aggregate, exceed \$50,000.

13 “(2) INDEXING.—At the beginning of each
14 Presidential election year (beginning with 2028), the
15 amount described in paragraph (1) shall be in-
16 creased by the cumulative percent difference deter-
17 mined in section 315(c)(1)(A) since the previous
18 Presidential election year. If any amount after such
19 increase is not a multiple of \$1,000, such amount
20 shall be rounded to the nearest multiple of \$1,000.

21 “(c) DISCLOSURE OF CERTAIN DONATIONS AND DIS-
22 BURSEMENTS.—

23 “(1) DONATIONS OVER \$1,000.—

24 “(A) IN GENERAL.—An Inaugural Com-
25 mittee shall file with the Commission a report

1 disclosing any donation by an individual to the
2 committee in an amount of \$1,000 or more not
3 later than 24 hours after the receipt of such do-
4 nation.

5 “(B) CONTENTS OF REPORT.—A report
6 filed under subparagraph (A) shall contain—

7 “(i) the amount of the donation;

8 “(ii) the date the donation is received;

9 and

10 “(iii) the name and address of the in-
11 dividual making the donation.

12 “(2) FINAL REPORT.—Not later than the date
13 that is 90 days after the date of the Presidential in-
14 augural ceremony, the Inaugural Committee shall
15 file with the Commission a report containing the fol-
16 lowing information:

17 “(A) For each donation of money or any-
18 thing of value made to the committee in an ag-
19 gregate amount equal to or greater than
20 \$200—

21 “(i) the amount of the donation;

22 “(ii) the date the donation is received;

23 and

24 “(iii) the name and address of the in-
25 dividual making the donation.

1 “(B) The total amount of all disburse-
2 ments, and all disbursements in the following
3 categories:

4 “(i) Disbursements made to meet
5 committee operating expenses.

6 “(ii) Repayment of all loans.

7 “(iii) Donation refunds and other off-
8 sets to donations.

9 “(iv) Any other disbursements.

10 “(C) The name and address of each per-
11 son—

12 “(i) to whom a disbursement in an ag-
13 gregate amount or value in excess of \$200
14 is made by the committee to meet a com-
15 mittee operating expense, together with
16 date, amount, and purpose of such oper-
17 ating expense;

18 “(ii) who receives a loan repayment
19 from the committee, together with the date
20 and amount of such loan repayment;

21 “(iii) who receives a donation refund
22 or other offset to donations from the com-
23 mittee, together with the date and amount
24 of such disbursement; and

1 “(iv) to whom any other disbursement
2 in an aggregate amount or value in excess
3 of \$200 is made by the committee, to-
4 gether with the date and amount of such
5 disbursement.

6 “(d) DEFINITIONS.—For purposes of this section:

7 “(1)(A) The term ‘donation’ includes—

8 “(i) any gift, subscription, loan, ad-
9 vance, or deposit of money or anything of
10 value made by any person to the com-
11 mittee; or

12 “(ii) the payment by any person of
13 compensation for the personal services of
14 another person which are rendered to the
15 committee without charge for any purpose.

16 “(B) The term ‘donation’ does not include
17 the value of services provided without com-
18 pensation by any individual who volunteers on
19 behalf of the committee.

20 “(2) The term ‘foreign national’ has the mean-
21 ing given that term by section 319(b).

22 “(3) The term ‘Inaugural Committee’ has the
23 meaning given that term by section 501 of title 36,
24 United States Code.”.

1 (b) CONFIRMING AMENDMENT RELATED TO RE-
2 PORTING REQUIREMENTS.—Section 304 of the Federal
3 Election Campaign Act of 1971 (52 U.S.C. 30104) is
4 amended—

5 (1) by striking subsection (h); and

6 (2) by redesignating subsection (i) as subsection
7 (h).

8 (c) CONFORMING AMENDMENT RELATED TO STATUS
9 OF COMMITTEE.—Section 510 of title 36, United States
10 Code, is amended to read as follows:

11 **“§ 510. Disclosure of and prohibition on certain dona-**
12 **tions**

13 “A committee shall not be considered to be the Inau-
14 gural Committee for purposes of this chapter unless the
15 committee agrees to, and meets, the requirements of sec-
16 tion 326 of the Federal Election Campaign Act of 1971.”.

17 (d) EFFECTIVE DATE.—The amendments made by
18 this Act shall apply with respect to Inaugural Committees
19 established under chapter 5 of title 36, United States
20 Code, for inaugurations held in 2025 and any succeeding
21 year.

1 **Subtitle J—Miscellaneous**
2 **Provisions**

3 **SEC. 4901. EFFECTIVE DATES OF PROVISIONS.**

4 Each provision of this title and each amendment
5 made by a provision of this title shall take effect on the
6 effective date provided under this title for such provision
7 or such amendment without regard to whether or not the
8 Federal Election Commission, the Attorney General, or
9 any other person has promulgated regulations to carry out
10 such provision or such amendment.

11 **SEC. 4902. 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 V—CAMPAIGN FINANCE**
20 **EMPOWERMENT**

21 **Subtitle A—Findings Relating to**
22 ***Citizens United* Decision**

23 **SEC. 5001. FINDINGS RELATING TO *CITIZENS UNITED* DECI-**
24 **SION.**

25 Congress finds the following:

1 (1) The American Republic was founded on the
2 principle that all people are created equal, with
3 rights and responsibilities as citizens to vote, be rep-
4 resented, speak, debate, and participate in self-gov-
5 ernment on equal terms regardless of wealth. To se-
6 cure these rights and responsibilities, our Constitu-
7 tion not only protects the equal rights of all Ameri-
8 cans but also provides checks and balances to pre-
9 vent corruption and prevent concentrated power and
10 wealth from undermining effective self-government.

11 (2) The Founders designed the First Amend-
12 ment to help prevent tyranny by ensuring that the
13 people have the tools they need to ensure self-gov-
14 ernment and to keep their elected leaders responsive
15 to the public. The Amendment thus guarantees the
16 right of everyone to speak, to petition the govern-
17 ment for redress, to assemble together, and for a
18 free press. If only the wealthiest individuals can par-
19 ticipate meaningfully in our democracy, then these
20 First Amendment principles become an illusion.

21 (3) Campaign finance laws promote these First
22 Amendment interests. They increase robust debate
23 from diverse voices, enhance the responsiveness of
24 elected officeholders, and help prevent corruption.
25 They do not censor anyone's speech but simply en-

1 sure that no one's speech is drowned out. The Su-
2 preme Court has failed to recognize that these laws
3 are essential, proactive rules that help guarantee
4 true democratic self-government.

5 (4) The Supreme Court's decisions in *Citizens*
6 *United v. Federal Election Commission*, 558 U.S.
7 310 (2010) and *McCutcheon v. FEC*, 572 U.S. 185
8 (2014), as well as other court decisions, erroneously
9 invalidated even-handed rules about the spending of
10 money in local, State, and Federal elections. These
11 rules do not prevent anyone from speaking their
12 mind, much less pick winners and losers of political
13 debates. Although the Court has upheld other con-
14 tent-neutral laws like these, it has failed to apply to
15 same logic to campaign finance laws. These flawed
16 decisions have empowered large corporations, ex-
17 tremely wealthy individuals, and special interests to
18 dominate election spending, corrupt our politics, and
19 degrade our democracy through tidal waves of un-
20 limited and anonymous spending. These decisions
21 also stand in contrast to a long history of efforts by
22 Congress and the States to regulate money in poli-
23 tics to protect democracy, and they illustrate a trou-
24 bling deregulatory trend in campaign finance-related
25 court decisions. Additionally, an unknown amount of

1 foreign money continues to be spent in our political
2 system as subsidiaries of foreign-based corporations
3 and hostile foreign actors sometimes connected to
4 nation-States work to influence our elections.

5 (5) The Supreme Court's misinterpretation of
6 the Constitution to empower monied interests at the
7 expense of the American people in elections has seri-
8 ously eroded over 100 years of congressional action
9 to promote fairness and protect elections from the
10 toxic influence of money.

11 (6) In 1907, Congress passed the Tillman Act
12 in response to the concentration of corporate power
13 in the post-Civil War Gilded Age. The Act prohibited
14 corporations from making contributions in connec-
15 tion with Federal elections, aiming "not merely to
16 prevent the subversion of the integrity of the elec-
17 toral process [but] * * * to sustain the active, alert
18 responsibility of the individual citizen in a democ-
19 racy for the wise conduct of government".

20 (7) By 1910, Congress began passing disclosure
21 requirements and campaign expenditure limits, and
22 dozens of States passed corrupt practices Acts to
23 prohibit corporate spending in elections. States also
24 enacted campaign spending limits, and some States

1 limited the amount that people could contribute to
2 campaigns.

3 (8) In 1947, the Taft-Hartley Act prohibited
4 corporations and unions from making campaign con-
5 tributions or other expenditures to influence elec-
6 tions. In 1962, a Presidential commission on election
7 spending recommended spending limits and incen-
8 tives to increase small contributions from more peo-
9 ple.

10 (9) The Federal Election Campaign Act of
11 1971 (FECA), as amended in 1974, required disclo-
12 sure of contributions and expenditures, imposed con-
13 tribution and expenditure limits for individuals and
14 groups, set spending limits for campaigns, can-
15 didates, and groups, implemented a public funding
16 system for Presidential campaigns, and created the
17 Federal Election Commission to oversee and enforce
18 the new rules.

19 (10) In the wake of *Citizens United* and other
20 damaging Federal court decisions, Americans have
21 witnessed an explosion of outside spending in elec-
22 tions. Outside spending increased more than 700
23 percent between the 2008 and 2020 Presidential
24 election years. Spending by outside groups nearly
25 doubled again from 2016 to 2020 with super PACs,

1 tax-exempt groups, and others spending more than
2 \$3,000,000,000. And as political entities adapt to a
3 post- *Citizens United*, post-*McCutcheon* landscape,
4 these trends are getting worse, as evidenced by the
5 record-setting 2020 elections which cost more than
6 \$14,000,000,000 in total.

7 (11) Since the landmark *Citizens United* deci-
8 sion, 21 States and more than 800 municipalities,
9 including large cities like New York, Los Angeles,
10 Chicago, and Philadelphia, have gone on record sup-
11 porting a constitutional amendment. Transcending
12 political leanings and geographic location, voters in
13 States and municipalities across the country that
14 have placed amendment questions on the ballot have
15 routinely supported these initiatives by considerably
16 large margins.

17 (12) The Court has tied the hands of Congress
18 and the States, severely restricting them from set-
19 ting reasonable limits on campaign spending. For
20 example, the Court has held that only the Govern-
21 ment's interest in preventing quid pro quo corrup-
22 tion, like bribery, or the appearance of such corrup-
23 tion, can justify limits on campaign contributions.
24 More broadly, the Court has severely curtailed at-
25 tempts to reduce the ability of the Nation's wealthi-

1 est and most powerful to skew our democracy in
2 their favor by buying outsized influence in our elec-
3 tions. Because this distortion of the Constitution has
4 prevented other critical regulation or reform of the
5 way we finance elections in America, a constitutional
6 amendment is needed to achieve a democracy for all
7 the people.

8 (13) The torrent of money flowing into our po-
9 litical system has a profound effect on the demo-
10 cratic process for everyday Americans, whose voices
11 and policy preferences are increasingly being
12 drowned out by those of wealthy special interests.
13 The more campaign cash from wealthy special inter-
14 ests can flood our elections, the more policies that
15 favor those interests are reflected in the national po-
16 litical agenda. When it comes to policy preferences,
17 our Nation's wealthiest tend to have fundamentally
18 different views than do average Americans when it
19 comes to issues ranging from unemployment benefits
20 to the minimum wage to health care coverage.

21 (14) At the same time millions of Americans
22 have signed petitions, marched, called their Members
23 of Congress, written letters to the editor, and other-
24 wise demonstrated their public support for a con-
25 stitutional amendment to overturn *Citizens United*

1 that will allow Congress to reign in the outsized in-
2 fluence of unchecked money in politics. Dozens of
3 organizations, representing tens of millions of indi-
4 viduals, have come together in a shared strategy of
5 supporting such an amendment.

6 (15) In order to protect the integrity of democ-
7 racy and the electoral process and to ensure political
8 equality for all, the Constitution should be amended
9 so that Congress and the States may regulate and
10 set limits on the raising and spending of money to
11 influence elections and may distinguish between nat-
12 ural persons and artificial entities, like corporations,
13 that are created by law, including by prohibiting
14 such artificial entities from spending money to influ-
15 ence elections.

16 **Subtitle B—Senate Elections**

17 **SEC. 5100. SHORT TITLE.**

18 This subtitle may be cited as the “Fair Elections Now
19 Act of 2021”.

20 **PART 1—SMALL DONOR INCENTIVE PROGRAMS**

21 **SEC. 5101. SENSE OF THE SENATE REGARDING SMALL** 22 **DONOR INCENTIVE PROGRAMS.**

23 It is the sense of the Senate that Congress should
24 take steps to allow more Americans to fully participate
25 in our democracy through authorizing publicly financed

1 small donor incentive programs, including small-dollar
 2 voucher programs that broaden and diversify the number
 3 of Americans who are able to have their voice heard in
 4 the marketplace of ideas.

5 **PART 2—SMALL DOLLAR FINANCING OF SENATE**
 6 **ELECTION CAMPAIGNS**

7 **SEC. 5111. ELIGIBILITY REQUIREMENTS AND BENEFITS OF**
 8 **FAIR ELECTIONS FINANCING OF SENATE**
 9 **ELECTION CAMPAIGNS.**

10 The Federal Election Campaign Act of 1971 (52
 11 U.S.C. 30101 et seq.) is amended by adding at the end
 12 the following:

13 **“TITLE V—FAIR ELECTIONS FI-**
 14 **NANCING OF SENATE ELEC-**
 15 **TION CAMPAIGNS**

16 **“Subtitle A—General Provisions**

17 **“SEC. 501. DEFINITIONS.**

18 “In this title:

19 “(1) **ALLOCATION FROM THE FUND.**—The term
 20 ‘allocation from the Fund’ means an allocation of
 21 money from the Freedom From Influence Fund to
 22 a participating candidate pursuant to section 522.

23 “(2) **COMMISSION.**—The term ‘Commission’
 24 means the Federal Election Commission.

1 “(3) ENHANCED MATCHING CONTRIBUTION.—

2 The term ‘enhanced matching contribution’ means
3 an enhanced matching payment provided to a par-
4 ticipating candidate for qualified small dollar con-
5 tributions, as provided under section 524.

6 “(4) ENHANCED SUPPORT QUALIFYING PE-

7 RIOD.—The term ‘enhanced support qualifying pe-
8 riod’ means, with respect to a general election, the
9 period which begins 60 days before the date of the
10 election and ends 14 days before the date of the
11 election.

12 “(5) FAIR ELECTIONS QUALIFYING PERIOD.—

13 The term ‘Fair Elections qualifying period’ means,
14 with respect to any candidate for Senator, the pe-
15 riod—

16 “(A) beginning on the date on which the
17 candidate files a statement of intent under sec-
18 tion 511(a)(1); and

19 “(B) ending on the date that is 30 days
20 before—

21 “(i) the date of the primary election;

22 or

23 “(ii) in the case of a State that does
24 not hold a primary election, the date pre-
25 scribed by State law as the last day to

1 qualify for a position on the general elec-
2 tion ballot.

3 “(6) FAIR ELECTIONS START DATE.—The term
4 ‘Fair Elections start date’ means, with respect to
5 any candidate, the date that is 180 days before—

6 “(A) the date of the primary election; or

7 “(B) in the case of a State that does not
8 hold a primary election, the date prescribed by
9 State law as the last day to qualify for a posi-
10 tion on the general election ballot.

11 “(7) FUND.—The term ‘Fund’ means the Free-
12 dom From Influence Fund established by section
13 502.

14 “(8) IMMEDIATE FAMILY.—The term ‘imme-
15 diate family’ means, with respect to any candidate—

16 “(A) the candidate’s spouse;

17 “(B) a child, stepchild, parent, grand-
18 parent, brother, half-brother, sister, or half-sis-
19 ter of the candidate or the candidate’s spouse;
20 and

21 “(C) the spouse of any person described in
22 subparagraph (B).

23 “(9) MATCHING CONTRIBUTION.—The term
24 ‘matching contribution’ means a matching payment
25 provided to a participating candidate for qualified

1 small dollar contributions, as provided under section
2 523.

3 “(10) NONPARTICIPATING CANDIDATE.—The
4 term ‘nonparticipating candidate’ means a candidate
5 for Senator who is not a participating candidate.

6 “(11) PARTICIPATING CANDIDATE.—The term
7 ‘participating candidate’ means a candidate for Sen-
8 ator who is certified under section 514 as being eli-
9 gible to receive an allocation from the Fund.

10 “(12) QUALIFYING CONTRIBUTION.—The term
11 ‘qualifying contribution’ means, with respect to a
12 candidate, a contribution that—

13 “(A) is in an amount that is—

14 “(i) not less than \$5; and

15 “(ii) not more than \$200;

16 “(B) is made by an individual who is not
17 otherwise prohibited from making a contribu-
18 tion under this Act;

19 “(C) is made during the Fair Elections
20 qualifying period; and

21 “(D) meets the requirements of section
22 512(b).

23 “(13) QUALIFIED SMALL DOLLAR CONTRIBU-
24 TION.—The term ‘qualified small dollar contribution’

1 means, with respect to a candidate, any contribution
2 (or series of contributions)—

3 “(A) which is not a qualifying contribution
4 (or does not include a qualifying contribution);

5 “(B) which is made by an individual who
6 is not prohibited from making a contribution
7 under this Act; and

8 “(C) the aggregate amount of which does
9 not exceed \$200 per election.

10 “(14) QUALIFYING MULTICANDIDATE POLIT-
11 ICAL COMMITTEE CONTRIBUTION.—

12 “(A) IN GENERAL.—The term ‘qualifying
13 multicandidate political committee contribution’
14 means any contribution to a candidate that is
15 made from a qualified account of a multi-
16 candidate political committee (within the mean-
17 ing of section 315(a)(2)).

18 “(B) QUALIFIED ACCOUNT.—For purposes
19 of subparagraph (A), the term ‘qualified ac-
20 count’ means, with respect to a multicandidate
21 political committee, a separate, segregated ac-
22 count of the committee that consists solely of
23 contributions which meet the following require-
24 ments:

1 “(i) All contributions to such account
2 are made by individuals who are not pro-
3 hibited from making contributions under
4 this Act.

5 “(ii) The aggregate amount of con-
6 tributions from each individual to such ac-
7 count and all other accounts of the polit-
8 ical committee do not exceed the amount
9 described in paragraph (13)(C).

10 **“SEC. 502. FREEDOM FROM INFLUENCE FUND.**

11 “(a) ESTABLISHMENT.—There is established in the
12 Treasury a fund to be known as the ‘Freedom From Infl-
13 uence Fund’.

14 “(b) AMOUNTS HELD BY FUND.—The Fund shall
15 consist of the following amounts:

16 “(1) ASSESSMENTS AGAINST FINES, SETTLE-
17 MENTS, AND PENALTIES.—Amounts transferred
18 under section 3015 of title 18, United States Code,
19 section 9707 of title 31, United States Code, and
20 section 6761 of the Internal Revenue Code of 1986.

21 “(2) DEPOSITS.—Amounts deposited into the
22 Fund under—

23 “(A) section 513(e) (relating to exceptions
24 to contribution requirements);

1 “(B) section 521(c) (relating to remittance
2 of unused payments from the Fund); and

3 “(C) section 532 (relating to violations).

4 “(c) USE OF FUND TO MAKE PAYMENTS TO PAR-
5 TICIPATING CANDIDATES.—

6 “(1) PAYMENTS TO PARTICIPATING CAN-
7 DIDATES.—Amounts in the Fund shall be available
8 without further appropriation or fiscal year limita-
9 tion to make payments to participating candidates
10 as provided in this title.

11 “(2) MANDATORY REDUCTION OF PAYMENTS IN
12 CASE OF INSUFFICIENT AMOUNTS IN FUND.—

13 “(A) ADVANCE AUDITS BY COMMISSION.—
14 Not later than 90 days before the first day of
15 each election cycle (beginning with the first
16 election cycle that begins after the date of the
17 enactment of this title), the Commission shall—

18 “(i) audit the Fund to determine
19 whether the amounts in the Fund will be
20 sufficient to make payments to partici-
21 pating candidates in the amounts provided
22 in this title during such election cycle; and

23 “(ii) submit a report to Congress de-
24 scribing the results of the audit.

1 “(B) REDUCTIONS IN AMOUNT OF PAY-
2 MENTS.—

3 “(i) AUTOMATIC REDUCTION ON PRO
4 RATA BASIS.—If, on the basis of the audit
5 described in subparagraph (A), the Com-
6 mission determines that the amount antici-
7 pated to be available in the Fund with re-
8 spect to the election cycle involved is not,
9 or may not be, sufficient to satisfy the full
10 entitlements of participating candidates to
11 payments under this title for such election
12 cycle, the Commission shall reduce each
13 amount which would otherwise be paid to
14 a participating candidate under this title
15 by such pro rata amount as may be nec-
16 essary to ensure that the aggregate
17 amount of payments anticipated to be
18 made with respect to the election cycle will
19 not exceed the amount anticipated to be
20 available for such payments in the Fund
21 with respect to such election cycle.

22 “(ii) RESTORATION OF REDUCTIONS
23 IN CASE OF AVAILABILITY OF SUFFICIENT
24 FUNDS DURING ELECTION CYCLE.—If,
25 after reducing the amounts paid to partici-

1 pating candidates with respect to an elec-
2 tion cycle under clause (i), the Commission
3 determines that there are sufficient
4 amounts in the Fund to restore the
5 amount by which such payments were re-
6 duced (or any portion thereof), to the ex-
7 tent that such amounts are available, the
8 Commission may make a payment on a pro
9 rata basis to each such participating can-
10 didate with respect to the election cycle in
11 the amount by which such candidate's pay-
12 ments were reduced under clause (i) (or
13 any portion 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 participating candidates under
19 this title, moneys shall not be made avail-
20 able from any other source for the purpose
21 of making such payments.

22 “(d) NO TAXPAYER FUNDS PERMITTED.—No tax-
23 payer funds may be deposited into the Fund.

24 “(e) USE OF FUND TO MAKE OTHER PAYMENTS.—
25 In addition to the use described in subsection (d), amounts

1 in the Fund shall be available without further appropria-
2 tion or fiscal year limitation—

3 “(1) to make payments to candidates under
4 chapter 95 of subtitle H of the Internal Revenue
5 Code of 1986, subject to reductions under section
6 9013(b) of such Code; and

7 “(2) to make payments to candidates under
8 chapter 96 of subtitle H of the Internal Revenue
9 Code of 1986, subject to reductions under section
10 9043(b) of such Code.

11 “(f) EFFECTIVE DATE.—This section shall take ef-
12 fect on the date of the enactment of this title.

13 **“Subtitle B—Eligibility and** 14 **Certification**

15 **“SEC. 511. ELIGIBILITY.**

16 “(a) IN GENERAL.—A candidate for Senator is eligi-
17 ble to receive an allocation from the Fund for any election
18 if the candidate meets the following requirements:

19 “(1) The candidate files with the Commission a
20 statement of intent to seek certification as a partici-
21 pating candidate under this title during the period
22 beginning on the Fair Elections start date and end-
23 ing on the last day of the Fair Elections qualifying
24 period.

1 “(2) The candidate meets the qualifying con-
2 tribution requirements of section 512.

3 “(3) The candidate files with the Commission a
4 statement certifying that the authorized committees
5 of the candidate meet the requirements of section
6 513(d)(2).

7 “(4) Not later than the last day of the Fair
8 Elections qualifying period, the candidate files with
9 the Commission an affidavit signed by the candidate
10 and the treasurer of the candidate’s principal cam-
11 paign committee declaring that the candidate—

12 “(A) has complied and, if certified, will
13 comply with the contribution and expenditure
14 requirements of section 513;

15 “(B) if certified, will not run as a non-
16 participating candidate during such year in any
17 election for the office that such candidate is
18 seeking; and

19 “(C) has either qualified or will take steps
20 to qualify under State law to be on the ballot.

21 “(b) GENERAL ELECTION.—Notwithstanding sub-
22 section (a), a candidate shall not be eligible to receive an
23 allocation from the Fund for a general election or a gen-
24 eral runoff election unless the candidate’s party nominated
25 the candidate to be placed on the ballot for the general

1 election or the candidate otherwise qualified to be on the
2 ballot under State law.

3 **“SEC. 512. QUALIFYING CONTRIBUTION REQUIREMENT.**

4 “(a) IN GENERAL.—A candidate for Senator meets
5 the requirement of this section if, during the Fair Elec-
6 tions qualifying period, the candidate obtains—

7 “(1) a number of qualifying contributions equal
8 to the sum of—

9 “(A) 2,000; plus

10 “(B) 500 for each congressional district in
11 the State with respect to which the candidate is
12 seeking election; and

13 “(2) a total dollar amount of qualifying con-
14 tributions equal to 10 percent of the amount of the
15 allocation such candidate would be entitled to receive
16 for the primary election under section 522(c)(1) (de-
17 termined without regard to paragraph (5) thereof) if
18 such candidate were a participating candidate.

19 “(b) REQUIREMENTS RELATING TO RECEIPT OF
20 QUALIFYING CONTRIBUTION.—Each qualifying contribu-
21 tion—

22 “(1) may be made by means of a personal
23 check, money order, debit card, credit card, or elec-
24 tronic payment account;

1 “(2) shall be accompanied by a signed state-
2 ment containing the contributor’s name and the con-
3 tributor’s address in the State in which the contrib-
4 utor is registered to vote; and

5 “(3) shall be acknowledged by a receipt that is
6 sent to the contributor with a copy kept by the can-
7 didate for the Commission and a copy kept by the
8 candidate for the election authorities in the State
9 with respect to which the candidate is seeking elec-
10 tion.

11 “(c) VERIFICATION OF QUALIFYING CONTRIBU-
12 TIONS.—The Commission shall establish procedures for
13 the auditing and verification of qualifying contributions to
14 ensure that such contributions meet the requirements of
15 this section.

16 **“SEC. 513. CONTRIBUTION AND EXPENDITURE REQUIRE-**
17 **MENTS.**

18 “(a) GENERAL RULE.—A candidate for Senator
19 meets the requirements of this section if, during the elec-
20 tion cycle of the candidate, the candidate—

21 “(1) except as provided in subsection (b), ac-
22 cepts no contributions other than—

23 “(A) qualifying contributions;

24 “(B) qualified small dollar contributions;

1 “(C) qualifying multicandidate political
2 committee contributions;

3 “(D) allocations from the Fund under sec-
4 tion 522;

5 “(E) matching contributions under section
6 523;

7 “(F) enhanced matching contributions
8 under section 524;

9 “(G) subject to subsection (c), personal
10 funds of the candidate or of any immediate
11 family member of the candidate (other than
12 funds received through qualified small dollar
13 contributions); and

14 “(H) subject to subsection (d), contribu-
15 tions from individuals who are otherwise per-
16 mitted to make contributions under this Act,
17 subject to the applicable limitations of section
18 315, except that the aggregate amount of con-
19 tributions a participating candidate may accept
20 from any individual with respect to any election
21 during the election cycle may not exceed
22 \$1,000; and

23 “(2) makes no expenditures from any amounts
24 other than from—

25 “(A) qualifying contributions;

1 “(B) qualified small dollar contributions;

2 “(C) qualifying multicandidate political
3 committee contributions;

4 “(D) allocations from the Fund under sec-
5 tion 522;

6 “(E) matching contributions under section
7 523;

8 “(F) enhanced matching contributions
9 under section 524;

10 “(G) subject to subsection (c), personal
11 funds of the candidate or of any immediate
12 family member of the candidate (other than
13 funds received through qualified small dollar
14 contributions); and

15 “(H) subject to subsection (d), contribu-
16 tions from individuals who are otherwise per-
17 mitted to make contributions under this Act,
18 subject to the applicable limitations of section
19 315, except that the aggregate amount of con-
20 tributions a participating candidate may accept
21 from any individual with respect to any election
22 during the election cycle may not exceed
23 \$1,000.

24 For purposes of this subsection, a payment made by a po-
25 litical party in coordination with a participating candidate

1 shall not be treated as a contribution to or as an expendi-
2 ture made by the participating candidate.

3 “(b) CONTRIBUTIONS FOR LEADERSHIP PACS,
4 ETC.—A political committee of a participating candidate
5 which is not an authorized committee of such candidate
6 may accept contributions other than contributions de-
7 scribed in subsection (a)(1) from any person if—

8 “(1) the aggregate contributions from such per-
9 son for any calendar year do not exceed \$200; and

10 “(2) no portion of such contributions is dis-
11 bursed in connection with the campaign of the par-
12 ticipating candidate.

13 “(c) SPECIAL RULES FOR PERSONAL FUNDS.—A
14 candidate who is certified as a participating candidate may
15 use personal funds (including personal funds of any imme-
16 diate family member of the candidate) so long as—

17 “(1) the aggregate amount used with respect to
18 the election cycle (including any period of the cycle
19 occurring prior to the candidate’s certification as a
20 participating candidate) does not exceed \$50,000;
21 and

22 “(2) the funds are used only for making direct
23 payments for the receipt of goods and services which
24 constitute authorized expenditures in connection
25 with the election cycle involved.

1 “(d) REQUIREMENTS RELATING TO SUBSEQUENT
2 CONTRIBUTIONS AND NOTIFICATION REQUIREMENTS.—

3 “(1) RESTRICTION ON SUBSEQUENT CONTRIBU-
4 TIONS.—

5 “(A) PROHIBITING DONOR FROM MAKING
6 SUBSEQUENT NONQUALIFIED CONTRIBUTIONS
7 DURING ELECTION CYCLE.—An individual who
8 makes a qualified small dollar contribution to a
9 candidate with respect to an election may not
10 make any subsequent contribution to such can-
11 didate with respect to the election cycle which
12 is not a qualified small dollar contribution.

13 “(B) TREATMENT OF SUBSEQUENT NON-
14 QUALIFIED CONTRIBUTIONS.—If, notwith-
15 standing the prohibition described in subpara-
16 graph (A), an individual who makes a qualified
17 small dollar contribution to a candidate with re-
18 spect to an election makes a subsequent con-
19 tribution to such candidate with respect to the
20 election which is prohibited under subparagraph
21 (A) because it is not a qualified small dollar
22 contribution, the candidate may take one of the
23 following actions:

24 “(i) Not later than 2 weeks after re-
25 ceiving the contribution, the candidate may

1 return the subsequent contribution to the
2 individual. In the case of a subsequent con-
3 tribution which is not a qualified small dol-
4 lar contribution because the contribution
5 fails to meet the requirements of para-
6 graph (13)(C) of section 501 (relating to
7 the aggregate amount of qualified small
8 dollar contributions that may be made by
9 an individual to a candidate), the can-
10 didate may return an amount equal to the
11 difference between the amount of the sub-
12 sequent contribution and the amount de-
13 scribed in such paragraph.

14 “(ii) The candidate may retain the
15 subsequent contribution, so long as not
16 later than 2 weeks after receiving the sub-
17 sequent contribution, the candidate remits
18 to the Commission for deposit in the Free-
19 dom from Influence Fund established by
20 section 502 an amount equal to any pay-
21 ments received by the candidate under this
22 title which are attributable to the qualified
23 small dollar contribution made by the indi-
24 vidual involved.

1 “(C) NO EFFECT ON ABILITY TO MAKE
2 MULTIPLE CONTRIBUTIONS.—Nothing in this
3 subsection may be construed to prohibit an in-
4 dividual from making multiple qualified small
5 dollar contributions to any candidate or any
6 number of candidates, so long as each contribu-
7 tion meets the definition of a qualified small
8 dollar contribution under section 501(13).

9 “(2) NOTIFICATION REQUIREMENTS FOR CAN-
10 DIDATES.—

11 “(A) NOTIFICATION.—Each authorized
12 committee of a candidate who seeks to be a par-
13 ticipating candidate under this title shall pro-
14 vide the following information in any materials
15 for the solicitation of contributions, including
16 any internet site through which individuals may
17 make contributions to the committee:

18 “(i) A statement that if the candidate
19 is certified as a participating candidate
20 under this title, the candidate will receive
21 matching payments in an amount which is
22 based on the total amount of qualified
23 small dollar contributions received.

24 “(ii) A statement that a contribution
25 which meets the definition of a qualified

1 small dollar contribution under section
2 501(13) shall be treated as a qualified
3 small dollar contribution under this title.

4 “(iii) A statement that if a contribu-
5 tion is treated as qualified small dollar
6 contribution under this title, the individual
7 who makes the contribution may not make
8 any contribution to the candidate or the
9 authorized committees of the candidate
10 during the election cycle which is not a
11 qualified small dollar contribution.

12 “(B) ALTERNATIVE METHODS OF MEETING
13 REQUIREMENTS.—An authorized committee
14 may meet the requirements of subparagraph
15 (A)—

16 “(i) by including the information de-
17 scribed in paragraph (1) in the receipt pro-
18 vided under section 512(b)(3) to a person
19 making a qualified small dollar contribu-
20 tion; or

21 “(ii) by modifying the information it
22 provides to persons making contributions
23 which is otherwise required under title III
24 (including information it provides through
25 the internet).

1 “(e) EXCEPTION.—Notwithstanding subsection (a), a
2 candidate shall not be treated as having failed to meet
3 the requirements of this section if any contributions that
4 are not qualified small dollar contributions, qualifying con-
5 tributions, qualifying multicandidate political committee
6 contributions, or contributions that meet the requirements
7 of subsection (b) and that are accepted before the date
8 the candidate files a statement of intent under section
9 511(a)(1) are—

10 “(1) returned to the contributor; or

11 “(2) submitted to the Commission for deposit in
12 the Fund.

13 **“SEC. 514. CERTIFICATION.**

14 “(a) IN GENERAL.—Not later than 5 days after a
15 candidate for Senator files an affidavit under section
16 511(a)(4), the Commission shall—

17 “(1) certify whether or not the candidate is a
18 participating candidate; and

19 “(2) notify the candidate of the Commission’s
20 determination.

21 **“(b) REVOCATION OF CERTIFICATION.—**

22 “(1) IN GENERAL.—The Commission may re-
23 voke a certification under subsection (a) if—

1 “(A) a candidate fails to qualify to appear
2 on the ballot at any time after the date of cer-
3 tification; or

4 “(B) a candidate otherwise fails to comply
5 with the requirements of this title, including
6 any regulatory requirements prescribed by the
7 Commission.

8 “(2) REPAYMENT OF BENEFITS.—If certifi-
9 cation is revoked under paragraph (1), the candidate
10 shall repay to the Fund an amount equal to the
11 value of benefits received under this title plus inter-
12 est (at a rate determined by the Commission) on any
13 such amount received.

14 **“Subtitle C—Benefits**

15 **“SEC. 521. BENEFITS FOR PARTICIPATING CANDIDATES.**

16 “(a) IN GENERAL.—For each election with respect
17 to which a candidate is certified as a participating can-
18 didate under section 514, such candidate shall be entitled
19 to—

20 “(1) an allocation from the Fund to make or
21 obligate to make expenditures with respect to such
22 election, as provided in section 522;

23 “(2) matching contributions, as provided in sec-
24 tion 523; and

1 “(3) enhanced matching contributions, as pro-
2 vided in section 524.

3 “(b) RESTRICTION ON USES OF ALLOCATIONS FROM
4 THE FUND.—Allocations from the Fund received by a par-
5 ticipating candidate under section 522, matching contribu-
6 tions under section 523, and enhanced matching contribu-
7 tions under section 524 may only be used for campaign-
8 related costs.

9 “(c) REMITTING ALLOCATIONS FROM THE FUND.—

10 “(1) IN GENERAL.—Not later than the date
11 that is 180 days after an election in which the par-
12 ticipating candidate appeared on the ballot, such
13 participating candidate shall remit to the Commis-
14 sion for deposit in the Fund an amount equal to the
15 lesser of—

16 “(A) the amount of money in the can-
17 didate’s campaign account; or

18 “(B) the sum of the allocations from the
19 Fund received by the candidate under section
20 522, the matching contributions received by the
21 candidate under section 523, and the enhanced
22 matching contributions under section 524.

23 “(2) EXCEPTIONS.—

24 “(A) SUBSEQUENT ELECTION.—In the
25 case of a candidate who qualifies to be on the

1 ballot for a primary runoff election, a general
2 election, or a general runoff election, the
3 amounts described in paragraph (1) may be re-
4 tained by the candidate and used in such subse-
5 quent election.

6 “(B) CANDIDATE SEEKING CERTIFICATION
7 FOR NEXT ELECTION CYCLE.—Notwithstanding
8 paragraph (1), a participating candidate may
9 withhold not more than \$100,000 from the
10 amount required to be remitted under para-
11 graph (1) if the candidate files a signed affi-
12 davit with the Commission that the candidate
13 will seek certification as a participating can-
14 didate with respect to the next election cycle,
15 except that the candidate may not use any por-
16 tion of the amount withheld until the candidate
17 is certified as a participating candidate with re-
18 spect to that next election cycle. If the can-
19 didate fails to seek certification as a partici-
20 pating candidate prior to the last day of the
21 qualifying period for the next election cycle (as
22 described in section 511), or if the Commission
23 notifies the candidate of the Commission’s de-
24 termination that the candidate does not meet
25 the requirements for certification as a partici-

1 participating candidate with respect to such cycle, the
2 candidate shall immediately remit to the Com-
3 mission the amount withheld.

4 **“SEC. 522. ALLOCATIONS FROM THE FUND.**

5 “(a) IN GENERAL.—The Commission shall make allo-
6 cations from the Fund under section 521(a)(1) to a par-
7 ticipating candidate—

8 “(1) in the case of amounts provided under
9 subsection (d)(1), after the date on which such can-
10 didate is certified as a participating candidate under
11 section 514;

12 “(2) in the case of a general election after—

13 “(A) the date of the certification of the re-
14 sults of the primary election or the primary
15 runoff election; or

16 “(B) in any case in which there is no pri-
17 mary election, the date the candidate qualifies
18 to be placed on the ballot; and

19 “(3) in the case of a primary runoff election or
20 a general runoff election, after the certification of
21 the results of the primary election or the general
22 election, as the case may be.

23 “(b) METHOD OF PAYMENT.—The Commission shall
24 distribute funds available to participating candidates

1 under this section through the use of an electronic funds
2 exchange or a debit card.

3 “(c) TIMING OF PAYMENT.—The Commission shall,
4 in coordination with the Secretary of the Treasury, take
5 such steps as may be necessary to ensure that the Sec-
6 retary is able to make payments under this section from
7 the Treasury not later than 2 business days after date
8 of the applicable certification as described in subsection
9 (a).

10 “(d) AMOUNTS.—

11 “(1) PRIMARY ELECTION ALLOCATION; INITIAL
12 ALLOCATION.—Except as provided in paragraph (5),
13 the Commission shall make an allocation from the
14 Fund for a primary election to a participating can-
15 didate in an amount equal to 67 percent of the base
16 amount with respect to such participating candidate.

17 “(2) PRIMARY RUNOFF ELECTION ALLOCA-
18 TION.—The Commission shall make an allocation
19 from the Fund for a primary runoff election to a
20 participating candidate in an amount equal to 25
21 percent of the amount the participating candidate
22 was eligible to receive under this section for the pri-
23 mary election.

24 “(3) GENERAL ELECTION ALLOCATION.—Ex-
25 cept as provided in paragraph (5), the Commission

1 shall make an allocation from the Fund for a gen-
2 eral election to a participating candidate in an
3 amount equal to the base amount with respect to
4 such candidate.

5 “(4) GENERAL RUNOFF ELECTION ALLOCA-
6 TION.—The Commission shall make an allocation
7 from the Fund for a general runoff election to a par-
8 ticipating candidate in an amount equal to 25 per-
9 cent of the base amount with respect to such can-
10 didate.

11 “(5) UNCONTESTED ELECTIONS.—

12 “(A) IN GENERAL.—In the case of a pri-
13 mary or general election that is an uncontested
14 election, the Commission shall make an alloca-
15 tion from the Fund to a participating candidate
16 for such election in an amount equal to 25 per-
17 cent of the allocation which such candidate
18 would be entitled to under this section for such
19 election if this paragraph did not apply.

20 “(B) UNCONTESTED ELECTION DE-
21 FINED.—For purposes of this subparagraph, an
22 election is uncontested if not more than 1 can-
23 didate has campaign funds (including payments
24 from the Fund) in an amount equal to or great-
25 er than 10 percent of the allocation a partici-

1 pating candidate would be entitled to receive
2 under this section for such election if this para-
3 graph did not apply.

4 “(e) BASE AMOUNT.—

5 “(1) IN GENERAL.—Except as otherwise pro-
6 vided in this subsection, the base amount for any
7 candidate is an amount equal to the sum of—

8 “(A) \$750,000; plus

9 “(B) \$150,000 for each congressional dis-
10 trict in the State with respect to which the can-
11 didate is seeking election.

12 “(2) INDEXING.—In each even-numbered year
13 after 2027—

14 “(A) each dollar amount under paragraph
15 (1) shall be increased by the percent difference
16 between the price index (as defined in section
17 315(c)(2)(A)) for the 12 months preceding the
18 beginning of such calendar year and the price
19 index for calendar year 2022;

20 “(B) each dollar amount so increased shall
21 remain in effect for the 2-year period beginning
22 on the first day following the date of the last
23 general election in the year preceding the year
24 in which the amount is increased and ending on
25 the date of the next general election; and

1 “(C) if any amount after adjustment under
2 subparagraph (A) is not a multiple of \$100,
3 such amount shall be rounded to the nearest
4 multiple of \$100.

5 **“SEC. 523. MATCHING PAYMENTS FOR QUALIFIED SMALL**
6 **DOLLAR CONTRIBUTIONS.**

7 “(a) IN GENERAL.—The Commission shall pay to
8 each participating candidate an amount equal to 600 per-
9 cent of the amount of qualified small dollar contributions
10 received by the candidate from individuals after the date
11 on which such candidate is certified under section 514.

12 “(b) LIMITATION.—The aggregate payments under
13 subsection (a) with respect to any candidate shall not ex-
14 ceed 400 percent of the allocation such candidate is enti-
15 tled to receive for such election under section 522 (deter-
16 mined without regard to subsection (d)(5) thereof).

17 “(c) TIME OF PAYMENT.—The Commission shall
18 make payments under this section not later than 2 busi-
19 ness days after the receipt of a report made under sub-
20 section (d).

21 “(d) REPORTS.—

22 “(1) IN GENERAL.—Each participating can-
23 didate shall file reports of receipts of qualified small
24 dollar contributions at such times and in such man-
25 ner as the Commission may by regulations prescribe.

1 “(2) CONTENTS OF REPORTS.—Each report
2 under this subsection shall disclose—

3 “(A) the amount of each qualified small
4 dollar contribution received by the candidate;
5 and

6 “(B) the name, address, and occupation of
7 each individual who made a qualified small dol-
8 lar contribution to the candidate.

9 “(3) FREQUENCY OF REPORTS.—Reports under
10 this subsection shall be made no more frequently
11 than—

12 “(A) once every month until the date that
13 is 90 days before the date of the election; and

14 “(B) once every week after the period de-
15 scribed in subparagraph (A) and until the date
16 of the election.

17 “(4) LIMITATION ON REGULATIONS.—The
18 Commission may not prescribe any regulations with
19 respect to reporting under this subsection with re-
20 spect to any election after the date that is 180 days
21 before the date of such election.

22 “(e) APPEALS.—The Commission shall provide a
23 written explanation with respect to any denial of any pay-
24 ment under this section and shall provide the opportunity

1 for review and reconsideration within 5 business days of
2 such denial.

3 **“SEC. 524. ENHANCED MATCHING SUPPORT.**

4 “(a) IN GENERAL.—In addition to the payments
5 made under section 523, the Commission shall make an
6 additional payment to an eligible candidate under this sec-
7 tion.

8 “(b) ELIGIBILITY.—A candidate is eligible to receive
9 an additional payment under this section if the candidate
10 meets each of the following requirements:

11 “(1) The candidate is on the ballot for the gen-
12 eral election for the office the candidate seeks.

13 “(2) The candidate is certified as a partici-
14 pating candidate under this title with respect to the
15 election.

16 “(3) During the enhanced support qualifying
17 period, the candidate receives qualified small dollar
18 contributions in a total amount of not less than the
19 sum of \$15,000 for each congressional district in the
20 State with respect to which the candidate is seeking
21 election.

22 “(4) During the enhanced support qualifying
23 period, the candidate submits to the Commission a
24 request for the payment which includes—

1 “(A) a statement of the number and
2 amount of qualified small dollar contributions
3 received by the candidate during the enhanced
4 support qualifying period;

5 “(B) a statement of the amount of the
6 payment the candidate anticipates receiving
7 with respect to the request; and

8 “(C) such other information and assur-
9 ances as the Commission may require.

10 “(5) After submitting a request for the addi-
11 tional payment under paragraph (4), the candidate
12 does not submit any other application for an addi-
13 tional payment under this title.

14 “(c) AMOUNT.—

15 “(1) IN GENERAL.—Subject to paragraph (2),
16 the amount of the additional payment made to an el-
17 igible candidate under this subtitle shall be an
18 amount equal to 50 percent of—

19 “(A) the amount of the payment made to
20 the candidate under section 523 with respect to
21 the qualified small dollar contributions which
22 are received by the candidate during the en-
23 hanced support qualifying period (as included in
24 the request submitted by the candidate under
25 (b)(4)(A)); or

1 “(B) in the case of a candidate who is not
2 eligible to receive a payment under section 523
3 with respect to such qualified small dollar con-
4 tributions because the candidate has reached
5 the limit on the aggregate amount of payments
6 under section 523, the amount of the payment
7 which would have been made to the candidate
8 under section 523 with respect to such qualified
9 small dollar contributions if the candidate had
10 not reached such limit.

11 “(2) LIMIT.—The amount of the additional
12 payment determined under paragraph (1) with re-
13 spect to a candidate may not exceed the sum of
14 \$150,000 for each congressional district in the State
15 with respect to which the candidate is seeking elec-
16 tion.

17 “(3) NO EFFECT ON AGGREGATE LIMIT.—The
18 amount of the additional payment made to a can-
19 didate under this section shall not be included in de-
20 termining the aggregate amount of payments made
21 to a participating candidate with respect to an elec-
22 tion cycle under section 523.

1 **“Subtitle D—Administrative**
2 **Provisions**

3 **“SEC. 531. DUTIES OF THE FEDERAL ELECTION COMMIS-**
4 **SION.**

5 “(a) DUTIES AND POWERS.—

6 “(1) ADMINISTRATION.—The Commission shall
7 have the power to administer the provisions of this
8 title and shall prescribe regulations to carry out the
9 purposes of this title, including regulations—

10 “(A) to establish procedures for—

11 “(i) verifying the amount of valid
12 qualifying contributions with respect to a
13 candidate;

14 “(ii) effectively and efficiently moni-
15 toring and enforcing the limits on the rais-
16 ing of qualified small dollar contributions;

17 “(iii) monitoring the raising of quali-
18 fying multicandidate political committee
19 contributions through effectively and effi-
20 ciently monitoring and enforcing the limits
21 on individual contributions to qualified ac-
22 counts of multicandidate political commit-
23 tees;

24 “(iv) effectively and efficiently moni-
25 toring and enforcing the limits on the use

1 of personal funds by participating can-
2 didates; and

3 “(v) monitoring the use of allocations
4 from the Fund and matching contributions
5 under this title through audits or other
6 mechanisms; and

7 “(B) regarding the conduct of debates in a
8 manner consistent with the best practices of
9 States that provide public financing for elec-
10 tions.

11 “(2) REVIEW OF FAIR ELECTIONS FINANC-
12 ING.—

13 “(A) IN GENERAL.—After each general
14 election for Federal office, the Commission shall
15 conduct a comprehensive review of the Fair
16 Elections financing program under this title, in-
17 cluding—

18 “(i) the maximum dollar amount of
19 qualified small dollar contributions under
20 section 501(13);

21 “(ii) the maximum and minimum dol-
22 lar amounts for qualifying contributions
23 under section 501(12);

24 “(iii) the number and value of quali-
25 fying contributions a candidate is required

1 to obtain under section 512 to qualify for
2 allocations from the Fund;

3 “(iv) the amount of allocations from
4 the Fund that candidates may receive
5 under section 522;

6 “(v) the maximum amount of match-
7 ing contributions a candidate may receive
8 under section 523;

9 “(vi) the maximum amount of en-
10 hanced matching contributions a candidate
11 may receive under section 524;

12 “(vii) the overall satisfaction of par-
13 ticipating candidates and the American
14 public with the program; and

15 “(viii) such other matters relating to
16 financing of Senate campaigns as the Com-
17 mission determines are appropriate.

18 “(B) CRITERIA FOR REVIEW.—In con-
19 ducting the review under subparagraph (A), the
20 Commission shall consider the following:

21 “(i) QUALIFYING CONTRIBUTIONS
22 AND QUALIFIED SMALL DOLLAR CON-
23 TRIBUTIONS.—The Commission shall con-
24 sider whether the number and dollar
25 amount of qualifying contributions re-

1 required and maximum dollar amount for
2 such qualifying contributions and qualified
3 small dollar contributions strikes a balance
4 regarding the importance of voter involve-
5 ment, the need to assure adequate incen-
6 tives for participating, and fiscal responsi-
7 bility, taking into consideration the num-
8 ber of primary and general election partici-
9 pating candidates, the electoral perform-
10 ance of those candidates, program cost,
11 and any other information the Commission
12 determines is appropriate.

13 “(ii) REVIEW OF PROGRAM BENE-
14 FITS.—The Commission shall consider
15 whether the totality of the amount of
16 funds allowed to be raised by participating
17 candidates (including through qualifying
18 contributions and small dollar contribu-
19 tions), allocations from the Fund under
20 section 522, matching contributions under
21 section 523, and enhanced matching con-
22 tributions under section 524 are sufficient
23 for voters in each State to learn about the
24 candidates to cast an informed vote, taking
25 into account the historic amount of spend-

1 ing by winning candidates, media costs,
2 primary election dates, and any other in-
3 formation the Commission determines is
4 appropriate.

5 “(C) RECOMMENDATIONS FOR ADJUST-
6 MENT OF AMOUNTS.—Based on the review con-
7 ducted under subparagraph (A), the Commis-
8 sion shall make recommendations to Congress
9 for any adjustment of the following amounts:

10 “(i) The maximum dollar amount of
11 qualified small dollar contributions under
12 section 501(13)(C).

13 “(ii) The maximum and minimum dol-
14 lar amounts for qualifying contributions
15 under section 501(12)(A).

16 “(iii) The number and value of quali-
17 fying contributions a candidate is required
18 to obtain under section 512(a)(1).

19 “(iv) The base amount for candidates
20 under section 522(d).

21 “(v) The maximum amount of match-
22 ing contributions a candidate may receive
23 under section 523(b).

1 “(vi) The maximum amount of en-
2 hanced matching contributions a candidate
3 may receive under section 524(c).

4 “(D) REPORT.—Not later than March 30
5 following any general election for Federal office,
6 the Commission shall submit a report to Con-
7 gress on the review conducted under subpara-
8 graph (A) and any recommendations developed
9 under subparagraph (C). Such report shall con-
10 tain a detailed statement of the findings, con-
11 clusions, and recommendations of the Commis-
12 sion based on such review.

13 “(b) REPORTS.—Not later than March 30, 2026, and
14 every 2 years thereafter, the Commission shall submit to
15 the Senate Committee on Rules and Administration a re-
16 port documenting, evaluating, and making recommenda-
17 tions relating to the administrative implementation and
18 enforcement of the provisions of this title.

19 “(c) AUTHORIZATION OF APPROPRIATIONS.—There
20 are authorized to be appropriated such sums as are nec-
21 essary to carry out the purposes of this subtitle.

22 **“SEC. 532. VIOLATIONS AND PENALTIES.**

23 “(a) CIVIL PENALTY FOR VIOLATION OF CONTRIBU-
24 TION AND EXPENDITURE REQUIREMENTS.—If a can-
25 didate who has been certified as a participating candidate

1 under section 514 accepts a contribution or makes an ex-
2 penditure that is prohibited under section 513, the Com-
3 mission shall assess a civil penalty against the candidate
4 in an amount that is not more than 3 times the amount
5 of the contribution or expenditure. Any amounts collected
6 under this subsection shall be deposited into the Fund.

7 “(b) REPAYMENT FOR IMPROPER USE OF FREEDOM
8 FROM INFLUENCE FUND.—

9 “(1) IN GENERAL.—If the Commission deter-
10 mines that any benefit made available to a partici-
11 pating candidate under this title was not used as
12 provided for in this title or that a participating can-
13 didate has violated any of the dates for remission of
14 funds contained in this title, the Commission shall
15 so notify the candidate and the candidate shall pay
16 to the Fund an amount equal to—

17 “(A) the amount of benefits so used or not
18 remitted, as appropriate; and

19 “(B) interest on any such amounts (at a
20 rate determined by the Commission).

21 “(2) OTHER ACTION NOT PRECLUDED.—Any
22 action by the Commission in accordance with this
23 subsection shall not preclude enforcement pro-
24 ceedings by the Commission in accordance with sec-
25 tion 309(a), including a referral by the Commission

1 to the Attorney General in the case of an apparent
2 knowing and willful violation of this title.”.

3 **SEC. 5112. PROHIBITION ON JOINT FUNDRAISING COMMIT-**
4 **TEES.**

5 Section 302(e) of the Federal Election Campaign Act
6 of 1971 (52 U.S.C. 30102(e)) is amended by adding at
7 the end the following new paragraph:

8 “(6) No authorized committee of a participating
9 candidate (as defined in section 501) may establish
10 a joint fundraising committee with a political com-
11 mittee other than an authorized committee of a can-
12 didate.”.

13 **SEC. 5113. EXCEPTION TO LIMITATION ON COORDINATED**
14 **EXPENDITURES BY POLITICAL PARTY COM-**
15 **MITTEES WITH PARTICIPATING CANDIDATES.**

16 Section 315(d) of the Federal Election Campaign Act
17 of 1971 (52 U.S.C. 30116(d)) is amended—

18 (1) in paragraph (3)(A), by striking “in the
19 case of” and inserting “except as provided in para-
20 graph (6), in the case of”; and

21 (2) by adding at the end the following new
22 paragraph:

23 “(6)(A) The limitation under paragraph (3)(A)
24 shall not apply with respect to any expenditure from

1 a qualified political party-participating candidate co-
2 ordinated expenditure fund.

3 “(B) In this paragraph, the term ‘qualified po-
4 litical party-participating candidate coordinated ex-
5 penditure fund’ means a fund established by the na-
6 tional committee of a political party, or a State com-
7 mittee of a political party, including any subordinate
8 committee of a State committee, for purposes of
9 making expenditures in connection with the general
10 election campaign of a candidate for election to the
11 office of Senator who is a participating candidate (as
12 defined in section 501), that only accepts qualified
13 coordinated expenditure contributions.

14 “(C) In this paragraph, the term ‘qualified co-
15 ordinated expenditure contribution’ means, with re-
16 spect to the general election campaign of a candidate
17 for election to the office of Senator who is a partici-
18 pating candidate (as defined in section 501), any
19 contribution (or series of contributions)—

20 “(i) which is made by an individual who is
21 not prohibited from making a contribution
22 under this Act; and

23 “(ii) the aggregate amount of which does
24 not exceed \$500 per election.”.

1 **SEC. 5114. ASSESSMENTS AGAINST FINES AND PENALTIES.**

2 (a) ASSESSMENTS RELATING TO CRIMINAL OF-
3 FENSES.—

4 (1) IN GENERAL.—Chapter 201 of title 18,
5 United States Code, is amended by adding at the
6 end the following new section:

7 **“§ 3015. Special assessments for Freedom from Influ-
8 ence Fund**

9 “(a) ASSESSMENTS.—

10 “(1) CONVICTIONS OF CRIMES.—In addition to
11 any assessment imposed under this chapter, the
12 court shall assess on any organizational defendant or
13 any defendant who is a corporate officer or person
14 with equivalent authority in any other organization
15 who is convicted of a criminal offense under Federal
16 law an amount equal to 4.75 percent of any fine im-
17 posed on that defendant in the sentence imposed for
18 that conviction.

19 “(2) SETTLEMENTS.—The court shall assess on
20 any organizational defendant or defendant who is a
21 corporate officer or person with equivalent authority
22 in any other organization who has entered into a
23 settlement agreement or consent decree with the
24 United States in satisfaction of any allegation that
25 the defendant committed a criminal offense under

1 Federal law an amount equal to 4.75 percent of the
2 amount of the settlement.

3 “(b) MANNER OF COLLECTION.—An amount as-
4 sessed under subsection (a) shall be collected in the man-
5 ner in which fines are collected in criminal cases.

6 “(c) TRANSFERS.—In a manner consistent with sec-
7 tion 3302(b) of title 31, there shall be transferred from
8 the General Fund of the Treasury to the Freedom From
9 Influence Fund under section 502 of the Federal Election
10 Campaign Act of 1971 an amount equal to the amount
11 of the assessments collected under this section.”.

12 (2) CLERICAL AMENDMENT.—The table of sec-
13 tions of chapter 201 of title 18, United States Code,
14 is amended by adding at the end the following:

“3015. Special assessments for Freedom From Influence Fund.”.

15 (b) ASSESSMENTS RELATING TO CIVIL PEN-
16 ALTIES.—

17 (1) IN GENERAL.—Chapter 97 of title 31,
18 United States Code, is amended by adding at the
19 end the following new section:

20 **“§ 9707. Special assessments for Freedom from Infl-**
21 **ence fund**

22 “(a) ASSESSMENTS.—

23 “(1) CIVIL PENALTIES.—Any entity of the Fed-
24 eral Government which is authorized under any law,
25 rule, or regulation to impose a civil penalty shall as-

1 assess on each person, other than a natural person
2 who is not a corporate officer or person with equiva-
3 lent authority in any other organization, on whom
4 such a penalty is imposed an amount equal to 4.75
5 percent of the amount of the penalty.

6 “(2) ADMINISTRATIVE PENALTIES.—Any entity
7 of the Federal Government which is authorized
8 under any law, rule, or regulation to impose an ad-
9 ministrative penalty shall assess on each person,
10 other than a natural person who is not a corporate
11 officer or person with equivalent authority in any
12 other organization, on whom such a penalty is im-
13 posed an amount equal to 4.75 percent of the
14 amount of the penalty.

15 “(3) SETTLEMENTS.—Any entity of the Federal
16 Government which is authorized under any law, rule,
17 or regulation to enter into a settlement agreement or
18 consent decree with any person, other than a natural
19 person who is not a corporate officer or person with
20 equivalent authority in any other organization, in
21 satisfaction of any allegation of an action or omis-
22 sion by the person which would be subject to a civil
23 penalty or administrative penalty shall assess on
24 such person an amount equal to 4.75 percent of the
25 amount of the settlement.

1 “(b) MANNER OF COLLECTION.—An amount as-
2 sessed under subsection (a) shall be collected—

3 “(1) in the case of an amount assessed under
4 paragraph (1) of such subsection, in the manner in
5 which civil penalties are collected by the entity of the
6 Federal Government involved;

7 “(2) in the case of an amount assessed under
8 paragraph (2) of such subsection, in the manner in
9 which administrative penalties are collected by the
10 entity of the Federal Government involved; and

11 “(3) in the case of an amount assessed under
12 paragraph (3) of such subsection, in the manner in
13 which amounts are collected pursuant to settlement
14 agreements or consent decrees entered into by the
15 entity of the Federal Government involved.

16 “(c) TRANSFERS.—In a manner consistent with sec-
17 tion 3302(b) of this title, there shall be transferred from
18 the General Fund of the Treasury to the Freedom From
19 Influence Fund under section 502 of the Federal Election
20 Campaign Act of 1971 an amount equal to the amount
21 of the assessments collected under this section.

22 “(d) EXCEPTION FOR PENALTIES AND SETTLE-
23 MENTS UNDER AUTHORITY OF THE INTERNAL REVENUE
24 CODE OF 1986.—

1 “(1) IN GENERAL.—No assessment shall be
2 made under subsection (a) with respect to any civil
3 or administrative penalty imposed, or any settlement
4 agreement or consent decree entered into, under the
5 authority of the Internal Revenue Code of 1986.

6 “(2) CROSS REFERENCE.—For application of
7 special assessments for the Freedom From Influence
8 Fund with respect to certain penalties under the In-
9 ternal Revenue Code of 1986, see section 6761 of
10 the Internal Revenue Code of 1986.”.

11 (2) CLERICAL AMENDMENT.—The table of sec-
12 tions of chapter 97 of title 31, United States Code,
13 is amended by adding at the end the following:

“9706. Special assessments for Freedom From Influence Fund.”.

14 (c) ASSESSMENTS RELATING TO CERTAIN PEN-
15 ALTIES UNDER THE INTERNAL REVENUE CODE OF
16 1986.—

17 (1) IN GENERAL.—Chapter 68 of the Internal
18 Revenue Code of 1986 is amended by adding at the
19 end the following new subchapter:

1 **“Subchapter D—Special Assessments for**
2 **Freedom From Influence Fund**

3 **“SEC. 6761. SPECIAL ASSESSMENTS FOR FREEDOM FROM**
4 **INFLUENCE FUND.**

5 “(a) IN GENERAL.—Each person required to pay a
6 covered penalty shall pay an additional amount equal to
7 4.75 percent of the amount of such penalty.

8 “(b) COVERED PENALTY.—For purposes of this sec-
9 tion, the term ‘covered penalty’ means any addition to tax,
10 additional amount, penalty, or other liability provided
11 under subchapter A or B.

12 “(c) EXCEPTION FOR CERTAIN INDIVIDUALS.—

13 “(1) IN GENERAL.—In the case of a taxpayer
14 who is an individual, subsection (a) shall not apply
15 to any covered penalty if such taxpayer is an exempt
16 taxpayer for the taxable year for which such covered
17 penalty is assessed.

18 “(2) EXEMPT TAXPAYER.—For purposes of this
19 subsection, a taxpayer is an exempt taxpayer for any
20 taxable year if the taxable income of such taxpayer
21 for such taxable year does not exceed the dollar
22 amount at which begins the highest rate bracket in
23 effect under section 1 with respect to such taxpayer
24 for such taxable year.

1 “(d) APPLICATION OF CERTAIN RULES.—Except as
 2 provided in subsection (e), the additional amount deter-
 3 mined under subsection (a) shall be treated for purposes
 4 of this title in the same manner as the covered penalty
 5 to which such additional amount relates.

6 “(e) TRANSFER TO FREEDOM FROM INFLUENCE
 7 FUND.—The Secretary shall deposit any additional
 8 amount under subsection (a) in the General Fund of the
 9 Treasury and shall transfer from such General Fund to
 10 the Freedom From Influence Fund established under sec-
 11 tion 502 of the Federal Election Campaign Act of 1971
 12 an amount equal to the amounts so deposited (and, not-
 13 withstanding subsection (d), such additional amount shall
 14 not be the basis for any deposit, transfer, credit, appro-
 15 priation, or any other payment, to any other trust fund
 16 or account). Rules similar to the rules of section 9601
 17 shall apply for purposes of this subsection.”.

18 (2) CLERICAL AMENDMENT.—The table of sub-
 19 chapters for chapter 68 of such Code is amended by
 20 adding at the end the following new item:

“SUBCHAPTER D—SPECIAL ASSESSMENTS FOR FREEDOM FROM INFLUENCE
 FUND

“Sec. 6761. Special assessments for freedom from influence fund.”.

21 (d) EFFECTIVE DATES.—

22 (1) IN GENERAL.—Except as provided in para-
 23 graph (2), the amendments made by this section

1 shall apply with respect to convictions, agreements,
2 and penalties which occur on or after the date of the
3 enactment of this Act.

4 (2) ASSESSMENTS RELATING TO CERTAIN PEN-
5 ALTIES UNDER THE INTERNAL REVENUE CODE OF
6 1986.—The amendments made by subsection (c)
7 shall apply to covered penalties assessed after the
8 date of the enactment of this Act .

9 **SEC. 5115. STUDY AND REPORT ON SMALL DOLLAR FINANC-**
10 **ING PROGRAM.**

11 (a) STUDY AND REPORT.—Not later than 2 years
12 after the completion of the first election cycle in which
13 the program established under title V of the Federal Elec-
14 tion Campaign Act of 1971, as added by section 5111,
15 is in effect, the Federal Election Commission shall—

16 (1) assess—

17 (A) the amount of payment referred to in
18 section 523 of such Act; and

19 (B) the amount of a qualified small dollar
20 contribution referred to in section 501(13) of
21 such Act; and

22 (2) submit to Congress a report that discusses
23 whether such amounts are sufficient to meet the
24 goals of the program.

1 (b) UPDATE.—The Commission shall update and re-
2 vise the study and report required by subsection (a) on
3 a biennial basis.

4 (c) TERMINATION.—The requirements of this section
5 shall terminate 10 years after the date on which the first
6 study and report required by subsection (a) is submitted
7 to Congress.

8 **SEC. 5116. EFFECTIVE DATE.**

9 (a) IN GENERAL.—Except as may otherwise be pro-
10 vided in this part and in the amendments made by this
11 part, this part and the amendments made by this part
12 shall apply with respect to elections occurring during 2028
13 or any succeeding year, without regard to whether or not
14 the Federal Election Commission has promulgated the
15 final regulations necessary to carry out this part and the
16 amendments made by this part by the deadline set forth
17 in subsection (b).

18 (b) DEADLINE FOR REGULATIONS.—Not later than
19 June 30, 2026, the Federal Election Commission shall
20 promulgate such regulations as may be necessary to carry
21 out this part and the amendments made by this part.

1 **PART 3—RESPONSIBILITIES OF THE FEDERAL**

2 **ELECTION COMMISSION**

3 **SEC. 5121. PETITION FOR CERTIORARI.**

4 Section 307(a)(6) of the Federal Election Campaign
5 Act of 1971 (52 U.S.C. 30107(a)(6)) is amended by in-
6 serting “(including a proceeding before the Supreme
7 Court on certiorari)” after “appeal”.

8 **SEC. 5122. ELECTRONIC FILING OF FEC REPORTS.**

9 Section 304(a)(11) of the Federal Election Campaign
10 Act of 1971 (52 U.S.C. 30104(a)(11)) is amended—

11 (1) in subparagraph (A), by striking “under
12 this Act—” and all that follows and inserting
13 “under this Act shall be required to maintain and
14 file such designation, statement, or report in elec-
15 tronic form accessible by computers.”;

16 (2) in subparagraph (B), by striking “48
17 hours” and all that follows through “filed electroni-
18 cally)” and inserting “24 hours”; and

19 (3) by striking subparagraph (D).

20 **PART 4—MISCELLANEOUS PROVISIONS**

21 **SEC. 5131. SEVERABILITY.**

22 If any provision of this subtitle or amendment made
23 by this subtitle, or the application of a provision or amend-
24 ment to any person or circumstance, is held to be uncon-
25 stitutional, the remainder of this subtitle and amendments
26 made by this subtitle, and the application of the provisions

1 and amendment to any person or circumstance, shall not
2 be affected by the holding.

3 **Subtitle C—Presidential Elections**

4 **SEC. 5200. SHORT TITLE.**

5 This subtitle may be cited as the “Empower Act of
6 2021”.

7 **PART 1—PRIMARY ELECTIONS**

8 **SEC. 5201. INCREASE IN AND MODIFICATIONS TO MATCH-** 9 **ING PAYMENTS.**

10 (a) INCREASE AND MODIFICATION.—

11 (1) IN GENERAL.—The first sentence of section
12 9034(a) of the Internal Revenue Code of 1986 is
13 amended—

14 (A) by striking “an amount equal to the
15 amount of each contribution” and inserting “an
16 amount equal to 600 percent of the amount of
17 each matchable contribution (disregarding any
18 amount of contributions from any person to the
19 extent that the total of the amounts contributed
20 by such person for the election exceeds \$200)”;
21 and

22 (B) by striking “authorized committees”
23 and all that follows through “\$250” and insert-
24 ing “authorized committees”.

1 (2) MATCHABLE CONTRIBUTIONS.—Section
2 9034 of such Code is amended—

3 (A) by striking the last sentence of sub-
4 section (a); and

5 (B) by adding at the end the following new
6 subsection:

7 “(c) MATCHABLE CONTRIBUTION DEFINED.—For
8 purposes of this section and section 9033(b)—

9 “(1) MATCHABLE CONTRIBUTION.—The term
10 ‘matchable contribution’ means, with respect to the
11 nomination for election to the office of President of
12 the United States, a contribution by an individual to
13 a candidate or an authorized committee of a can-
14 didate with respect to which the candidate has cer-
15 tified in writing that—

16 “(A) the individual making such contribu-
17 tion has not made aggregate contributions (in-
18 cluding such matchable contribution) to such
19 candidate and the authorized committees of
20 such candidate in excess of \$1,000 for the elec-
21 tion,

22 “(B) such candidate and the authorized
23 committees of such candidate will not accept
24 contributions from such individual (including
25 such matchable contribution) aggregating more

1 than the amount described in subparagraph
2 (A), and

3 “(C) such contribution was a direct con-
4 tribution.

5 “(2) CONTRIBUTION.—For purposes of this
6 subsection, the term ‘contribution’ means a gift of
7 money made by a written instrument which identi-
8 fies the individual making the contribution by full
9 name and mailing address, but does not include a
10 subscription, loan, advance, or deposit of money, or
11 anything of value or anything described in subpara-
12 graph (B), (C), or (D) of section 9032(4).

13 “(3) DIRECT CONTRIBUTION.—

14 “(A) IN GENERAL.—For purposes of this
15 subsection, the term ‘direct contribution’
16 means, with respect to a candidate, a contribu-
17 tion which is made directly by an individual to
18 the candidate or an authorized committee of the
19 candidate and is not—

20 “(i) forwarded from the individual
21 making the contribution to the candidate
22 or committee by another person, or

23 “(ii) received by the candidate or com-
24 mittee with the knowledge that the con-

1 tribution was made at the request, sugges-
2 tion, or recommendation of another person.

3 “(B) OTHER DEFINITIONS.—In subpara-
4 graph (A)—

5 “(i) the term ‘person’ does not include
6 an individual (other than an individual de-
7 scribed in section 304(i)(7) of the Federal
8 Election Campaign Act of 1971), a polit-
9 ical committee of a political party, or any
10 political committee which is not a separate
11 segregated fund described in section
12 316(b) of the Federal Election Campaign
13 Act of 1971 and which does not make con-
14 tributions or independent expenditures,
15 does not engage in lobbying activity under
16 the Lobbying Disclosure Act of 1995 (2
17 U.S.C. 1601 et seq.), and is not estab-
18 lished by, controlled by, or affiliated with
19 a registered lobbyist under such Act, an
20 agent of a registered lobbyist under such
21 Act, or an organization which retains or
22 employs a registered lobbyist under such
23 Act, and

24 “(ii) a contribution is not ‘made at
25 the request, suggestion, or recommendation

1 of another person' solely on the grounds
2 that the contribution is made in response
3 to information provided to the individual
4 making the contribution by any person, so
5 long as the candidate or authorized com-
6 mittee does not know the identity of the
7 person who provided the information to
8 such individual.”.

9 (3) CONFORMING AMENDMENTS.—

10 (A) Section 9032(4) of such Code is
11 amended by striking “section 9034(a)” and in-
12 sserting “section 9034”.

13 (B) Section 9033(b)(3) of such Code is
14 amended by striking “matching contributions”
15 and inserting “matchable contributions”.

16 (b) MODIFICATION OF PAYMENT LIMITATION.—Sec-
17 tion 9034(b) of such Code is amended—

18 (1) by striking “The total” and inserting the
19 following:

20 “(1) IN GENERAL.—The total”;

21 (2) by striking “shall not exceed” and all that
22 follows and inserting “shall not exceed
23 \$250,000,000.”; and

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

1 “(2) INFLATION ADJUSTMENT.—

2 “(A) IN GENERAL.—In the case of any ap-
3 plicable period beginning after 2029, the dollar
4 amount in paragraph (1) shall be increased by
5 an amount equal to—

6 “(i) such dollar amount, multiplied by

7 “(ii) the cost-of-living adjustment de-
8 termined under section 1(f)(3) for the cal-
9 endar year following the year which such
10 applicable period begins, determined by
11 substituting ‘calendar year 2027’ for ‘cal-
12 endar year 1992’ in subparagraph (B)
13 thereof.

14 “(B) APPLICABLE PERIOD.—For purposes
15 of this paragraph, the term ‘applicable period’
16 means the 4-year period beginning with the
17 first day following the date of the general elec-
18 tion for the office of President and ending on
19 the date of the next such general election.

20 “(C) ROUNDING.—If any amount as ad-
21 justed under subparagraph (A) is not a multiple
22 of \$10,000, such amount shall be rounded to
23 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 **PART 2—GENERAL ELECTIONS**

9 **SEC. 5211. MODIFICATION OF ELIGIBILITY REQUIREMENTS**
 10 **FOR PUBLIC FINANCING.**

11 Subsection (a) of section 9003 of the Internal Rev-
 12 enue Code of 1986 is amended to read as follows:

13 “(a) IN GENERAL.—In order to be eligible to receive
 14 any payments under section 9006, the candidates of a po-
 15 litical party in a Presidential election shall meet the fol-
 16 lowing requirements:

17 “(1) PARTICIPATION IN PRIMARY PAYMENT
 18 SYSTEM.—The candidate for President received pay-
 19 ments under chapter 96 for the campaign for nomi-
 20 nation for election to be President.

21 “(2) AGREEMENTS WITH COMMISSION.—The
 22 candidates, in writing—

23 “(A) agree to obtain and furnish to the
 24 Commission such evidence as it may request of
 25 the qualified campaign expenses of such can-
 26 didates,

1 “(B) agree to keep and furnish to the
2 Commission such records, books, and other in-
3 formation as it may request, and

4 “(C) agree to an audit and examination by
5 the Commission under section 9007 and to pay
6 any amounts required to be paid under such
7 section.

8 “(3) PROHIBITION ON JOINT FUNDRAISING
9 COMMITTEES.—

10 “(A) PROHIBITION.—The candidates cer-
11 tify in writing that the candidates will not es-
12 tablish a joint fundraising committee with a po-
13 litical committee other than another authorized
14 committee of the candidate.

15 “(B) STATUS OF EXISTING COMMITTEES
16 FOR PRIOR ELECTIONS.—If a candidate estab-
17 lished a joint fundraising committee described
18 in subparagraph (A) with respect to a prior
19 election for which the candidate was not eligible
20 to receive payments under section 9006 and the
21 candidate does not terminate the committee,
22 the candidate shall not be considered to be in
23 violation of subparagraph (A) so long as that
24 joint fundraising committee does not receive
25 any contributions or make any disbursements

1 with respect to the election for which the can-
 2 didate is eligible to receive payments under sec-
 3 tion 9006.”.

4 **SEC. 5212. REPEAL OF EXPENDITURE LIMITATIONS AND**
 5 **USE OF QUALIFIED CAMPAIGN CONTRIBU-**
 6 **TIONS.**

7 (a) USE OF QUALIFIED CAMPAIGN CONTRIBUTIONS
 8 WITHOUT EXPENDITURE LIMITS; APPLICATION OF SAME
 9 REQUIREMENTS FOR MAJOR, MINOR, AND NEW PAR-
 10 TIES.—Section 9003 of the Internal Revenue Code of
 11 1986 is amended by striking subsections (b) and (c) and
 12 inserting the following:

13 “(b) USE OF QUALIFIED CAMPAIGN CONTRIBUTIONS
 14 TO DEFRAY EXPENSES.—

15 “(1) IN GENERAL.—In order to be eligible to
 16 receive any payments under section 9006, the can-
 17 didates of a party in a Presidential election shall
 18 certify to the Commission, under penalty of perjury,
 19 that—

20 “(A) such candidates and their authorized
 21 committees have not and will not accept any
 22 contributions to defray qualified campaign ex-
 23 penses other than—

24 “(i) qualified campaign contributions,
 25 and

1 “(ii) contributions to the extent nec-
2 essary to make up any deficiency payments
3 received out of the fund on account of the
4 application of section 9006(c), and

5 “(B) such candidates and their authorized
6 committees have not and will not accept any
7 contribution to defray expenses which would be
8 qualified campaign expenses but for subpara-
9 graph (C) of section 9002(11).

10 “(2) TIMING OF CERTIFICATION.—The can-
11 didate shall make the certification required under
12 this subsection at the same time the candidate
13 makes the certification required under subsection
14 (a)(3).”.

15 (b) DEFINITION OF QUALIFIED CAMPAIGN CON-
16 TRIBUTION.—Section 9002 of such Code is amended by
17 adding at the end the following new paragraph:

18 “(13) QUALIFIED CAMPAIGN CONTRIBUTION.—
19 The term ‘qualified campaign contribution’ means,
20 with respect to any election for the office of Presi-
21 dent of the United States, a contribution from an in-
22 dividual to a candidate or an authorized committee
23 of a candidate which—

24 “(A) does not exceed \$1,000 for the elec-
25 tion, and

1 “(B) with respect to which the candidate
2 has certified in writing that—

3 “(i) the individual making such con-
4 tribution has not made aggregate contribu-
5 tions (including such qualified contribu-
6 tion) to such candidate and the authorized
7 committees of such candidate in excess of
8 the amount described in subparagraph (A),
9 and

10 “(ii) such candidate and the author-
11 ized committees of such candidate will not
12 accept contributions from such individual
13 (including such qualified contribution) ag-
14 gregating more than the amount described
15 in subparagraph (A) with respect to such
16 election.”.

17 (c) CONFORMING AMENDMENTS.—

18 (1) REPEAL OF EXPENDITURE LIMITS.—

19 (A) IN GENERAL.—Section 315 of the Fed-
20 eral Election Campaign Act of 1971 (52 U.S.C.
21 30116) is amended by striking subsection (b).

22 (B) CONFORMING AMENDMENTS.—Section
23 315(c) of such Act (52 U.S.C. 30116(c)) is
24 amended—

1 (i) in paragraph (1)(B)(i), by striking
2 “, (b)”;

3 (ii) in paragraph (2)(B)(i), by striking
4 “subsections (b) and (d)” and inserting
5 “subsection (d)”.

6 (2) REPEAL OF REPAYMENT REQUIREMENT.—

7 (A) IN GENERAL.—Section 9007(b) of the
8 Internal Revenue Code of 1986 is amended by
9 striking paragraph (2) and redesignating para-
10 graphs (3), (4), and (5) as paragraphs (2), (3),
11 and (4), respectively.

12 (B) CONFORMING AMENDMENT.—Para-
13 graph (2) of section 9007(b) of such Code, as
14 redesignated by subparagraph (A), is amend-
15 ed—

16 (i) by striking “a major party” and
17 inserting “a party”;

18 (ii) by striking “contributions (other
19 than” and inserting “contributions (other
20 than qualified contributions”;

21 (iii) by striking “(other than qualified
22 campaign expenses with respect to which
23 payment is required under paragraph
24 (2))”.

25 (3) CRIMINAL PENALTIES.—

1 (A) REPEAL OF PENALTY FOR EXCESS EX-
2 PENSES.—Section 9012 of the Internal Revenue
3 Code of 1986 is amended by striking subsection
4 (a).

5 (B) PENALTY FOR ACCEPTANCE OF DIS-
6 ALLOWED CONTRIBUTIONS; APPLICATION OF
7 SAME PENALTY FOR CANDIDATES OF MAJOR,
8 MINOR, AND NEW PARTIES.—Subsection (b) of
9 section 9012 of such Code is amended to read
10 as follows:

11 “(b) CONTRIBUTIONS.—

12 “(1) ACCEPTANCE OF DISALLOWED CONTRIBU-
13 TIONS.—It shall be unlawful for an eligible can-
14 didate of a party in a Presidential election or any of
15 his authorized committees knowingly and willfully to
16 accept—

17 “(A) any contribution other than a quali-
18 fied campaign contribution to defray qualified
19 campaign expenses, except to the extent nec-
20 essary to make up any deficiency in payments
21 received out of the fund on account of the ap-
22 plication of section 9006(c), or

23 “(B) any contribution to defray expenses
24 which would be qualified campaign expenses but
25 for subparagraph (C) of section 9002(11).

1 “(2) PENALTY.—Any person who violates para-
2 graph (1) shall be fined not more than \$5,000, or
3 imprisoned not more than one year, or both. In the
4 case of a violation by an authorized committee, any
5 officer or member of such committee who knowingly
6 and willfully consents to such violation shall be fined
7 not more than \$5,000, or imprisoned not more than
8 one year, or both.”.

9 **SEC. 5213. MATCHING PAYMENTS AND OTHER MODIFICA-**
10 **TIONS TO PAYMENT AMOUNTS.**

11 (a) IN GENERAL.—

12 (1) AMOUNT OF PAYMENTS; APPLICATION OF
13 SAME AMOUNT FOR CANDIDATES OF MAJOR, MINOR,
14 AND NEW PARTIES.—Subsection (a) of section 9004
15 of the Internal Revenue Code of 1986 is amended to
16 read as follows:

17 “(a) IN GENERAL.—Subject to the provisions of this
18 chapter, the eligible candidates of a party in a Presidential
19 election shall be entitled to equal payment under section
20 9006 in an amount equal to 600 percent of the amount
21 of each matchable contribution received by such candidate
22 or by the candidate’s authorized committees (disregarding
23 any amount of contributions from any person to the extent
24 that the total of the amounts contributed by such person
25 for the election exceeds \$200), except that total amount

1 to which a candidate is entitled under this paragraph shall
2 not exceed \$250,000,000.”.

3 (2) REPEAL OF SEPARATE LIMITATIONS FOR
4 CANDIDATES OF MINOR AND NEW PARTIES; INFLA-
5 TION ADJUSTMENT.—Subsection (b) of section 9004
6 of such Code is amended to read as follows:

7 “(b) INFLATION ADJUSTMENT.—

8 “(1) IN GENERAL.—In the case of any applica-
9 ble period beginning after 2029, the \$250,000,000
10 dollar amount in subsection (a) shall be increased by
11 an amount equal to—

12 “(A) such dollar amount, multiplied by

13 “(B) the cost-of-living adjustment deter-
14 mined under section 1(f)(3) for the calendar
15 year following the year which such applicable
16 period begins, determined by substituting ‘cal-
17 endar year 2028’ for ‘calendar year 1992’ in
18 subparagraph (B) thereof.

19 “(2) APPLICABLE PERIOD.—For purposes of
20 this subsection, the term ‘applicable period’ means
21 the 4-year period beginning with the first day fol-
22 lowing the date of the general election for the office
23 of President and ending on the date of the next such
24 general election.

1 “(3) ROUNDING.—If any amount as adjusted
2 under paragraph (1) is not a multiple of \$10,000,
3 such amount shall be rounded to the nearest mul-
4 tiple of \$10,000.”.

5 (3) CONFORMING AMENDMENT.—Section
6 9005(a) of such Code is amended by adding at the
7 end the following new sentence: “The Commission
8 shall make such additional certifications as may be
9 necessary to receive payments under section 9004.”.

10 (b) MATCHABLE CONTRIBUTION.—Section 9002 of
11 such Code, as amended by section 5212(b), is amended
12 by adding at the end the following new paragraph:

13 “(14) MATCHABLE CONTRIBUTION.—The term
14 ‘matchable contribution’ means, with respect to the
15 election to the office of President of the United
16 States, a contribution by an individual to a can-
17 didate or an authorized committee of a candidate
18 with respect to which the candidate has certified in
19 writing that—

20 “(A) the individual making such contribu-
21 tion has not made aggregate contributions (in-
22 cluding such matchable contribution) to such
23 candidate and the authorized committees of
24 such candidate in excess of \$1,000 for the elec-
25 tion,

1 “(B) such candidate and the authorized
2 committees of such candidate will not accept
3 contributions from such individual (including
4 such matchable contribution) aggregating more
5 than the amount described in subparagraph (A)
6 with respect to such election, and

7 “(C) such contribution was a direct con-
8 tribution (as defined in section 9034(e)(3)).”.

9 **SEC. 5214. INCREASE IN LIMIT ON COORDINATED PARTY**
10 **EXPENDITURES.**

11 (a) IN GENERAL.—Section 315(d)(2) of the Federal
12 Election Campaign Act of 1971 (52 U.S.C. 30116(d)(2))
13 is amended to read as follows:

14 “(2)(A) The national committee of a political party
15 may not make any expenditure in connection with the gen-
16 eral election campaign of any candidate for President of
17 the United States who is affiliated with such party which
18 exceeds \$100,000,000.

19 “(B) For purposes of this paragraph—

20 “(i) any expenditure made by or on behalf of a
21 national committee of a political party and in con-
22 nection with a Presidential election shall be consid-
23 ered to be made in connection with the general elec-
24 tion campaign of a candidate for President of the
25 United States who is affiliated with such party; and

1 “(ii) any communication made by or on behalf
2 of such party shall be considered to be made in con-
3 nection with the general election campaign of a can-
4 didate for President of the United States who is af-
5 filiated with such party if any portion of the commu-
6 nication is in connection with such election.

7 “(C) Any expenditure under this paragraph shall be
8 in addition to any expenditure by a national committee
9 of a political party serving as the principal campaign com-
10 mittee of a candidate for the office of President of the
11 United States.”.

12 (b) CONFORMING AMENDMENTS RELATING TO TIM-
13 ING OF COST-OF-LIVING ADJUSTMENT.—

14 (1) IN GENERAL.—Section 315(c)(1) of such
15 Act (52 U.S.C. 30116(c)(1)) is amended—

16 (A) in subparagraph (B), by striking “(d)”
17 and inserting “(d)(2)”; and

18 (B) by adding at the end the following new
19 subparagraph:

20 “(D) In any calendar year after 2028—

21 “(i) the dollar amount in subsection (d)(2) shall
22 be increased by the percent difference determined
23 under subparagraph (A);

24 “(ii) the amount so increased shall remain in
25 effect for the calendar year; and

1 “(iii) if the amount after adjustment under
2 clause (i) is not a multiple of \$100, such amount
3 shall be rounded to the nearest multiple of \$100.”.

4 (2) BASE YEAR.—Section 315(c)(2)(B) of such
5 Act (52 U.S.C. 30116(c)(2)(B)) is amended—

6 (A) in clause (i)—

7 (i) by striking “(d)” and inserting
8 “(d)(3)”; and

9 (ii) by striking “and” at the end;

10 (B) in clause (ii), by striking the period at
11 the end and inserting “; and”; and

12 (C) by adding at the end the following new
13 clause:

14 “(iii) for purposes of subsection (d)(2), cal-
15 endar year 2027.”.

16 **SEC. 5215. USE OF GENERAL ELECTION PAYMENTS FOR**
17 **GENERAL ELECTION LEGAL AND ACCOUNT-**
18 **ING COMPLIANCE.**

19 Section 9002(11) of the Internal Revenue Code of
20 1986 is amended by adding at the end the following new
21 sentence: “For purposes of subparagraph (A), an expense
22 incurred by a candidate or authorized committee for gen-
23 eral election legal and accounting compliance purposes
24 shall be considered to be an expense to further the election
25 of such candidate.”.

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 subtitle and the amendments made by this subtitle 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 subtitle and the amendments made by this subtitle.

**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.

1 (2) Current law states that campaign funds
2 cannot be spent on everyday expenses that would
3 exist whether or not a candidate were running for
4 office, like childcare and food. While the law seems
5 neutral, its actual effect is to privilege the independ-
6 ently wealthy who want to run, because given the de-
7 mands of running for office, candidates who must
8 work to pay for childcare or to afford health insur-
9 ance are effectively being left out of the process,
10 even if they have sufficient support to mount a via-
11 ble campaign.

12 (3) Thus current practice favors those prospec-
13 tive candidates who do not need to rely on a regular
14 paycheck to make ends meet. The consequence is
15 that everyday Americans who have firsthand knowl-
16 edge of the importance of stable childcare, a safety
17 net, or great public schools are less likely to get a
18 seat at the table. This governance by the few is anti-
19 thetical to the democratic experiment, but most im-
20 portantly, when lawmakers do not share the con-
21 cerns of everyday Americans, their policies reflect
22 that.

23 (4) These circumstances have contributed to a
24 Congress that does not always reflect everyday
25 Americans. The New York Times reported in 2019

1 that fewer than 5 percent of representatives cite
2 blue-collar or service jobs in their biographies. A
3 2015 survey by the Center for Responsive Politics
4 showed that the median net worth of lawmakers was
5 just over \$1 million in 2013, or 18 times the wealth
6 of the typical American household.

7 (5) These circumstances have also contributed
8 to a governing body that does not reflect the nation
9 it serves. For instance, women are 51 percent of the
10 American population. Yet even with a record number
11 of women serving in the One Hundred Sixteenth
12 Congress, the Pew Research Center notes that more
13 than three out of four Members of this Congress are
14 male. The Center for American Women And Politics
15 found that one third of women legislators surveyed
16 had been actively discouraged from running for of-
17 fice, often by political professionals. This type of dis-
18 couragement, combined with the prohibitions on
19 using campaign funds for domestic needs like
20 childcare, burdens that still fall disproportionately
21 on American women, particularly disadvantages
22 working mothers. These barriers may explain why
23 only 10 women in history have given birth while
24 serving in Congress, in spite of the prevalence of
25 working parents in other professions. Yet working

1 mothers and fathers are best positioned to create
2 policy that reflects the lived experience of most
3 Americans.

4 (6) Working mothers, those caring for their el-
5 derly parents, and young professionals who rely on
6 their jobs for health insurance should have the free-
7 dom to run to serve the people of the United States.
8 Their networks and net worth are simply not the
9 best indicators of their strength as prospective pub-
10 lic servants. In fact, helping ordinary Americans to
11 run may create better policy for all Americans.

12 (c) PURPOSE.—It is the purpose of this subtitle to
13 ensure that all Americans who are otherwise qualified to
14 serve this Nation are able to run for office, regardless of
15 their economic status. By expanding permissible uses of
16 campaign funds and providing modest assurance that test-
17 ing a run for office will not cost one’s livelihood, the Help
18 America Run Act will facilitate the candidacy of represent-
19 atives who more accurately reflect the experiences, chal-
20 lenges, and ideals of everyday Americans.

21 **SEC. 5302. TREATMENT OF PAYMENTS FOR CHILD CARE**
22 **AND OTHER PERSONAL USE SERVICES AS AU-**
23 **THORIZED CAMPAIGN EXPENDITURE.**

24 (a) PERSONAL USE SERVICES AS AUTHORIZED CAM-
25 PAIGN EXPENDITURE.—Section 313 of the Federal Elec-

1 tion Campaign Act of 1971 (52 U.S.C. 30114) is amended
2 by adding at the end the following new subsection:

3 “(d) 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 (D) 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 4402(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.

1 **TITLE VI—CAMPAIGN FINANCE**
2 **OVERSIGHT**
3 **Subtitle A—Restoring Integrity to**
4 **America’s Elections**

5 **SEC. 6001. SHORT TITLE.**

6 This subtitle may be cited as the “Restoring Integrity
7 to America’s Elections Act”.

8 **SEC. 6002. MEMBERSHIP OF FEDERAL ELECTION COMMIS-**
9 **SION.**

10 (a) **REDUCTION IN NUMBER OF MEMBERS; REMOVAL**
11 **OF SECRETARY OF SENATE AND CLERK OF HOUSE AS**
12 **EX OFFICIO MEMBERS.—**

13 (1) **IN GENERAL; QUORUM.—**Section 306(a)(1)
14 of the Federal Election Campaign Act of 1971 (52
15 U.S.C. 30106(a)(1)) is amended—

16 (A) by striking the second and third sen-
17 tences and inserting the following: “The Com-
18 mission is composed of 5 members appointed by
19 the President by and with the advice and con-
20 sent of the Senate, of whom no more than 2
21 may be affiliated with the same political party.
22 A member shall be treated as affiliated with a
23 political party if the member was affiliated, in-
24 cluding as a registered voter, employee, consult-
25 ant, donor, officer, or attorney, with such polit-

1 ical party or any of its candidates or elected
2 public officials at any time during the 5-year
3 period ending on the date on which such indi-
4 vidual is nominated to be a member of the
5 Commission. 3 members of the Commission
6 shall constitute a quorum.”;

7 (B) by inserting “(A)” after “(1)”; and

8 (C) by adding at the end the following new
9 subparagraph:

10 “(B) An individual shall not be treated as affiliated
11 with a political party under subparagraph (A) solely on
12 the basis that the individual has made contributions or
13 donations to a candidate or political committee affiliated
14 with such political party unless such individual has, within
15 the 5-year period ending on the date on which such indi-
16 vidual is nominated to be a member of the Commission—

17 “(i) made one or more contributions in an
18 amount equal to the maximum permitted by law at
19 the time of the contribution to any individual can-
20 didate, political action committee, or party com-
21 mittee that is affiliated with such political party; or

22 “(ii) made 5 or more contributions in excess of
23 \$100 to any candidate, political action committee, or
24 party committee that is affiliated with such political
25 party.”.

1 (2) CONFORMING AMENDMENTS RELATING TO
2 REDUCTION IN NUMBER OF MEMBERS.—(A) Section
3 306(c) of such Act (52 U.S.C. 30106(c)) is amended
4 by striking the period at the end of the first sen-
5 tence and all that follows and inserting the fol-
6 lowing: “, except that an affirmative vote of a major-
7 ity of the members of the Commission who are serv-
8 ing at the time shall be required in order for the
9 Commission to take any action in accordance with
10 paragraph (6), (7), (8), or (9) of section 307(a) or
11 with chapter 95 or chapter 96 of the Internal Rev-
12 enue Code of 1986. A member of the Commission
13 may not delegate to any person his or her vote or
14 any decisionmaking authority or duty vested in the
15 Commission by the provisions of this Act”.

16 (B) Such Act is further amended by striking
17 “affirmative vote of 4 of its members” and inserting
18 “affirmative vote of a majority of the members of
19 the Commission who are serving at the time, pro-
20 vided a quorum is present” in the following sections:

21 (i) Section 309(a)(2) (52 U.S.C.
22 30109(a)(2)).

23 (ii) Section 309(a)(4)(A)(i) (52 U.S.C.
24 30109(a)(4)(A)(i)).

1 (iii) Section 309(a)(5)(C) (52 U.S.C.
2 30109(a)(5)(C)).

3 (iv) Section 309(a)(6)(A) (52 U.S.C.
4 30109(a)(6)(A)).

5 (v) Section 311(b) (52 U.S.C. 30111(b)).

6 (3) CONFORMING AMENDMENT RELATING TO
7 REMOVAL OF EX OFFICIO MEMBERS.—Section
8 306(a) of such Act (52 U.S.C. 30106(a)) is amend-
9 ed by striking “(other than the Secretary of the Sen-
10 ate and the Clerk of the House of Representatives)”
11 each place it appears in paragraphs (4) and (5).

12 (b) TERMS OF SERVICE.—Section 306(a)(2) of such
13 Act (52 U.S.C. 30106(a)(2)) is amended to read as fol-
14 lows:

15 “(2) TERMS OF SERVICE.—

16 “(A) IN GENERAL.—Each member of the
17 Commission shall serve for a single term of 6
18 years.

19 “(B) SPECIAL RULE FOR INITIAL APPOINT-
20 MENTS.—Of the members first appointed to
21 serve terms that begin in January 2022, the
22 President shall designate 2 to serve for a 3-year
23 term.

24 “(C) NO REAPPOINTMENT PERMITTED.—
25 An individual who served a term as a member

1 of the Commission may not serve for an addi-
2 tional term, except that—

3 “(i) an individual who served a 3-year
4 term under subparagraph (B) may also be
5 appointed to serve a 6-year term under
6 subparagraph (A); and

7 “(ii) for purposes of this subpara-
8 graph, an individual who is appointed to
9 fill a vacancy under subparagraph (D)
10 shall not be considered to have served a
11 term if the portion of the unexpired term
12 the individual fills is less than 50 percent
13 of the period of the term.

14 “(D) VACANCIES.—Any vacancy occurring
15 in the membership of the Commission shall be
16 filled in the same manner as in the case of the
17 original appointment. Except as provided in
18 subparagraph (C), an individual appointed to
19 fill a vacancy occurring other than by the expi-
20 ration of a term of office shall be appointed
21 only for the unexpired term of the member he
22 or she succeeds.

23 “(E) LIMITATION ON SERVICE AFTER EX-
24 PIRATION OF TERM.—A member of the Com-
25 mission may continue to serve on the Commis-

1 sion after the expiration of the member’s term
2 for an additional period, but only until the ear-
3 lier of—

4 “(i) the date on which the member’s
5 successor has taken office as a member of
6 the Commission; or

7 “(ii) the expiration of the 1-year pe-
8 riod that begins on the last day of the
9 member’s term.”.

10 (c) QUALIFICATIONS.—Section 306(a)(3) of such Act
11 (52 U.S.C. 30106(a)(3)) is amended to read as follows:

12 “(3) QUALIFICATIONS.—

13 “(A) IN GENERAL.—The President may
14 select an individual for service as a member of
15 the Commission if the individual has experience
16 in election law and has a demonstrated record
17 of integrity, impartiality, and good judgment.

18 “(B) ASSISTANCE OF BLUE RIBBON ADVI-
19 SORY PANEL.—

20 “(i) IN GENERAL.—Prior to the regu-
21 larly scheduled expiration of the term of a
22 member of the Commission and upon the
23 occurrence of a vacancy in the membership
24 of the Commission prior to the expiration
25 of a term, the President shall convene a

1 Blue Ribbon Advisory Panel that includes
2 individuals representing each major polit-
3 ical party and individuals who are inde-
4 pendent of a political party and that con-
5 sists of an odd number of individuals se-
6 lected by the President from retired Fed-
7 eral judges, former law enforcement offi-
8 cials, or individuals with experience in elec-
9 tion law, except that the President may not
10 select any individual to serve on the panel
11 who holds any public office at the time of
12 selection. The President shall also make
13 reasonable efforts to encourage racial, eth-
14 nic, and gender diversity on the panel.

15 “(ii) RECOMMENDATIONS.—With re-
16 spect to each member of the Commission
17 whose term is expiring or each vacancy in
18 the membership of the Commission (as the
19 case may be), the Blue Ribbon Advisory
20 Panel shall recommend to the President at
21 least one but not more than 3 individuals
22 for nomination for appointment as a mem-
23 ber of the Commission.

24 “(iii) PUBLICATION.—At the time the
25 President submits to the Senate the nomi-

1 nations for individuals to be appointed as
2 members of the Commission, the President
3 shall publish the Blue Ribbon Advisory
4 Panel's recommendations for such nomina-
5 tions.

6 “(iv) EXEMPTION FROM FEDERAL AD-
7 VISORY COMMITTEE ACT.—The Federal
8 Advisory Committee Act (5 U.S.C. App.)
9 does not apply to a Blue Ribbon Advisory
10 Panel convened under this subparagraph.

11 “(C) PROHIBITING ENGAGEMENT WITH
12 OTHER BUSINESS OR EMPLOYMENT DURING
13 SERVICE.—A member of the Commission shall
14 not engage in any other business, vocation, or
15 employment. Any individual who is engaging in
16 any other business, vocation, or employment at
17 the time of his or her appointment to the Com-
18 mission shall terminate or liquidate such activ-
19 ity no later than 90 days after such appoint-
20 ment.”.

21 **SEC. 6003. ASSIGNMENT OF POWERS TO CHAIR OF FED-**
22 **ERAL ELECTION COMMISSION.**

23 (a) APPOINTMENT OF CHAIR BY PRESIDENT.—

1 (1) IN GENERAL.—Section 306(a)(5) of the
2 Federal Election Campaign Act of 1971 (52 U.S.C.
3 30106(a)(5)) is amended to read as follows:

4 “(5) CHAIR.—

5 “(A) INITIAL APPOINTMENT.—Of the
6 members first appointed to serve terms that
7 begin in January 2022, one such member (as
8 designated by the President at the time the
9 President submits nominations to the Senate)
10 shall serve as Chair of the Commission.

11 “(B) SUBSEQUENT APPOINTMENTS.—Any
12 individual who is appointed to succeed the
13 member who serves as Chair of the Commission
14 for the term beginning in January 2022 (as
15 well as any individual who is appointed to fill
16 a vacancy if such member does not serve a full
17 term as Chair) shall serve as Chair of the Com-
18 mission.

19 “(C) VICE CHAIR.—The Commission shall
20 select, by majority vote of its members, one of
21 its members to serve as Vice Chair, who shall
22 act as Chair in the absence or disability of the
23 Chair or in the event of a vacancy in the posi-
24 tion of Chair.”.

1 (2) CONFORMING AMENDMENT.—Section
2 309(a)(2) of such Act (52 U.S.C. 30109(a)(2)) is
3 amended by striking “through its chairman or vice
4 chairman” and inserting “through the Chair”.

5 (b) POWERS.—

6 (1) ASSIGNMENT OF CERTAIN POWERS TO
7 CHAIR.—Section 307(a) of such Act (52 U.S.C.
8 30107(a)) is amended to read as follows:

9 “(a) DISTRIBUTION OF POWERS BETWEEN CHAIR
10 AND COMMISSION.—

11 “(1) POWERS ASSIGNED TO CHAIR.—

12 “(A) ADMINISTRATIVE POWERS.—The
13 Chair of the Commission shall be the chief ad-
14 ministrative officer of the Commission and shall
15 have the authority to administer the Commis-
16 sion and its staff, and (in consultation with the
17 other members of the Commission) shall have
18 the power—

19 “(i) to appoint and remove the staff
20 director of the Commission;

21 “(ii) to request the assistance (includ-
22 ing personnel and facilities) of other agen-
23 cies and departments of the United States,
24 whose heads may make such assistance

1 available to the Commission with or with-
2 out reimbursement; and

3 “(iii) to prepare and establish the
4 budget of the Commission and to make
5 budget requests to the President, the Di-
6 rector of the Office of Management and
7 Budget, and Congress.

8 “(B) OTHER POWERS.—The Chair of the
9 Commission shall have the power—

10 “(i) to appoint and remove the gen-
11 eral counsel of the Commission with the
12 concurrence of at least 2 other members of
13 the Commission;

14 “(ii) to require by special or general
15 orders, any person to submit, under oath,
16 such written reports and answers to ques-
17 tions as the Chair may prescribe;

18 “(iii) to administer oaths or affirma-
19 tions;

20 “(iv) to require by subpoena, signed
21 by the Chair, the attendance and testimony
22 of witnesses and the production of all doc-
23 umentary evidence relating to the execu-
24 tion of its duties;

1 “(v) in any proceeding or investiga-
2 tion, to order testimony to be taken by
3 deposition before any person who is des-
4 ignated by the Chair, and shall have the
5 power to administer oaths and, in such in-
6 stances, to compel testimony and the pro-
7 duction of evidence in the same manner as
8 authorized under clause (iv); and

9 “(vi) to pay witnesses the same fees
10 and mileage as are paid in like cir-
11 cumstances in the courts of the United
12 States.

13 “(2) POWERS ASSIGNED TO COMMISSION.—The
14 Commission shall have the power—

15 “(A) to initiate (through civil actions for
16 injunctive, declaratory, or other appropriate re-
17 lief), defend (in the case of any civil action
18 brought under section 309(a)(8) of this Act) or
19 appeal (including a proceeding before the Su-
20 preme Court on certiorari) any civil action in
21 the name of the Commission to enforce the pro-
22 visions of this Act and chapter 95 and chapter
23 96 of the Internal Revenue Code of 1986,
24 through its general counsel;

1 “(B) to render advisory opinions under
2 section 308 of this Act;

3 “(C) to develop such prescribed forms and
4 to make, amend, and repeal such rules, pursu-
5 ant to the provisions of chapter 5 of title 5,
6 United States Code, as are necessary to carry
7 out the provisions of this Act and chapter 95
8 and chapter 96 of the Internal Revenue Code of
9 1986;

10 “(D) to conduct investigations and hear-
11 ings expeditiously, to encourage voluntary com-
12 pliance, and to report apparent violations to the
13 appropriate law enforcement authorities; and

14 “(E) to transmit to the President and Con-
15 gress not later than June 1 of each year a re-
16 port which states in detail the activities of the
17 Commission in carrying out its duties under
18 this Act, and which includes any recommenda-
19 tions for any legislative or other action the
20 Commission considers appropriate.

21 “(3) PERMITTING COMMISSION TO EXERCISE
22 OTHER POWERS OF CHAIR.—With respect to any in-
23 vestigation, action, or proceeding, the Commission,
24 by an affirmative vote of a majority of the members

1 who are serving at the time, may exercise any of the
2 powers of the Chair described in paragraph (1)(B).”.

3 (2) CONFORMING AMENDMENTS RELATING TO
4 PERSONNEL AUTHORITY.—Section 306(f) of such
5 Act (52 U.S.C. 30106(f)) is amended—

6 (A) by striking the first sentence of para-
7 graph (1) and inserting the following: “The
8 Commission shall have a staff director who
9 shall be appointed by the Chair of the Commis-
10 sion in consultation with the other members
11 and a general counsel who shall be appointed by
12 the Chair with the concurrence of at least two
13 other members.”;

14 (B) in paragraph (2), by striking “With
15 the approval of the Commission” and inserting
16 “With the approval of the Chair of the Commis-
17 sion”; and

18 (C) by striking paragraph (3).

19 (3) CONFORMING AMENDMENT RELATING TO
20 BUDGET SUBMISSION.—Section 307(d)(1) of such
21 Act (52 U.S.C. 30107(d)(1)) is amended by striking
22 “the Commission submits any budget” and inserting
23 “the Chair (or, pursuant to subsection (a)(3), the
24 Commission) submits any budget”.

1 (4) OTHER CONFORMING AMENDMENTS.—Sec-
2 tion 306(c) of such Act (52 U.S.C. 30106(c)) is
3 amended by striking “All decisions” and inserting
4 “Subject to section 307(a), all decisions”.

5 (5) TECHNICAL AMENDMENT.—The heading of
6 section 307 of such Act (52 U.S.C. 30107) is
7 amended by striking “THE COMMISSION” and insert-
8 ing “THE CHAIR AND THE COMMISSION”.

9 **SEC. 6004. REVISION TO ENFORCEMENT PROCESS.**

10 (a) STANDARD FOR INITIATING INVESTIGATIONS AND
11 DETERMINING WHETHER VIOLATIONS HAVE OC-
12 CURRED.—

13 (1) REVISION OF STANDARDS.—Section 309(a)
14 of the Federal Election Campaign Act of 1971 (52
15 U.S.C. 30109(a)) is amended by striking paragraphs
16 (2) and (3) and inserting the following:

17 “(2)(A) The general counsel, upon receiving a com-
18 plaint filed with the Commission under paragraph (1) or
19 upon the basis of information ascertained by the Commis-
20 sion in the normal course of carrying out its supervisory
21 responsibilities, shall make a determination as to whether
22 or not there is reason to believe that a person has com-
23 mitted, or is about to commit, a violation of this Act or
24 chapter 95 or chapter 96 of the Internal Revenue Code
25 of 1986, and as to whether or not the Commission should

1 either initiate an investigation of the matter or that the
2 complaint should be dismissed. The general counsel shall
3 promptly provide notification to the Commission of such
4 determination and the reasons therefore, together with
5 any written response submitted under paragraph (1) by
6 the person alleged to have committed the violation. Upon
7 the expiration of the 30-day period which begins on the
8 date the general counsel provides such notification, the
9 general counsel's determination shall take effect, unless
10 during such 30-day period the Commission, by vote of a
11 majority of the members of the Commission who are serv-
12 ing at the time, overrules the general counsel's determina-
13 tion. If the determination by the general counsel that the
14 Commission should investigate the matter takes effect, or
15 if the determination by the general counsel that the com-
16 plaint should be dismissed is overruled as provided under
17 the previous sentence, the general counsel shall initiate an
18 investigation of the matter on behalf of the Commission.

19 “(B) If the Commission initiates an investigation
20 pursuant to subparagraph (A), the Commission, through
21 the Chair, shall notify the subject of the investigation of
22 the alleged violation. Such notification shall set forth the
23 factual basis for such alleged violation. The Commission
24 shall make an investigation of such alleged violation, which
25 may include a field investigation or audit, in accordance

1 with the provisions of this section. The general counsel
2 shall provide notification to the Commission of any intent
3 to issue a subpoena or conduct any other form of discovery
4 pursuant to the investigation. Upon the expiration of the
5 15-day period which begins on the date the general counsel
6 provides such notification, the general counsel may issue
7 the subpoena or conduct the discovery, unless during such
8 15-day period the Commission, by vote of a majority of
9 the members of the Commission who are serving at the
10 time, prohibits the general counsel from issuing the sub-
11 poena or conducting the discovery.

12 “(3)(A) Upon completion of an investigation under
13 paragraph (2), the general counsel shall promptly submit
14 to the Commission the general counsel’s recommendation
15 that the Commission find either that there is probable
16 cause or that there is not probable cause to believe that
17 a person has committed, or is about to commit, a violation
18 of this Act or chapter 95 or chapter 96 of the Internal
19 Revenue Code of 1986, and shall include with the rec-
20 ommendation a brief stating the position of the general
21 counsel on the legal and factual issues of the case.

22 “(B) At the time the general counsel submits to the
23 Commission the recommendation under subparagraph (A),
24 the general counsel shall simultaneously notify the re-
25 spondent of such recommendation and the reasons there-

1 fore, shall provide the respondent with an opportunity to
2 submit a brief within 30 days stating the position of the
3 respondent on the legal and factual issues of the case and
4 replying to the brief of the general counsel. The general
5 counsel shall promptly submit such brief to the Commis-
6 sion upon receipt.

7 “(C) Not later than 30 days after the general counsel
8 submits the recommendation to the Commission under
9 subparagraph (A) (or, if the respondent submits a brief
10 under subparagraph (B), not later than 30 days after the
11 general counsel submits the respondent’s brief to the Com-
12 mission under such subparagraph), the Commission shall
13 approve or disapprove the recommendation by vote of a
14 majority of the members of the Commission who are serv-
15 ing at the time.”.

16 (2) CONFORMING AMENDMENT RELATING TO
17 INITIAL RESPONSE TO FILING OF COMPLAINT.—Sec-
18 tion 309(a)(1) of such Act (52 U.S.C. 30109(a)(1))
19 is amended—

20 (A) in the third sentence, by striking “the
21 Commission” and inserting “the general coun-
22 sel”; and

23 (B) by amending the fourth sentence to
24 read as follows: “Not later than 15 days after
25 receiving notice from the general counsel under

1 the previous sentence, the person may provide
2 the general counsel with a written response that
3 no action should be taken against such person
4 on the basis of the complaint.”.

5 (b) REVISION OF STANDARD FOR REVIEW OF DIS-
6 MISSAL OF COMPLAINTS.—

7 (1) IN GENERAL.—Section 309(a)(8) of such
8 Act (52 U.S.C. 30109(a)(8)) is amended to read as
9 follows:

10 “(8)(A)(i) Any party aggrieved by an order of the
11 Commission dismissing a complaint filed by such party
12 may file a petition with the United States District Court
13 for the District of Columbia. Any petition under this sub-
14 paragraph shall be filed within 60 days after the date on
15 which the party received notice of the dismissal of the
16 complaint.

17 “(ii) In any proceeding under this subparagraph, the
18 court shall determine by de novo review whether the agen-
19 cy’s dismissal of the complaint is contrary to law. In any
20 matter in which the penalty for the alleged violation is
21 greater than \$50,000, the court should disregard any
22 claim or defense by the Commission of prosecutorial dis-
23 cretion as a basis for dismissing the complaint.

24 “(B)(i) Any party who has filed a complaint with the
25 Commission and who is aggrieved by a failure of the Com-

1 mission, within one year after the filing of the complaint,
2 to act on such complaint, may file a petition with the
3 United States District Court for the District of Columbia.

4 “(ii) In any proceeding under this subparagraph, the
5 court shall determine by de novo review whether the agen-
6 cy’s failure to act on the complaint is contrary to law.

7 “(C) In any proceeding under this paragraph the
8 court may declare that the dismissal of the complaint or
9 the failure to act is contrary to law, and may direct the
10 Commission to conform with such declaration within 30
11 days, failing which the complainant may bring, in the
12 name of such complainant, a civil action to remedy the
13 violation involved in the original complaint.”.

14 (2) EFFECTIVE DATE.—The amendments made
15 by paragraph (1) shall apply—

16 (A) in the case of complaints which are
17 dismissed by the Federal Election Commission,
18 with respect to complaints which are dismissed
19 on or after the date of the enactment of this
20 Act; and

21 (B) in the case of complaints upon which
22 the Federal Election Commission failed to act,
23 with respect to complaints which were filed on
24 or after the date of the enactment of this Act.

1 **SEC. 6005. PERMITTING APPEARANCE AT HEARINGS ON RE-**
2 **QUESTS FOR ADVISORY OPINIONS BY PER-**
3 **SONS OPPOSING THE REQUESTS.**

4 (a) IN GENERAL.—Section 308 of such Act (52
5 U.S.C. 30108) is amended by adding at the end the fol-
6 lowing new subsection:

7 “(e) To the extent that the Commission provides an
8 opportunity for a person requesting an advisory opinion
9 under this section (or counsel for such person) to appear
10 before the Commission to present testimony in support of
11 the request, and the person (or counsel) accepts such op-
12 portunity, the Commission shall provide a reasonable op-
13 portunity for an interested party who submitted written
14 comments under subsection (d) in response to the request
15 (or counsel for such interested party) to appear before the
16 Commission to present testimony in response to the re-
17 quest.”.

18 (b) EFFECTIVE DATE.—The amendment made by
19 subsection (a) shall apply with respect to requests for advi-
20 sory opinions under section 308 of the Federal Election
21 Campaign Act of 1971 which are made on or after the
22 date of the enactment of this Act.

23 **SEC. 6006. PERMANENT EXTENSION OF ADMINISTRATIVE**
24 **PENALTY AUTHORITY.**

25 (a) EXTENSION OF AUTHORITY.—Section
26 309(a)(4)(C)(v) of the Federal Election Campaign Act of

1 1971 (52 U.S.C. 30109(a)(4)(C)(v)) is amended by strik-
2 ing “, and that end on or before December 31, 2023”.

3 (b) EFFECTIVE DATE.—The amendment made by
4 subsection (a) shall take effect on December 31, 2021.

5 **SEC. 6007. RESTRICTIONS ON EX PARTE COMMUNICATIONS.**

6 Section 306(e) of the Federal Election Campaign Act
7 of 1971 (52 U.S.C. 30106(e)) is amended—

8 (1) by striking “(e) The Commission” and in-
9 serting “(e)(1) The Commission”; and

10 (2) by adding at the end the following new
11 paragraph:

12 “(2) Members and employees of the Commission shall
13 be subject to limitations on ex parte communications, as
14 provided in the regulations promulgated by the Commis-
15 sion regarding such communications which are in effect
16 on the date of the enactment of this paragraph.”.

17 **SEC. 6008. CLARIFYING AUTHORITY OF FEC ATTORNEYS TO**
18 **REPRESENT FEC IN SUPREME COURT.**

19 (a) CLARIFYING AUTHORITY.—Section 306(f)(4) of
20 the Federal Election Campaign Act of 1971 (52 U.S.C.
21 30106(f)(4)) is amended by striking “any action instituted
22 under this Act, either (A) by attorneys” and inserting
23 “any action instituted under this Act, including an action
24 before the Supreme Court of the United States, either (A)

1 by the General Counsel of the Commission and other at-
2 torneys”.

3 (b) EFFECTIVE DATE.—The amendment made by
4 paragraph (1) shall apply with respect to actions insti-
5 tuted before, on, or after the date of the enactment of
6 this Act.

7 **SEC. 6009. REQUIRING FORMS TO PERMIT USE OF ACCENT**
8 **MARKS.**

9 (a) REQUIREMENT.—Section 311(a)(1) of the Fed-
10 eral Election Campaign Act of 1971 (52 U.S.C.
11 30111(a)(1)) is amended by striking the semicolon at the
12 end and inserting the following: “, and shall ensure that
13 all such forms (including forms in an electronic format)
14 permit the person using the form to include an accent
15 mark as part of the person’s identification;”.

16 (b) EFFECTIVE DATE.—The amendment made by
17 subsection (a) shall take effect upon the expiration of the
18 90-day period which begins on the date of the enactment
19 of this Act.

20 **SEC. 6010. EXTENSION OF THE STATUTES OF LIMITATIONS**
21 **FOR OFFENSES UNDER THE FEDERAL ELEC-**
22 **TION CAMPAIGN ACT OF 1971.**

23 (a) CIVIL OFFENSES.—Section 309(a) of the Federal
24 Election Campaign Act of 1971 (52 U.S.C. 30109(a)) is

1 amended by inserting after paragraph (9) the following
2 new paragraph:

3 “(10) No person shall be subject to a civil penalty
4 under this subsection with respect to a violation of this
5 Act unless a complaint is filed with the Commission with
6 respect to the violation under paragraph (1), or the Com-
7 mission responds to information with respect to the viola-
8 tion which is ascertained in the normal course of carrying
9 out its supervisory responsibilities under paragraph (2),
10 not later than 10 years after the date on which the viola-
11 tion occurred.”.

12 (b) CRIMINAL OFFENSES.—Section 406(a) of such
13 Act (52 U.S.C. 30145(a)) is amended by striking “5
14 years” and inserting “10 years”.

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

18 **SEC. 6011. EFFECTIVE DATE; TRANSITION.**

19 (a) IN GENERAL.—Except as otherwise provided, the
20 amendments made by this subtitle shall apply beginning
21 January 1, 2022.

22 (b) TRANSITION.—

23 (1) TERMINATION OF SERVICE OF CURRENT
24 MEMBERS.—Notwithstanding any provision of the
25 Federal Election Campaign Act of 1971, the term of

1 any individual serving as a member of the Federal
 2 Election Commission as of December 31, 2021, shall
 3 expire on that date.

4 (2) NO EFFECT ON EXISTING CASES OR PRO-
 5 CEEDINGS.—Nothing in this subtitle or in any
 6 amendment made by this subtitle shall affect any of
 7 the powers exercised by the Federal Election Com-
 8 mission prior to December 31, 2021, including any
 9 investigation initiated by the Commission prior to
 10 such date or any proceeding (including any enforce-
 11 ment action) pending as of such date.

12 **Subtitle B—Stopping Super PAC—** 13 **Candidate Coordination**

14 **SEC. 6101. SHORT TITLE.**

15 This subtitle may be cited as the “Stop Super PAC–
 16 Candidate Coordination Act”.

17 **SEC. 6102. CLARIFICATION OF TREATMENT OF COORDI-** 18 **NATED EXPENDITURES AS CONTRIBUTIONS** 19 **TO CANDIDATES.**

20 (a) TREATMENT AS CONTRIBUTION TO CAN-
 21 DIDATE.—Section 301(8)(A) of the Federal Election Cam-
 22 paign Act of 1971 (52 U.S.C. 30101(8)(A)) is amended—

23 (1) by striking “or” at the end of clause (i);

24 (2) by striking the period at the end of clause

25 (ii) and inserting “; or”; and

1 (3) by adding at the end the following new
2 clause:

3 “(iii) any payment made by any person
4 (other than a candidate, an authorized com-
5 mittee of a candidate, or a political committee
6 of a political party) for a coordinated expendi-
7 ture (as such term is defined in section 326)
8 which is not otherwise treated as a contribution
9 under clause (i) or clause (ii).”.

10 (b) DEFINITIONS.—Title III of such Act (52 U.S.C.
11 30101 et seq.), as amended by section 4421 and section
12 4802(a), is amended by adding at the end the following
13 new section:

14 **“SEC. 327. PAYMENTS FOR COORDINATED EXPENDITURES.**

15 “(a) COORDINATED EXPENDITURES.—

16 “(1) IN GENERAL.—For purposes of section
17 301(8)(A)(iii), the term ‘coordinated expenditure’
18 means—

19 “(A) any expenditure, or any payment for
20 a covered communication described in sub-
21 section (d), which is made in cooperation, con-
22 sultation, or concert with, or at the request or
23 suggestion of, a candidate, an authorized com-
24 mittee of a candidate, a political committee of

1 a political party, or agents of the candidate or
2 committee, as defined in subsection (b); or

3 “(B) any payment for any communication
4 which republishes, disseminates, or distributes,
5 in whole or in part, any video or broadcast or
6 any written, graphic, or other form of campaign
7 material prepared by the candidate or com-
8 mittee or by agents of the candidate or com-
9 mittee (including any excerpt or use of any
10 video from any such broadcast or written,
11 graphic, or other form of campaign material).

12 “(2) EXCEPTION FOR PAYMENTS FOR CERTAIN
13 COMMUNICATIONS.—A payment for a communication
14 (including a covered communication described in
15 subsection (d)) shall not be treated as a coordinated
16 expenditure under this subsection if—

17 “(A) the communication appears in a news
18 story, commentary, or editorial distributed
19 through the facilities of any broadcasting sta-
20 tion, newspaper, magazine, or other periodical
21 publication, unless such facilities are owned or
22 controlled by any political party, political com-
23 mittee, or candidate; or

24 “(B) the communication constitutes a can-
25 didate debate or forum conducted pursuant to

1 regulations adopted by the Commission pursu-
2 ant to section 304(f)(3)(B)(iii), or which solely
3 promotes such a debate or forum and is made
4 by or on behalf of the person sponsoring the de-
5 bate or forum.

6 “(b) COORDINATION DESCRIBED.—

7 “(1) IN GENERAL.—For purposes of this sec-
8 tion, a payment is made ‘in cooperation, consulta-
9 tion, or concert with, or at the request or suggestion
10 of,’ a candidate, an authorized committee of a can-
11 didate, a political committee of a political party, or
12 agents of the candidate or committee, if the pay-
13 ment, or any communication for which the payment
14 is made, is not made entirely independently of the
15 candidate, committee, or agents. For purposes of the
16 previous sentence, a payment or communication not
17 made entirely independently of the candidate or
18 committee includes any payment or communication
19 made pursuant to any general or particular under-
20 standing with, or pursuant to any communication
21 with, the candidate, committee, or agents about the
22 payment or communication.

23 “(2) NO FINDING OF COORDINATION BASED
24 SOLELY ON SHARING OF INFORMATION REGARDING
25 LEGISLATIVE OR POLICY POSITION.—For purposes

1 of this section, a payment shall not be considered to
2 be made by a person in cooperation, consultation, or
3 concert with, or at the request or suggestion of, a
4 candidate or committee, solely on the grounds that
5 the person or the person's agent engaged in discus-
6 sions with the candidate or committee, or with any
7 agent of the candidate or committee, regarding that
8 person's position on a legislative or policy matter
9 (including urging the candidate or committee to
10 adopt that person's position), so long as there is no
11 communication between the person and the can-
12 didate or committee, or any agent of the candidate
13 or committee, regarding the candidate's or commit-
14 tee's campaign advertising, message, strategy, pol-
15 icy, polling, allocation of resources, fundraising, or
16 other campaign activities.

17 “(3) NO EFFECT ON PARTY COORDINATION
18 STANDARD.—Nothing in this section shall be con-
19 strued to affect the determination of coordination
20 between a candidate and a political committee of a
21 political party for purposes of section 315(d).

22 “(4) NO SAFE HARBOR FOR USE OF FIRE-
23 WALL.—A person shall be determined to have made
24 a payment in cooperation, consultation, or concert
25 with, or at the request or suggestion of, a candidate

1 or committee, in accordance with this section with-
2 out regard to whether or not the person established
3 and used a firewall or similar procedures to restrict
4 the sharing of information between individuals who
5 are employed by or who are serving as agents for the
6 person making the payment.

7 “(c) PAYMENTS BY COORDINATED SPENDERS FOR
8 COVERED COMMUNICATIONS.—

9 “(1) PAYMENTS MADE IN COOPERATION, CON-
10 SULTATION, OR CONCERT WITH CANDIDATES.—For
11 purposes of subsection (a)(1)(A), if the person who
12 makes a payment for a covered communication, as
13 defined in subsection (d), is a coordinated spender
14 under paragraph (2) with respect to the candidate
15 as described in subsection (d)(1), the payment for
16 the covered communication is made in cooperation,
17 consultation, or concert with the candidate.

18 “(2) COORDINATED SPENDER DEFINED.—For
19 purposes of this subsection, the term ‘coordinated
20 spender’ means, with respect to a candidate or an
21 authorized committee of a candidate, a person (other
22 than a political committee of a political party) for
23 which any of the following applies:

24 “(A) During the 4-year period ending on
25 the date on which the person makes the pay-

1 ment, the person was directly or indirectly
2 formed or established by or at the request or
3 suggestion of, or with the encouragement of,
4 the candidate (including an individual who later
5 becomes a candidate) or committee or agents of
6 the candidate or committee, including with the
7 approval of the candidate or committee or
8 agents of the candidate or committee.

9 “(B) The candidate or committee or any
10 agent of the candidate or committee solicits
11 funds, appears at a fundraising event, or en-
12 gages in other fundraising activity on the per-
13 son’s behalf during the election cycle involved,
14 including by providing the person with names of
15 potential donors or other lists to be used by the
16 person in engaging in fundraising activity, re-
17 gardless of whether the person pays fair market
18 value for the names or lists provided. For pur-
19 poses of this subparagraph, the term ‘election
20 cycle’ means, with respect to an election for
21 Federal office, the period beginning on the day
22 after the date of the most recent general elec-
23 tion for that office (or, if the general election
24 resulted in a runoff election, the date of the
25 runoff election) and ending on the date of the

1 next general election for that office (or, if the
2 general election resulted in a runoff election,
3 the date of the runoff election).

4 “(C) The person is established, directed, or
5 managed by the candidate or committee or by
6 any person who, during the 4-year period end-
7 ing on the date on which the person makes the
8 payment, has been employed or retained as a
9 political, campaign media, or fundraising ad-
10 viser or consultant for the candidate or com-
11 mittee or for any other entity directly or indi-
12 rectly controlled by the candidate or committee,
13 or has held a formal position with the candidate
14 or committee (including a position as an em-
15 ployee of the office of the candidate at any time
16 the candidate held any Federal, State, or local
17 public office during the 4-year period).

18 “(D) The person has retained the profes-
19 sional services of any person who, during the 2-
20 year period ending on the date on which the
21 person makes the payment, has provided or is
22 providing professional services relating to the
23 campaign to the candidate or committee, with-
24 out regard to whether the person providing the
25 professional services used a firewall. For pur-

1 poses of this subparagraph, the term ‘profes-
2 sional services’ includes any services in support
3 of the candidate’s or committee’s campaign ac-
4 tivities, including advertising, message, strat-
5 egy, policy, polling, allocation of resources,
6 fundraising, and campaign operations, but does
7 not include accounting or legal services.

8 “(E) The person is established, directed, or
9 managed by a member of the immediate family
10 of the candidate, or the person or any officer or
11 agent of the person has had more than inci-
12 dental discussions about the candidate’s cam-
13 paign with a member of the immediate family
14 of the candidate. For purposes of this subpara-
15 graph, the term ‘immediate family’ has the
16 meaning given such term in section 9004(e) of
17 the Internal Revenue Code of 1986.

18 “(d) COVERED COMMUNICATION DEFINED.—

19 “(1) IN GENERAL.—For purposes of this sec-
20 tion, the term ‘covered communication’ means, with
21 respect to a candidate or an authorized committee of
22 a candidate, a public communication (as defined in
23 section 301(22)) which—

24 “(A) expressly advocates the election of the
25 candidate or the defeat of an opponent of the

1 candidate (or contains the functional equivalent
2 of express advocacy);

3 “(B) promotes or supports the election of
4 the candidate, or attacks or opposes the election
5 of an opponent of the candidate (regardless of
6 whether the communication expressly advocates
7 the election or defeat of a candidate or contains
8 the functional equivalent of express advocacy);
9 or

10 “(C) refers to the candidate or an oppo-
11 nent of the candidate but is not described in
12 subparagraph (A) or subparagraph (B), but
13 only if the communication is disseminated dur-
14 ing the applicable election period.

15 “(2) APPLICABLE ELECTION PERIOD.—In para-
16 graph (1)(C), the ‘applicable election period’ with re-
17 spect to a communication means—

18 “(A) in the case of a communication which
19 refers to a candidate in a general, special, or
20 runoff election, the 120-day period which ends
21 on the date of the election; or

22 “(B) in the case of a communication which
23 refers to a candidate in a primary or preference
24 election, or convention or caucus of a political
25 party that has authority to nominate a can-

1 didate, the 60-day period which ends on the
2 date of the election or convention or caucus.

3 “(3) SPECIAL RULES FOR COMMUNICATIONS IN-
4 VOLVING CONGRESSIONAL CANDIDATES.—For pur-
5 poses of this subsection, a public communication
6 shall not be considered to be a covered communica-
7 tion with respect to a candidate for election for an
8 office other than the office of President or Vice
9 President unless it is publicly disseminated or dis-
10 tributed in the jurisdiction of the office the can-
11 didate is seeking.

12 “(e) PENALTY.—

13 “(1) DETERMINATION OF AMOUNT.—Any per-
14 son who knowingly and willfully commits a violation
15 of this Act by making a contribution which consists
16 of a payment for a coordinated expenditure shall be
17 fined an amount equal to the greater of—

18 “(A) in the case of a person who makes a
19 contribution which consists of a payment for a
20 coordinated expenditure in an amount exceeding
21 the applicable contribution limit under this Act,
22 300 percent of the amount by which the
23 amount of the payment made by the person ex-
24 ceeds such applicable contribution limit; or

1 “(B) in the case of a person who is prohib-
2 ited under this Act from making a contribution
3 in any amount, 300 percent of the amount of
4 the payment made by the person for the coordi-
5 nated expenditure.

6 “(2) JOINT AND SEVERAL LIABILITY.—Any di-
7 rector, manager, or officer of a person who is subject
8 to a penalty under paragraph (1) shall be jointly and
9 severally liable for any amount of such penalty that
10 is not paid by the person prior to the expiration of
11 the 1-year period which begins on the date the Com-
12 mission imposes the penalty or the 1-year period
13 which begins on the date of the final judgment fol-
14 lowing any judicial review of the Commission’s ac-
15 tion, whichever is later.”.

16 (c) EFFECTIVE DATE.—

17 (1) REPEAL OF EXISTING REGULATIONS ON CO-
18 ORDINATION.—Effective upon the expiration of the
19 90-day period which begins on the date of the enact-
20 ment of this Act—

21 (A) the regulations on coordinated commu-
22 nications adopted by the Federal Election Com-
23 mission which are in effect on the date of the
24 enactment of this Act (as set forth under the
25 heading “Coordination” in subpart C of part

1 109 of title 11, Code of Federal Regulations)
2 are repealed; and

3 (B) the Federal Election Commission shall
4 promulgate new regulations on coordinated
5 communications which reflect the amendments
6 made by this Act.

7 (2) EFFECTIVE DATE.—The amendments made
8 by this section shall apply with respect to payments
9 made on or after the expiration of the 120-day pe-
10 riod which begins on the date of the enactment of
11 this Act, without regard to whether or not the Fed-
12 eral Election Commission has promulgated regula-
13 tions in accordance with paragraph (1)(B) as of the
14 expiration of such period.

15 **SEC. 6103. CLARIFICATION OF BAN ON FUNDRAISING FOR**
16 **SUPER PACS BY FEDERAL CANDIDATES AND**
17 **OFFICEHOLDERS.**

18 (a) IN GENERAL.—Section 323(e)(1) of the Federal
19 Election Campaign Act of 1971 (52 U.S.C. 30125(e)(1))
20 is amended—

21 (1) by striking “or” at the end of subparagraph
22 (A);

23 (2) by striking the period at the end of sub-
24 paragraph (B) and inserting “; or”; and

1 (3) by adding at the end the following new sub-
2 paragraph:

3 “(C) solicit, receive, direct, or transfer
4 funds to or on behalf of any political committee
5 which accepts donations or contributions that
6 do not comply with the limitations, prohibitions,
7 and reporting requirements of this Act (or to or
8 on behalf of any account of a political com-
9 mittee which is established for the purpose of
10 accepting such donations or contributions), or
11 to or on behalf of any political organization
12 under section 527 of the Internal Revenue Code
13 of 1986 which accepts such donations or con-
14 tributions (other than a committee of a State or
15 local political party or a candidate for election
16 for State or local office).”.

17 (b) EFFECTIVE DATE.—The amendment made by
18 subsection (a) shall apply with respect to elections occur-
19 ring after January 1, 2022.

1 **Subtitle C—Disposal of**
2 **Contributions or Donations**

3 **SEC. 6201. TIMEFRAME FOR AND PRIORITIZATION OF DIS-**
4 **POSAL OF CONTRIBUTIONS OR DONATIONS.**

5 Section 313 of the Federal Election Campaign Act
6 of 1971 (52 U.S.C. 30114), as amended by section 5113
7 and section 5302, is amended—

8 (1) by redesignating subsections (c), (d), and
9 (e) as subsections (d), (e), and (f), respectively; and

10 (2) by inserting after subsection (b) the fol-
11 lowing new subsection:

12 “(c) DISPOSAL.—

13 “(1) TIMEFRAME.—Contributions or donations
14 described in subsection (a) may only be used—

15 “(A) in the case of an individual who is
16 not a candidate with respect to an election for
17 any Federal office for a 6-year period beginning
18 on the day after the date of the most recent
19 such election in which the individual was a can-
20 didate for any such office, during such 6-year
21 period;

22 “(B) in the case of an individual who be-
23 comes a registered lobbyist under the Lobbying
24 Disclosure Act of 1995, before the date on

1 which such individual becomes such a registered
2 lobbyist; or

3 “(C) in the case of an individual who be-
4 comes an agent of a foreign principal that
5 would require registration under section 2 of
6 the Foreign Agents Registration Act of 1938,
7 as amended (22 U.S.C. 612), before the date on
8 which such individual becomes such an agent of
9 a foreign principal.

10 “(2) MEANS OF DISPOSAL; PRIORITIZATION.—
11 Beginning on the date the 6-year period described in
12 subparagraph (A) of paragraph (1) ends (or, in the
13 case of an individual described in subparagraph (B)
14 of such paragraph, the date on which the individual
15 becomes a registered lobbyist under the Lobbying
16 Disclosure Act of 1995, or, in the case of an indi-
17 vidual described in subparagraph (C) of such para-
18 graph, the date on which the individual becomes a
19 registered agent of a foreign principal under the
20 Foreign Agents Registration Act of 1938, as amend-
21 ed), contributions or donations that remain available
22 to an individual described in such paragraph shall be
23 disposed of, not later than 30 days after such date,
24 as follows:

1 “(A) First, to pay any debts or obligations
2 owed in connection with the campaign for elec-
3 tion for Federal office of the individual.

4 “(B) Second, to the extent such contribu-
5 tion or donations remain available after the ap-
6 plication of subparagraph (A), through any of
7 the following means of disposal (or a combina-
8 tion thereof), in any order the individual con-
9 siders appropriate:

10 “(i) Returning such contributions or
11 donations to the individuals, entities, or
12 both, who made such contributions or do-
13 nations.

14 “(ii) Making contributions to an orga-
15 nization described in section 170(c) of the
16 Internal Revenue Code of 1986.

17 “(iii) Making transfers to a national,
18 State, or local committee of a political
19 party.”.

20 **SEC. 6202. 1-YEAR TRANSITION PERIOD FOR CERTAIN INDI-**
21 **VIDUALS.**

22 (a) IN GENERAL.—In the case of an individual de-
23 scribed in subsection (b), any contributions or donations
24 remaining available to the individual shall be disposed of—

1 (1) not later than one year after the date of the
2 enactment of this section; and

3 (2) in accordance with the prioritization speci-
4 fied in subparagraphs (A) through (D) of subsection
5 (c)(2) of section 313 of the Federal Election Cam-
6 paign Act of 1971 (52 U.S.C. 30114), as amended
7 by section 6201.

8 (b) INDIVIDUALS DESCRIBED.—An individual de-
9 scribed in this subsection is an individual who, as of the
10 date of the enactment of this section—

11 (1)(A) is not a candidate with respect to an
12 election for any Federal office for a period of not
13 less than 6 years beginning on the day after the date
14 of the most recent such election in which the indi-
15 vidual was a candidate for any such office; or

16 (B) is an individual who becomes a registered
17 lobbyist under the Lobbying Disclosure Act of 1995;
18 and

19 (2) would be in violation of subsection (c) of
20 section 313 of the Federal Election Campaign Act of
21 1971 (52 U.S.C. 30114), as amended by section
22 6201.

1 **Subtitle D—Recommendations to**
2 **Ensure Filing of Reports Before**
3 **Date of Election**

4 **SEC. 6301. RECOMMENDATIONS TO ENSURE FILING OF RE-**
5 **PORTS BEFORE DATE OF ELECTION.**

6 Not later than 180 days after the date of the enact-
7 ment of this Act, the Federal Election Commission shall
8 submit a report to Congress providing recommendations,
9 including recommendations for changes to existing law, on
10 how to ensure that each political committee under the
11 Federal Election Campaign Act of 1971, including a com-
12 mittee which accepts donations or contributions that do
13 not comply with the limitations, prohibitions, and report-
14 ing requirements of such Act, will file a report under sec-
15 tion 304 of such Act prior to the date of the election for
16 which the committee receives contributions or makes dis-
17 bursements, without regard to the date on which the com-
18 mittee first registered under such Act, and shall include
19 specific recommendations to ensure that such committees
20 will not delay until after the date of the election the re-
21 porting of the identification of persons making contribu-
22 tions that will be used to repay debt incurred by the com-
23 mittee.

1 **Subtitle E—Severability**

2 **SEC. 6401. 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 **DIVISION C—ETHICS**

11 **TITLE VII—ETHICAL STANDARDS**

12 **Subtitle A—Supreme Court Ethics**

13 **SEC. 7001. CODE OF CONDUCT FOR FEDERAL JUDGES.**

14 (a) **IN GENERAL.**—Chapter 57 of title 28, United
15 States Code, is amended by adding at the end the fol-
16 lowing:

17 **“§ 964. Code of conduct**

18 “Not later than 1 year after the date of the enact-
19 ment of this section, the Judicial Conference shall issue
20 a code of conduct, which applies to each justice and judge
21 of the United States, except that the code of conduct may
22 include provisions that are applicable only to certain cat-
23 egories of judges or justices.”.

24 (b) **CLERICAL AMENDMENT.**—The table of sections
25 for chapter 57 of title 28, United States Code, is amended

1 by adding after the item related to section 963 the fol-
2 lowing:

“964. Code of conduct.”.

3 **Subtitle B—Foreign Agents**
4 **Registration**

5 **SEC. 7101. ESTABLISHMENT OF FARA INVESTIGATION AND**
6 **ENFORCEMENT UNIT WITHIN DEPARTMENT**
7 **OF JUSTICE.**

8 Section 8 of the Foreign Agents Registration Act of
9 1938, as amended (22 U.S.C. 618) is amended by adding
10 at the end the following new subsection:

11 “(i) **DEDICATED ENFORCEMENT UNIT.**—

12 “(1) **ESTABLISHMENT.**—Not later than 180
13 days after the date of enactment of this subsection,
14 the Attorney General shall establish a unit within
15 the counterespionage section of the National Secu-
16 rity Division of the Department of Justice with re-
17 sponsibility for the enforcement of this Act.

18 “(2) **POWERS.**—The unit established under this
19 subsection is authorized to—

20 “(A) take appropriate legal action against
21 individuals suspected of violating this Act; and

22 “(B) coordinate any such legal action with
23 the United States Attorney for the relevant ju-
24 risdiction.

1 “(3) CONSULTATION.—In operating the unit es-
2 tablished under this subsection, the Attorney Gen-
3 eral shall, as appropriate, consult with the Director
4 of National Intelligence, the Secretary of Homeland
5 Security, and the Secretary of State.

6 “(4) AUTHORIZATION OF APPROPRIATIONS.—
7 There are authorized to be appropriated to carry out
8 the activities of the unit established under this sub-
9 section \$10,000,000 for fiscal year 2021 and each
10 succeeding fiscal year.”.

11 **SEC. 7102. AUTHORITY TO IMPOSE CIVIL MONEY PEN-**
12 **ALTIES.**

13 (a) ESTABLISHING AUTHORITY.—Section 8 of the
14 Foreign Agents Registration Act of 1938, as amended (22
15 U.S.C. 618), is amended by inserting after subsection (c)
16 the following:

17 “(d) CIVIL MONEY PENALTIES.—

18 “(1) REGISTRATION STATEMENTS.—A person
19 who fails to file timely, or to complete, a registration
20 statement in accordance with section 2(a) shall be
21 subject to a civil money penalty of not more than
22 \$10,000 per violation.

23 “(2) SUPPLEMENTS.—A person who fails to file
24 timely, or to complete, any supplement in accordance

1 with section 2(b) shall be subject to a civil money
2 penalty of not more than \$1,000 per violation.

3 “(3) OTHER VIOLATIONS.—

4 “(A) DEFINITION OF COVERED PERSON.—

5 In this paragraph, the term ‘covered person’
6 means a person that knowingly fails—

7 “(i) to remedy a defective filing by the
8 date that is 60 days after the date of re-
9 ceipt of a notice from the Attorney General
10 describing the defect; or

11 “(ii) to comply with any other applica-
12 ble provision of this Act.

13 “(B) PENALTY.—On proof, by a prepon-
14 derance of the evidence, of a knowing failure
15 described in subparagraph (A), the applicable
16 covered person shall be subject to a civil money
17 penalty of not more than \$200,000, as deter-
18 mined based on the extent and gravity of the
19 failure.

20 “(4) NO FINES PAID BY FOREIGN PRIN-
21 CIPALS.—A civil money penalty under paragraph
22 (1), (2), or (3) may not be paid, directly or indi-
23 rectly, by a foreign principal.

24 “(5) USE OF FINES.—All civil money penalties
25 collected under this subsection shall be used to pay

1 the costs of the enforcement unit established under
2 subsection (i)(1).”.

3 (b) **EFFECTIVE DATE.**—The amendment made by
4 subsection (a) shall take effect on the date of enactment
5 of this Act.

6 **SEC. 7103. DISCLOSURE OF TRANSACTIONS INVOLVING**
7 **THINGS OF FINANCIAL VALUE CONFERRED**
8 **ON OFFICEHOLDERS.**

9 (a) **REQUIRING AGENTS TO DISCLOSE KNOWN**
10 **TRANSACTIONS.**—

11 (1) **IN GENERAL.**—Section 2(a) of the Foreign
12 Agents Registration Act of 1938, as amended (22
13 U.S.C. 612(a)) is amended—

14 (A) by redesignating paragraphs (10) and
15 (11) as paragraphs (11) and (12); and

16 (B) by inserting after paragraph (9) the
17 following new paragraph:

18 “(10) To the extent that the registrant has
19 knowledge of any transaction which occurred in the
20 preceding 60 days and in which the foreign principal
21 for whom the registrant is acting as an agent con-
22 ferred on a Federal or State officeholder any thing
23 of financial value, including a gift, profit, salary, fa-
24 vorable regulatory treatment, or any other direct or

1 indirect economic or financial benefit, a detailed
2 statement describing each such transaction.”.

3 (2) EFFECTIVE DATE.—The amendments made
4 by paragraph (1) shall apply with respect to state-
5 ments filed on or after the expiration of the 90-day
6 period which begins on the date of the enactment of
7 this Act.

8 (b) SUPPLEMENTAL DISCLOSURE FOR CURRENT
9 REGISTRANTS.—Not later than the expiration of the 90-
10 day period which begins on the date of the enactment of
11 this Act, each registrant who (prior to the expiration of
12 such period) filed a registration statement with the Attor-
13 ney General under section 2(a) of the Foreign Agents Reg-
14 istration Act of 1938, as amended (22 U.S.C. 612(a)) and
15 who has knowledge of any transaction described in para-
16 graph (10) of section 2(a) of such Act (as added by sub-
17 section (a)(1)) which occurred at any time during which
18 the registrant was an agent of the foreign principal in-
19 volved, shall file with the Attorney General a supplement
20 to such statement under oath, on a form prescribed by
21 the Attorney General, containing a detailed statement de-
22 scribing each such transaction.

1 **SEC. 7104. ENSURING ONLINE ACCESS TO REGISTRATION**
2 **STATEMENTS.**

3 (a) **DIGITIZED FORMAT REQUIRED.**—Section 2(g) of
4 the Foreign Agents Registration Act of 1938, as amended
5 (22 U.S.C. 612(g)), is amended by striking “in electronic
6 form” and inserting “in a digitized format in order to en-
7 able the Attorney General to meet the requirements of sec-
8 tion 6(d)(1)”.

9 (b) **REQUIREMENTS FOR ELECTRONIC DATABASE OF**
10 **REGISTRATION STATEMENTS AND UPDATES.**—Section
11 6(d)(1) of the Foreign Agents Registration Act of 1938,
12 as amended (22 U.S.C. 616(d)(1)), is amended—

13 (1) in the matter preceding subparagraph (A),
14 by striking “to the extent technically practicable,”;
15 and

16 (2) in subparagraph (A), by inserting “, in a
17 digitized format,” after “includes”.

18 (c) **EFFECTIVE DATE.**—The amendments made by
19 this section shall apply with respect to statements, supple-
20 ments, and amendments filed under section 2 of the For-
21 eign Agents Registration Act of 1938, as amended (22
22 U.S.C. 612), on or after the date that is 180 days after
23 the date of enactment of this Act.

1 **Subtitle C—Lobbying Disclosure**
2 **Reform**

3 **SEC. 7201. EXPANDING SCOPE OF INDIVIDUALS AND AC-**
4 **TIVITIES SUBJECT TO REQUIREMENTS OF**
5 **LOBBYING DISCLOSURE ACT OF 1995.**

6 (a) TREATMENT OF COUNSELING SERVICES IN SUP-
7 PORT OF LOBBYING CONTACTS AS LOBBYING ACTIV-
8 ITY.—Section 3(7) of the Lobbying Disclosure Act of 1995
9 (2 U.S.C. 1602(7)) is amended—

10 (1) by striking “efforts” and inserting “any ef-
11 forts”; and

12 (2) by striking “research and other background
13 work” and inserting the following: “counseling in
14 support of such preparation and planning activities,
15 research, and other background work”.

16 (b) TREATMENT OF LOBBYING CONTACT MADE
17 WITH SUPPORT OF COUNSELING SERVICES AS LOBBYING
18 CONTACT MADE BY INDIVIDUAL PROVIDING SERVICES.—
19 Section 3(8) of such Act (2 U.S.C. 1602(8)) is amended
20 by adding at the end the following new subparagraph:

21 “(C) TREATMENT OF PROVIDERS OF
22 COUNSELING SERVICES.—Any individual, with
23 authority to direct or substantially influence a
24 lobbying contact or contacts made by another
25 individual, and for financial or other compensa-

1 tion provides counseling services in support of
 2 preparation and planning activities which are
 3 treated as lobbying activities under paragraph
 4 (7) for that other individual’s lobbying contact
 5 or contacts and who has knowledge that the
 6 specific lobbying contact or contacts were made,
 7 shall be considered to have made the same lob-
 8 bying contact at the same time and in the same
 9 manner to the covered executive branch official
 10 or covered legislative branch official involved.”.

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

14 **SEC. 7202. REQUIRING LOBBYISTS TO DISCLOSE STATUS AS**
 15 **LOBBYISTS UPON MAKING ANY LOBBYING**
 16 **CONTACTS.**

17 (a) MANDATORY DISCLOSURE AT TIME OF CON-
 18 TACT.—Section 14 of the Lobbying Disclosure Act of 1995
 19 (2 U.S.C. 1609) is amended—

20 (1) by striking subsections (a) and (b) and in-
 21 serting the following:

22 “(a) REQUIRING IDENTIFICATION AT TIME OF LOB-
 23 BYING CONTACT.—Any person or entity that makes a lob-
 24 bying contact with a covered legislative branch official or

1 a covered executive branch official shall, at the time of
2 the lobbying contact—

3 “(1) indicate whether the person or entity is
4 registered under this chapter and identify the client
5 on whose behalf the lobbying contact is made; and

6 “(2) indicate whether such client is a foreign
7 entity and identify any foreign entity required to be
8 disclosed under section 4(b)(4) that has a direct in-
9 terest in the outcome of the lobbying activity.”; and

10 (2) by redesignating subsection (c) as sub-
11 section (b).

12 (b) EFFECTIVE DATE.—The amendment made by
13 subsection (a) shall apply with respect to lobbying contacts
14 made on or after the date of the enactment of this Act.

15 **Subtitle D—Recusal of Presidential** 16 **Appointees**

17 **SEC. 7301. RECUSAL OF APPOINTEES.**

18 Section 208 of title 18, United States Code, is
19 amended by adding at the end the following:

20 “(e)(1) Any officer or employee appointed by the
21 President, other than an officer or employee who serves
22 in the Executive Office of the President, shall recuse him-
23 self or herself from any particular matter involving specific
24 parties in which a party to that matter is—

1 “(A) the President who appointed the officer or
2 employee, which—

3 “(i) shall include a party that is an entity
4 in which the President has a substantial inter-
5 est; and

6 “(ii) shall not include a particular matter
7 in which—

8 “(I) the President is a party to litiga-
9 tion in his or her official capacity; or

10 “(II) the outcome of the particular
11 matter would have a direct bearing on the
12 President’s ability to carry out his or her
13 constitutional duties; or

14 “(B) the spouse of the President who appointed
15 the officer or employee, which shall include a party
16 that is an entity in which the spouse of the Presi-
17 dent has a substantial interest.

18 “(2)(A)(i) Subject to subparagraph (B), if an officer
19 or employee is recused under paragraph (1), a career ap-
20 pointee in the agency of the officer or employee shall per-
21 form the functions and duties of the officer or employee
22 with respect to the matter.

23 “(ii) The most senior career appointee in the agency,
24 or component of the agency if applicable, of an officer or
25 employee recused under paragraph (1) (or the designee

1 of such career appointee) shall perform the functions and
2 duties of the recused officer or employee, and such career
3 appointee shall perform those functions and duties until
4 the particular matter concludes, unless the head of the
5 agency determines in writing that good cause exists to re-
6 assign those functions and duties to a different career ap-
7 pointee.

8 “(B)(i) In this subparagraph, the term ‘Commission’
9 means a board, commission, or other agency for which the
10 authority of the agency is vested in more than 1 member.

11 “(ii) If the recusal of a member of a Commission
12 from a matter under paragraph (1) would result in there
13 not being a statutorily required quorum of members of the
14 Commission available to participate in the matter, not-
15 withstanding such statute or any other provision of law,
16 the members of the Commission not recused under para-
17 graph (1) may—

18 “(I) consider the matter without regard to the
19 quorum requirement under such statute;

20 “(II) delegate the authorities and responsibil-
21 ities of the Commission with respect to the matter
22 to a subcommittee of the Commission; or

23 “(III) designate an officer or employee of the
24 Commission who was not appointed by the President
25 who appointed the member of the Commission

1 recused from the matter to exercise the authorities
2 and duties of the recused member with respect to
3 the matter.

4 “(3) Any officer or employee who violates paragraph
5 (1) shall be subject to the penalties set forth in section
6 216.

7 “(f) For purposes of this section, the term ‘particular
8 matter’ shall have the meaning given the term in section
9 207(i).”.

10 **Subtitle E—Clearinghouse on** 11 **Lobbying Information**

12 **SEC. 7401. ESTABLISHMENT OF CLEARINGHOUSE.**

13 (a) ESTABLISHMENT.—The Attorney General shall
14 establish and operate within the Department of Justice
15 a clearinghouse through which members of the public may
16 obtain copies (including in electronic form) of registration
17 statements filed under the Lobbying Disclosure Act of
18 1995 (2 U.S.C. 1601 et seq.) and the Foreign Agents Reg-
19 istration Act of 1938, as amended (22 U.S.C. 611 et seq.).

20 (b) FORMAT.—The Attorney General shall ensure
21 that the information in the clearinghouse established
22 under this section is maintained in a searchable and sort-
23 able format.

24 (c) AGREEMENTS WITH CLERK OF HOUSE AND SEC-
25 RETARY OF THE SENATE.—The Attorney General shall

1 enter into such agreements with the Clerk of the House
2 of Representatives and the Secretary of the Senate as may
3 be necessary for the Attorney General to obtain registra-
4 tion statements filed with the Clerk and the Secretary
5 under the Lobbying Disclosure Act of 1995 for inclusion
6 in the clearinghouse.

7 **Subtitle F—Foreign Lobbying**

8 **SEC. 7501. PROHIBITION ON FOREIGN LOBBYING.**

9 (a) IN GENERAL.—The Lobbying Disclosure Act of
10 1995 (2 U.S.C. 1601 et seq.) is amended—

11 (1) by redesignating section 26 (2 U.S.C. 1614)
12 as section 27; and

13 (2) by inserting after section 25 (2 U.S.C.
14 1613) the following:

15 **“SEC. 26. PROHIBITION ON FOREIGN LOBBYING.**

16 “(a) DEFINITION.—In this section—

17 “(1) the term ‘covered lobbyist’ means—

18 “(A) a lobbyist that is registered or is re-
19 quired to register under section 4(a)(1);

20 “(B) an organization that employs 1 or
21 more lobbyists and is registered, or is required
22 to register, under section 4(a)(2); and

23 “(C) an employee listed or required to be
24 listed as a lobbyist by a registrant under section
25 4(b)(6) or 5(b)(2)(C); and

1 “(2) the terms ‘information-service employee’,
2 ‘public-relations counsel’, and ‘publicity agent’ have
3 the meanings given those terms in section 1 of the
4 Foreign Agents Registration Act of 1938, as amend-
5 ed (22 U.S.C. 611).

6 “(b) PROHIBITION.—Except as provided in sub-
7 section (c), a covered lobbyist may not accept financial or
8 other compensation for services that include lobbying ac-
9 tivities on behalf of a foreign entity.

10 “(c) EXEMPTIONS.—The prohibition under sub-
11 section (b) shall not apply the following covered lobbyists:

12 “(1) DIPLOMATIC OR CONSULAR OFFICERS.—A
13 duly accredited diplomatic or consular officer of a
14 foreign government who is so recognized by the De-
15 partment of State, while the officer is engaged exclu-
16 sively in activities that are recognized by the Depart-
17 ment of State as being within the scope of the func-
18 tions of the officer.

19 “(2) OFFICIALS OF FOREIGN GOVERNMENTS.—
20 An official of a foreign government, if that govern-
21 ment is recognized by the United States, who is not
22 a public-relations counsel, a publicity agent, or an
23 information-service employee, or a citizen of the
24 United States, whose name and status and the char-
25 acter of whose duties as an official are of public

1 record in the Department of State, while said official
2 is engaged exclusively in activities that are recog-
3 nized by the Department of State as being within
4 the scope of the functions of the official.

5 “(3) STAFF MEMBERS OF DIPLOMATIC OR CON-
6 SULAR OFFICERS.—A member of the staff of, or any
7 person employed by, a duly accredited diplomatic or
8 consular officer of a foreign government who is so
9 recognized by the Department of State, other than
10 a public-relations counsel, a publicity agent, or an
11 information-service employee, whose name and sta-
12 tus and the character of whose duties as such mem-
13 ber or employee are of public record in the Depart-
14 ment of State, while the member or employee is en-
15 gaged exclusively in the performance of activities
16 that are recognized by the Department of State as
17 being within the scope of the functions of the mem-
18 ber or employee.

19 “(4) PERSONS ENGAGING OR AGREEING TO EN-
20 GAGE IN THE SOLICITING OR COLLECTING OF FUNDS
21 FOR HUMANITARIAN RELIEF.—A person engaging or
22 agreeing to engage only in the soliciting or collecting
23 of funds and contributions within the United States
24 to be used only for medical aid and assistance, or for
25 food and clothing to relieve human suffering, if the

1 solicitation or collection of funds and contributions
2 is in accordance with, and subject to, the provisions
3 of the Neutrality Act of 1939 (22 U.S.C. 441 et
4 seq.), and such rules and regulations as may be pre-
5 scribed thereunder.

6 “(5) CERTAIN PERSONS QUALIFIED TO PRAC-
7 TICE LAW.—

8 “(A) IN GENERAL.—A person qualified to
9 practice law, insofar as the person engages, or
10 agrees to engage in, the legal representation of
11 a disclosed foreign entity before any court of
12 law or any agency of the Government of the
13 United States.

14 “(B) LEGAL REPRESENTATION.—For the
15 purpose of this paragraph, legal representation
16 does not include any attempt to influence or
17 persuade agency personnel or officials other
18 than in the course of—

19 “(i) a judicial proceeding;

20 “(ii) a criminal or civil law enforce-
21 ment inquiry, investigation, or proceeding;
22 or

23 “(iii) an agency proceeding required
24 by statute or regulation to be conducted on
25 the record.

1 “(d) PENALTIES.—Any person who knowingly vio-
2 lates this section shall be fined not more than \$200,000,
3 imprisoned for not more than 5 years, or both, and any
4 compensation received for engaging in the unlawful activ-
5 ity shall be subject to disgorgement.”.

6 (b) CONFORMING AMENDMENT.—Section 7 of the
7 Lobbying Disclosure Act of 1995 (2 U.S.C. 1606) is
8 amended—

9 (1) in subsection (a), in the matter preceding
10 paragraph (1), by striking “Whoever” and inserting
11 “Except as otherwise provided in this Act, whoever”;
12 and

13 (2) in subsection (b), by striking “Whoever”
14 and inserting “Except as otherwise provided in this
15 Act, whoever”.

16 **Subtitle G—Severability**

17 **SEC. 7601. 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 **TITLE VIII—ETHICS REFORMS**
 2 **FOR THE PRESIDENT, VICE**
 3 **PRESIDENT, AND FEDERAL**
 4 **OFFICERS AND EMPLOYEES**
 5 **Subtitle A—Executive Branch**
 6 **Conflict of Interest**

7 **SEC. 8001. SHORT TITLE.**

8 This subtitle may be cited as the “Executive Branch
 9 Conflict of Interest Act”.

10 **SEC. 8002. RESTRICTIONS ON PRIVATE SECTOR PAYMENT**
 11 **FOR GOVERNMENT SERVICE.**

12 Section 209 of title 18, United States Code, is
 13 amended—

14 (1) in subsection (a),

15 (A) by striking “any salary” and inserting
 16 “any salary (including a bonus)”; and

17 (B) by striking “as compensation for his
 18 services” and inserting “at any time, as com-
 19 pensation for serving”; and

20 (2) in subsection (b)—

21 (A) by inserting “(1)” after “(b)”; and

22 (B) by adding at the end the following:

23 “(2) For purposes of paragraph (1), a pension, retire-
 24 ment, group life, health or accident insurance, profit-shar-
 25 ing, stock bonus, or other employee welfare or benefit plan

1 that makes payment of any portion of compensation con-
 2 tingent on accepting a position in the United States Gov-
 3 ernment shall not be considered bona fide.”.

4 **SEC. 8003. REQUIREMENTS RELATING TO SLOWING RE-**
 5 **VOLVING DOOR.**

6 The Ethics in Government Act of 1978 (5 U.S.C.
 7 App.) is amended by adding at the end the following:

8 **“TITLE VI—ENHANCED RE-**
 9 **QUIREMENTS FOR CERTAIN**
 10 **EMPLOYEES**

11 **“SEC. 601. DEFINITIONS.**

12 “In this title:

13 “(1) COVERED AGENCY.—

14 “(A) IN GENERAL.—The term ‘covered
 15 agency’ means—

16 “(i) an Executive agency (as defined
 17 in section 105 of title 5, United States
 18 Code);

19 “(ii) the Postal Service; and

20 “(iii) the Postal Rate Commission.

21 “(B) INCLUSION.—The term ‘covered
 22 agency’ includes the Executive Office of the
 23 President.

24 “(C) EXCLUSIONS.—The term ‘covered
 25 agency’ does not include—

1 “(i) the Government Accountability
2 Office; or

3 “(ii) the government of the District of
4 Columbia.

5 “(2) COVERED EMPLOYEE.—The term ‘covered
6 employee’ means an officer or employee referred to
7 in subsection (c)(2) or (d)(1) of section 207 of title
8 18, United States Code.

9 “(3) DIRECTOR.—The term ‘Director’ means
10 the Director of the Office of Government Ethics.

11 “(4) EXECUTIVE BRANCH.—The term ‘execu-
12 tive branch’ has the meaning given the term in sec-
13 tion 109.

14 “(5) FORMER CLIENT.—

15 “(A) IN GENERAL.—The term ‘former cli-
16 ent’, with respect to a covered employee, means
17 a person for whom the covered employee served
18 personally as an agent, attorney, or consultant
19 during the 2-year period ending on the day be-
20 fore the date on which the covered employee be-
21 gins service in the Federal Government.

22 “(B) EXCLUSIONS.—The term ‘former cli-
23 ent’ does not include—

1 “(i) an entity in the Federal Govern-
2 ment, including an executive branch agen-
3 cy;

4 “(ii) a State or local government;

5 “(iii) the District of Columbia;

6 “(iv) an Indian Tribe included on the
7 list published under section 104 of the
8 Federally Recognized Indian Tribe List
9 Act of 1994 (25 U.S.C. 5131); or

10 “(v) the government of a territory or
11 possession of the United States.

12 “(6) FORMER EMPLOYER.—

13 “(A) IN GENERAL.—The term ‘former em-
14 ployer’, with respect to a covered employee,
15 means a person for whom the covered employee
16 served as an employee, officer, director, trustee,
17 agent, attorney, consultant, or contractor dur-
18 ing the 2-year period ending on the day before
19 the date on which the covered employee begins
20 service in the Federal Government.

21 “(B) EXCLUSIONS.—The term ‘former em-
22 ployer’ does not include—

23 “(i) an entity in the Federal Govern-
24 ment, including an executive branch agen-
25 cy;

1 “(ii) a State or local government;

2 “(iii) the District of Columbia;

3 “(iv) an Indian Tribe (as defined in
4 section 4 of the Indian Self-Determination
5 and Education Assistance Act (25 U.S.C.
6 5304)); or

7 “(v) the government of a territory or
8 possession of the United States.

9 “(7) PARTICULAR MATTER.—The term ‘par-
10 ticular matter’ has the meaning given the term in
11 section 207(i) of title 18, United States Code.

12 **“SEC. 602. CONFLICT OF INTEREST AND ELIGIBILITY**
13 **STANDARDS.**

14 “(a) PROHIBITION.—

15 “(1) IN GENERAL.—A covered employee may
16 not participate personally and substantially in any
17 particular matter involving specific parties by which
18 the covered employee knows that a material financial
19 interest of a former employer or former client will be
20 directly and predictably affected.

21 “(2) EXEMPTIONS.—

22 “(A) REGULATIONS.—The Director shall
23 publish in the Federal Register regulations ap-
24 plicable to all or a portion of covered employees

1 providing exemptions to the prohibition under
2 paragraph (1).

3 “(B) INCLUSION.—The regulations under
4 subparagraph (A) shall include an exemption
5 for any covered employee in a case in which a
6 particular matter involves a financial interest
7 described in paragraph (1) that is too remote or
8 too inconsequential to affect the integrity of the
9 services provided by the covered employee.

10 “(b) WAIVERS.—

11 “(1) IN GENERAL.—

12 “(A) COVERED AGENCY HEADS.—With re-
13 spect to a head of a covered agency who is a
14 covered employee, the designated agency ethics
15 official for the Executive Office of the Presi-
16 dent, in consultation with the Director, may
17 grant a written waiver of the prohibition under
18 subsection (a) before the covered agency head
19 engages in an action otherwise prohibited by
20 that subsection, if the designated agency ethics
21 official determines and certifies in writing that,
22 in consideration of all relevant circumstances,
23 the interest of the Federal Government in the
24 participation of the covered agency head out-
25 weighs the concern that a reasonable person

1 may question the integrity of the programs or
2 operations of the covered agency.

3 “(B) OTHER COVERED EMPLOYEES.—With
4 respect to any covered employee not described
5 in subparagraph (A), the head of the covered
6 agency employing the covered employee, in con-
7 sultation with the Director, may grant a written
8 waiver of the prohibition under subsection (a)
9 before the covered employee engages in an ac-
10 tion otherwise prohibited by that subsection, if
11 the head of the covered agency determines and
12 certifies in writing that, in consideration of all
13 relevant circumstances, the interest of the Fed-
14 eral Government in the participation of the cov-
15 ered employee outweighs the concern that a rea-
16 sonable person may question the integrity of the
17 programs or operations of the covered agency.

18 “(2) NOTICE AND PUBLICATION.—For any
19 waiver granted under paragraph (1), the individual
20 who granted the waiver shall—

21 “(A) not later than 48 hours after the
22 waiver is granted, submit to the Director a copy
23 of the waiver; and

24 “(B) not later than 30 calendar days after
25 the date on which the waiver is granted, publish

1 the waiver on the website of the applicable cov-
2 ered agency.

3 “(3) DIRECTORIAL REVIEW.—On receipt of a
4 written waiver under paragraph (2)(A), the Director
5 shall—

6 “(A) review the waiver to determine wheth-
7 er the Director has any objection to the
8 issuance of the waiver; and

9 “(B) if the Director has an objection de-
10 scribed in subparagraph (A)—

11 “(i) provide reasons for the objection,
12 in writing, to the head of the covered agen-
13 cy who granted the waiver by not later
14 than 15 calendar days after the date on
15 which the waiver was granted; and

16 “(ii) publish the objection on the
17 website of the Office of Government Ethics
18 by not later than 30 calendar days after
19 the date on which the waiver was granted.

20 **“SEC. 603. ENFORCEMENT.**

21 “(a) CRIMINAL PENALTIES.—

22 “(1) IN GENERAL.—Any person who violates
23 section 602 shall be fined under title 18, United
24 States Code, imprisoned for not more than 1 year,
25 or both.

1 “(2) WILLFUL VIOLATIONS.—Any person who
2 willfully violates section 602 shall be fined under
3 title 18, United States Code, imprisoned for not
4 more than 5 years, or both.

5 “(b) CIVIL ENFORCEMENT.—

6 “(1) IN GENERAL.—The Attorney General may
7 bring a civil action in an appropriate district court
8 of the United States against any person who vio-
9 lates, or whom the Attorney General has reason to
10 believe is engaging in conduct that violates, section
11 602.

12 “(2) CIVIL PENALTY.—

13 “(A) IN GENERAL.—If the court finds, by
14 a preponderance of the evidence, that a person
15 violated section 602, the court shall impose
16 against the person a civil penalty of not more
17 than the greater of—

18 “(i) \$100,000 for each violation; and

19 “(ii) the amount of compensation the
20 person received or was offered for the con-
21 duct constituting the violation.

22 “(B) TREATMENT.—A civil penalty under
23 this subsection may be in addition to any other
24 criminal or civil statutory, common law, or ad-
25 ministrative remedy available to—

1 “(i) the United States; or

2 “(ii) any other person.

3 “(3) INJUNCTIVE RELIEF.—

4 “(A) IN GENERAL.—In a civil action
5 brought against a person under paragraph (1),
6 the Attorney General may petition the court for
7 an order prohibiting the person from engaging
8 in conduct that violates section 602.

9 “(B) STANDARD.—The court may issue an
10 order under subparagraph (A) if the court
11 finds, by a preponderance of the evidence, that
12 the conduct of the person violates section 602.

13 “(C) TREATMENT.—The filing of a peti-
14 tion seeking injunctive relief under this para-
15 graph shall not preclude any other remedy
16 available by law to—

17 “(i) the United States; or

18 “(ii) any other person.”.

19 **SEC. 8004. PROHIBITION OF PROCUREMENT OFFICERS AC-**
20 **CEPTING EMPLOYMENT FROM GOVERNMENT**
21 **CONTRACTORS.**

22 (a) EXPANSION OF PROHIBITION ON ACCEPTANCE
23 BY FORMER OFFICIALS OF COMPENSATION FROM CON-
24 TRACTORS.—Section 2104 of title 41, United States Code,
25 is amended—

1 (1) in subsection (a)—

2 (A) in the matter preceding paragraph

3 (1)—

4 (i) by striking “or consultant” and in-
5 serting “attorney, consultant, subcon-
6 tractor, or lobbyist”; and

7 (ii) by striking “one year” and insert-
8 ing “2 years”; and

9 (B) in paragraph (3), by striking “person-
10 ally made for the Federal agency” and inserting
11 “participated personally and substantially in”;
12 and

13 (2) by striking subsection (b) and inserting the
14 following:

15 “(b) PROHIBITION ON COMPENSATION FROM AFFILI-
16 ATES AND SUBCONTRACTORS.—A former official respon-
17 sible for a Government contract referred to in paragraph
18 (1), (2), or (3) of subsection (a) may not accept compensa-
19 tion for 2 years after awarding the contract from any divi-
20 sion, affiliate, or subcontractor of the contractor.”.

21 (b) REQUIREMENT FOR PROCUREMENT OFFICERS
22 TO DISCLOSE JOB OFFERS MADE TO RELATIVES.—Sec-
23 tion 2103(a) of title 41, United States Code, is amended
24 in the matter preceding paragraph (1) by inserting after

1 “that official” the following: “, or for a relative (as defined
2 in section 3110 of title 5) of that official,”.

3 (c) REQUIREMENT ON AWARD OF GOVERNMENT
4 CONTRACTS TO FORMER EMPLOYERS.—

5 (1) IN GENERAL.—Chapter 21 of division B of
6 subtitle I of title 41, United States Code, is amend-
7 ed by adding at the end the following new section:

8 **“§ 2108. Prohibition on involvement by certain**
9 **former contractor employees in procure-**
10 **ments**

11 “An employee of the Federal Government may not
12 participate personally and substantially in any award of
13 a contract to, or the administration of a contract awarded
14 to, a contractor that is a former employer of the employee
15 during the 2-year period beginning on the date on which
16 the employee leaves the employment of the contractor.”.

17 (2) TECHNICAL AND CONFORMING AMEND-
18 MENT.—The table of sections for chapter 21 of title
19 41, United States Code, is amended by adding at
20 the end the following new item:

“2108. Prohibition on involvement by certain former contractor employees
in procurements.”.

21 (d) REGULATIONS.—The Director of the Office of
22 Government Ethics, in consultation with the Adminis-
23 trator of General Services, shall promulgate regulations to

1 carry out and ensure the enforcement of chapter 21 of
2 title 41, United States Code, as amended by this section.

3 (e) **MONITORING AND COMPLIANCE.**—The Adminis-
4 trator of General Services, in consultation with designated
5 agency ethics officials (as that term is defined in section
6 109(3) of the Ethics in Government Act of 1978 (5 U.S.C.
7 App.)), shall monitor compliance with chapter 21 of title
8 41, United States Code, as amended by this section, 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 2022 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 authorized under the Presidential Protection
6 Assistance Act of 1976 (18 U.S.C. 3056 note).

7 (b) PROHIBITION ON CONTRACTS.—No Executive
8 agency may enter into or hold a contract with a business
9 owned or controlled by a covered individual or any family
10 member 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;

18 (2) directly or indirectly owns or controls more
19 than 50 percent of the voting shares of the business;
20 or

21 (3) is the beneficiary of a trust which owns or
22 controls more than 50 percent of the business and
23 can direct distributions under the terms of the trust.

24 (d) DEFINITIONS.—In this section:

1 (1) COVERED INDIVIDUAL.—The term “covered
2 individual” means—

3 (A) the President;

4 (B) the Vice President;

5 (C) the head of any Executive department
6 (as that term is defined in section 101 of title
7 5, United States Code); and

8 (D) any individual occupying a position
9 designated by the President as a Cabinet-level
10 position.

11 (2) EXECUTIVE AGENCY.—The term “Executive
12 agency” has the meaning given that term in section
13 105 of title 5, United States Code.

14 (3) FAMILY MEMBER.—The term “family mem-
15 ber” means an individual with any of the following
16 relationships to a covered individual:

17 (A) Spouse, and parents thereof.

18 (B) Sons and daughters, and spouses
19 thereof.

20 (C) Parents, and spouses thereof.

21 (D) Brothers and sisters, and spouses
22 thereof.

23 (E) Grandparents and grandchildren, and
24 spouses thereof.

1 (F) Domestic partner and parents thereof,
 2 including domestic partners of any individual in
 3 subparagraphs (A) through (E).

4 **Subtitle B—Presidential Conflicts**
 5 **of Interest**

6 **SEC. 8011. SHORT TITLE.**

7 This subtitle may be cited as the “Presidential Con-
 8 flicts of Interest Act of 2021”.

9 **SEC. 8012. DIVESTITURE OF PERSONAL FINANCIAL INTER-**
 10 **ESTS OF THE PRESIDENT AND VICE PRESI-**
 11 **DENT THAT POSE A POTENTIAL CONFLICT OF**
 12 **INTEREST.**

13 (a) IN GENERAL.—The Ethics in Government Act of
 14 1978 (5 U.S.C. App.) is amended by adding after title
 15 VI (as added by section 8003) the following:

16 **“TITLE VII—DIVESTITURE OF FI-**
 17 **NANCIAL CONFLICTS OF IN-**
 18 **TERESTS OF THE PRESIDENT**
 19 **AND VICE PRESIDENT**

20 **“SEC. 701. DIVESTITURE OF FINANCIAL INTERESTS POSING**
 21 **A CONFLICT OF INTEREST.**

22 “(a) APPLICABILITY TO THE PRESIDENT AND VICE
 23 PRESIDENT.—The President and Vice President shall,
 24 within 30 days of assuming office, divest of all financial
 25 interests that pose a conflict of interest because the Presi-

1 dent or Vice President, the spouse, dependent child, or
2 general partner of the President or Vice President, or any
3 person or organization with whom the President or Vice
4 President is negotiating or has any arrangement con-
5 cerning prospective employment, has a financial interest,
6 by—

7 “(1) converting each such interest to cash or
8 other investment that meets the criteria established
9 by the Director of the Office of Government Ethics
10 through regulation as being an interest so remote or
11 inconsequential as not to pose a conflict; or

12 “(2) placing each such interest in a qualified
13 blind trust as defined in section 102(f)(3) or a diver-
14 sified trust under section 102(f)(4)(B).

15 “(b) DISCLOSURE EXEMPTION.—Subsection (a) shall
16 not apply if the President or Vice President complies with
17 section 102.”.

18 (b) ADDITIONAL DISCLOSURES.—Section 102(a) of
19 the Ethics in Government Act of 1978 (5 U.S.C. App.)
20 is amended by adding at the end the following:

21 “(9) With respect to any such report filed by
22 the President or Vice President, for any corporation,
23 company, firm, partnership, or other business enter-
24 prise in which the President, Vice President, or the

1 spouse or dependent child of the President or Vice
2 President, has a significant financial interest—

3 “(A) the name of each other person who
4 holds a significant financial interest in the firm,
5 partnership, association, corporation, or other
6 entity;

7 “(B) the value, identity, and category of
8 each liability in excess of \$10,000; and

9 “(C) a description of the nature and value
10 of any assets with a value of \$10,000 or
11 more.”.

12 (c) REGULATIONS.—Not later than 120 days after
13 the date of enactment of this Act, the Director of the Of-
14 fice of Government Ethics shall promulgate regulations to
15 define the criteria required by section 701(a)(1) of the
16 Ethics in Government Act of 1978 (as added by subsection
17 (a)) and the term “significant financial interest” for pur-
18 poses of section 102(a)(9) of the Ethics in Government
19 Act (as added by subsection (b)).

20 **SEC. 8013. INITIAL FINANCIAL DISCLOSURE.**

21 Subsection (a) of section 101 of the Ethics in Govern-
22 ment Act of 1978 (5 U.S.C. App.) is amended by striking
23 “position” and adding at the end the following: “position,
24 with the exception of the President and Vice President,
25 who must file a new report.”.

1 **SEC. 8014. CONTRACTS BY THE PRESIDENT OR VICE PRESI-**
 2 **DENT.**

3 (a) AMENDMENT.—Section 431 of title 18, United
 4 States Code, is amended—

5 (1) in the section heading, by inserting “**the**
 6 **President, Vice President, Cabinet Mem-**
 7 **ber, or a**” after “**Contracts by**”; and

8 (2) in the first undesignated paragraph, by in-
 9 sserting “the President, Vice President, or any Cabi-
 10 net member” after “Whoever, being”.

11 (b) TABLE OF SECTIONS AMENDMENT.—The table of
 12 sections for chapter 23 of title 18, United States Code,
 13 is amended by striking the item relating to section 431
 14 and inserting the following:

“431. Contracts by the President, Vice President, Cabinet Member, or a Mem-
 ber of Congress.”.

15 **SEC. 8015. LEGAL DEFENSE FUNDS.**

16 (a) DEFINITIONS.—In this section—

17 (1) the term “Director” means the Director of
 18 the Office of Government Ethics;

19 (2) the term “legal defense fund” means a
 20 trust—

21 (A) that has only one beneficiary;

22 (B) that is subject to a trust agreement
 23 creating an enforceable fiduciary duty on the
 24 part of the trustee to the beneficiary, pursuant

1 to the applicable law of the jurisdiction in which
2 the trust is established;

3 (C) that is subject to a trust agreement
4 that provides for the mandatory public disclo-
5 sure of all donations and disbursements;

6 (D) that is subject to a trust agreement
7 that prohibits the use of its resources for any
8 purpose other than—

9 (i) the administration of the trust;

10 (ii) the payment or reimbursement of
11 legal fees or expenses incurred in investiga-
12 tive, civil, criminal, or other legal pro-
13 ceedings relating to or arising by virtue of
14 service by the trust's beneficiary as an offi-
15 cer or employee, as defined in this section,
16 or as an employee, contractor, consultant
17 or volunteer of the campaign of the Presi-
18 dent or Vice President; or

19 (iii) the distribution of unused re-
20 sources to a charity selected by the trustee
21 that has not been selected or recommended
22 by the beneficiary of the trust;

23 (E) that is subject to a trust agreement
24 that prohibits the use of its resources for any
25 other purpose or personal legal matters, includ-

1 ing tax planning, personal injury litigation, pro-
2 tection of property rights, divorces, or estate
3 probate; and

4 (F) that is subject to a trust agreement
5 that prohibits the acceptance of donations, ex-
6 cept in accordance with this section and the
7 regulations of the Office of Government Ethics;
8 (3) the term “officer or employee” means—

9 (A) an officer (as that term is defined in
10 section 2104 of title 5, United States Code) or
11 employee (as that term is defined in section
12 2105 of such title) of the executive branch of
13 the Government;

14 (B) the Vice President; and

15 (C) the President; and

16 (4) the term “relative” has the meaning given
17 that term in section 3110 of title 5, United States
18 Code.

19 (b) LEGAL DEFENSE FUNDS.—An officer or em-
20 ployee may not accept or use any gift or donation for the
21 payment or reimbursement of legal fees or expenses in-
22 curred in investigative, civil, criminal, or other legal pro-
23 ceedings relating to or arising by virtue of the officer or
24 employee’s service as an officer or employee, as defined
25 in this section, or as an employee, contractor, consultant

1 or volunteer of the campaign of the President or Vice
2 President except through a legal defense fund that is cer-
3 tified by the Director of the Office of Government Ethics.

4 (c) LIMITS ON GIFTS AND DONATIONS.—Not later
5 than 120 days after the date of the enactment of this Act,
6 the Director shall promulgate regulations establishing lim-
7 its with respect to gifts and donations described in sub-
8 section (b), which shall, at a minimum—

9 (1) prohibit the receipt of any gift or donation
10 described in subsection (b)—

11 (A) from a single contributor (other than
12 a relative of the officer or employee) in a total
13 amount of more than \$5,000 during any cal-
14 endar year;

15 (B) from a registered lobbyist;

16 (C) from a foreign government or an agent
17 of a foreign principal;

18 (D) from a State government or an agent
19 of a State government;

20 (E) from any person seeking official action
21 from, or seeking to do or doing business with,
22 the agency employing the officer or employee;

23 (F) from any person conducting activities
24 regulated by the agency employing the officer
25 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; or

7 (I) from any organization a majority of
8 whose members are described in subparagraphs
9 (A) through (H); and

10 (2) require that a legal defense fund, in order
11 to be certified by the Director, only permit distribu-
12 tions to the applicable officer or employee.

13 (d) WRITTEN NOTICE.—

14 (1) IN GENERAL.—An officer or employee who
15 wishes to accept funds or have a representative ac-
16 cept funds from a legal defense fund shall first en-
17 sure that the proposed trustee of the legal defense
18 fund submits to the Director the following informa-
19 tion:

20 (A) The name and contact information for
21 any proposed trustee of the legal defense fund.

22 (B) A copy of any proposed trust docu-
23 ment for the legal defense fund.

24 (C) The nature of the legal proceeding (or
25 proceedings), investigation, or other matter

1 which gives rise to the establishment of the
2 legal 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 tations 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 2021”.

6 **SEC. 8022. PROCEDURE FOR WAIVERS AND AUTHORIZA-**
7 **TIONS RELATING TO ETHICS REQUIREMENTS.**

8 (a) DEFINITIONS.—In this section:

9 (1) COVERED EMPLOYEE.—

10 (A) IN GENERAL.—The term “covered em-
11 ployee” means—

12 (i) a noncareer Presidential or Vice
13 Presidential appointee;

14 (ii) a noncareer appointee in the Sen-
15 ior Executive Service (or any other SES-
16 type system); and

17 (iii) an appointee to a position that
18 has been excepted from the competitive
19 service by reason of being of a confidential
20 or policy-determining character (such as a
21 position under Schedule C of subpart C of
22 part 213 of title 5, Code of Federal Regu-
23 lations (as in effect on the date of enact-
24 ment of this Act), and any other position

1 excepted under comparable criteria) in an
2 Executive agency.

3 (B) EXCLUSIONS.—The term “covered em-
4 ployee” does not include any individual ap-
5 pointed—

6 (i) as a member of the Senior Foreign
7 Service; or

8 (ii) solely as a uniformed service com-
9 missioned officer.

10 (2) DIRECTOR.—The term “Director” means
11 the Director of the Office of Government Ethics.

12 (b) PROCEDURE.—Notwithstanding any other provi-
13 sion of law, not later than 30 days after the date on which
14 an officer or employee issues or approves a waiver or au-
15 thorization for a covered employee pursuant to section 3
16 of Executive Order 13770 (82 Fed. Reg. 9335) (or any
17 subsequent similar order), the issuing officer or employee
18 shall—

19 (1) submit to the Director a written copy of the
20 waiver or authorization; and

21 (2) make a written copy of the waiver or au-
22 thorization available to the public on the website of
23 the employing agency of the covered employee.

24 (c) PUBLIC AVAILABILITY.—Not later than 30 days
25 after the date of receipt of a written copy of a waiver or

1 authorization under subsection (b)(1), the Director shall
2 make the waiver or authorization available to the public
3 on the website of the Office of Government Ethics.

4 (d) RETROACTIVE APPLICATION.—

5 (1) IN GENERAL.—In the case of a waiver or
6 authorization described in subsection (b) that is
7 issued during the period beginning on January 20,
8 2017, and ending on the date of enactment of this
9 Act, the issuing officer or employee shall comply
10 with the requirements of paragraphs (1) and (2) of
11 subsection (b) by not later than 30 days after the
12 date of enactment of this Act.

13 (2) REPORT TO CONGRESS.—Not later than 45
14 days after the date of enactment of this Act, the Di-
15 rector shall submit to Congress a report that de-
16 scribes the impact of the application of paragraph
17 (1), including the name of—

18 (A) each covered employee who received a
19 waiver or authorization described in subsection
20 (b); and

21 (B) each individual who, by operation of
22 paragraph (1), submitted the information re-
23 quired under that subsection.

1 **Subtitle D—Executive Branch**
2 **Ethics Enforcement**

3 **SEC. 8031. SHORT TITLE.**

4 This subtitle may be cited as the “Executive Branch
5 Comprehensive Ethics Enforcement Act of 2021”.

6 **SEC. 8032. REAUTHORIZATION OF THE OFFICE OF GOVERN-**
7 **MENT ETHICS.**

8 Section 405 of the Ethics in Government Act of 1978
9 (5 U.S.C. App.) is amended by striking “fiscal year 2007”
10 and inserting “fiscal years 2021 through 2025.”.

11 **SEC. 8033. TENURE OF THE DIRECTOR OF THE OFFICE OF**
12 **GOVERNMENT ETHICS.**

13 Section 401(b) of the Ethics in Government Act of
14 1978 (5 U.S.C. App.) is amended by striking the period
15 at the end and inserting “, subject to removal only for
16 inefficiency, neglect of duty, or malfeasance in office. The
17 Director may continue to serve beyond the expiration of
18 the term until a successor is appointed and has qualified,
19 except that the Director may not continue to serve for
20 more than one year after the date on which the term would
21 otherwise expire under this subsection.”.

22 **SEC. 8034. DUTIES OF DIRECTOR OF THE OFFICE OF GOV-**
23 **ERNMENT ETHICS.**

24 (a) **IN GENERAL.**—Section 402(a) of the Ethics in
25 Government Act of 1978 (5 U.S.C. App.) is amended by

1 striking “, in consultation with the Office of Personnel
2 Management,”.

3 (b) RESPONSIBILITIES OF THE DIRECTOR.—Section
4 402(b) of the Ethics in Government Act of 1978 (5 U.S.C.
5 App.) is amended—

6 (1) in paragraph (1)—

7 (A) by striking “developing, in consultation
8 with the Attorney General and the Office of
9 Personnel Management, rules and regulations
10 to be promulgated by the President or the Di-
11 rector” and inserting “developing and promul-
12 gating rules and regulations”; and

13 (B) by striking “title II” and inserting
14 “title I”;

15 (2) by striking paragraph (2) and inserting the
16 following:

17 “(2) providing mandatory education and train-
18 ing programs for designated agency ethics officials,
19 which may be delegated to each agency or the White
20 House Counsel as determined appropriate by the Di-
21 rector;”;

22 (3) in paragraph (3), by striking “title II” and
23 inserting “title I”;

24 (4) in paragraph (4), by striking “problems”
25 and inserting “issues”;

1 (5) in paragraph (6)—

2 (A) by striking “issued by the President or
3 the Director”; and

4 (B) by striking “problems” and inserting
5 “issues”;

6 (6) in paragraph (7)—

7 (A) by striking “, when requested,”; and

8 (B) by striking “conflict of interest prob-
9 lems” and inserting “conflicts of interest, as
10 well as other ethics issues”;

11 (7) in paragraph (9)—

12 (A) by striking “ordering” and inserting
13 “receiving allegations of violations of this Act or
14 regulations of the Office of Government Ethics
15 and, when necessary, investigating an allegation
16 to determine whether a violation occurred, and
17 ordering”; and

18 (B) by inserting before the semicolon the
19 following: “, and recommending appropriate
20 disciplinary action”;

21 (8) in paragraph (12)—

22 (A) by striking “evaluating, with the as-
23 sistance of” and inserting “promulgating, with
24 input from”;

25 (B) by striking “the need for”; and

1 (C) by striking “conflict of interest and
2 ethical problems” and inserting “conflict of in-
3 terest and ethics issues”;

4 (9) in paragraph (13)—

5 (A) by striking “with the Attorney Gen-
6 eral” and inserting “with the Inspectors Gen-
7 eral and the Attorney General”;

8 (B) by striking “violations of the conflict
9 of interest laws” and inserting “conflict of in-
10 terest issues and allegations of violations of eth-
11 ics laws and regulations and this Act”; and

12 (C) by striking “, as required by section
13 535 of title 28, United States Code”;

14 (10) in paragraph (14), by striking “and” at
15 the end;

16 (11) in paragraph (15)—

17 (A) by striking “, in consultation with the
18 Office of Personnel Management,”;

19 (B) by striking “title II” and inserting
20 “title I”; and

21 (C) by striking the period at the end and
22 inserting a semicolon; and

23 (12) by adding at the end the following:

24 “(16) directing and providing final approval,
25 when determined appropriate by the Director, for

1 designated agency ethics officials regarding the reso-
2 lution of conflicts of interest as well as any other
3 ethics issues under the purview of this Act in indi-
4 vidual cases; and

5 “(17) reviewing and approving, when deter-
6 mined appropriate by the Director, any recusals, ex-
7 emptions, or waivers from the conflicts of interest
8 and ethics laws, rules, and regulations and making
9 approved recusals, exemptions, and waivers made
10 publicly available by the relevant agency available in
11 a central location on the official website of the Office
12 of Government Ethics.”.

13 (c) WRITTEN PROCEDURES.—Paragraph (1) of sec-
14 tion 402(d) of the Ethics in Government Act of 1978 (5
15 U.S.C. App.) is amended—

16 (1) by striking “, by the exercise of any author-
17 ity otherwise available to the Director under this
18 title,”;

19 (2) by striking “the agency is”;

20 (3) by striking “collect, review, evaluate, and if
21 applicable, make” and insert “collects, reviews, eval-
22 uates, and, if applicable, makes”; and

23 (4) by inserting after “filed by” the following:
24 “, or written documentation of recusals, waivers, or
25 ethics authorizations relating to,”.

1 (d) CORRECTIVE ACTIONS.—Section 402(f) of the
2 Ethics in Government Act of 1978 (5 U.S.C. App.) is
3 amended—

4 (1) in paragraph (1)—

5 (A) in clause (i) of subparagraph (A), by
6 striking “of such agency”; and

7 (B) in subparagraph (B), by inserting be-
8 fore the period at the end “and determine that
9 a violation of this Act has occurred and issue
10 appropriate administrative or legal remedies as
11 prescribed in paragraph (2)”;

12 (2) in paragraph (2)—

13 (A) in subparagraph (A)—

14 (i) in clause (ii)—

15 (I) in subclause (I), by inserting
16 “to the President or the President’s
17 designee if the matter involves em-
18 ployees of the Executive Office of the
19 President or” after “may rec-
20 ommend”; and

21 (II) in subclause (II)—

22 (aa) by inserting “President
23 or” after “determines that the”;
24 and

1 (bb) by adding “and” at the
2 end;

3 (ii) in subclause (II) of clause (iii)—

4 (I) by striking “notify, in writ-
5 ing,” and inserting “advise the Presi-
6 dent or order”;

7 (II) by inserting “to take appro-
8 priate disciplinary action including
9 reprimand, suspension, demotion, or
10 dismissal against the officer or em-
11 ployee (provided, however, that any
12 order issued by the Director shall not
13 affect an employee’s right to appeal a
14 disciplinary action under applicable
15 law, regulation, collective bargaining
16 agreement, or contractual provision).”
17 after “employee’s agency”; and

18 (III) by striking “of the officer’s
19 or employee’s noncompliance, except
20 that, if the officer or employee in-
21 volved is the agency head, the notifi-
22 cation shall instead be submitted to
23 the President; and”;

24 (iii) by striking clause (iv);

25 (B) in subparagraph (B)(i)—

1 (i) by striking “subparagraph (A)(iii)
2 or (iv)” and inserting “subparagraph (A)”;

3 (ii) by inserting “(I)” before “In
4 order to”; and

5 (iii) by adding at the end the fol-
6 lowing:

7 “(II)(aa) The Director may secure directly
8 from any agency information necessary to en-
9 able the Director to carry out this Act. Upon
10 request of the Director, the head of such agency
11 shall furnish that information to the Director.

12 “(bb) The Director may require by sub-
13 poena the production of all information, docu-
14 ments, reports, answers, records, accounts, pa-
15 pers, and other data in any medium and docu-
16 mentary evidence necessary in the performance
17 of the functions assigned by this Act, which
18 subpoena, in the case of refusal to obey, shall
19 be enforceable by order of any appropriate
20 United States district court.”;

21 (C) in subparagraph (B)(ii)(I)—

22 (i) by striking “Subject to clause (iv)
23 of this subparagraph, before” and insert-
24 ing “Before”; and

1 (ii) by striking “subparagraphs (A)
2 (iii) or (iv)” and inserting “subparagraph
3 (A)(iii)”;

4 (D) in subparagraph (B)(iii), by striking
5 “Subject to clause (iv) of this subparagraph,
6 before” and inserting “Before”; and

7 (E) in subparagraph (B)(iv)—

8 (i) by striking “title 2” and inserting
9 “title I”; and

10 (ii) by striking “section 206” and in-
11 serting “section 106”; and

12 (3) in paragraph (4), by striking “(iv),”.

13 (e) DEFINITIONS.—Section 402 of the Ethics in Gov-
14 ernment Act of 1978 (5 U.S.C. App.) is amended by add-
15 ing at the end the following:

16 “(g) For purposes of this title—

17 “(1) the term ‘agency’ shall include the Execu-
18 tive Office of the President; and

19 “(2) the term ‘officer or employee’ shall include
20 any individual occupying a position, providing any
21 official services, or acting in an advisory capacity, in
22 the White House or the Executive Office of the
23 President.

24 “(h) In this title, a reference to the head of an agency
25 shall include the President or the President’s designee.

1 “(i) The Director shall not be required to obtain the
2 prior approval, comment, or review of any officer or agen-
3 cy of the United States, including the Office of Manage-
4 ment and Budget, before submitting to Congress, or any
5 committee or subcommittee thereof, any information, re-
6 ports, recommendations, testimony, or comments, if such
7 submissions include a statement indicating that the views
8 expressed therein are those of the Director and do not nec-
9 essarily represent the views of the President.”.

10 **SEC. 8035. AGENCY ETHICS OFFICIALS TRAINING AND DU-**
11 **TIES.**

12 (a) IN GENERAL.—Section 403 of the Ethics in Gov-
13 ernment Act of 1978 (5 U.S.C. App.) is amended—

14 (1) in subsection (a), by adding a period at the
15 end of the matter following paragraph (2); and

16 (2) by adding at the end the following:

17 “(c)(1) All designated agency ethics officials and al-
18 ternate designated agency ethics officials shall register
19 with the Director as well as with the appointing authority
20 of the official.

21 “(2) The Director shall provide ethics education and
22 training to all designated and alternate designated agency
23 ethics officials in a time and manner determined appro-
24 priate by the Director.

1 “(3) Each designated agency ethics official and each
2 alternate designated agency ethics official shall biannually
3 attend ethics education and training, as provided by the
4 Director under paragraph (2).

5 “(d) Each Designated Agency Ethics Official, includ-
6 ing the Designated Agency Ethics Official for the Execu-
7 tive Office of the President—

8 “(1) shall provide to the Director, in writing, in
9 a searchable, sortable, and downloadable format, all
10 approvals, authorizations, certifications, compliance
11 reviews, determinations, directed divestitures, public
12 financial disclosure reports, notices of deficiency in
13 compliance, records related to the approval or ac-
14 ceptance of gifts, recusals, regulatory or statutory
15 advisory opinions, waivers, including waivers under
16 section 207 or 208 of title 18, United States Code,
17 and any other records designated by the Director,
18 unless disclosure is prohibited by law;

19 “(2) shall, for all information described in para-
20 graph (1) that is permitted to be disclosed to the
21 public under law, make the information available to
22 the public by publishing the information on the
23 website of the Office of Government Ethics, pro-
24 viding a link to download an electronic copy of the

1 information, or providing printed paper copies of
2 such information to the public; and

3 “(3) may charge a reasonable fee for the cost
4 of providing paper copies of the information pursu-
5 ant to paragraph (2).

6 “(e)(1) For all information that is provided by an
7 agency to the Director under paragraph (1) of subsection
8 (d), the Director shall make the information available to
9 the public in a searchable, sortable, downloadable format
10 by publishing the information on the website of the Office
11 of Government Ethics or providing a link to download an
12 electronic copy of the information.

13 “(2) The Director may, upon request, provide printed
14 paper copies of the information published under para-
15 graph (1) and charge a reasonable fee for the cost of print-
16 ing such copies.”.

17 (b) REPEAL.—The Ethics in Government Act of
18 1978 (5 U.S.C. App) is amended by striking section 408.

19 **SEC. 8036. PROHIBITION ON USE OF FUNDS FOR CERTAIN**
20 **FEDERAL EMPLOYEE TRAVEL IN CON-**
21 **TRAVENTION OF CERTAIN REGULATIONS.**

22 (a) IN GENERAL.—Beginning on the date of enact-
23 ment of this Act, no Federal funds appropriated or other-
24 wise made available in any fiscal year may be used for
25 the travel expenses of any senior Federal official in con-

1 travention of sections 301–10.260 through 301–10.266 of
2 title 41, Code of Federal Regulations, or any successor
3 regulation.

4 (b) QUARTERLY REPORT ON TRAVEL.—

5 (1) IN GENERAL.—Not later than 90 days after
6 the date of enactment of this Act and every 90 days
7 thereafter, the head of each Federal agency shall
8 submit a report to the Committee on Oversight and
9 Reform of the House of Representatives and the
10 Committee on Homeland Security and Governmental
11 Affairs of the Senate detailing travel on Government
12 aircraft by any senior Federal official employed at
13 the applicable agency.

14 (2) APPLICATION.—Any report required under
15 paragraph (1) shall not include any classified travel,
16 and nothing in this Act shall be construed to super-
17 sede, alter, or otherwise affect the application of sec-
18 tion 101–37.408 of title 41, Code of Federal Regula-
19 tions, or any successor regulation.

20 (c) TRAVEL REGULATION REPORT.—Not later than
21 one year after enactment of this Act, the Director of the
22 Office of Government Ethics shall submit a report to Con-
23 gress detailing suggestions on strengthening Federal trav-
24 el regulations. On the date such report is so submitted,

1 the Director shall publish such report on the Office’s pub-
2 lie website.

3 (d) SENIOR FEDERAL OFFICIAL DEFINED.—In this
4 section, the term “senior Federal official” has the mean-
5 ing given that term in section 101–37.100 of title 41, Code
6 of Federal Regulations, as in effect on the date of enact-
7 ment of this Act, and includes any senior executive branch
8 official (as that term is defined in such section).

9 **SEC. 8037. REPORTS ON COST OF PRESIDENTIAL TRAVEL.**

10 (a) REPORT REQUIRED.—Not later than 90 days
11 after the date of the enactment of this Act, and every 90
12 days thereafter, the Secretary of Defense, in consultation
13 with the Secretary of the Air Force, shall submit to the
14 Chairman and Ranking Member of the Committee on
15 Armed Services of the House of Representatives a report
16 detailing the direct and indirect costs to the Department
17 of Defense in support of presidential travel. Each such re-
18 port shall include costs incurred for travel to a property
19 owned or operated by the individual serving as President
20 or an immediate family member of such individual.

21 (b) IMMEDIATE FAMILY MEMBER DEFINED.—In this
22 section, the term “immediate family member” means the
23 spouse of such individual, the adult or minor child of such
24 individual, or the spouse of an adult child of such indi-
25 vidual.

1 **SEC. 8038. REPORTS ON COST OF SENIOR FEDERAL OFFI-**
2 **CIAL TRAVEL.**

3 (a) REPORT REQUIRED.—Not later than 90 days
4 after the date of the enactment of this Act, and every 90
5 days thereafter, the Secretary of Defense shall submit to
6 the Chairman and Ranking Member of the Committee on
7 Armed Services of the House of Representatives a report
8 detailing the direct and indirect costs to the Department
9 of Defense in support of travel by senior Federal officials
10 on military aircraft. Each such report shall include wheth-
11 er spousal travel furnished by the Department was reim-
12 bursed to the Federal Government.

13 (b) EXCEPTION.—Required use travel, as outlined in
14 Department of Defense Directive 4500.56, shall not be in-
15 cluded in reports under subsection (a).

16 (c) SENIOR FEDERAL OFFICIAL DEFINED.—In this
17 section, the term “senior Federal official” has the mean-
18 ing given that term in section 8036(d).

19 **Subtitle E—Conflicts From**
20 **Political Fundraising**

21 **SEC. 8041. SHORT TITLE.**

22 This subtitle may be cited as the “Conflicts from Po-
23 litical Fundraising Act of 2021”.

1 **SEC. 8042. DISCLOSURE OF CERTAIN TYPES OF CONTRIBU-**
2 **TIONS.**

3 (a) DEFINITIONS.—Section 109 of the Ethics in Gov-
4 ernment Act of 1978 (5 U.S.C. App.) is amended—

5 (1) by redesignating paragraphs (2) through
6 (19) as paragraphs (5) through (22), respectively;
7 and

8 (2) by inserting after paragraph (1) the fol-
9 lowing:

10 “(2) ‘covered contribution’ means a payment,
11 advance, forbearance, rendering, or deposit of
12 money, or any thing of value—

13 “(A)(i) that—

14 “(I) is—

15 “(aa) made by or on behalf of a
16 covered individual; or

17 “(bb) solicited in writing by or at
18 the request of a covered individual;
19 and

20 “(II) is made—

21 “(aa) to a political organization,
22 as defined in section 527 of the Inter-
23 nal Revenue Code of 1986; or

24 “(bb) to an organization—

25 “(AA) that is described in
26 paragraph (4) or (6) of section

1 501(c) of the Internal Revenue
2 Code of 1986 and exempt from
3 tax under section 501(a) of such
4 Code; and

5 “(BB) that promotes or op-
6 poses changes in Federal laws or
7 regulations that are (or would
8 be) administered by the agency in
9 which the covered individual has
10 been nominated for appointment
11 to a covered position or is serving
12 in a covered position; or

13 “(ii) that is—

14 “(I) solicited in writing by or on be-
15 half of a covered individual; and

16 “(II) made—

17 “(aa) by an individual or entity
18 the activities of which are subject to
19 Federal laws or regulations that are
20 (or would be) administered by the
21 agency in which the covered individual
22 has been nominated for appointment
23 to a covered position or is serving in
24 a covered position; and

25 “(bb) to—

1 “(AA) a political organiza-
2 tion, as defined in section 527 of
3 the Internal Revenue Code of
4 1986; or

5 “(BB) an organization that
6 is described in paragraph (4) or
7 (6) of section 501(c) of the Inter-
8 nal Revenue Code of 1986 and
9 exempt from tax under section
10 501(a) of such Code; and

11 “(B) that is made to an organization de-
12 scribed in item (aa) or (bb) of clause (i)(II) or
13 clause (ii)(II)(bb) of subparagraph (A) for
14 which the total amount of such payments, ad-
15 vances, forbearances, renderings, or deposits of
16 money, or any thing of value, during the cal-
17 endar year in which it is made is not less than
18 the contribution limitation in effect under sec-
19 tion 315(a)(1)(A) of the Federal Election Cam-
20 paign Act of 1971 (52 U.S.C. 30116(a)(1)(A))
21 for elections occurring during such calendar
22 year;

23 “(3) ‘covered individual’ means an individual
24 who has been nominated or appointed to a covered
25 position; and

1 “(4) ‘covered position’—

2 “(A) means—

3 “(i) a position described under sec-
4 tions 5312 through 5316 of title 5, United
5 States Code;

6 “(ii) a position placed in level IV or V
7 of the Executive Schedule under section
8 5317 of title 5, United States Code;

9 “(iii) a position as a limited term ap-
10 pointee, limited emergency appointee, or
11 noncareer appointee in the Senior Execu-
12 tive Service, as defined under paragraphs
13 (5), (6), and (7), respectively, of section
14 3132(a) of title 5, United States Code; and

15 “(iv) a position in the executive
16 branch of the Government of a confidential
17 or policy-determining character under
18 schedule C of subpart C of part 213 of
19 title 5 of the Code of Federal Regulations;
20 and

21 “(B) does not include a position if the in-
22 dividual serving in the position has been ex-
23 cluded from the application of section
24 101(f)(5);”.

1 (b) DISCLOSURE REQUIREMENTS.—The Ethics in
2 Government Act of 1978 (5 U.S.C. App.) is amended—

3 (1) in section 101—

4 (A) in subsection (a)—

5 (i) by inserting “(1)” before “With-
6 in”;

7 (ii) by striking “unless” and inserting
8 “and, if the individual is assuming a cov-
9 ered position, the information described in
10 section 102(j), except that, subject to para-
11 graph (2), the individual shall not be re-
12 quired to file a report if”; and

13 (iii) by adding at the end the fol-
14 lowing:

15 “(2) If an individual has left a position described in
16 subsection (f) that is not a covered position and, within
17 30 days, assumes a position that is a covered position, the
18 individual shall, within 30 days of assuming the covered
19 position, file a report containing the information described
20 in section 102(j)(2)(A).”;

21 (B) in subsection (b)(1), in the first sen-
22 tence, by inserting “and the information re-
23 quired by section 102(j)” after “described in
24 section 102(b)”;

1 (C) in subsection (d), by inserting “and, if
2 the individual is serving in a covered position,
3 the information required by section
4 102(j)(2)(A)” after “described in section
5 102(a)”;

6 (D) in subsection (e), by inserting “and, if
7 the individual was serving in a covered position,
8 the information required by section
9 102(j)(2)(A)” after “described in section
10 102(a)”;

11 (2) in section 102—

12 (A) in subsection (g), by striking “Political
13 campaign funds” and inserting “Except as pro-
14 vided in subsection (j), political campaign
15 funds”;

16 (B) by adding at the end the following:

17 “(j)(1) In this subsection—

18 “(A) the term ‘applicable period’ means—

19 “(i) with respect to a report filed pursuant
20 to subsection (a) or (b) of section 101, the year
21 of filing and the 4 calendar years preceding the
22 year of the filing; and

23 “(ii) with respect to a report filed pursuant
24 to subsection (d) or (e) of section 101, the pre-
25 ceding calendar year; and

1 “(B) the term ‘covered gift’ means a gift that—

2 “(i) is made to a covered individual, the
3 spouse of a covered individual, or the dependent
4 child of a covered individual;

5 “(ii) is made by an entity described in item
6 (aa) or (bb) of section 109(2)(A)(i)(II); and

7 “(iii) would have been required to be re-
8 ported under subsection (a)(2) if the covered in-
9 dividual had been required to file a report
10 under section 101(d) with respect to the cal-
11 endar year during which the gift was made.

12 “(2)(A) A report filed pursuant to subsection (a), (b),
13 (d), or (e) of section 101 by a covered individual shall in-
14 clude, for each covered contribution during the applicable
15 period—

16 “(i) the date on which the covered contribution
17 was made;

18 “(ii) if applicable, the date or dates on which
19 the covered contribution was solicited;

20 “(iii) the value of the covered contribution;

21 “(iv) the name of the person making the cov-
22 ered contribution; and

23 “(v) the name of the person receiving the cov-
24 ered contribution.

1 “(B)(i) Subject to clause (ii), a covered contribution
2 made by or on behalf of, or that was solicited in writing
3 by or on behalf of, a covered individual shall constitute
4 a conflict of interest, or an appearance thereof, with re-
5 spect to the official duties of the covered individual.

6 “(ii) The Director of the Office of Government Ethics
7 may exempt a covered contribution from the application
8 of clause (i) if the Director determines the circumstances
9 of the solicitation and making of the covered contribution
10 do not present a risk of a conflict of interest and the ex-
11 emption of the covered contribution would not affect ad-
12 versely the integrity of the Government or the public’s con-
13 fidence in the integrity of the Government.

14 “(3) A report filed pursuant to subsection (a) or (b)
15 of section 101 by a covered individual shall include the
16 information described in subsection (a)(2) with respect to
17 each covered gift received during the applicable period.”.

18 (c) PROVISION OF REPORTS AND ETHICS AGREE-
19 MENTS TO CONGRESS.—Section 105 of the Ethics in Gov-
20 ernment Act of 1978 (5 U.S.C. App.) is amended by add-
21 ing at the end the following:

22 “(e) Not later than 30 days after receiving a written
23 request from the Chairman or Ranking Member of a com-
24 mittee or subcommittee of either House of Congress, the
25 Director of the Office of Government Ethics shall provide

1 to the Chairman and Ranking Member each report filed
2 under this title by the covered individual and any ethics
3 agreement entered into between the agency and the cov-
4 ered individual.”.

5 (d) RULES ON ETHICS AGREEMENTS.—The Director
6 of the Office of Government Ethics shall promptly issue
7 rules regarding how an agency in the executive branch
8 shall address information required to be disclosed under
9 the amendments made by this subtitle in drafting ethics
10 agreements between the agency and individuals appointed
11 to positions in the agency.

12 (e) TECHNICAL AND CONFORMING AMENDMENTS.—

13 (1) The Ethics in Government Act of 1978 (5
14 U.S.C. App.) is amended—

15 (A) in section 101(f)—

16 (i) in paragraph (9), by striking “sec-
17 tion 109(12)” and inserting “section
18 109(15)”;

19 (ii) in paragraph (10), by striking
20 “section 109(13)” and inserting “section
21 109(16)”;

22 (iii) in paragraph (11), by striking
23 “section 109(10)” and inserting “section
24 109(13)”;

1 (iv) in paragraph (12), by striking
2 “section 109(8)” and inserting “section
3 109(11)”;

4 (B) in section 103(l)—

5 (i) in paragraph (9), by striking “sec-
6 tion 109(12)” and inserting “section
7 109(15)”;

8 (ii) in paragraph (10), by striking
9 “section 109(13)” and inserting “section
10 109(16)”;

11 (C) in section 105(b)(3)(A), by striking
12 “section 109(8) or 109(10)” and inserting “sec-
13 tion 109(11) or 109(13)”.

14 (2) Section 3(4)(D) of the Lobbying Disclosure
15 Act of 1995 (2 U.S.C. 1602(4)(D)) is amended by
16 striking “section 109(13)” and inserting “section
17 109(16)”.

18 (3) Section 21A of the Securities Exchange Act
19 of 1934 (15 U.S.C. 78u-1) is amended—

20 (A) in subsection (g)(2)(B)(ii), by striking
21 “section 109(11) of the Ethics in Government
22 Act of 1978 (5 U.S.C. App. 109(11))” and in-
23 serting “section 109 of the Ethics in Govern-
24 ment Act of 1978 (5 U.S.C. App.)”;

25 (B) in subsection (h)(2)—

1 (i) in subparagraph (B), by striking
2 “section 109(8) of the Ethics in Govern-
3 ment Act of 1978 (5 U.S.C. App. 109(8))”
4 and inserting “section 109 of the Ethics in
5 Government Act of 1978 (5 U.S.C. App.)”;
6 and

7 (ii) in subparagraph (C), by striking
8 “section 109(10) of the Ethics in Govern-
9 ment Act of 1978 (5 U.S.C. App.
10 109(10))” and inserting “section 109 of
11 the Ethics in Government Act of 1978 (5
12 U.S.C. App.)”.

13 (4) Section 499(j)(2) of the Public Health Serv-
14 ice Act (42 U.S.C. 290b(j)(2)) is amended by strik-
15 ing “section 109(16) of the Ethics in Government
16 Act of 1978” and inserting “section 109 of the Eth-
17 ics in Government Act of 1978 (5 U.S.C. App.)”.

18 **Subtitle F—Transition Team Ethics**

19 **SEC. 8051. SHORT TITLE.**

20 This subtitle may be cited as the “Transition Team
21 Ethics Improvement Act”.

22 **SEC. 8052. PRESIDENTIAL TRANSITION ETHICS PROGRAMS.**

23 The Presidential Transition Act of 1963 (3 U.S.C.
24 102 note) is amended—

1 (1) in section 3(f), by adding at the end the fol-
2 lowing:

3 “(3) Each eligible candidate (as defined in subsection
4 (h)(4)(A)) or the President-elect (as the case may be) shall
5 submit to the Committee on Homeland Security and Gov-
6 ernmental Affairs of the Senate and the Committee on
7 Oversight and Reform of the House of Representatives a
8 report containing the names of the candidates for high
9 level security positions submitted under paragraph (1)—

10 “(A) not later than 10 days after the date of
11 the submission to the Federal Bureau of Investiga-
12 tion or other appropriate agency under paragraph
13 (1); and

14 “(B) not later than 10 days after any such can-
15 didate is granted a security clearance (including an
16 interim clearance) under paragraph (2).”; and

17 (2) in section 6(b)—

18 (A) in paragraph (1)—

19 (i) in subparagraph (A), by striking
20 “and” at the end;

21 (ii) in subparagraph (B), by striking
22 the period at the end and inserting a semi-
23 colon; and

24 (iii) by adding at the end the fol-
25 lowing:

1 “(C) a list of every position each transition
2 team member has held outside of the Federal Gov-
3 ernment during the previous 12-month period, in-
4 cluding paid and unpaid positions;

5 “(D) sources of compensation received by each
6 transition team member exceeding \$5,000 during the
7 previous 12-month period;

8 “(E) a description of the role of each transition
9 team member, including—

10 “(i) a list of any policy issues that the
11 transition team member expects to work on;
12 and

13 “(ii) a list of agencies with which the tran-
14 sition team member expects to interact while
15 serving on the transition team;

16 “(F) a list of any issues from which each tran-
17 sition team member will be recused while serving as
18 a member of the transition team pursuant to the
19 ethics plan described in section 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 transition team member from working on
23 the matters of the member described in subpara-
24 graph (E).”;

1 (B) in paragraph (2), by inserting “not
2 later than 2 business days” after “public”; and

3 (C) by adding at the end the following:

4 “(3) If the President-elect and Vice-President elect
5 do not make information required under paragraph (1)
6 publicly available with respect to a particular transition
7 team member, the head of a Federal department or agency
8 may not permit the transition team member to access the
9 Federal department or agency or any employee of the Fed-
10 eral department or agency in a manner that would not
11 be permitted to a member of the public.”.

12 **Subtitle G—Ethics Pledge for Sen-**
13 **ior Executive Branch Employees**

14 **SEC. 8061. SHORT TITLE.**

15 This subtitle may be cited as the “Ethics in Public
16 Service Act”.

17 **SEC. 8062. ETHICS PLEDGE REQUIREMENT FOR SENIOR EX-**
18 **ECUTIVE BRANCH EMPLOYEES.**

19 The Ethics in Government Act of 1978 (5 U.S.C.
20 App. 101 et seq.) is amended by inserting after title I the
21 following new title:

22 **“TITLE II—ETHICS PLEDGE**

23 **“SEC. 201. DEFINITIONS.**

24 “(a) IN GENERAL.—For the purposes of this title,
25 the following definitions apply:

1 “(1) The term ‘Administration’ means all terms
2 of office of the incumbent President serving at the
3 time of the appointment of an appointee covered by
4 this title.

5 “(2) The term ‘appointee’ means any noncareer
6 Presidential or Vice Presidential appointee, non-
7 career appointee in the Senior Executive Service (or
8 other SES-type system), or appointee to a position
9 that has been excepted from the competitive service
10 by reason of being of a confidential or policymaking
11 character (Schedule C and other positions excepted
12 under comparable criteria) in an executive agency,
13 but does not include any individual appointed as a
14 member of the Senior Foreign Service or solely as
15 a uniformed service commissioned officer.

16 “(3) The term ‘covered executive branch offi-
17 cial’ and ‘lobbyist’ have the meanings given those
18 terms in section 3 of the Lobbying Disclosure Act of
19 1995 (2 U.S.C. 1602).

20 “(4) The term ‘directly and substantially re-
21 lated to my former employer or former clients’
22 means matters in which the appointee’s former em-
23 ployer or a former client is a party or represents a
24 party.

1 “(5) The term ‘executive agency’ has the mean-
2 ing given that term in section 105 of title 5, United
3 States Code, and includes the Executive Office of
4 the President, the United States Postal Service, and
5 Postal Regulatory Commission, but does not include
6 the Government Accountability Office.

7 “(6) The term ‘former client’ means a person
8 or entity for whom an appointee served personally as
9 agent, attorney, or consultant during the 2-year pe-
10 riod ending on the date before the date on which the
11 appointee begins service in the Federal Government,
12 but does not include an agency or instrumentality of
13 the Federal Government.

14 “(7) The term ‘former employer’—

15 “(A) means a person or entity for whom
16 an appointee served as an employee, officer, di-
17 rector, trustee, partner, agent, attorney, con-
18 sultant, or contractor during the 2-year period
19 ending on the date before the date on which the
20 appointee begins service in the Federal Govern-
21 ment; and

22 “(B) does not include—

23 “(i) an agency or instrumentality of
24 the Federal Government;

25 “(ii) a State or local government;

1 “(iii) the District of Columbia;

2 “(iv) an Indian Tribe, as defined in
3 section 4 of the Indian Self-Determination
4 and Education Assistance Act (25 U.S.C.
5 5304); or

6 “(v) the government of a territory or
7 possession of the United States.

8 “(8) The term ‘gift’—

9 “(A) has the meaning given that term in
10 section 2635.203(b) of title 5, Code of Federal
11 Regulations (or any successor regulation); and

12 “(B) does not include those items excluded
13 by sections 2635.204(b), (c), (e)(1), (e)(3), (j),
14 (k), and (l) of such title 5.

15 “(9) The term ‘Government official’ means any
16 employee of the executive branch.

17 “(10) The term ‘lobby’ and ‘lobbied’ mean to
18 act or have acted as a registered lobbyist.

19 “(11) The term ‘participate’ means to partici-
20 pate personally and substantially.

21 “(12) The term ‘pledge’ means the ethics
22 pledge set forth in section 202 of this title.

23 “(13) The term ‘post-employment restrictions’
24 includes the provisions and exceptions in section

1 207(c) of title 18, United States Code, and the im-
2 plementing regulations.

3 “(14) The term ‘registered lobbyist or lobbying
4 organization’ means a lobbyist or an organization fil-
5 ing a registration pursuant to section 4(a) of the
6 Lobbying Disclosure Act of 1995 (2 U.S.C.
7 1603(a)), and in the case of an organization filing
8 such a registration, ‘registered lobbyist’ includes
9 each of the lobbyists identified therein.

10 “(b) REFERENCES.—All references to provisions of
11 law and regulations under subsection (a) shall refer to
12 such provisions as in effect on the date of enactment of
13 this title.

14 **“SEC. 202. ETHICS PLEDGE.**

15 “Each appointee in every executive agency appointed
16 on or after the date of enactment of this section shall be
17 required to sign an ethics pledge upon appointment. The
18 pledge shall be signed and dated within 30 days of taking
19 office and shall include, at a minimum, the following ele-
20 ments:

21 “‘As a condition, and in consideration, of my employ-
22 ment in the United States Government in a position in-
23 vested with the public trust, I commit myself to the fol-
24 lowing obligations, which I understand are binding on me
25 and are enforceable under law:

1 “(1) Lobbyist Gift Ban.—I will not accept
2 gifts from registered lobbyists or lobbying organiza-
3 tions for the duration of my service as an appointee.

4 “(2) Revolving Door Ban; Entering Govern-
5 ment.—

6 “(A) All Appointees Entering Govern-
7 ment.—I will not, for a period of 2 years from
8 the date of my appointment, participate in any
9 particular matter involving specific party or
10 parties that is directly and substantially related
11 to my former employer or former clients, in-
12 cluding regulations and contracts.

13 “(B) Lobbyists Entering Government.—If
14 I was a registered lobbyist within the 2 years
15 before the date of my appointment, in addition
16 to abiding by the limitations of subparagraph
17 (A), I will not for a period of 2 years after the
18 date of my appointment—

19 “(i) participate in any particular
20 matter on which I lobbied within the 2
21 years before the date of my appointment;

22 “(ii) participate in the specific issue
23 area in which that particular matter falls;
24 or

1 “(iii) seek or accept employment with
2 any executive agency that I lobbied within
3 the 2 years before the date of my appoint-
4 ment.

5 “(3) Revolving Door Ban; Appointees Leaving
6 Government.—

7 “(A) All Appointees Leaving Govern-
8 ment.—If, upon my departure from the Govern-
9 ment, I am covered by the post-employment re-
10 strictions on communicating with employees of
11 my former executive agency set forth in section
12 207(c) of title 18, United States Code, I agree
13 that I will abide by those restrictions for a pe-
14 riod of 2 years following the end of my appoint-
15 ment.

16 “(B) Appointees Leaving Government to
17 Lobby.—In addition to abiding by the limita-
18 tions of subparagraph (A), I also agree, upon
19 leaving Government service, not to lobby any
20 covered executive branch official or noncareer
21 Senior Executive Service appointee for the re-
22 mainder of the Administration.

23 “(4) Employment Qualification Commit-
24 ment.—I agree that any hiring or other employment

1 decisions I make will be based on the candidate's
2 qualifications, competence, and experience.

3 ““(5) Assent to Enforcement.—I acknowledge
4 that title II of the Ethics in Government Act of
5 1978, which I have read before signing this docu-
6 ment, defines certain of the terms applicable to the
7 foregoing obligations and sets forth the methods for
8 enforcing them. I expressly accept the provisions of
9 that title as a part of this agreement and as binding
10 on me. I understand that the terms of this pledge
11 are in addition to any statutory or other legal re-
12 strictions applicable to me by virtue of Federal Gov-
13 ernment service.’”.

14 **“SEC. 203. WAIVER.**

15 ““(a) The President or the President's designee may
16 grant to any current or former appointee a written waiver
17 of any restrictions contained in the pledge signed by such
18 appointee if, and to the extent that, the President or the
19 President's designee certifies (in writing) that, in light of
20 all the relevant circumstances, the interest of the Federal
21 Government in the employee's participation outweighs the
22 concern that a reasonable person may question the integ-
23 rity of the agency's programs or operations.

1 “(b) Any waiver under this section shall take effect
2 when the certification is signed by the President or the
3 President’s designee.

4 “(c) For purposes of subsection (a), the interest of
5 the Federal Government shall include exigent cir-
6 cumstances relating to national security or to the econ-
7 omy. De minimis contact with an executive agency shall
8 be cause for a waiver of the restrictions contained in para-
9 graph (2)(B) of the pledge.

10 “(d) For any waiver granted under this section, the
11 individual who granted the waiver shall—

12 “(1) provide a copy of the waiver to the Direc-
13 tor not more than 48 hours after the waiver is
14 granted; and

15 “(2) publish the waiver on the website of the
16 applicable agency not later than 30 calendar days
17 after granting such waiver.

18 “(e) Upon receiving a written waiver under sub-
19 section (d), the Director shall—

20 “(1) review the waiver to determine whether the
21 Director has any objection to the issuance of the
22 waiver; and

23 “(2) if the Director so objects—

24 “(A) provide reasons for the objection in
25 writing to the President or the President’s des-

1 ignee who granted the waiver not more than 15
2 calendar days after the waiver was granted; and

3 “(B) publish the written objection on the
4 website of the Office of Government Ethics not
5 more than 30 calendar days after the waiver
6 was granted.

7 **“SEC. 204. ADMINISTRATION.**

8 “(a) The head of each executive agency shall, in con-
9 sultation with the Director of the Office of Government
10 Ethics, establish such rules or procedures (conforming as
11 nearly as practicable to the agency’s general ethics rules
12 and procedures, including those relating to designated
13 agency ethics officers) as are necessary or appropriate to
14 ensure—

15 “(1) that every appointee in the agency signs
16 the pledge upon assuming the appointed office or
17 otherwise becoming an appointee;

18 “(2) that compliance with paragraph (2)(B) of
19 the pledge is addressed in a written ethics agree-
20 ment with each appointee to whom it applies;

21 “(3) that spousal employment issues and other
22 conflicts not expressly addressed by the pledge are
23 addressed in ethics agreements with appointees or,
24 where no such agreements are required, through eth-
25 ics counseling; and

1 “(4) compliance with this title within the agen-
2 cy.

3 “(b) With respect to the Executive Office of the
4 President, the duties set forth in subsection (a) shall be
5 the responsibility of the Counsel to the President.

6 “(c) The Director of the Office of Government Ethics
7 shall—

8 “(1) ensure that the pledge and a copy of this
9 title are made available for use by agencies in ful-
10 filling their duties under subsection (a);

11 “(2) in consultation with the Attorney General
12 or the Counsel to the President, when appropriate,
13 assist designated agency ethics officers in providing
14 advice to current or former appointees regarding the
15 application of the pledge;

16 “(3) adopt such rules or procedures as are nec-
17 essary or appropriate—

18 “(A) to carry out the responsibilities as-
19 signed by this subsection;

20 “(B) to apply the lobbyist gift ban set
21 forth in paragraph 1 of the pledge to all execu-
22 tive branch employees;

23 “(C) to authorize limited exceptions to the
24 lobbyist gift ban for circumstances that do not
25 implicate the purposes of the ban;

1 “(D) to make clear that no person shall
2 have violated the lobbyist gift ban if the person
3 properly disposes of a gift;

4 “(E) to ensure that existing rules and pro-
5 cedures for Government employees engaged in
6 negotiations for future employment with private
7 businesses that are affected by their official ac-
8 tions do not affect the integrity of the Govern-
9 ment’s programs and operations; and

10 “(F) to ensure, in consultation with the
11 Director of the Office of Personnel Manage-
12 ment, that the requirement set forth in para-
13 graph (4) of the pledge is honored by every em-
14 ployee of the executive branch;

15 “(4) in consultation with the Director of the
16 Office of Management and Budget, report to the
17 President, the Committee on Oversight and Reform
18 of the House of Representatives, and the Committee
19 on Homeland Security and Governmental Affairs of
20 the Senate on whether full compliance is being
21 achieved with existing laws and regulations gov-
22 erning executive branch procurement lobbying disclo-
23 sure and on steps the executive branch can take to
24 expand to the fullest extent practicable disclosure of
25 such executive branch procurement lobbying and of

1 lobbying for presidential pardons, and to include in
2 the report both immediate action the executive
3 branch can take and, if necessary, recommendations
4 for legislation; and

5 “(5) provide an annual public report on the ad-
6 ministration of the pledge and this title.

7 “(d) All pledges signed by appointees, and all waiver
8 certifications with respect thereto, shall be filed with the
9 head of the appointee’s agency for permanent retention
10 in the appointee’s official personnel folder or equivalent
11 folder.”.

12 **Subtitle H—Travel on Private Air-**
13 **craft by Senior Political Ap-**
14 **pointees**

15 **SEC. 8071. SHORT TITLE.**

16 This subtitle may be cited as the “Stop Waste And
17 Misuse by Presidential Flyers Landing Yet Evading Rules
18 and Standards Act” or the “SWAMP FLYERS Act”.

19 **SEC. 8072. PROHIBITION ON USE OF FUNDS FOR TRAVEL**
20 **ON PRIVATE AIRCRAFT.**

21 (a) **IN GENERAL.**—Beginning on the date of enact-
22 ment of this subtitle, no Federal funds appropriated or
23 otherwise made available in any fiscal year may be used
24 to pay the travel expenses of any senior political appointee

1 for travel on official business on a non-commercial, pri-
2 vate, or chartered flight.

3 (b) EXCEPTIONS.—The limitation in subsection (a)
4 shall not apply—

5 (1) if no commercial flight is available for the
6 travel in question, consistent with subsection (c); or

7 (2) to any travel on aircraft owned or leased by
8 the Government.

9 (c) CERTIFICATION.—

10 (1) IN GENERAL.—Any senior political ap-
11 pointee who travels on a non-commercial, private, or
12 chartered flight under the exception provided in sub-
13 section (b)(1) shall, not later than 30 days after the
14 date of such travel, submit a written statement to
15 Congress certifying that no commercial flight was
16 available.

17 (2) PENALTY.—Any statement submitted under
18 paragraph (1) shall be considered a statement for
19 purposes of applying section 1001 of title 18, United
20 States Code.

21 (d) DEFINITION OF SENIOR POLITICAL AP-
22 POUNTEE.—In this subtitle, the term “senior political ap-
23 pounTEE” means any individual occupying—

1 (1) a position listed under the Executive Sched-
2 ule (subchapter II of chapter 53 of title 5, United
3 States Code);

4 (2) a Senior Executive Service position that is
5 not a career appointee, as defined under section
6 3132(a)(4) of title 5, United States Code; or

7 (3) a position of a confidential or policy-deter-
8 mining character under schedule C of subpart C of
9 part 213 of title 5, Code of Federal Regulations.

10 **Subtitle I—Severability**

11 **SEC. 8081. SEVERABILITY.**

12 If any provision of this title or any amendment made
13 by this title, or any application of such provision or
14 amendment to any person or circumstance, is held to be
15 unconstitutional, the remainder of the provisions of this
16 title and the amendments made by this title, and the appli-
17 cation of the provision or amendment to any other person
18 or circumstance, shall not be affected.

1 **TITLE IX—CONGRESSIONAL**
2 **ETHICS REFORM**
3 **Subtitle A—Requiring Members of**
4 **Congress To Reimburse Treas-**
5 **ury for Amounts Paid as Settle-**
6 **ments and Awards Under Con-**
7 **gressional Accountability Act of**
8 **1995**

9 **SEC. 9001. REQUIRING MEMBERS OF CONGRESS TO REIM-**
10 **BURSE TREASURY FOR AMOUNTS PAID AS**
11 **SETTLEMENTS AND AWARDS UNDER CON-**
12 **GRESSIONAL ACCOUNTABILITY ACT OF 1995**
13 **IN ALL CASES OF EMPLOYMENT DISCRIMINA-**
14 **TION ACTS BY MEMBERS.**

15 (a) **REQUIRING REIMBURSEMENT.**—Clause (i) of sec-
16 tion 415(d)(1)(C) of the Congressional Accountability Act
17 of 1995 (2 U.S.C. 1415(d)(1)(C)) is amended to read as
18 follows:

19 “(i) a violation of section 201(a) or
20 section 206(a); or”.

21 (b) **CONFORMING AMENDMENT RELATING TO NOTI-**
22 **FICATION OF POSSIBILITY OF REIMBURSEMENT.**—Clause
23 (i) of section 402(b)(2)(B) of the Congressional Account-
24 ability Act of 1995 (2 U.S.C. 1402(b)(2)(B)) is amended
25 to read as follows:

1 “(i) a violation of section 201(a) or
2 section 206(a); or”.

3 (c) EFFECTIVE DATE.—The amendments made by
4 this section shall take effect as if included in the enact-
5 ment of the Congressional Accountability Act of 1995 Re-
6 form Act.

7 **Subtitle B—Conflicts of Interests**

8 **SEC. 9101. PROHIBITING MEMBERS OF HOUSE OF REP-** 9 **RESENTATIVES FROM SERVING ON BOARDS** 10 **OF FOR-PROFIT ENTITIES.**

11 Rule XXIII of the Rules of the House of Representa-
12 tives is amended—

13 (1) by redesignating clause 20 as clause 21;
14 and

15 (2) by inserting after clause 19 the following
16 new clause:

17 “20. A Member, Delegate, or Resident Commissioner
18 may not serve on the board of directors of any for-profit
19 entity.”.

20 **SEC. 9102. CONFLICT OF INTEREST RULES FOR MEMBERS** 21 **OF CONGRESS AND CONGRESSIONAL STAFF.**

22 No Member, officer, or employee of a committee or
23 Member of either House of Congress may knowingly use
24 his or her official position to introduce or aid the progress
25 or passage of legislation, a principal purpose of which is

1 to further only his or her pecuniary interest, only the pecu-
2 niary interest of his or her immediate family, or only the
3 pecuniary interest of a limited class of persons or enter-
4 prises, when he or she, or his or her immediate family,
5 or enterprises controlled by them, are members of the af-
6 fected class.

7 **SEC. 9103. EXERCISE OF RULEMAKING POWERS.**

8 The provisions of this subtitle are enacted by the
9 Congress—

10 (1) as an exercise of the rulemaking power of
11 the House of Representatives and the Senate, re-
12 spectively, and as such they shall be considered as
13 part of the rules of each House, respectively, or of
14 that House to which they specifically apply, and
15 such rules shall supersede other rules only to the ex-
16 tent that they are inconsistent therewith; and

17 (2) with full recognition of the constitutional
18 right of either House to change such rules (so far
19 as relating to such House) at any time, in the same
20 manner, and to the same extent as in the case of
21 any other rule of such House.

1 **Subtitle C—Campaign Finance and**
2 **Lobbying Disclosure**

3 **SEC. 9201. SHORT TITLE.**

4 This subtitle may be cited as the “Connecting Lobby-
5 ists and Electeds for Accountability and Reform Act” or
6 the “CLEAR Act”.

7 **SEC. 9202. REQUIRING DISCLOSURE IN CERTAIN REPORTS**

8 **FILED WITH FEDERAL ELECTION COMMIS-**
9 **SION OF PERSONS WHO ARE REGISTERED**
10 **LOBBYISTS.**

11 (a) REPORTS FILED BY POLITICAL COMMITTEES.—
12 Section 304(b) of the Federal Election Campaign Act of
13 1971 (52 U.S.C. 30104(b)) is amended—

14 (1) by striking “and” at the end of paragraph
15 (7);

16 (2) by striking the period at the end of para-
17 graph (8) and inserting “; and”; and

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

20 “(9) if any person identified in subparagraph
21 (A), (E), (F), or (G) of paragraph (3) is a registered
22 lobbyist under the Lobbying Disclosure Act of 1995
23 (2 U.S.C. 1601 et seq.), a separate statement that
24 such person is a registered lobbyist under such
25 Act.”.

1 (b) REPORTS FILED BY PERSONS MAKING INDE-
2 PENDENT EXPENDITURES.—Section 304(c)(2) of the
3 Federal Election Campaign Act of 1971 (52 U.S.C.
4 30104(c)(2)) is amended—

5 (1) by striking “and” at the end of subpara-
6 graph (B);

7 (2) by striking the period at the end of sub-
8 paragraph (C) and inserting “; and”; and

9 (3) by adding at the end the following new sub-
10 paragraph:

11 “(D) if the person filing the statement, or a
12 person whose identification is required to be dis-
13 closed under subparagraph (C), is a registered lob-
14 byist under the Lobbying Disclosure Act of 1995 (2
15 U.S.C. 1601 et seq.), a separate statement that such
16 person is a registered lobbyist under such Act.”.

17 (c) REPORTS FILED BY PERSONS MAKING DIS-
18 BURSEMENTS FOR ELECTIONEERING COMMUNICA-
19 TIONS.—Section 304(f)(2) of the Federal Election Cam-
20 paign Act of 1971 (52 U.S.C. 30104(f)(2)) is amended
21 by adding at the end the following new subparagraph:

22 “(G) If the person making the disburse-
23 ment, or a contributor described in subpara-
24 graph (E) or (F), is a registered lobbyist under
25 the Lobbying Disclosure Act of 1995 (2 U.S.C.

1 1601 et seq.), a separate statement that such
2 person or contributor is a registered lobbyist
3 under such Act.”.

4 (d) REQUIRING COMMISSION TO ESTABLISH LINK TO
5 WEBSITES OF CLERK OF HOUSE AND SECRETARY OF
6 SENATE.—Section 304 of the Federal Election Campaign
7 Act of 1971 (52 U.S.C. 30104), as amended by section
8 4002(a), section 4208(a), and section 4210(a), is amended
9 by adding at the end the following new subsection:

10 “(m) REQUIRING INFORMATION ON REGISTERED
11 LOBBYISTS TO BE LINKED TO WEBSITES OF CLERK OF
12 HOUSE AND SECRETARY OF SENATE.—

13 “(1) LINKS TO WEBSITES.—The Commission
14 shall ensure that the Commission’s public database
15 containing information described in paragraph (2) is
16 linked electronically to the websites maintained by
17 the Secretary of the Senate and the Clerk of the
18 House of Representatives containing information
19 filed pursuant to the Lobbying Disclosure Act of
20 1995 (2 U.S.C. 1601 et seq.).

21 “(2) INFORMATION DESCRIBED.—The informa-
22 tion described in this paragraph is each of the fol-
23 lowing:

24 “(A) Information disclosed under para-
25 graph (9) of subsection (b).

1 “(B) Information disclosed under subpara-
2 graph (D) of subsection (c)(2).

3 “(C) Information disclosed under subpara-
4 graph (G) of subsection (f)(2).”.

5 **SEC. 9203. EFFECTIVE DATE.**

6 The amendments made by this subtitle shall apply
7 with respect to reports required to be filed under the Fed-
8 eral Election Campaign Act of 1971 (52 U.S.C. 30101
9 et seq.) on or after the expiration of the 90-day period
10 which begins on the date of the enactment of this Act.

11 **Subtitle D—Access to**
12 **Congressionally Mandated Reports**

13 **SEC. 9301. SHORT TITLE.**

14 This subtitle may be cited as the “Access to Congres-
15 sionally Mandated Reports Act”.

16 **SEC. 9302. DEFINITIONS.**

17 In this subtitle:

18 (1) CONGRESSIONALLY MANDATED REPORT.—

19 The term “congressionally mandated report”—

20 (A) means a report that is required to be
21 submitted to either House of Congress or any
22 committee of Congress, or subcommittee there-
23 of, by a statute, resolution, or conference report
24 that accompanies legislation enacted into law;
25 and

1 (B) does not include a report required
 2 under part B of subtitle II of title 36, United
 3 States Code.

4 (2) DIRECTOR.—The term “Director” means
 5 the Director of the Government Publishing Office.

6 (3) FEDERAL AGENCY.—The term “Federal
 7 agency” has the meaning given that term under sec-
 8 tion 102 of title 40, United States Code, but does
 9 not include the Government Accountability Office.

10 (4) OPEN FORMAT.—The term “open format”
 11 means a file format for storing digital data based on
 12 an underlying open standard that—

13 (A) is not encumbered by any restrictions
 14 that would impede reuse; and

15 (B) is based on an underlying open data
 16 standard that is maintained by a standards or-
 17 ganization.

18 (5) REPORTS ONLINE PORTAL.—The term “re-
 19 ports online portal” means the online portal estab-
 20 lished under section 9303(a).

21 **SEC. 9303. ESTABLISHMENT OF ONLINE PORTAL FOR CON-**
 22 **GRESSIONALLY MANDATED REPORTS.**

23 (a) REQUIREMENT TO ESTABLISH ONLINE POR-
 24 TAL.—

1 (1) IN GENERAL.—Not later than 1 year after
2 the date of enactment of this Act, the Director shall
3 establish and maintain an online portal accessible by
4 the public that allows the public to obtain electronic
5 copies of all congressionally mandated reports in one
6 place. The Director may publish other reports on the
7 online portal.

8 (2) EXISTING FUNCTIONALITY.—To the extent
9 possible, the Director shall meet the requirements
10 under paragraph (1) by using existing online portals
11 and functionality under the authority of the Direc-
12 tor.

13 (3) CONSULTATION.—In carrying out this sub-
14 title, the Director shall consult with the Clerk of the
15 House of Representatives, the Secretary of the Sen-
16 ate, and the Librarian of Congress regarding the re-
17 quirements for and maintenance of congressionally
18 mandated reports on the reports online portal.

19 (b) CONTENT AND FUNCTION.—The Director shall
20 ensure that the reports online portal includes the fol-
21 lowing:

22 (1) Subject to subsection (c), with respect to
23 each congressionally mandated report, each of the
24 following:

1 (A) A citation to the statute, conference
2 report, or resolution requiring the report.

3 (B) An electronic copy of the report, in-
4 cluding any transmittal letter associated with
5 the report, in an open format that is platform
6 independent and that is available to the public
7 without restrictions, including restrictions that
8 would impede the re-use of the information in
9 the report.

10 (C) The ability to retrieve a report, to the
11 extent practicable, through searches based on
12 each, and any combination, of the following:

13 (i) The title of the report.

14 (ii) The reporting Federal agency.

15 (iii) The date of publication.

16 (iv) Each congressional committee re-
17 ceiving the report, if applicable.

18 (v) The statute, resolution, or con-
19 ference report requiring the report.

20 (vi) Subject tags.

21 (vii) A unique alphanumeric identifier
22 for the report that is consistent across re-
23 port editions.

24 (viii) The serial number, Super-
25 intendent of Documents number, or other

1 identification number for the report, if ap-
2 plicable.

3 (ix) Key words.

4 (x) Full text search.

5 (xi) Any other relevant information
6 specified by the Director.

7 (D) The date on which the report was re-
8 quired to be submitted, and on which the report
9 was submitted, to the reports online portal.

10 (E) Access to the report not later than 30
11 calendar days after its submission to Congress.

12 (F) To the extent practicable, a permanent
13 means of accessing the report electronically.

14 (2) A means for bulk download of all congress-
15 sionally mandated reports.

16 (3) A means for downloading individual reports
17 as the result of a search.

18 (4) An electronic means for the head of each
19 Federal agency to submit to the reports online por-
20 tal each congressionally mandated report of the
21 agency, as required by section 9304.

22 (5) In tabular form, a list of all congressionally
23 mandated reports that can be searched, sorted, and
24 downloaded by—

1 (A) reports submitted within the required
2 time;

3 (B) reports submitted after the date on
4 which such reports were required to be sub-
5 mitted; and

6 (C) to the extent practicable, reports not
7 submitted.

8 (c) NONCOMPLIANCE BY FEDERAL AGENCIES.—

9 (1) REPORTS NOT SUBMITTED.—If a Federal
10 agency does not submit a congressionally mandated
11 report to the Director, the Director shall to the ex-
12 tent practicable—

13 (A) include on the reports online portal—

14 (i) the information required under
15 clauses (i), (ii), (iv), and (v) of subsection
16 (b)(1)(C); and

17 (ii) the date on which the report was
18 required to be submitted; and

19 (B) include the congressionally mandated
20 report on the list described in subsection
21 (b)(5)(C).

22 (2) REPORTS NOT IN OPEN FORMAT.—If a Fed-
23 eral agency submits a congressionally mandated re-
24 port that is not in an open format, the Director shall

1 include the congressionally mandated report in an-
2 other format on the reports online portal.

3 (d) FREE ACCESS.—The Director may not charge a
4 fee, require registration, or impose any other limitation
5 in exchange for access to the reports online portal.

6 (e) UPGRADE CAPABILITY.—The reports online por-
7 tal shall be enhanced and updated as necessary to carry
8 out the purposes of this subtitle.

9 **SEC. 9304. FEDERAL AGENCY RESPONSIBILITIES.**

10 (a) SUBMISSION OF ELECTRONIC COPIES OF RE-
11 PORTS.—Concurrently with the submission to Congress of
12 each congressionally mandated report, the head of the
13 Federal agency submitting the congressionally mandated
14 report shall submit to the Director the information re-
15 quired under subparagraphs (A) through (D) of section
16 9303(b)(1) with respect to the congressionally mandated
17 report. Nothing in this subtitle shall relieve a Federal
18 agency of any other requirement to publish the congres-
19 sionally mandated report on the online portal of the Fed-
20 eral agency or otherwise submit the congressionally man-
21 dated report to Congress or specific committees of Con-
22 gress, or subcommittees thereof.

23 (b) GUIDANCE.—Not later than 240 days after the
24 date of enactment of this Act, the Director of the Office
25 of Management and Budget, in consultation with the Di-

1 rector, shall issue guidance to agencies on the implementa-
2 tion of this subtitle.

3 (c) STRUCTURE OF SUBMITTED REPORT DATA.—

4 The head of each Federal agency shall ensure that each
5 congressionally mandated report submitted to the Director
6 complies with the open format criteria established by the
7 Director in the guidance issued under subsection (b).

8 (d) POINT OF CONTACT.—The head of each Federal
9 agency shall designate a point of contact for a congres-
10 sionally mandated report.

11 (e) LIST OF REPORTS.—As soon as practicable each
12 calendar year (but not later than April 1), and on a rolling
13 basis during the year if feasible, the Librarian of Congress
14 shall submit to the Director a list of congressionally man-
15 dated reports from the previous calendar year, in consulta-
16 tion with the Clerk of the House of Representatives, which
17 shall—

18 (1) be provided in an open format;

19 (2) include the information required under
20 clauses (i), (ii), (iv), (v) of section 9303(b)(1)(C) for
21 each report;

22 (3) include the frequency of the report;

23 (4) include a unique alphanumeric identifier for
24 the report that is consistent across report editions;

1 (5) include the date on which each report is re-
2 quired to be submitted; and

3 (6) be updated and provided to the Director, as
4 necessary.

5 **SEC. 9305. REMOVING AND ALTERING REPORTS.**

6 A report submitted to be published to the reports on-
7 line portal may only be changed or removed, with the ex-
8 ception of technical changes, by the head of the Federal
9 agency concerned if—

10 (1) the head of the Federal agency consults
11 with each congressional committee to which the re-
12 port is submitted; and

13 (2) Congress enacts a joint resolution author-
14 izing the changing or removal of the report.

15 **SEC. 9306. RULES OF CONSTRUCTION; INSPECTORS GEN-
16 ERAL.**

17 (a) IN GENERAL.—Nothing in this subtitle shall be
18 construed to—

19 (1) require the disclosure of information,
20 records, or reports that are exempt from public dis-
21 closure under section 552 of title 5, United States
22 Code (commonly known as the “Freedom of Infor-
23 mation Act”), or that may be withheld under section
24 552a of title 5, United States Code (commonly
25 known as the “Privacy Act of 1974”); or

1 (2) impose any affirmative duty on the Director
2 to review congressionally mandated reports sub-
3 mitted for publication to the reports online portal
4 for the purpose of identifying and redacting such in-
5 formation or records.

6 (b) WITHHOLDING OF INFORMATION.—Nothing in
7 this subtitle shall be construed to require the publication,
8 on the online portal or otherwise, of any report containing
9 information—

10 (1) that is exempt from disclosure under section
11 552 of title 5, United States Code, or that may be
12 withheld under section 552a of title 5, United States
13 Code;

14 (2) that is classified;

15 (3) that is law enforcement sensitive; or

16 (4) the public release of which could have a
17 harmful effect on national security.

18 (c) RELATIONSHIP TO OFFICES OF INSPECTORS
19 GENERAL.—The inspector general of each Federal agency,
20 except for an inspector general belonging to an element
21 of the intelligence community, as defined in section 3 of
22 the National Security Act of 1947 (50 U.S.C. 3003), shall
23 be responsible for the submission of their reports to the
24 Director.

1 **SEC. 9307. IMPLEMENTATION.**

2 Except as provided in section 9304(b), this subtitle
3 shall be implemented not later than 1 year after the date
4 of enactment of this Act and shall apply with respect to
5 congressionally mandated reports submitted to Congress
6 on or after the date that is 1 year after such date of enact-
7 ment.

8 **Subtitle E—Reports on Outside**
9 **Compensation Earned by Con-**
10 **gressional Employees**

11 **SEC. 9401. REPORTS ON OUTSIDE COMPENSATION EARNED**
12 **BY CONGRESSIONAL EMPLOYEES.**

13 (a) REPORTS.—The supervisor of an individual who
14 performs services for any Member, committee, or other of-
15 fice of the Senate or House of Representatives for a period
16 in excess of four weeks and who receives compensation
17 therefor from any source other than the Federal Govern-
18 ment shall submit a report identifying the identity of the
19 source, amount, and rate of such compensation to—

20 (1) the Select Committee on Ethics of the Sen-
21 ate, in the case of an individual who performs serv-
22 ices for a Member, committee, or other office of the
23 Senate; or

24 (2) the Committee on Ethics of the House of
25 Representatives, in the case of an individual who
26 performs services for a Member (including a Dele-

1 gate or Resident Commissioner to the Congress),
2 committee, or other office of the House.

3 (b) TIMING.—The supervisor shall submit the report
4 required under subsection (a) with respect to an indi-
5 vidual—

6 (1) when such individual first begins per-
7 forming services described in such subparagraph;

8 (2) at the close of each calendar quarter during
9 which such individual is performing such services;
10 and

11 (3) when such individual ceases to perform such
12 services.

13 **Subtitle F—Severability**

14 **SEC. 9501. 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.

1 **TITLE X—PRESIDENTIAL AND**
2 **VICE PRESIDENTIAL TAX**
3 **TRANSPARENCY**

4 **SEC. 10001. PRESIDENTIAL AND VICE PRESIDENTIAL TAX**
5 **TRANSPARENCY.**

6 (a) DEFINITIONS.—In this section—

7 (1) The term “covered candidate” means a can-
8 didate of a major party in a general election for the
9 office of President or Vice President.

10 (2) 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).

1 (3) The term “major party” has the meaning
2 given the term in section 9002 of the Internal Rev-
3 enue Code of 1986.

4 (4) The term “Secretary” means the Secretary
5 of the Treasury or the delegate of the Secretary.

6 (b) DISCLOSURE.—

7 (1) IN GENERAL.—

8 (A) CANDIDATES FOR PRESIDENT AND
9 VICE PRESIDENT.—Not later than the date that
10 is 15 days after the date on which an individual
11 becomes a covered candidate, the individual
12 shall submit to the Federal Election Commis-
13 sion a copy of the individual’s income tax re-
14 turns for the 10 most recent taxable years for
15 which a return has been filed with the Internal
16 Revenue Service.

17 (B) PRESIDENT AND VICE PRESIDENT.—

18 With respect to an individual who is the Presi-
19 dent or Vice President, not later than the due
20 date for the return of tax for each taxable year,
21 such individual shall submit to the Federal
22 Election Commission a copy of the individual’s
23 income tax returns for the taxable year and for
24 the 9 preceding taxable years.

1 (C) TRANSITION RULE FOR SITTING PRESI-
2 DENTS AND VICE PRESIDENTS.—Not later than
3 the date that is 30 days after the date of enact-
4 ment of this section, an individual who is the
5 President or Vice President on such date of en-
6 actment shall submit to the Federal Election
7 Commission a copy of the income tax returns
8 for the 10 most recent taxable years for which
9 a return has been filed with the Internal Rev-
10 enue Service.

11 (2) FAILURE TO DISCLOSE.—If any require-
12 ment under paragraph (1) to submit an income tax
13 return is not met, the chairman of the Federal Elec-
14 tion Commission shall submit to the Secretary a
15 written request that the Secretary provide the Fed-
16 eral Election Commission with the income tax re-
17 turn.

18 (3) PUBLICLY AVAILABLE.—The chairman of
19 the Federal Election Commission shall make publicly
20 available each income tax return submitted under
21 paragraph (1) in the same manner as a return pro-
22 vided under section 6103(l)(23) of the Internal Rev-
23 enue Code of 1986 (as added by this section).

24 (4) TREATMENT AS A REPORT UNDER THE
25 FEDERAL ELECTION CAMPAIGN ACT OF 1971.—For

1 purposes of the Federal Election Campaign Act of
2 1971 (32 U.S.C. 30101 et seq.), any income tax re-
3 turn submitted under paragraph (1) or provided
4 under section 6103(l)(23) of the Internal Revenue
5 Code of 1986 (as added by this section) shall, after
6 redaction under paragraph (3) or subparagraph
7 (B)(ii) of such section, be treated as a report filed
8 under the Federal Election Campaign Act of 1971
9 (32 U.S.C. 30101 et seq.).

10 (c) DISCLOSURE OF RETURNS OF PRESIDENTS AND
11 VICE PRESIDENTS AND CERTAIN CANDIDATES FOR
12 PRESIDENT AND VICE PRESIDENT.—

13 (1) IN GENERAL.—Section 6103(l) of the Inter-
14 nal Revenue Code of 1986 is amended by adding at
15 the end the following new paragraph:

16 “(23) DISCLOSURE OF RETURN INFORMATION
17 OF PRESIDENTS AND VICE PRESIDENTS AND CER-
18 TAIN CANDIDATES FOR PRESIDENT AND VICE PRESI-
19 DENT.—

20 “(A) IN GENERAL.—Upon written request
21 by the chairman of the Federal Election Com-
22 mission under section 10001(b)(2) of the For
23 the People Act of 2021, not later than the date
24 that is 15 days after the date of such request,
25 the Secretary shall provide copies of any return

1 which is so requested to officers and employees
2 of the Federal Election Commission whose offi-
3 cial duties include disclosure or redaction of
4 such return under this paragraph.

5 “(B) DISCLOSURE TO THE PUBLIC.—

6 “(i) IN GENERAL.—The chairman of
7 the Federal Election Commission shall
8 make publicly available any return which is
9 provided under subparagraph (A).

10 “(ii) REDACTION OF CERTAIN INFOR-
11 MATION.—Before making publicly available
12 under clause (i) any return, the chairman
13 of the Federal Election Commission shall
14 redact such information as the Federal
15 Election Commission and the Secretary
16 jointly determine is necessary for pro-
17 tecting against identity theft, such as so-
18 cial security numbers.”.

19 (2) CONFORMING AMENDMENTS.—Section
20 6103(p)(4) of the Internal Revenue Code of 1986 is
21 amended—

22 (A) in the matter preceding subparagraph
23 (A) by striking “or (22)” and inserting “(22),
24 or (23)”; and

1 (B) in subparagraph (F)(ii) by striking “or
2 (22)” and inserting “(22), or (23)”.

3 (3) EFFECTIVE DATE.—The amendments made
4 by this subsection shall apply to disclosures made on
5 or after the date of enactment of this Act.

Calendar No. 77

117TH CONGRESS
1ST Session
S. 2093

A BILL

To expand Americans' access to the ballot box, reduce the influence of big money in politics, strengthen ethics rules for public servants, and implement other anti-corruption measures for the purpose of fortifying our democracy, and for other purposes.

JUNE 17, 2021

Read the second time and placed on the calendar