

117TH CONGRESS
1ST SESSION

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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

MARCH 17 (legislative day, MARCH 16), 2021

Mr. MERKLEY (for himself, Ms. KLOBUCHAR, Mr. SCHUMER, Mr. DURBIN, Mr. LEAHY, Mr. WHITEHOUSE, Mrs. GILLIBRAND, Mr. VAN HOLLEN, Ms. BALDWIN, Mr. BENNET, Mr. CARDIN, Mr. CARPER, Ms. WARREN, Mr. BOOKER, Mr. MURPHY, Mr. WARNER, Mr. WYDEN, Mrs. MURRAY, Mr. MENENDEZ, Mr. PETERS, Mr. BLUMENTHAL, Mr. CASEY, Mrs. FEINSTEIN, Mr. SANDERS, Mr. MARKEY, Ms. SMITH, Ms. STABENOW, Mr. KING, Ms. DUCKWORTH, Ms. CANTWELL, Mr. KAINE, Mr. REED, Mr. BROWN, Mr. COONS, Mr. HEINRICH, Mr. SCHATZ, Ms. CORTEZ MASTO, Ms. HIRONO, Ms. ROSEN, Ms. HASSAN, Mrs. SHAHEEN, Mr. TESTER, Ms. SINEMA, Mr. HICKENLOOPER, Mr. KELLY, Mr. LUJÁN, Mr. WARNOCK, Mr. PADILLA, and Mr. OSSOFF) introduced the following bill; which was read twice and referred to the Committee on Rules and Administration

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. 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. One-time contributing agency assistance in registration of eligible voters in existing records.
- Sec. 1015. Voter protection and security in automatic registration.
- Sec. 1016. Registration portability and correction.
- Sec. 1017. Payments and grants.
- Sec. 1018. Treatment of exempt States.
- Sec. 1019. Miscellaneous provisions.
- Sec. 1020. Definitions.
- Sec. 1021. Effective date.

PART 3—SAME DAY VOTER REGISTRATION

- Sec. 1031. Same day registration.

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

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

PART 5—OTHER INITIATIVES TO PROMOTE VOTER REGISTRATION

- Sec. 1051. 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.

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.

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

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.
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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-Verified 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. Effective date for new requirements.

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Subtitle H—Early Voting

Sec. 1611. Early voting.

Subtitle I—Voting by Mail

Sec. 1621. Voting by mail.

Sec. 1622. Absentee ballot tracking program.

Sec. 1623. Election mail and delivery improvements.

Sec. 1624. Voting materials postage.

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. Revisions to 45-day absentee ballot transmission rule.

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

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Sec. 1706. Requiring transmission of blank absentee ballots under UOCAVA to certain voters.

Sec. 1707. Effective date.

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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.

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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 absentee ballots in elections for Federal office.

Sec. 1907. Prohibiting States from restricting curbside voting.

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

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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. No effect on other laws.
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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

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PART 1—REQUIREMENTS FOR CONGRESSIONAL REDISTRICTING

Sec. 2401. Requiring congressional redistricting to be conducted through plan of independent State commission.
 Sec. 2402. Ban on mid-decade redistricting.
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- Sec. 2412. Establishment of selection pool of individuals eligible to serve as members of commission.
- Sec. 2413. Public notice and input.
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- 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.

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- Sec. 2501. Short title.
- Sec. 2502. Conditions for removal of voters from list of registered voters.

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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. 4207. Application of disclaimer statements to online communications.
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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.
- Sec. 4404. Clarification of application of foreign money ban.

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

PART 3—PROHIBITING USE OF DEEPPAKES IN ELECTION CAMPAIGNS

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- Sec. 5202. Eligibility requirements for matching payments.
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- Sec. 5212. Repeal of expenditure limitations and use of qualified campaign contributions.
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- Sec. 6002. Membership of Federal Election Commission.
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- Sec. 6007. Restrictions on ex parte communications.
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- Sec. 6009. Requiring forms to permit use of accent marks.
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- Sec. 6201. Timeframe for and prioritization of disposal of contributions or donations.
- Sec. 6202. 1-year transition period for certain individuals.

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- Sec. 6301. Recommendations to ensure filing of reports before date of election.

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- Sec. 7201. Expanding scope of individuals and activities subject to requirements of Lobbying Disclosure Act of 1995.
- Sec. 7202. Requiring lobbyists to disclose status as lobbyists upon making any lobbying contacts.

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- Sec. 8022. Procedure for waivers and authorizations relating to ethics requirements.

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- Sec. 8061. Short title.
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- Sec. 8071. Short title.
- Sec. 8072. Prohibition on use of funds for travel on private aircraft.

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- 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.
- Sec. 9103. Exercise of rulemaking powers.

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- Sec. 9201. Short title.
- Sec. 9202. Requiring disclosure in certain reports filed with Federal Election Commission of persons who are registered lobbyists.
- Sec. 9203. Effective date.

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- Sec. 9301. Short title.
- Sec. 9302. Definitions.
- Sec. 9303. Establishment of online portal for congressionally mandated reports.
- Sec. 9304. Federal agency responsibilities.
- Sec. 9305. Removing and altering reports.
- Sec. 9306. Relationship to the Freedom of Information Act.
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Subtitle E—Reports on Outside Compensation Earned by Congressional Employees

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

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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 congres-
12 sional elections under the Elections Clause of the
13 Constitution, article I, section 4, clause 1. The Su-
14 preme Court has affirmed that the “substantive
15 scope” of the Elections Clause is “broad”; that
16 “Times, Places, and Manner” are “comprehensive
17 words which embrace authority to provide for a com-
18 plete code for congressional elections”; and “[t]he
19 power of Congress over the Times, Places and Man-
20 ner of congressional elections is paramount, and may
21 be exercised at any time, and to any extent which
22 it deems expedient; and so far as it is exercised, and
23 no farther, the regulations effected supersede those
24 of the State which are inconsistent therewith”. Ari-
25 zona v. Inter Tribal Council of Arizona, 570 U.S. 1,
26 8–9 (2013) (internal quotation marks and citations

1 omitted). Indeed, “Congress has plenary and para-
 2 mount jurisdiction over the whole subject” of con-
 3 gressional elections, *Ex parte Siebold*, 100 U.S. (10
 4 Otto) 371, 388 (1879), and this power “may be ex-
 5 ercised as and when Congress sees fit”, and “so far
 6 as it extends and conflicts with the regulations of
 7 the State, necessarily supersedes them”. *Id.* At 384.
 8 Among other things, Congress finds that the Elec-
 9 tions Clause was intended to “vindicate the people’s
 10 right to equality of representation in the House”.
 11 *Wesberry v. Sanders*, 376 U.S. 1, 16 (1964), and to
 12 address partisan gerrymandering, *Rucho v. Common*
 13 *Cause*, 139 S. Ct. 2484 (2019).

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

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

6 (B) Section 1 of the Fourteenth Amendment
7 protects the fundamental right to vote, which is “of
8 the most fundamental significance under our con-
9 stitutional structure”. *Ill. Bd. of Election v. Socialist*
10 *Workers Party*, 440 U.S. 173, 184 (1979); see
11 *United States v. Classic*, 313 U.S. 299 (1941) (“Ob-
12 viously included within the right to choose, secured
13 by the Constitution, is the right of qualified voters
14 within a state to cast their ballots and have them
15 counted . . .”). As the Supreme Court has repeatedly
16 affirmed, the right to vote is “preservative of all
17 rights”, *Yick Wo v. Hopkins*, 118 U.S. 356, 370
18 (1886). Section 2 of the Fourteenth Amendment
19 also protects the right to vote, granting Congress
20 additional authority to reduce a State’s representa-
21 tion in Congress when the right to vote is abridged
22 or denied.

23 (C) As a result, Congress finds that it has the
24 authority pursuant to section 5 of the Fourteenth
25 Amendment to protect the right to vote. Congress

1 also finds that States and localities have eroded ac-
2 cess to the right to vote through restrictions on the
3 right to vote including excessively onerous voter
4 identification requirements, burdensome voter reg-
5 istration procedures, voter purges, limited and un-
6 equal access to voting by mail, polling place closures,
7 unequal distribution of election resources, and other
8 impediments.

9 (D) Congress also finds that “the right of suf-
10 frage can be denied by a debasement or dilution of
11 the weight of a citizen’s vote just as effectively as by
12 wholly prohibiting the free exercise of the franchise”.
13 Reynolds v. Sims, 377 U.S. 533, 555 (1964). Con-
14 gress finds that the right of suffrage has been so di-
15 luted and debased by means of gerrymandering of
16 districts. Congress finds that it has authority pursu-
17 ant to section 5 of the Fourteenth Amendment to
18 remedy this debasement.

19 (4)(A) Congress also finds that it has authority
20 to legislate to eliminate racial discrimination in vot-
21 ing and the democratic process pursuant to both sec-
22 tion 5 of the Fourteenth Amendment, which grants
23 equal protection of the laws, and section 2 of the
24 Fifteenth Amendment, which explicitly bars denial

1 or abridgment of the right to vote on account of
2 race, color, or previous condition of servitude.

3 (B) Congress finds that racial discrimination in
4 access to voting and the political process persists.
5 Voting restrictions, redistricting, and other electoral
6 practices and processes continue to disproportion-
7 ately impact communities of color in the United
8 States and do so as a result of both intentional ra-
9 cial discrimination, structural racism, and the ongo-
10 ing structural socioeconomic effects of historical ra-
11 cial discrimination.

12 (C) Recent elections and studies have shown
13 that minority communities wait longer in lines to
14 vote, are more likely to have their mail ballots re-
15 jected, continue to face intimidation at the polls, are
16 more likely to be disenfranchised by voter purges,
17 and are disproportionately burdened by voter identi-
18 fication and other voter restrictions. Research shows
19 that communities of color are more likely to face
20 nearly every barrier to voting than their white coun-
21 terparts.

22 (D) Congress finds that racial disparities in dis-
23 enfranchisement due to past felony convictions is
24 particularly stark. In 2020, according to the Sen-
25 tencing Project, an estimated 5,200,000 Americans

1 could not vote due to a felony conviction. One in 16
2 African Americans of voting age is disenfranchised,
3 a rate 3.7 times greater than that of non-African
4 Americans. In seven States—Alabama, Florida,
5 Kentucky, Mississippi, Tennessee, Virginia, and Wy-
6 oming—more than one in seven African Americans
7 is disenfranchised, twice the national average for Af-
8 rican Americans. Congress finds that felony dis-
9 enfranchisement was one of the tools of intentional
10 racial discrimination during the Jim Crow era. Con-
11 gress further finds that current racial disparities in
12 felony disenfranchisement are linked to this history
13 of voter suppression, structural racism in the crimi-
14 nal justice system, and ongoing effects of historical
15 discrimination.

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

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

1 (C) Congress further finds that electoral prac-
2 tices including voting restrictions related to college
3 campuses, age restrictions on mail voting, and simi-
4 lar practices burden the right to vote on account of
5 age.

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

7 (a) IN GENERAL.—For any action brought for declar-
8 atory or injunctive relief to challenge, whether facially or
9 as-applied, the constitutionality or lawfulness of any provi-
10 sion of this Act or any amendment made by this Act or
11 any rule or regulation promulgated under this Act, the fol-
12 lowing rules shall apply:

13 (1) The action shall be filed in the United
14 States District Court for the District of Columbia
15 and an appeal from the decision of the district court
16 may be taken to the Court of Appeals for the Dis-
17 trict of Columbia Circuit. These courts, and the Su-
18 preme Court of the United States on a writ of cer-
19 tiorari (if such writ is issued), shall have exclusive
20 jurisdiction to hear such actions.

21 (2) The party filing the action shall concur-
22 rently deliver a copy the complaint to the Clerk of
23 the House of Representatives and the Secretary of
24 the Senate.

1 (3) It shall be the duty of the United States
2 District Court for the District of Columbia and the
3 Court of Appeals for the District of Columbia Cir-
4 cuit to advance on the docket and to expedite to the
5 greatest possible extent the disposition of the action
6 and appeal.

7 (b) CLARIFYING SCOPE OF JURISDICTION.—If an ac-
8 tion at the time of its commencement is not subject to
9 subsection (a), but an amendment, counterclaim, cross-
10 claim, affirmative defense, or any other pleading or motion
11 is filed challenging, whether facially or as-applied, the con-
12 stitutionality or lawfulness of this Act or any amendment
13 made by this Act or any rule or regulation promulgated
14 under this Act, the district court shall transfer the action
15 to the District Court for the District of Columbia, and
16 the action shall thereafter be conducted pursuant to sub-
17 section (a).

18 (c) INTERVENTION BY MEMBERS OF CONGRESS.—In
19 any action described in subsection (a), any Member of the
20 House of Representatives (including a Delegate or Resi-
21 dent Commissioner to the Congress) or Senate shall have
22 the right to intervene either in support of or opposition
23 to the position of a party to the case regarding the con-
24 stitutionality of the provision. To avoid duplication of ef-
25 forts and reduce the burdens placed on the parties to the

1 action, the court in any such action may make such orders
 2 as it considers necessary, including orders to require
 3 interveners taking similar positions to file joint papers or
 4 to be represented by a single attorney at oral argument.

5 **DIVISION A—VOTING**

6 **TITLE I—ELECTION ACCESS**

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

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

10 (b) **STATEMENT OF POLICY.**—It is the policy of the
 11 United States that—

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

17 (2) the integrity, security, and accountability of
 18 the voting process must be vigilantly protected,
 19 maintained, and enhanced in order to protect and
 20 preserve electoral and participatory democracy in the
 21 United States.

1 **Subtitle A—Voter Registration**
 2 **Modernization**

3 **SEC. 1000A. SHORT TITLE.**

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

6 **PART 1—PROMOTING INTERNET REGISTRATION**

7 **SEC. 1001. REQUIRING AVAILABILITY OF INTERNET FOR**
 8 **VOTER REGISTRATION.**

9 (a) REQUIRING AVAILABILITY OF INTERNET FOR
 10 REGISTRATION.—The National Voter Registration Act of
 11 1993 (52 U.S.C. 20501 et seq.) is amended by inserting
 12 after section 6 the following new section:

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

14 “(a) REQUIRING AVAILABILITY OF INTERNET FOR
 15 ONLINE REGISTRATION.—Each State, acting through the
 16 chief State election official, shall ensure that the following
 17 services are available to the public at any time on the offi-
 18 cial public websites of the appropriate State and local elec-
 19 tion officials in the State, in the same manner and subject
 20 to the same terms and conditions as the services provided
 21 by voter registration agencies under section 7(a):

22 “(1) Online application for voter registration.

23 “(2) Online assistance to applicants in applying
 24 to register to vote.

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

7 “(4) Online receipt of completed voter registra-
 8 tion applications.

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

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

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

25 “(c) SIGNATURE REQUIREMENTS.—

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

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

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

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

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

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

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

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

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

18 “(d) CONFIRMATION AND DISPOSITION.—

19 “(1) CONFIRMATION OF RECEIPT.—

20 “(A) IN GENERAL.—Upon the online sub-
21 mission of a completed voter registration appli-
22 cation by an individual under this section, the
23 appropriate State or local election official shall
24 provide the individual a notice confirming the
25 State’s receipt of the application and providing

1 instructions on how the individual may check
2 the status of the application.

3 “(B) METHOD OF NOTIFICATION.—The
4 appropriate State or local election official shall
5 provide the notice required under subparagraph
6 (A) though the online submission process and—

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

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

12 “(2) NOTICE OF DISPOSITION.—

13 “(A) IN GENERAL.—Not later than 7 days
14 after the appropriate State or local election offi-
15 cial has approved or rejected an application
16 submitted by an individual under this section,
17 the official shall provide the individual a notice
18 of the disposition of the application.

19 “(B) METHOD OF NOTIFICATION.—The
20 appropriate State or local election official shall
21 provide the notice required under subparagraph
22 (A) by regular mail and—

23 “(i) in the case of an individual who
24 has provided the official with an electronic
25 mail address, by electronic mail; and

1 “(ii) at the option of the individual,
2 by text message.

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

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

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

15 “(f) PROTECTION OF SECURITY OF INFORMATION.—
16 In meeting the requirements of this section, the State shall
17 establish appropriate technological security measures to
18 prevent to the greatest extent practicable any unauthor-
19 ized access to information provided by individuals using
20 the services made available under subsection (a).

21 “(g) ACCESSIBILITY OF SERVICES.—A state shall en-
22 sure that the services made available under this section
23 are made available to individuals with disabilities to the
24 same extent as services are made available to all other in-
25 dividuals.

1 “(h) NONDISCRIMINATION AMONG REGISTERED
 2 VOTERS USING MAIL AND ONLINE REGISTRATION.—In
 3 carrying out this Act, the Help America Vote Act of 2002,
 4 or any other Federal, State, or local law governing the
 5 treatment of registered voters in the State or the adminis-
 6 tration of elections for public office in the State, a State
 7 shall treat a registered voter who registered to vote online
 8 in accordance with this section in the same manner as the
 9 State treats a registered voter who registered to vote by
 10 mail.”.

11 (b) SPECIAL REQUIREMENTS FOR INDIVIDUALS
 12 USING ONLINE REGISTRATION.—

13 (1) TREATMENT AS INDIVIDUALS REGISTERING
 14 TO VOTE BY MAIL FOR PURPOSES OF FIRST-TIME
 15 VOTER IDENTIFICATION REQUIREMENTS.—Section
 16 303(b)(1)(A) of the Help America Vote Act of 2002
 17 (52 U.S.C. 21083(b)(1)(A)) is amended by striking
 18 “by mail” and inserting “by mail or online under
 19 section 6A of the National Voter Registration Act of
 20 1993”.

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

24 (A) by redesignating paragraph (5) as
 25 paragraph (6); and

1 (B) by inserting after paragraph (4) the
 2 following new paragraph:

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

5 “(A) IN GENERAL.—A State shall, in a
 6 uniform and nondiscriminatory manner, require
 7 an individual to meet the requirements of sub-
 8 paragraph (B) if—

9 “(i) the individual registered to vote
 10 in the State online under section 6A of the
 11 National Voter Registration Act of 1993;
 12 and

13 “(ii) the individual has not previously
 14 voted in an election for Federal office in
 15 the State.

16 “(B) REQUIREMENTS.—An individual
 17 meets the requirements of this subparagraph
 18 if—

19 “(i) in the case of an individual who
 20 votes in person, the individual provides the
 21 appropriate State or local election official
 22 with a handwritten signature; or

23 “(ii) in the case of an individual who
 24 votes by mail, the individual submits with
 25 the ballot a handwritten signature.

1 “(C) INAPPLICABILITY.—Subparagraph
2 (A) does not apply in the case of an individual
3 who is—

4 “(i) entitled to vote by absentee ballot
5 under the Uniformed and Overseas Citi-
6 zens Absentee Voting Act (52 U.S.C.
7 20302 et seq.);

8 “(ii) provided the right to vote other-
9 wise than in person under section
10 3(b)(2)(B)(ii) of the Voting Accessibility
11 for the Elderly and Handicapped Act (52
12 U.S.C. 20102(b)(2)(B)(ii)); or

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

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

20 (c) CONFORMING AMENDMENTS.—

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

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

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

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

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

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

SEC. 1002. USE OF INTERNET TO UPDATE REGISTRATION INFORMATION.

(a) IN GENERAL.—

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

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

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

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

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

23 “(ii) if the updated registration infor-
24 mation affects the voter’s eligibility to vote
25 in an election for Federal office, ensure

1 that the information is processed with re-
 2 spect to the election if the voter updates
 3 the information not later than the lesser of
 4 7 days, or the period provided by State
 5 law, before the date of the election.

6 “(C) CONFIRMATION AND DISPOSITION.—

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

16 “(ii) NOTICE OF DISPOSITION.—Not
 17 later than 7 days after the appropriate
 18 State or local election official has accepted
 19 or rejected updated information submitted
 20 by an individual under this paragraph, the
 21 official shall send the individual a notice of
 22 the disposition of the update.

23 “(iii) METHOD OF NOTIFICATION.—
 24 The appropriate State or local election offi-

cial shall send the notices required under
this subparagraph by regular mail and—

“(I) in the case of an individual
who has requested that the State provide voter registration and voting information through electronic mail, by electronic mail; and

“(II) at the option of the individual, by text message.”.

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

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

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

1 (2) in the second sentence, by striking “re-
 2 turned,” and inserting the following: “returned or if
 3 the registrant does not update the registrant’s infor-
 4 mation on the computerized statewide voter registra-
 5 tion list using such online method,”.

6 **SEC. 1003. PROVISION OF ELECTION INFORMATION BY**
 7 **ELECTRONIC MAIL TO INDIVIDUALS REG-**
 8 **ISTERED TO VOTE.**

9 (a) INCLUDING OPTION ON VOTER REGISTRATION
 10 APPLICATION TO PROVIDE EMAIL ADDRESS AND RE-
 11 CEIVE INFORMATION.—

12 (1) IN GENERAL.—Section 9(b) of the National
 13 Voter Registration Act of 1993 (52 U.S.C.
 14 20508(b)) is amended—

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

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

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

21 “(5) shall include a space for the applicant to
 22 provide (at the applicant’s option) an electronic mail
 23 address, together with a statement that, if the appli-
 24 cant so requests, instead of using regular mail the
 25 appropriate State and local election officials shall

1 provide to the applicant, through electronic mail sent
 2 to that address, the same voting information (as de-
 3 fined in section 302(b)(2) of the Help America Vote
 4 Act of 2002) which the officials would provide to the
 5 applicant through regular mail.”.

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

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

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

1 “(3) PROVISION OF OTHER INFORMATION BY
 2 ELECTRONIC MAIL.—If an individual who is a reg-
 3 istered voter has provided the State or local election
 4 official with an electronic mail address for the pur-
 5 pose of receiving voting information (as described in
 6 section 9(b)(5) of the National Voter Registration
 7 Act of 1993), the appropriate State or local election
 8 official, through electronic mail transmitted not later
 9 than 7 days before the date of the election for Fed-
 10 eral office involved, shall provide the individual with
 11 information on how to obtain the following informa-
 12 tion by electronic means:

13 “(A) The name and address of the polling
 14 place at which the individual is assigned to vote
 15 in the election.

16 “(B) The hours of operation for the polling
 17 place.

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

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(c)(1) of the Voter Registration Modernization
3 Act of 2021).

4 “(3) Section 8(a)(5) (as amended by section
5 1001(c)(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. 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.—Subject to the approval of the Election
18 Assistance Commission, if a State certifies to the Election
19 Assistance Commission that the State will not meet the
20 deadline referred to in subsection (a) because of extraor-
21 dinary circumstances and includes in the certification the
22 reasons for the failure to meet the deadline, subsection
23 (a) shall apply to the State as if the reference in such
24 subsection to “January 1, 2022” were a reference to
25 “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;

(B) to enable the State and Federal Governments to register all eligible citizens to vote with accurate, cost-efficient, and up-to-date procedures;

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

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

SEC. 1012. AUTOMATIC REGISTRATION OF ELIGIBLE INDIVIDUALS.

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

(1) IN GENERAL.—The chief State election official of each State shall establish and operate a system of automatic registration for the registration of eligible individuals to vote for elections for Federal office in the State, in accordance with the provisions of this part.

(2) DEFINITION.—The term “automatic registration” means a system that registers an individual to vote in elections for Federal office in a State, if eligible, by electronically transferring the 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 a contributing
15 agency has transmitted such information with re-
16 spect to the individual, send written notice to the in-
17 dividual, in addition to other means of notice estab-
18 lished by this part, of the individual's voter registra-
19 tion status.

20 (c) ONE-TIME REGISTRATION OF VOTERS BASED ON
21 EXISTING CONTRIBUTING AGENCY RECORDS.—The chief
22 State election official shall—

23 (1) identify all individuals whose information is
24 transmitted by a contributing agency pursuant to

1 section 1014 and who are eligible to be, but are not
2 currently, registered to vote in that State;

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

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

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

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

24 (D) the substantive qualifications of an
25 elector in the State as listed in the mail voter

1 registration application form for elections for
2 Federal office prescribed pursuant to section 9
3 of the National Voter Registration Act of 1993,
4 the consequences of false registration, and a
5 statement that the individual should decline to
6 register if the individual does not meet all those
7 qualifications;

8 (E) instructions for correcting any erro-
9 neous information; and

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

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

1 internet, or by an officially logged telephone commu-
2 nication; and

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

7 (d) TREATMENT OF INDIVIDUALS UNDER 18 YEARS
8 OF AGE.—A State may not refuse to treat an individual
9 as an eligible individual for purposes of this part on the
10 grounds that the individual is less than 18 years of age
11 at the time a contributing agency receives information
12 with respect to the individual, so long as the individual
13 is at least 16 years of age at such time. Nothing in the
14 previous sentence may be construed to require a State to
15 permit an individual who is under 18 years of age at the
16 time of an election for Federal office to vote in the elec-
17 tion.

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

21 **SEC. 1013. CONTRIBUTING AGENCY ASSISTANCE IN REG-**
22 **ISTRATION.**

23 (a) IN GENERAL.—In accordance with this part, each
24 contributing agency in a State shall assist the State's chief

1 election official in registering to vote all eligible individuals
 2 served by that agency.

3 (b) REQUIREMENTS FOR CONTRIBUTING AGEN-
 4 CIES.—

5 (1) INSTRUCTIONS ON AUTOMATIC REGISTRA-
 6 TION.—Except as otherwise provided in this section,
 7 with each application for service or assistance, and
 8 with each related recertification, renewal, or change
 9 of address, or, in the case of a covered institution
 10 of higher education, upon initial enrollment of an in-
 11 State student, each contributing agency (other than
 12 a contributing agency described in subsection
 13 (e)(1)(B)(ii)) that (in the normal course of its oper-
 14 ations) requests individuals to affirm United States
 15 citizenship (either directly or as part of the overall
 16 application for service or assistance or enrollment)
 17 shall inform each such individual who is a citizen of
 18 the United States of the following:

19 (A) Unless that individual declines to reg-
 20 ister to vote, or is found ineligible to vote, the
 21 individual will be registered to vote or, if appli-
 22 cable, the individual's registration will be up-
 23 dated.

24 (B) The substantive qualifications of an
 25 elector in the State as listed in the mail voter

1 registration application form for elections for
2 Federal office prescribed pursuant to section 9
3 of the National Voter Registration Act of 1993,
4 the consequences of false registration, and the
5 individual should decline to register if the indi-
6 vidual does not meet all those qualifications.

7 (C) In the case of a State in which affili-
8 ation or enrollment with a political party is re-
9 quired in order to participate in an election to
10 select the party's candidate in an election for
11 Federal office, the requirement that the indi-
12 vidual must affiliate or enroll with a political
13 party in order to participate in such an election.

14 (D) Voter registration is voluntary, and
15 neither registering nor declining to register to
16 vote will in any way affect the availability of
17 services or benefits, nor be used for other pur-
18 poses.

19 (2) OPPORTUNITY TO DECLINE REGISTRATION
20 REQUIRED.—Except as otherwise provided in this
21 section, each contributing agency shall ensure that
22 each application for service or assistance, and each
23 related recertification, renewal, or change of address,
24 cannot be completed until the individual is given the
25 opportunity to decline to be registered to vote.

1 (3) INFORMATION TRANSMITTAL.—Upon the
2 expiration of the 30-day period which begins on the
3 date a contributing agency as described in para-
4 graph (1) informs an individual of the information
5 described in such paragraph, unless the individual
6 has declined to be registered to vote or informs the
7 agency that they are already registered to vote, each
8 contributing agency shall electronically transmit to
9 the appropriate State election official, in a format
10 compatible with the statewide voter database main-
11 tained under section 303 of the Help America Vote
12 Act of 2002 (52 U.S.C. 21083), the following infor-
13 mation:

14 (A) The individual's given name(s) and
15 surname(s).

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

17 (C) The individual's residential address.

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

20 (E) The date on which information per-
21 taining to that individual was collected or last
22 updated.

23 (F) If available, the individual's signature
24 in electronic form.

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

11 (H) Any additional information listed in
 12 the mail voter registration application form for
 13 elections for Federal office prescribed pursuant
 14 to section 9 of the National Voter Registration
 15 Act of 1993, including any valid driver's license
 16 number or the last 4 digits of the individual's
 17 Social Security number, if the individual pro-
 18 vided such information.

19 (c) ALTERNATE PROCEDURE FOR CERTAIN CON-
 20 TRIBUTING AGENCIES.—

21 (1) IN GENERAL.—With each application for
 22 service or assistance, and with each related recertifi-
 23 cation, renewal, or change of address, a contributing
 24 agency described in paragraph (2) shall—

1 (A) complete the requirements of section
2 7(a)(6) of the National Voter Registration Act
3 of 1993 (52 U.S.C. 20506(a)(6));

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

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

13 (2) CONTRIBUTING AGENCIES DESCRIBED.—

14 The following contributing agencies are described in
15 this paragraph:

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

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

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

11 (e) CONTRIBUTING AGENCIES.—

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

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

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

23 (i) title III of the Social Security Act
 24 (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

thereof, or upon formal restoration of rights, the Federal agency responsible for administering that sentence or part thereof (without regard to whether the agency is located in the same State in which the individual is a resident), but only with respect to individuals who have completed the criminal sentence or any part thereof.

(D) Any other agency of the Federal government which the State designates as a contributing agency, but only if the State and the head of the agency determine that the agency collects information sufficient to carry out the responsibilities of a contributing agency under this section.

(3) INSTITUTIONS OF HIGHER EDUCATION.—

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

(B) PROCEDURES FOR INSTITUTIONS OF HIGHER EDUCATION.—Notwithstanding section 444 of the General Education Provisions Act (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, for pur-
 7 poses related to in-State tuition, financial aid
 8 eligibility, or other similar purposes, resides in
 9 the State; and

10 (B) includes a student described in sub-
 11 paragraph (A) who is enrolled in a program of
 12 distance education, as defined in section 103 of
 13 the Higher Education Act of 1965 (20 U.S.C.
 14 1003).

15 **SEC. 1014. ONE-TIME CONTRIBUTING AGENCY ASSISTANCE**
 16 **IN REGISTRATION OF ELIGIBLE VOTERS IN**
 17 **EXISTING RECORDS.**

18 (a) INITIAL TRANSMITTAL OF INFORMATION.—For
 19 each individual already listed in a contributing agency’s
 20 records as of the date of enactment of this Act, and for
 21 whom the agency has the information listed in section
 22 1013(b)(3), the agency shall promptly transmit that infor-
 23 mation to the appropriate State election official in accord-
 24 ance with section 1013(b)(3) not later than the effective
 25 date described in section 1021(a).

1 (b) TRANSITION.—For each individual listed in a con-
2 tributing agency’s records as of the effective date de-
3 scribed in section 1021(a) (but who was not listed in a
4 contributing agency’s records as of the date of enactment
5 of this Act), and for whom the agency has the information
6 listed in section 1013(b)(3), the Agency shall promptly
7 transmit that information to the appropriate State election
8 official in accordance with section 1013(b)(3) not later
9 than 6 months after the effective date described in section
10 1021(a).

11 **SEC. 1015. VOTER PROTECTION AND SECURITY IN AUTO-**
12 **MATIC REGISTRATION.**

13 (a) PROTECTIONS FOR ERRORS IN REGISTRATION.—
14 An individual shall not be prosecuted under any Federal
15 or State law, adversely affected in any civil adjudication
16 concerning immigration status or naturalization, or sub-
17 ject to an allegation in any legal proceeding that the indi-
18 vidual is not a citizen of the United States on any of the
19 following grounds:

- 20 (1) The individual notified an election office of
21 the individual’s automatic registration to vote under
22 this part.
- 23 (2) The individual is not eligible to vote in elec-
24 tions for Federal office but was automatically reg-
25 istered to vote under this part.

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

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

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

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

21 (1) knowingly and willfully makes a false state-
22 ment to effectuate or perpetuate automatic voter
23 registration by any individual; or

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

1 (d) CONTRIBUTING AGENCIES' PROTECTION OF IN-
 2 FORMATION.—Nothing in this part authorizes a contrib-
 3 uting agency to collect, retain, transmit, or publicly dis-
 4 close any of the following:

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

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

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

12 (e) ELECTION OFFICIALS' PROTECTION OF INFOR-
 13 MATION.—

14 (1) PUBLIC DISCLOSURE PROHIBITED.—

15 (A) IN GENERAL.—Subject to subpara-
 16 graph (B), with respect to any individual for
 17 whom any State election official receives infor-
 18 mation from a contributing agency, the State
 19 election officials shall not publicly disclose any
 20 of the following:

21 (i) The identity of the contributing
 22 agency.

23 (ii) Any information not necessary to
 24 voter registration.

1 (iii) Any voter information otherwise
2 shielded from disclosure under State law or
3 section 8(a) of the National Voter Reg-
4 istration Act of 1993 (52 U.S.C.
5 20507(a)).

6 (iv) Any portion of the individual's
7 Social Security number.

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

10 (vi) The individual's signature.

11 (vii) The individual's telephone num-
12 ber.

13 (viii) The individual's email address.

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

22 (i) The identity of the contributing
23 agency.

24 (ii) Any information not necessary to
25 voter registration.

1 (iii) Any voter information otherwise
 2 shielded from disclosure under State law or
 3 section 8(a) of the National Voter Reg-
 4 istration Act of 1993 (52 U.S.C.
 5 20507(a)).

6 (iv) Any portion of the individual's
 7 Social Security number.

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

10 (vi) The individual's signature.

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

18 (3) DATABASE MANAGEMENT STANDARDS.—
 19 The Director of the National Institute of Standards
 20 and Technology shall, after providing the public with
 21 notice and the opportunity 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; and

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.

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

(A) each class of users who shall have authorized access to the computerized statewide voter registration list, specifying for each class the permission and levels of access to be granted, and setting forth other safeguards to protect the privacy, security, and accuracy of the information on the list; and

(B) security safeguards to protect personal information transmitted through the information transmittal processes of section 1013 or section 1014, the online system used pursuant to section 6A of the National Voter Registration Act of 1993 (as added by section 1001), any telephone interface, the maintenance of the voter registration database, and any audit procedure to track access to the system.

(5) STATE COMPLIANCE WITH NATIONAL STANDARDS.—

(A) CERTIFICATION.—The chief executive officer of the State shall annually file with the Election Assistance Commission a statement certifying to the Director of the National Institute of Standards and Technology that the State is in compliance with the standards referred to in paragraphs (3) and (4). A State

1 may meet the requirement of the previous sen-
2 tence by filing with the Commission a statement
3 which reads as follows: “_____ hereby
4 certifies that it is in compliance with the stand-
5 ards referred to in paragraphs (3) and (4) of
6 section 1015(e) of the Automatic Voter Reg-
7 istration Act of 2021.” (with the blank to be
8 filled in with the name of the State involved).

9 (B) PUBLICATION OF POLICIES AND PRO-
10 CEDURES.—The chief State election official of a
11 State shall publish on the official’s website the
12 policies and procedures established under this
13 section, and shall make those policies and pro-
14 cedures available in written form upon public
15 request.

16 (C) FUNDING DEPENDENT ON CERTIFI-
17 CATION.—If a State does not timely file the cer-
18 tification required under this paragraph, it shall
19 not receive any payment under this part for the
20 upcoming fiscal year.

21 (D) COMPLIANCE OF STATES THAT RE-
22 QUIRE CHANGES TO STATE LAW.—In the case
23 of a State that requires State legislation to
24 carry out an activity covered by any certifi-
25 cation submitted under this paragraph, for a

1 period of not more than 2 years the State shall
 2 be permitted to make the certification notwith-
 3 standing that the legislation has not been en-
 4 acted at the time the certification is submitted,
 5 and such State shall submit an additional cer-
 6 tification once such legislation is enacted.

7 (f) RESTRICTIONS ON USE OF INFORMATION.—No
 8 person acting under color of law may discriminate against
 9 any individual based on, or use for any purpose other than
 10 voter registration, election administration, or enforcement
 11 relating to election crimes, any of the following:

12 (1) Voter registration records.

13 (2) An individual's declination to register to
 14 vote or complete an affirmation of citizenship under
 15 section 1013(b).

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

17 (g) PROHIBITION ON THE USE OF VOTER REGISTRA-
 18 TION INFORMATION FOR COMMERCIAL PURPOSES.—In-
 19 formation collected under this part shall not be used for
 20 commercial purposes. Nothing in this subsection may be
 21 construed to prohibit the transmission, exchange, or dis-
 22 semination of information for political purposes, including
 23 the support of campaigns for election for Federal, State,
 24 or local public office or the activities of political commit-

tees (including committees of political parties) under the Federal Election Campaign Act of 1971.

SEC. 1016. REGISTRATION PORTABILITY AND CORRECTION.

(a) CORRECTING REGISTRATION INFORMATION AT POLLING PLACE.—Notwithstanding section 302(a) of the Help America Vote Act of 2002 (52 U.S.C. 21082(a)), if an individual is registered to vote in elections for Federal office held in a State, the appropriate election official at the polling place for any such election (including a location used as a polling place on a date other than the date of the election) shall permit the individual to—

(1) update the individual’s address for purposes of the records of the election official;

(2) correct any incorrect information relating to the individual, including the individual’s name and political party affiliation, in the records of the election official; and

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

(b) UPDATES TO COMPUTERIZED STATEWIDE VOTER REGISTRATION LISTS.—If an election official at the polling place receives an updated address or corrected infor-

1 mation from an individual under subsection (a), the offi-
 2 cial shall ensure that the address or information is
 3 promptly entered into the computerized statewide voter
 4 registration list in accordance with section
 5 303(a)(1)(A)(vi) of the Help America Vote Act of 2002
 6 (52 U.S.C. 21083(a)(1)(A)(vi)).

7 **SEC. 1017. PAYMENTS AND GRANTS.**

8 (a) IN GENERAL.—The Election Assistance Commis-
 9 sion shall make grants to each eligible State to assist the
 10 State in implementing the requirements of this part (or,
 11 in the case of an exempt State, in implementing its exist-
 12 ing automatic voter registration program).

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

17 (1) a description of the activities the State will
 18 carry out with the grant;

19 (2) an assurance that the State shall carry out
 20 such activities without partisan bias and without
 21 promoting any particular point of view regarding
 22 any issue; and

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

1 (c) AMOUNT OF GRANT; PRIORITIES.—The Commis-
2 sion shall determine the amount of a grant made to an
3 eligible State under this section. In determining the
4 amounts of the grants, the Commission shall give priority
5 to providing funds for those activities which are most like-
6 ly to accelerate compliance with the requirements of this
7 part (or, in the case of an exempt State, which are most
8 likely to enhance the ability of the State to automatically
9 register individuals to vote through its existing automatic
10 voter registration program), including—

11 (1) investments supporting electronic informa-
12 tion transfer, including electronic collection and
13 transfer of signatures, between contributing agencies
14 and the appropriate State election officials;

15 (2) updates to online or electronic voter reg-
16 istration systems already operating as of the date of
17 the enactment of this Act;

18 (3) introduction of online voter registration sys-
19 tems in jurisdictions in which those systems did not
20 previously exist; and

21 (4) public education on the availability of new
22 methods of registering to vote, updating registration,
23 and correcting registration.

24 (d) AUTHORIZATION OF APPROPRIATIONS.—

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

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

4 (B) such sums as may be necessary for
5 each succeeding fiscal year.

6 (2) CONTINUING AVAILABILITY OF FUNDS.—

7 Any amounts appropriated pursuant to the authority
8 of this subsection shall remain available without fis-
9 cal year limitation until expended.

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

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

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

16 (1) Section 1016 (relating to registration port-
17 ability and correction).

18 (2) Section 1017 (relating to payments and
19 grants).

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

21 (4) Section 1019(f) (relating to relation to
22 other laws).

23 **SEC. 1019. MISCELLANEOUS PROVISIONS.**

24 (a) ACCESSIBILITY OF REGISTRATION SERVICES.—

25 Each contributing agency shall ensure that the services

1 it provides under this part are made available to individ-
2 uals with disabilities to the same extent as services are
3 made available to all other individuals.

4 (b) TRANSMISSION THROUGH SECURE THIRD PARTY
5 PERMITTED.—Nothing in this part shall be construed to
6 prevent a contributing agency from contracting with a
7 third party to assist the agency in meeting the information
8 transmittal requirements of this part, so long as the data
9 transmittal complies with the applicable requirements of
10 this part, including the privacy and security provisions of
11 section 1015.

12 (c) NONPARTISAN, NONDISCRIMINATORY PROVISION
13 OF SERVICES.—The services made available by contrib-
14 uting agencies under this part and by the State under sec-
15 tions 1015 and 1016 shall be made in a manner consistent
16 with paragraphs (4), (5), and (6)(C) of section 7(a) of
17 the National Voter Registration Act of 1993 (52 U.S.C.
18 20506(a)).

19 (d) NOTICES.—Each State may send notices under
20 this part via electronic mail if the individual has provided
21 an electronic mail address and consented to electronic mail
22 communications for election-related materials. All notices
23 sent pursuant to this part that require a response must
24 offer the individual notified the opportunity to respond at
25 no cost to the individual.

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

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

10 (1) The Voting Rights Act of 1965 (52 U.S.C.
 11 10301 et seq.).

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

14 (3) The National Voter Registration Act of
 15 1993 (52 U.S.C. 20501 et seq.).

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

18 **SEC. 1020. DEFINITIONS.**

19 In this part, the following definitions apply:

20 (1) The term “chief State election official”
 21 means, with respect to a State, the individual des-
 22 ignated by the State under section 10 of the Na-
 23 tional Voter Registration Act of 1993 (52 U.S.C.
 24 20509) to be responsible for coordination of the
 25 State’s responsibilities under such Act.

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

3 (3) The term “exempt State” means a State
4 which, under law which is in effect continuously on
5 and after the date of the enactment of this Act, op-
6 erates a system of automatic registration (as defined
7 in section 1012(a)(2)) at the motor vehicle authority
8 of the State or a Permanent Dividend Fund of the
9 State under which an individual is provided the op-
10 portunity to decline registration during the trans-
11 action or by way of a notice sent by mail or elec-
12 tronically after the transaction.

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

15 **SEC. 1021. EFFECTIVE DATE.**

16 (a) IN GENERAL.—Except as provided in subsection
17 (b), this part and the amendments made by this part shall
18 apply with respect to a State beginning January 1, 2023.

19 (b) WAIVER.—Subject to the approval of the Com-
20 mission, if a State certifies to the Commission that the
21 State will not meet the deadline referred to in subsection
22 (a) because of extraordinary circumstances and includes
23 in the certification the reasons for the failure to meet the
24 deadline, subsection (a) shall apply to the State as if the

1 reference in such subsection to “January 1, 2023” were
 2 a reference to “January 1, 2025”.

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

4 **SEC. 1031. SAME DAY REGISTRATION.**

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

7 (1) by redesignating sections 304 and 305 as
 8 sections 305 and 306, respectively; and

9 (2) by inserting after section 303 the following
 10 new section:

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

12 “(a) IN GENERAL.—

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

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

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

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

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

11 “(c) EFFECTIVE DATE.—Each State shall be re-
 12 quired to comply with the requirements of subsection (a)
 13 for the regularly scheduled general election for Federal of-
 14 fice occurring in November 2022 and for any subsequent
 15 election for Federal office.”.

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

20 (c) CLERICAL AMENDMENTS.—The table of contents
 21 of such Act is amended—

22 (1) by redesignating the items relating to sec-
 23 tions 304 and 305 as relating to sections 305 and
 24 306, respectively; and

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

“Sec. 304. Same day registration.”.

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

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

8 (a) MINIMUM INFORMATION REQUIRED FOR RE-
 9 MOVAL UNDER CROSS-CHECK.—Section 8(c)(2) of the
 10 National Voter Registration Act of 1993 (52 U.S.C.
 11 20507(c)(2)) is amended—

12 (1) by redesignating subparagraph (B) as sub-
 13 paragraph (D); and

14 (2) by inserting after subparagraph (A) the fol-
 15 lowing new subparagraphs:

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

24 “(i) the State obtained the voter’s full name
 25 (including the voter’s middle name, if any) and date

1 of birth, and the last 4 digits of the voter’s Social
 2 Security number, in the interstate cross-check; or

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

6 “(C) In this paragraph—

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

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

16 (b) REQUIRING COMPLETION OF CROSS-CHECKS
 17 NOT LATER THAN 6 MONTHS PRIOR TO ELECTION.—

18 Subparagraph (A) of section 8(c)(2) of such Act (52
 19 U.S.C. 20507(c)(2)) is amended by striking “not later
 20 than 90 days” and inserting the following: “not later than
 21 90 days (or, in the case of a program in which the State
 22 uses interstate cross-checks, not later than 6 months)”.

23 (c) CONFORMING AMENDMENT.—Subparagraph (D)
 24 of section 8(c)(2) of such Act (52 U.S.C. 20507(c)(2)),

1 as redesignated by subsection (a)(1), is amended by strik-
 2 ing “Subparagraph (A)” and inserting “This paragraph”.

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

7 **PART 5—OTHER INITIATIVES TO PROMOTE**
 8 **VOTER REGISTRATION**

9 **SEC. 1051. BIENNIAL REPORTS ON VOTER REGISTRATION**
 10 **STATISTICS.**

11 (a) ANNUAL REPORT.—Not later than 90 days after
 12 the end of each even-numbered year, each State shall sub-
 13 mit to the Election Assistance Commission a report con-
 14 taining the following categories of information for the pre-
 15 ceding 2 years:

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

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

1 State, broken down by each such authority and
2 agency.

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

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

18 (5) The number of individuals on the statewide
19 computerized voter registration list (as established
20 and maintained under section 303 of the Help
21 America Vote Act of 2002) whose voter registration
22 information was revised by the chief State election
23 official as a result of the forms transmitted to the
24 official by such motor vehicle authorities and voter
25 registration agencies (as described in paragraph

1 (3)), broken down by each such authority and agen-
2 cy and the type of form transmitted.

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

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

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

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

24 (e) STATE DEFINED.—In this section, a “State” in-
25 cludes the District of Columbia, the Commonwealth of

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

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

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

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

21 (b) EFFECTIVE DATE.—The amendment made by
 22 subsection (a) shall apply with respect to elections held
 23 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 **PART 6—AVAILABILITY OF HAVA REQUIREMENTS**

16 **PAYMENTS**

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

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

19 **ANCE WITH NEW REQUIREMENTS.**

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

22 (1) in paragraph (1), by striking “as provided
 23 in paragraphs (2) and (3)” and inserting “as other-
 24 wise provided in this subsection”; and

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

3 “(4) CERTAIN VOTER REGISTRATION ACTIVI-
4 TIES.—Notwithstanding paragraph (3), a State may
5 use a requirements payment to carry out any of the
6 requirements of the Voter Registration Moderniza-
7 tion Act of 2021, including the requirements of the
8 National Voter Registration Act of 1993 which are
9 imposed pursuant to the amendments made to such
10 Act by the Voter Registration Modernization Act of
11 2021.”.

12 (b) CONFORMING AMENDMENT.—Section 254(a)(1)
13 of such Act (52 U.S.C. 21004(a)(1)) is amended by strik-
14 ing “section 251(a)(2)” and inserting “section
15 251(b)(2)”.

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

19 **PART 7—PROHIBITING INTERFERENCE WITH**
20 **VOTER REGISTRATION**

21 **SEC. 1071. PROHIBITING HINDERING, INTERFERING WITH,**
22 **OR PREVENTING VOTER REGISTRATION.**

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

1 **“§ 612. Hindering, interfering with, or preventing**
 2 **registering to vote**

3 “(a) PROHIBITION.—It shall be unlawful for any per-
 4 son, whether acting under color of law or otherwise, to
 5 corruptly hinder, interfere with, or prevent another person
 6 from registering to vote or to corruptly hinder, interfere
 7 with, or prevent another person from aiding another per-
 8 son in registering to vote.

9 “(b) ATTEMPT.—Any person who attempts to commit
 10 any offense described in subsection (a) shall be subject to
 11 the same penalties as those prescribed for the offense that
 12 the person attempted to commit.

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

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

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

19 (c) EFFECTIVE DATE.—The amendments made by
 20 this section shall apply with respect to elections held on
 21 or after the date of the enactment of this Act, except that
 22 no person may be found to have violated section 612 of
 23 title 18, United States Code (as added by subsection (a)),
 24 on the basis of any act occurring prior to the date of the
 25 enactment of this Act.

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

2 (a) BEST PRACTICES.—Not later than 180 days after
 3 the date of the enactment of this Act, the Election Assist-
 4 ance Commission shall develop and publish recommenda-
 5 tions for best practices for States to use to deter and pre-
 6 vent violations of section 612 of title 18, United States
 7 Code (as added by section 1071), and section 12 of the
 8 National Voter Registration Act of 1993 (52 U.S.C.
 9 20511) (relating to the unlawful interference with reg-
 10 istering to vote, or voting, or attempting to register to vote
 11 or vote), including practices to provide for the posting of
 12 relevant information at polling places and voter registra-
 13 tion agencies under such Act, the training of poll workers
 14 and election officials, and relevant educational materials.
 15 For purposes of this subsection, the term “State” includes
 16 the District of Columbia, the Commonwealth of Puerto
 17 Rico, Guam, American Samoa, the United States Virgin
 18 Islands, and the Commonwealth of the Northern Mariana
 19 Islands.

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

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

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

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

3 “(G) information relating to the prohibi-
4 tions of section 612 of title 18, United States
5 Code, and section 12 of the National Voter
6 Registration Act of 1993 (52 U.S.C. 20511)
7 (relating to the unlawful interference with reg-
8 istering to vote, or voting, or attempting to reg-
9 ister to vote or vote), including information on
10 how individuals may report allegations of viola-
11 tions of such prohibitions.”.

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

13 **SEC. 1081. SHORT TITLE.**

14 This part may be cited as the “Voter Registration
15 Efficiency Act”.

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

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

24 (1) by striking “Any change” and inserting
25 “(1) Any change”; and

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

3 “(2)(A) A State motor vehicle authority shall
4 require each individual applying for a motor vehicle
5 driver’s license in the State—

6 “(i) to indicate whether the individual re-
7 sides in another State or resided in another
8 State prior to applying for the license, and, if
9 so, to identify the State involved; and

10 “(ii) to indicate whether the individual in-
11 tends for the State to serve as the individual’s
12 residence for purposes of registering to vote in
13 elections for Federal office.

14 “(B) If pursuant to subparagraph (A)(ii) an in-
15 dividual indicates to the State motor vehicle author-
16 ity that the individual intends for the State to serve
17 as the individual’s residence for purposes of reg-
18 istering to vote in elections for Federal office, the
19 authority shall notify the motor vehicle authority of
20 the State identified by the individual pursuant to
21 subparagraph (A)(i), who shall notify the chief State
22 election official of such State that the individual no
23 longer intends for that State to serve as the individ-
24 ual’s residence for purposes of registering to vote in
25 elections for Federal office.”.

1 (b) EFFECTIVE DATE.—The amendments made by
 2 subsection (a) shall take effect with respect to elections
 3 occurring in 2021 or any succeeding year.

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

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

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

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

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

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

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

5 (c) 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 (d) DEFINITIONS.—In this part, the terms “local
12 educational agency” and “secondary school” have the
13 meanings given such terms in section 8101 of the Elemen-
14 tary and Secondary Education Act of 1965 (20 U.S.C.
15 7801).

16 **SEC. 1092. REPORTS.**

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

24 (b) REPORT BY COMMISSION.—Not later than the ex-
25 piration of the 60-day period which begins on the date

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

5 **SEC. 1093. AUTHORIZATION OF APPROPRIATIONS.**

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

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

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

12 (a) ACCEPTANCE OF APPLICATIONS.—Section 8 of
 13 the National Voter Registration Act of 1993 (52 U.S.C.
 14 20507), as amended by section 1004, is amended—

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

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

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

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

19 (1) by redesignating sections 305 and 306 as
20 sections 306 and 307, respectively; and

21 (2) by inserting after section 304 the following
22 new section:

1 **“SEC. 305. 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 306);

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);

“(B) for States to send by mail and electronically (in accordance with the preferred method of transmission designated by the individual under subparagraph (C)) voter registration applications and absentee ballot applications requested under subparagraph (A) in accordance with subsection (c)); and

“(C) by which such an individual can designate whether the individual prefers that such voter registration application or absentee ballot application be transmitted by mail or electronically;

“(5) in addition to any other method of transmitting blank absentee ballots in the State, establish procedures for transmitting by mail and electronically blank absentee ballots to individuals with disabilities with respect to elections for Federal office in accordance with subsection (d);

“(6) transmit a validly requested absentee ballot to an individual with a disability—

“(A) except as provided in subsection (e), in the case in which the request is received at least 45 days before an election for Federal office, not later than 45 days before the election; and

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

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

5 “(ii) if practicable and as determined
 6 appropriate by the State, in a manner that
 7 expedites the transmission of such absen-
 8 tee ballot; and

9 “(7) if the State declares or otherwise holds a
 10 runoff election for Federal office, establish a written
 11 plan that provides absentee ballots are made avail-
 12 able to individuals with disabilities in a manner that
 13 gives them sufficient time to vote in the runoff elec-
 14 tion.

15 “(b) DESIGNATION OF SINGLE STATE OFFICE TO
 16 PROVIDE INFORMATION ON REGISTRATION AND ABSEN-
 17 TEE BALLOT PROCEDURES FOR VOTERS WITH DISABIL-
 18 ITIES IN STATE.—

19 “(1) IN GENERAL.—Each State shall designate
 20 a single office which shall be responsible for pro-
 21 viding information regarding voter registration pro-
 22 cedures, absentee ballot procedures, and in-person
 23 voting procedures to be used by individuals with dis-
 24 abilities with respect to elections for Federal office

1 to all individuals with disabilities who wish to reg-
2 ister to vote or vote in any jurisdiction in the State.

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

5 “(A) provide information to election offi-
6 cials—

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

9 “(ii) regarding the accessibility of vot-
10 ing procedures, including guidance on com-
11 patibility with assistive technologies such
12 as screen readers and ballot marking de-
13 vices;

14 “(B) integrate information on accessibility,
15 accommodations, disability, and older individ-
16 uals into regular training materials for poll
17 workers and election administration officials;

18 “(C) train poll workers on how to make
19 polling places accessible for individuals with dis-
20 abilities and older individuals;

21 “(D) promote the hiring of individuals with
22 disabilities and older individuals as poll workers
23 and election staff; and

24 “(E) publicly post the results of any audits
25 to determine the accessibility of polling places

1 no later than 6 months after the completion of
2 the audit.

3 “(c) DESIGNATION OF MEANS OF ELECTRONIC COM-
4 MUNICATION FOR INDIVIDUALS WITH DISABILITIES TO
5 REQUEST AND FOR STATES TO SEND VOTER REGISTRA-
6 TION APPLICATIONS AND ABSENTEE BALLOT APPLICA-
7 TIONS, AND FOR OTHER PURPOSES RELATED TO VOTING
8 INFORMATION.—

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

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

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

21 “(C) for the purpose of providing related
22 voting, balloting, and election information to in-
23 dividuals with disabilities.

24 “(2) CLARIFICATION REGARDING PROVISION OF
25 MULTIPLE MEANS OF ELECTRONIC COMMUNICA-

1 TION.—A State may, in addition to the means of
 2 electronic communication so designated, provide
 3 multiple means of electronic communication to indi-
 4 viduals with disabilities, including a means of elec-
 5 tronic communication for the appropriate jurisdic-
 6 tion of the State.

7 “(3) INCLUSION OF DESIGNATED MEANS OF
 8 ELECTRONIC COMMUNICATION WITH INFORMA-
 9 TIONAL AND INSTRUCTIONAL MATERIALS THAT AC-
 10 COMPANY BALLOTING MATERIALS.—Each State shall
 11 include a means of electronic communication so des-
 12 ignated with all informational and instructional ma-
 13 terials that accompany balloting materials sent by
 14 the State to individuals with disabilities.

15 “(4) TRANSMISSION IF NO PREFERENCE INDI-
 16 CATED.—In the case where an individual with a dis-
 17 ability does not designate a preference under sub-
 18 section (a)(4)(C), the State shall transmit the voter
 19 registration application or absentee ballot application
 20 by any delivery method allowable in accordance with
 21 applicable State law, or if there is no applicable
 22 State law, by mail.

23 “(d) TRANSMISSION OF BLANK ABSENTEE BALLOTS
 24 BY MAIL AND ELECTRONICALLY.—

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

3 “(A) to securely transmit blank absentee
4 ballots by mail and electronically (in accordance
5 with the preferred method of transmission des-
6 ignated by the individual with a disability under
7 subparagraph (B)) to individuals with disabil-
8 ities for an election for Federal office; and

9 “(B) by which the individual with a dis-
10 ability can designate whether the individual pre-
11 fers that such blank absentee ballot be trans-
12 mitted by mail or electronically.

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

20 “(3) APPLICATION OF METHODS TO TRACK DE-
21 LIVERY TO AND RETURN OF BALLOT BY INDIVIDUAL
22 REQUESTING BALLOT.—Under the procedures estab-
23 lished under paragraph (1), the State shall apply
24 such methods as the State considers appropriate,
25 such as assigning a unique identifier to the ballot,

1 to ensure that if an individual with a disability re-
 2 quests the State to transmit a blank absentee ballot
 3 to the individual in accordance with this subsection,
 4 the voted absentee ballot which is returned by the
 5 individual is the same blank absentee ballot which
 6 the State transmitted to the individual.

7 “(e) HARDSHIP EXEMPTION.—

8 “(1) IN GENERAL.—If the chief State election
 9 official determines that the State is unable to meet
 10 the requirement under subsection (a)(6)(A) with re-
 11 spect to an election for Federal office due to an
 12 undue hardship described in paragraph (2)(B), the
 13 chief State election official shall request that the At-
 14 torney General grant a waiver to the State of the
 15 application of such subsection. Such request shall in-
 16 clude—

17 “(A) a recognition that the purpose of
 18 such subsection is to give individuals with dis-
 19 abilities enough time to vote in an election for
 20 Federal office;

21 “(B) an explanation of the hardship that
 22 indicates why the State is unable to transmit
 23 such individuals an absentee ballot in accord-
 24 ance with such subsection;

1 “(C) the number of days prior to the elec-
2 tion for Federal office that the State requires
3 absentee ballots be transmitted to such individ-
4 uals; and

5 “(D) a comprehensive plan to ensure that
6 such individuals are able to receive absentee
7 ballots which they have requested and submit
8 marked absentee ballots to the appropriate
9 State election official in time to have that ballot
10 counted in the election for Federal office, which
11 includes—

12 “(i) the steps the State will undertake
13 to ensure that such individuals have time
14 to receive, mark, and submit their ballots
15 in time to have those ballots counted in the
16 election;

17 “(ii) why the plan provides such indi-
18 viduals sufficient time to vote as a sub-
19 stitute for the requirements under such
20 subsection; and

21 “(iii) the underlying factual informa-
22 tion which explains how the plan provides
23 such sufficient time to vote as a substitute
24 for such requirements.

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

5 “(A) The comprehensive plan under sub-
 6 paragraph (D) of such paragraph provides indi-
 7 viduals with disabilities sufficient time to re-
 8 ceive absentee ballots they have requested and
 9 submit marked absentee ballots to the appro-
 10 priate State election official in time to have that
 11 ballot counted in the election for Federal office.

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

14 “(i) The State’s primary election date
 15 prohibits the State from complying with
 16 subsection (a)(6)(A).

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

19 “(iii) The State Constitution prohibits
 20 the State from complying with such sub-
 21 section.

22 “(3) TIMING OF WAIVER.—

23 “(A) IN GENERAL.—Except as provided
 24 under subparagraph (B), a State that requests
 25 a waiver under paragraph (1) shall submit to

1 the Attorney General the written waiver request
 2 not later than 90 days before the election for
 3 Federal office with respect to which the request
 4 is submitted. The Attorney General shall ap-
 5 prove or deny the waiver request not later than
 6 65 days before such election.

7 “(B) EXCEPTION.—If a State requests a
 8 waiver under paragraph (1) as the result of an
 9 undue hardship described in paragraph
 10 (2)(B)(ii), the State shall submit to the Attor-
 11 ney General the written waiver request as soon
 12 as practicable. The Attorney General shall ap-
 13 prove or deny the waiver request not later than
 14 5 business days after the date on which the re-
 15 quest is received.

16 “(4) APPLICATION OF WAIVER.—A waiver ap-
 17 proved under paragraph (2) shall only apply with re-
 18 spect to the election for Federal office for which the
 19 request was submitted. For each subsequent election
 20 for Federal office, the Attorney General shall only
 21 approve a waiver if the State has submitted a re-
 22 quest under paragraph (1) with respect to such elec-
 23 tion.

24 “(f) RULE OF CONSTRUCTION.—Nothing in this sec-
 25 tion may be construed to allow a voter’s ballot selections

1 to be transmitted over the internet or to allow for the elec-
 2 tronic submission of a marked ballot.

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

8 “(h) EFFECTIVE DATE.—This section shall apply
 9 with respect to elections for Federal office held on or after
 10 January 1, 2022.”.

11 (b) CONFORMING AMENDMENT RELATING TO
 12 ISSUANCE OF VOLUNTARY GUIDANCE BY ELECTION AS-
 13 SISTANCE COMMISSION.—

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

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

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

20 (C) by adding at the end the following new
 21 paragraph:

22 “(4) in the case of the recommendations with
 23 respect to section 305, January 1, 2022.”.

24 (2) REDESIGNATION.—Title III of such Act (52
 25 U.S.C. 21081 et seq.) is amended by redesignating

1 sections 311 and 312 as sections 321 and 322, re-
 2 spectively.

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

5 (1) by redesignating the items relating to sec-
 6 tions 305 and 306 as relating to sections 306 and
 7 307, respectively; and

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

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

10 **SEC. 1102. ESTABLISHMENT AND MAINTENANCE OF STATE**

11 **ACCESSIBLE ELECTION WEBSITES.**

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

16 (1) by redesignating sections 306 and 307 as
 17 sections 307 and 308, respectively; and

18 (2) by inserting after section 305 the following:

19 **“SEC. 306. ESTABLISHMENT AND MAINTENANCE OF ACCES-** 20 **SIBLE ELECTION WEBSITES.**

21 “(a) IN GENERAL.—Each State shall establish a sin-
 22 gle election website that is accessible and meets the fol-
 23 lowing 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 “(f) EFFECTIVE DATE.—This section shall apply on
18 or after January 1, 2022.”.

19 (b) VOLUNTARY GUIDANCE.—Section 321(b)(4) such
20 Act (52 U.S.C. 21101(b)), as added and redesignated by
21 section 1101(b), is amended by striking “section 305” and
22 inserting “sections 305 and 306”.

23 (c) CLERICAL AMENDMENTS.—The table of contents
24 of such Act, as amended by section 1031(c) and section
25 1101(c), is amended—

1 (1) by redesignating the items relating to sec-
 2 tions 306 and 307 as relating to sections 307 and
 3 308, respectively; and

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

“Sec. 306. Establishment and maintenance of accessible election websites.”.

6 **SEC. 1103. PROTECTIONS FOR IN-PERSON VOTING FOR IN-**
 7 **DIVIDUALS 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 1101(a), and section 1102(a), is amended—

14 (A) by redesignating sections 307 and 308
 15 as sections 308 and 309, respectively; and

16 (B) by inserting after section 306 the fol-
 17 lowing:

18 **“SEC. 307. ACCESS TO VOTING FOR INDIVIDUALS WITH DIS-**
 19 **ABILITIES AND OLDER INDIVIDUALS.**

20 “(a) IN GENERAL.—Each State shall—

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

23 “(2) consider procedures to address long wait
 24 times at polling places that allow individuals with
 25 disabilities and older individuals alternate options to

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

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

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

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

18 (2) VOLUNTARY GUIDANCE.—Section 321(b)(4)
19 such Act (52 U.S.C. 21101(b)), as added and redes-
20 ignated by section 1101(b) and as amended by sec-
21 tion 1102, is amended by striking “and 306” and
22 inserting “, 306, and 307”.

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

1 1031(c), section 1101(c), and section 1102(c), is
2 amended—

3 (A) by redesignating the items relating to
4 sections 307 and 308 as relating to sections
5 308 and 309, respectively; and

6 (B) by inserting after the item relating to
7 section 306 the following new item:

“Sec. 307. Access to voting for individuals with disabilities and older individuals.”.

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 306 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 306;” 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 1101(a), section
6 1102(a), and section 1103(a)(1), is amended—

7 (1) by redesignating sections 308 and 309 as
8 sections 309 and 310, respectively; and

9 (2) by inserting after section 307 the following:

10 **“SEC. 308. PROTECTIONS FOR INDIVIDUALS SUBJECT TO**
11 **GUARDIANSHIP.**

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

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

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

1 1103, is amended by striking “and 307” and inserting
 2 “307, and 308”.

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

7 (1) by redesignating the items relating to sec-
 8 tions 308 and 309 as relating to sections 309 and
 9 310, respectively; and

10 (A) by inserting after the item relating to
 11 section 307 the following new item:

“Sec. 308. Protections for individuals subject to guardianship.”.

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 disabil-
 6 ities, 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 disabil-
 12 ities 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.

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

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

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

SEC. 1106. APPOINTMENTS TO EAC BOARD OF ADVISORS.

(a) IN GENERAL.—Section 214(a) of the Help America Vote Act of 2002 (52 U.S.C. 20944(a)) is amended—

(1) in the matter preceding paragraph (1), by striking “37” and inserting “49”; and

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

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

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

“(19) Four members from organizations, whose executive leadership team consists of fifty-one percent of individuals with disabilities, representing the interests of voters with disabilities, of whom—

1 “(A) two members shall be appointed by
 2 the Committee on Education and Labor 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 Health, Education, Labor,
 8 and Pensions of the Senate, of whom one shall
 9 be appointed by the chair and one shall be ap-
 10 pointed by the 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 Education and Labor of the
 15 House of Representatives, of whom one shall be
 16 appointed by the chair and one shall be ap-
 17 pointed by the ranking minority member; and

18 “(B) two members shall be appointed by
 19 the Special Committee on Aging of the Senate,
 20 of whom one shall be appointed by the chair
 21 and one shall be appointed by the ranking mi-
 22 nority member.”.

23 (b) EFFECTIVE DATE.—The amendments made by
 24 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)”; and

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.

Subtitle C—Prohibiting Voter Caging

SEC. 1201. VOTER CAGING AND OTHER QUESTIONABLE CHALLENGES PROHIBITED.

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

“§ 613. Voter caging and other questionable challenges

“(a) DEFINITIONS.—In this section—

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

“(A) a nonforwardable document that is returned to the sender or a third party as undelivered or undeliverable despite an attempt to deliver such document to the address of a registered voter or applicant; or

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

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

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

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

21 “(1) a voter caging document or voter caging
22 list;

23 “(2) an unverified match list;

24 “(3) an error or omission on any record or
25 paper relating to any application, registration, or

1 other act requisite to voting, if such error or omis-
 2 sion is not material to an individual's eligibility to
 3 vote under section 2004(a)(2)(B) of the Revised
 4 Statutes (52 U.S.C. 10101(a)(2)(B)); or

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

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

11 “(c) REQUIREMENTS FOR CHALLENGES BY PERSONS
 12 OTHER THAN ELECTION OFFICIALS.—

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

21 “(A) documented in writing; and

22 “(B) subject to an oath or attestation
 23 under penalty of perjury that the challenger has
 24 a good faith factual basis to believe that the in-
 25 dividual who is the subject of the challenge is

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

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

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

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

19 “(d) PENALTIES FOR KNOWING MISCONDUCT.—
 20 Whoever knowingly challenges the eligibility of one or
 21 more individuals to register or vote or knowingly causes
 22 the eligibility of such individuals to be challenged in viola-
 23 tion of this section with the intent that one or more eligi-
 24 ble voters be disqualified, shall be fined under this title

1 or imprisoned not more than 1 year, or both, for each such
 2 violation. Each violation 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 (b) CLERICAL AMENDMENT.—The table of sections
 9 for chapter 29 of title 18, United States Code, as amended
 10 by section 1071(b), is amended by adding at the end the
 11 following:

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

12 **SEC. 1202. DEVELOPMENT AND ADOPTION OF BEST PRACTICES FOR PREVENTING VOTER CAGING.**

13
 14 (a) BEST PRACTICES.—Not later than 180 days after
 15 the date of the enactment of this Act, the Election Assist-
 16 ance Commission shall develop and publish for the use of
 17 States recommendations for best practices to deter and
 18 prevent violations of section 613 of title 18, United States
 19 Code, as added by section 1201(a), including practices to
 20 provide for the posting of relevant information at polling
 21 places and voter registration agencies, the training of poll
 22 workers and election officials, and relevant educational
 23 measures. For purposes of this subsection, the term
 24 “State” includes the District of Columbia, the Common-
 25 wealth of Puerto Rico, Guam, American Samoa, the

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

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

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

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

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

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

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

22 **SEC. 1301. SHORT TITLE.**

23 This subtitle may be cited as the “Deceptive Prac-
 24 tices and Voter Intimidation Prevention Act of 2021”.

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

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

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

7 “(1) IN GENERAL.—No person”; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

12 (b) PRIVATE RIGHT OF ACTION.—

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

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

18 “(1) IN GENERAL.—Whenever any person”; and

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

21 “(2) CIVIL ACTION.—Any person aggrieved by a
 22 violation of subsection (b)(2), (b)(3), or (b)(4) may
 23 institute a civil action for preventive relief, including
 24 an application in a United States district court for
 25 a permanent or temporary injunction, restraining

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

4 (2) CONFORMING AMENDMENTS.—Section 2004
 5 of the Revised Statutes (52 U.S.C. 10101) is
 6 amended—

7 (A) in subsection (e), by striking “sub-
 8 section (c)” and inserting “subsection (c)(1)”;
 9 and

10 (B) in subsection (g), by striking “sub-
 11 section (c)” and inserting “subsection (c)(1)”.

12 (c) CRIMINAL PENALTIES.—

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

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

17 “(a) INTIMIDATION.—Whoever”;

18 (B) in subsection (a), as inserted by sub-
 19 paragraph (A), by striking “at any election”
 20 and inserting “at any general, primary, runoff,
 21 or special election”; and

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

24 “(b) DECEPTIVE ACTS.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

3 “(e) ELECTION DESCRIBED.—An election described
 4 in this subsection is any general, primary, 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 com-
19 municated by a means that the Attorney
20 General determines will reach the persons
21 to whom the materially false information
22 has been or is 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) State disenfranchisement laws dispropor-
 7 tionately impact racial and ethnic minorities. In re-
 8 cent years, African Americans have been imprisoned
 9 at over 5 times the rate of Whites. More than 6 per-
 10 cent of the voting-age African-American population,
 11 or 1,800,000 African Americans, are disenfranchised
 12 due to a felony conviction. In 9 States—Alabama
 13 (16 percent), Arizona (13 percent), Florida (15 per-
 14 cent), Kentucky (15 percent), Mississippi (16 per-
 15 cent), South Dakota (14 percent), Tennessee (21
 16 percent), Virginia (16 percent), and Wyoming (36
 17 percent)—more than 1 in 8 African Americans are
 18 unable to vote because of a felony conviction, twice
 19 the national average for African Americans.

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.

22 (13) The United States is one of the only West-
 23 ern democracies that permits the permanent denial
 24 of voting rights for individuals with felony convic-
 25 tions.

1 **SEC. 1403. RIGHTS OF CITIZENS.**

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

8 **SEC. 1404. ENFORCEMENT.**

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

12 (b) PRIVATE RIGHT OF ACTION.—

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

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

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

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

6 **SEC. 1405. NOTIFICATION OF RESTORATION OF VOTING**
 7 **RIGHTS.**

8 (a) STATE NOTIFICATION.—

9 (1) NOTIFICATION.—On the date determined
 10 under paragraph (2), each State shall—

11 (A) notify in writing any individual who
 12 has been convicted of a criminal offense under
 13 the law of that State that such individual—

14 (i) has the right to vote in an election
 15 for Federal office pursuant to the Democ-
 16 racy Restoration Act of 2021; and

17 (ii) may register to vote in any such
 18 election; and

19 (B) provide such individual with any mate-
 20 rials that are necessary to register to vote in
 21 any such election.

22 (2) DATE OF NOTIFICATION.—

23 (A) FELONY CONVICTION.—In the case of
 24 such an individual who has been convicted of a
 25 felony, the notification required under para-

graph (1) shall be given on the date on which
the individual—

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

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

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

(b) FEDERAL NOTIFICATION.—

(1) NOTIFICATION.—Any individual who has
been convicted of a criminal offense under Federal
law—

(A) shall be notified in accordance with
paragraph (2) that such individual—

(i) has the right to vote in an election
for Federal office pursuant to the Democ-
racy Restoration Act of 2021; and

1 (ii) may register to vote in any such
2 election; and

3 (B) shall be provided with any materials
4 that are necessary to register to vote in any
5 such election.

6 (2) DATE OF NOTIFICATION.—

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

11 (i) in the case of an individual who is
12 sentenced to serve only a term of proba-
13 tion, by the Assistant Director for the Of-
14 fice of Probation and Pretrial Services of
15 the Administrative Office of the United
16 States Courts on the date on which the in-
17 dividual is sentenced; or

18 (ii) in the case of any individual com-
19 mitted to the custody of the Bureau of
20 Prisons, by the Director of the Bureau of
21 Prisons, during the period beginning on
22 the date that is 6 months before such indi-
23 vidual is released and ending on the date
24 such individual is released from the cus-
25 tody of the Bureau of Prisons.

1 (B) MISDEMEANOR CONVICTION.—In the
 2 case of such an individual who has been con-
 3 victed of a misdemeanor, the notification re-
 4 quired under paragraph (1) shall be given on
 5 the date on which such individual is sentenced
 6 by a court established by an Act of Congress.

7 **SEC. 1406. DEFINITIONS.**

8 For purposes of this subtitle:

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

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

18 (A) a general, special, primary, or runoff
 19 election;

20 (B) a convention or caucus of a political
 21 party held to nominate a candidate;

22 (C) a primary election held for the selec-
 23 tion of delegates to a national nominating con-
 24 vention of a political party; or

1 (D) a primary election held for the expres-
 2 sion of a preference for the nomination of per-
 3 sons for election to the office of President.

4 (3) FEDERAL OFFICE.—The term “Federal of-
 5 fice” means the office of President or Vice President
 6 of the United States, or of Senator or Representa-
 7 tive in, or Delegate or Resident Commissioner to,
 8 the Congress of the United States.

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

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

14 (B) the payment of damages by the indi-
 15 vidual;

16 (C) periodic reporting by the individual to
 17 an officer of the court; or

18 (D) supervision of the individual by an of-
 19 ficer of the court.

20 **SEC. 1407. RELATION TO OTHER LAWS.**

21 (a) STATE LAWS RELATING TO VOTING RIGHTS.—
 22 Nothing in this subtitle may be construed to prohibit the
 23 States from enacting any State law which affords the right
 24 to vote in any election for Federal office on terms less
 25 restrictive than those established by this subtitle.

1 (b) CERTAIN FEDERAL ACTS.—The rights and rem-
2 edies established by this subtitle—

3 (1) are in addition to all other rights and rem-
4 edies provided by law, and

5 (2) shall not supersede, restrict, or limit the ap-
6 plication of the Voting Rights Act of 1965 (52
7 U.S.C. 10301 et seq.) or the National Voter Reg-
8 istration Act of 1993 (52 U.S.C. 20501 et seq.).

9 **SEC. 1408. FEDERAL PRISON FUNDS.**

10 No State, unit of local government, or other person
11 may receive or use, to construct or otherwise improve a
12 prison, jail, or other place of incarceration, any Federal
13 funds unless that person has in effect a program under
14 which each individual incarcerated in that person's juris-
15 diction who is a citizen of the United States is notified,
16 upon release from such incarceration, of that individual's
17 rights under section 1403.

18 **SEC. 1409. EFFECTIVE DATE.**

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

1 **Subtitle F—Promoting Accuracy,**
 2 **Integrity, and Security Through**
 3 **Voter-Verified Permanent Paper**
 4 **Ballot**

5 **SEC. 1501. SHORT TITLE.**

6 This subtitle may be cited as the “Voter Confidence
 7 and Increased Accessibility Act of 2021”.

8 **SEC. 1502. PAPER BALLOT AND MANUAL COUNTING RE-**
 9 **QUIREMENTS.**

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

13 “(2) PAPER BALLOT REQUIREMENT.—

14 “(A) VOTER-VERIFIED PAPER BALLOTS.—

15 “(i) PAPER BALLOT REQUIREMENT.—

16 (I) The voting system shall require the use
 17 of an individual, durable, voter-verified
 18 paper ballot of the voter’s vote that shall
 19 be marked and made available for inspec-
 20 tion and verification by the voter before
 21 the voter’s vote is cast and counted, and
 22 which shall be counted by hand or read by
 23 an optical character recognition device or
 24 other counting device. For purposes of this
 25 subclause, the term ‘individual, durable,

1 voter-verified paper ballot’ means a paper
2 ballot marked by the voter by hand or a
3 paper ballot marked through the use of a
4 nontabulating ballot marking device or sys-
5 tem, so long as the voter shall have the op-
6 tion to mark his or her ballot by hand.

7 “(II) The voting system shall provide
8 the voter with an opportunity to correct
9 any error on the paper ballot before the
10 permanent voter-verified paper ballot is
11 preserved in accordance with clause (ii).

12 “(III) The voting system shall not
13 preserve the voter-verified paper ballots in
14 any manner that makes it possible, at any
15 time after the ballot has been cast, to asso-
16 ciate a voter with the record of the voter’s
17 vote without the voter’s consent.

18 “(IV) The voting system shall pre-
19 vent, through mechanical means or
20 through independently verified protections,
21 the modification or addition of vote selec-
22 tions on a printed or marked ballot at any
23 time after the voter has been provided an
24 opportunity to correct errors on the ballot
25 pursuant to subclause (II).

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

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

17 “(II) In the event of any inconsis-
18 tencies or irregularities between any elec-
19 tronic vote tallies and the vote tallies de-
20 termined by counting by hand the indi-
21 vidual, durable, voter-verified paper ballots
22 used pursuant to clause (i), and subject to
23 subparagraph (B), the individual, durable,
24 voter-verified paper ballots shall be the
25 true and correct record of the votes cast.

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

9 “(B) SPECIAL RULE FOR TREATMENT OF
 10 DISPUTES WHEN PAPER BALLOTS HAVE BEEN
 11 SHOWN TO BE COMPROMISED.—

12 “(i) IN GENERAL.—In the event
 13 that—

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

22 “(II) it is demonstrated by clear
 23 and convincing evidence (as deter-
 24 mined in accordance with the applica-
 25 ble standards in the jurisdiction in-

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

15 “(ii) RULE FOR CONSIDERATION OF
 16 BALLOTS ASSOCIATED WITH EACH VOTING
 17 MACHINE.—For purposes of clause (i),
 18 only the paper ballots deemed com-
 19 promised, if any, shall be considered in the
 20 calculation of whether or not the result of
 21 the election could be changed due to the
 22 compromised paper ballots.”.

23 (b) CONFORMING AMENDMENT CLARIFYING APPLI-
 24 CABILITY OF ALTERNATIVE LANGUAGE ACCESSIBILITY.—
 25 Section 301(a)(4) of such Act (52 U.S.C. 21081(a)(4))

1 is amended by inserting “(including the paper ballots re-
 2 quired to be used under paragraph (2))” after “voting sys-
 3 tem”.

4 (c) OTHER CONFORMING AMENDMENTS.—Section
 5 301(a)(1) of such Act (52 U.S.C. 21081(a)(1)) is amend-
 6 ed—

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

10 (2) in subparagraph (A)(ii), by striking “count-
 11 ed” and inserting “counted, in accordance with
 12 paragraphs (2) and (3)”;

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

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

19 **SEC. 1503. ACCESSIBILITY AND BALLOT VERIFICATION FOR**
 20 **INDIVIDUALS WITH DISABILITIES.**

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

24 “(B)(i) ensure that individuals with dis-
 25 abilities and others are given an equivalent op-

portunity to vote, including with privacy and independence, in a manner that produces a voter-verified paper ballot;

“(ii) satisfy the requirement of subparagraph (A) through the use of at least one voting system equipped for individuals with disabilities, including nonvisual and enhanced visual accessibility for the blind and visually impaired, and nonmanual and enhanced manual accessibility for the mobility and dexterity impaired, at each polling place; and

“(iii) meet the requirements of subparagraph (A) and paragraph (2)(A) by using a system that—

“(I) allows the voter to privately and independently verify the permanent paper ballot through the presentation, in accessible form, of the printed or marked vote selections from the same printed or marked information that would be used for any vote counting or auditing; and

“(II) allows the voter to privately and independently verify and cast the permanent paper ballot without requiring the

1 voter to manually handle the paper bal-
 2 lot;”.

3 (b) SPECIFIC REQUIREMENT OF STUDY, TESTING,
 4 AND DEVELOPMENT OF ACCESSIBLE VOTING OPTIONS.—

5 (1) STUDY AND REPORTING.—Subtitle C of
 6 title II of such Act (52 U.S.C. 21081 et seq.) is
 7 amended—

8 (A) by redesignating section 247 as section
 9 248; and

10 (B) by inserting after section 246 the fol-
 11 lowing new section:

12 **“SEC. 247. STUDY AND REPORT ON ACCESSIBLE VOTING**
 13 **OPTIONS.**

14 “(a) GRANTS TO STUDY AND REPORT.—The Com-
 15 mission, in coordination with the Access Board and the
 16 Cybersecurity and Infrastructure Security Agency, shall
 17 make grants to not fewer than 3 eligible entities to study,
 18 test, and develop accessible and secure remote voting sys-
 19 tems and voting, verification, and casting devices to en-
 20 hance the accessibility of voting and verification for indi-
 21 viduals with disabilities.

22 “(b) ELIGIBILITY.—An entity is eligible to receive a
 23 grant under this part if it submits to the Commission (at
 24 such time and in such form as the Commission may re-
 25 quire) an application containing—

1 “(1) a certification that the entity shall com-
2 plete the activities carried out with the grant not
3 later than January 1, 2024; and

4 “(2) such other information and certifications
5 as the Commission may require.

6 “(c) AVAILABILITY OF TECHNOLOGY.—Any tech-
7 nology developed with the grants made under this section
8 shall be treated as non-proprietary and shall be made
9 available to the public, including to manufacturers of vot-
10 ing systems.

11 “(d) COORDINATION WITH GRANTS FOR TECH-
12 NOLOGY IMPROVEMENTS.—The Commission shall carry
13 out this section so that the activities carried out with the
14 grants made under subsection (a) are coordinated with the
15 research conducted under the grant program carried out
16 by the Commission under section 271, to the extent that
17 the Commission determine necessary to provide for the ad-
18 vancement of accessible voting technology.

19 “(e) AUTHORIZATION OF APPROPRIATIONS.—There
20 is authorized to be appropriated to carry out subsection
21 (a) \$10,000,000, to remain available until expended.”.

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

24 (A) by redesignating the item relating to
25 section 247 as relating to section 248; and

1 (B) by inserting after the item relating to
 2 section 246 the following new item:

“Sec. 247. Study and report on accessible voting options.”.

3 (c) CLARIFICATION OF ACCESSIBILITY STANDARDS
 4 UNDER VOLUNTARY VOTING SYSTEM GUIDANCE.—In
 5 adopting any voluntary guidance under subtitle B of title
 6 III of the Help America Vote Act with respect to the ac-
 7 cessibility of the paper ballot verification requirements for
 8 individuals with disabilities, the Election Assistance Com-
 9 mission shall include and apply the same accessibility
 10 standards applicable under the voluntary guidance adopt-
 11 ed for accessible voting systems under such subtitle.

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

18 **SEC. 1504. DURABILITY AND READABILITY REQUIREMENTS**
 19 **FOR BALLOTS.**

20 Section 301(a) of the Help America Vote Act of 2002
 21 (52 U.S.C. 21081(a)) is amended by adding at the end
 22 the following new paragraph:

23 “(7) DURABILITY AND READABILITY REQUIRE-
 24 MENTS FOR BALLOTS.—

1 “(A) DURABILITY REQUIREMENTS FOR
2 PAPER BALLOTS.—

3 “(i) IN GENERAL.—All voter-verified
4 paper ballots required to be used under
5 this Act shall be marked or printed on du-
6 rable paper.

7 “(ii) DEFINITION.—For purposes of
8 this Act, paper is ‘durable’ if it is capable
9 of withstanding multiple counts and re-
10 counts by hand without compromising the
11 fundamental integrity of the ballots, and
12 capable of retaining the information
13 marked or printed on them for the full du-
14 ration of a retention and preservation pe-
15 riod of 22 months.

16 “(B) READABILITY REQUIREMENTS FOR
17 PAPER BALLOTS MARKED BY BALLOT MARKING
18 DEVICE.—All voter-verified paper ballots com-
19 pleted by the voter through the use of a ballot
20 marking device shall be clearly readable by the
21 voter without assistance (other than eyeglasses
22 or other personal vision enhancing devices) and
23 by an optical character recognition device or
24 other device equipped for individuals with dis-
25 abilities.”.

1 **SEC. 1505. STUDY AND REPORT ON OPTIMAL BALLOT DE-**
 2 **SIGN.**

3 (a) STUDY.—The Election Assistance Commission
 4 shall conduct a study of the best ways to design ballots
 5 used in elections for public office, including paper ballots
 6 and electronic or digital ballots, to minimize confusion and
 7 user errors.

8 (b) REPORT.—Not later than January 1, 2022, the
 9 Election Assistance Commission shall submit to Congress
 10 a report on the study conducted under subsection (a).

11 **SEC. 1506. PAPER BALLOT PRINTING REQUIREMENTS.**

12 Section 301(a) of the Help America Vote Act of 2002
 13 (52 U.S.C. 21081(a)), as amended by section 1504, is fur-
 14 ther amended by adding at the end the following new para-
 15 graph:

16 “(8) PRINTING REQUIREMENTS FOR BAL-
 17 LOTS.—All paper ballots used in an election for Fed-
 18 eral office shall be printed in the United States on
 19 paper manufactured in the United States.”.

20 **SEC. 1507. EFFECTIVE DATE FOR NEW REQUIREMENTS.**

21 Section 301(d) of the Help America Vote Act of 2002
 22 (52 U.S.C. 21081(d)) is amended to read as follows:

23 “(d) EFFECTIVE DATE.—

24 “(1) IN GENERAL.—Except as provided in para-
 25 graph (2), each State and jurisdiction shall be re-

quired to comply with the requirements of this section on and after January 1, 2006.

“(2) SPECIAL RULE FOR CERTAIN REQUIREMENTS.—

“(A) IN GENERAL.—Except as provided in subparagraphs (B) and (C), the requirements of this section which are first imposed on a State and jurisdiction pursuant to the amendments made by the Voter Confidence and Increased Accessibility Act of 2021 shall apply with respect to voting systems used for any election for Federal office held in 2022 or any succeeding year.

“(B) DELAY FOR JURISDICTIONS USING CERTAIN PAPER RECORD PRINTERS OR CERTAIN SYSTEMS USING OR PRODUCING VOTER-VERIFIABLE PAPER RECORDS IN 2020.—

“(i) DELAY.—In the case of a jurisdiction described in clause (ii), subparagraph (A) shall apply to a voting system in the jurisdiction as if the reference in such subparagraph to ‘2022’ were a reference to ‘2024’, but only with respect to the following requirements of this section:

1 “(I) Paragraph (2)(A)(i)(I) of
2 subsection (a) (relating to the use of
3 voter-verified paper ballots).

4 “(II) Paragraph (3)(B)(iii)(I)
5 and (II) of subsection (a) (relating to
6 access to verification from and casting
7 of the durable paper ballot).

8 “(III) Paragraph (7) of sub-
9 section (a) (relating to durability and
10 readability requirements for ballots).

11 “(ii) JURISDICTIONS DESCRIBED.—A
12 jurisdiction described in this clause is a ju-
13 risdiction—

14 “(I) which used voter-verifiable
15 paper record printers attached to di-
16 rect recording electronic voting ma-
17 chines, or which used other voting
18 systems that used or produced paper
19 records of the vote verifiable by voters
20 but that are not in compliance with
21 paragraphs (2)(A)(i)(I), (3)(B)(iii) (i)
22 and (II), and (7) of subsection (a) (as
23 amended or added by the Voter Con-
24 fidence and Increased Accessibility
25 Act of 2021), for the administration

1 of the regularly scheduled general
2 election for Federal office held in No-
3 vember 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 2024.

8 “(iii) MANDATORY AVAILABILITY OF
9 PAPER BALLOTS AT POLLING PLACES
10 USING GRANDFATHERED PRINTERS AND
11 SYSTEMS.—

12 “(I) REQUIRING BALLOTS TO BE
13 OFFERED AND PROVIDED.—The ap-
14 propriate election official at each poll-
15 ing place that uses a printer or sys-
16 tem described in clause (ii)(I) for the
17 administration of elections for Federal
18 office shall offer each individual who
19 is eligible to cast a vote in the election
20 at the polling place the opportunity to
21 cast the vote using a blank pre-print-
22 ed paper ballot which the individual
23 may mark by hand and which is not
24 produced by the direct recording elec-
25 tronic voting machine or other such

1 system. The official shall provide the
 2 individual with the ballot and the sup-
 3 plies necessary to mark the ballot, and
 4 shall ensure (to the greatest extent
 5 practicable) that the waiting period
 6 for the individual to cast a vote is the
 7 lesser of 30 minutes or the average
 8 waiting period for an individual who
 9 does not agree to cast the vote using
 10 such a paper ballot under this clause.

11 “(II) TREATMENT OF BALLOT.—
 12 Any paper ballot which is cast by an
 13 individual under this clause shall be
 14 counted and otherwise treated as a
 15 regular ballot for all purposes (includ-
 16 ing by incorporating it into the final
 17 unofficial vote count (as defined by
 18 the State) for the precinct) and not as
 19 a provisional ballot, unless the indi-
 20 vidual casting the ballot would have
 21 otherwise been required to cast a pro-
 22 visional ballot.

23 “(III) POSTING OF NOTICE.—
 24 The appropriate election official shall
 25 ensure there is prominently displayed

1 at each polling place a notice that de-
 2 scribes the obligation of the official to
 3 offer individuals the opportunity to
 4 cast votes using a pre-printed blank
 5 paper ballot.

6 “(IV) TRAINING OF ELECTION
 7 OFFICIALS.—The chief State election
 8 official shall ensure that election offi-
 9 cials at polling places in the State are
 10 aware of the requirements of this
 11 clause, including the requirement to
 12 display a notice under subclause (III),
 13 and are aware that it is a violation of
 14 the requirements of this title for an
 15 election official to fail to offer an indi-
 16 vidual the opportunity to cast a vote
 17 using a blank pre-printed paper ballot.

18 “(V) PERIOD OF APPLICA-
 19 BILITY.—The requirements of this
 20 clause apply only during the period in
 21 which the delay is in effect under
 22 clause (i).

23 “(C) SPECIAL RULE FOR JURISDICTIONS
 24 USING CERTAIN NONTABULATING BALLOT
 25 MARKING DEVICES.—In the case of a jurisdic-

1 tion which uses a nontabulating ballot marking
 2 device which automatically deposits the ballot
 3 into a privacy sleeve, subparagraph (A) shall
 4 apply to a voting system in the jurisdiction as
 5 if the reference in such subparagraph to ‘any
 6 election for Federal office held in 2022 or any
 7 succeeding year’ were a reference to ‘elections
 8 for Federal office occurring held in 2024 or
 9 each succeeding year’, but only with respect to
 10 paragraph (3)(B)(iii)(II) of subsection (a) (re-
 11 lating to nonmanual casting of the durable
 12 paper ballot).”.

13 **Subtitle G—Provisional Ballots**

14 **SEC. 1601. REQUIREMENTS FOR COUNTING PROVISIONAL** 15 **BALLOTS; ESTABLISHMENT OF UNIFORM AND** 16 **NONDISCRIMINATORY STANDARDS.**

17 (a) IN GENERAL.—Section 302 of the Help America
 18 Vote Act of 2002 (52 U.S.C. 21082) is amended—

19 (1) by redesignating subsection (d) as sub-
 20 section (f); and

21 (2) by inserting after subsection (c) the fol-
 22 lowing new subsections:

23 “(d) STATEWIDE COUNTING OF PROVISIONAL BAL-
 24 LOTS.—

1 “(1) IN GENERAL.—For purposes of subsection
 2 (a)(4), notwithstanding the precinct or polling place
 3 at which a provisional ballot is cast within the State,
 4 the appropriate election official of the jurisdiction in
 5 which the individual is registered shall count each
 6 vote on such ballot for each election in which the in-
 7 dividual who cast such ballot is eligible to vote.

8 “(2) EFFECTIVE DATE.—This subsection shall
 9 apply with respect to elections held on or after Janu-
 10 ary 1, 2022.

11 “(e) UNIFORM AND NONDISCRIMINATORY STAND-
 12 ARDS.—

13 “(1) IN GENERAL.—Consistent with the re-
 14 quirements of this section, each State shall establish
 15 uniform and nondiscriminatory standards for the
 16 issuance, handling, and counting of provisional bal-
 17 lots.

18 “(2) EFFECTIVE DATE.—This subsection shall
 19 apply with respect to elections held on or after Janu-
 20 ary 1, 2022.”.

21 “(b) CONFORMING AMENDMENT.—Section 302(f) of
 22 such Act (52 U.S.C. 21082(f)), as redesignated by sub-
 23 section (a), is amended by striking “Each State” and in-
 24 serting “Except as provided in subsections (d)(2) and
 25 (e)(2), each State”.

1 **Subtitle H—Early Voting**

2 **SEC. 1611. EARLY VOTING.**

3 (a) REQUIREMENTS.—Subtitle A of title III of the
4 Help America Vote Act of 2002 (52 U.S.C. 21081 et seq.),
5 as amended by section 1031(a), section 1101(a), section
6 1102(a), section 1103(a)(1), and section 1104(a), 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 new section:

12 **“SEC. 309. EARLY VOTING.**

13 “(a) REQUIRING VOTING PRIOR TO DATE OF ELEC-
14 TION.—

15 “(1) IN GENERAL.—Each State shall allow indi-
16 viduals to vote in an election for Federal office dur-
17 ing an early voting period which occurs prior to the
18 date of the election, in the same manner as voting
19 is allowed on such date.

20 “(2) LENGTH OF PERIOD.—The early voting
21 period required under this subsection with respect to
22 an election shall consist of a period of consecutive
23 days (including weekends) which begins on the 15th
24 day before the date of the election (or, at the option
25 of the State, on a day prior to the 15th day before

1 the date of the election) and ends on the date of the
2 election.

3 “(b) MINIMUM EARLY VOTING REQUIREMENTS.—

4 Each polling place which allows voting during an early vot-
5 ing period under subsection (a) shall—

6 “(1) allow such voting for no less than 10 hours
7 on each day;

8 “(2) have uniform hours each day for which
9 such voting occurs; and

10 “(3) allow such voting to be held for some pe-
11 riod of time prior to 9:00 a.m (local time) and some
12 period of time after 5:00 p.m. (local time).

13 “(c) LOCATION OF POLLING PLACES.—

14 “(1) PROXIMITY TO PUBLIC TRANSPOR-
15 TATION.—To the greatest extent practicable, a State
16 shall ensure that each polling place which allows vot-
17 ing during an early voting period under subsection
18 (a) is located within walking distance of a stop on
19 a public transportation route.

20 “(2) AVAILABILITY IN RURAL AREAS.—The
21 State shall ensure that polling places which allow
22 voting during an early voting period under sub-
23 section (a) will be located in rural areas of the State,
24 and shall ensure that such polling places are located
25 in communities which will provide the greatest op-

1 portunity for residents of rural areas to vote during
2 the early voting period.

3 “(d) STANDARDS.—

4 “(1) IN GENERAL.—The Commission shall issue
5 standards for the administration of voting prior to
6 the day scheduled for a Federal election. Such
7 standards shall include the nondiscriminatory geo-
8 graphic placement of polling places at which such
9 voting occurs.

10 “(2) DEVIATION.—The standards described in
11 paragraph (1) shall permit States, upon providing
12 adequate public notice, to deviate from any require-
13 ment in the case of unforeseen circumstances such
14 as a natural disaster, terrorist attack, or a change
15 in voter turnout.

16 “(e) BALLOT PROCESSING AND SCANNING REQUIRE-
17 MENTS.—

18 “(1) IN GENERAL.—The State shall begin proc-
19 essing and scanning ballots cast during in-person
20 early voting for tabulation at least 14 days prior to
21 the date of the election involved.

22 “(2) LIMITATION.—Nothing in this subsection
23 shall be construed to permit a State to tabulate bal-
24 lots in an election before the closing of the polls on
25 the date of the election.

1 “(f) EFFECTIVE DATE.—This section shall apply
 2 with respect to the regularly scheduled general election for
 3 Federal office held in November 2022 and each succeeding
 4 election for Federal office.”.

5 (b) CONFORMING AMENDMENTS RELATING TO
 6 ISSUANCE OF VOLUNTARY GUIDANCE BY ELECTION AS-
 7 SISTANCE COMMISSION.—Section 321(b) of such Act (52
 8 U.S.C. 21101(b)), as redesignated and amended by sec-
 9 tion 1101(b), is 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 adding at the end the following new
 15 paragraph:

16 “(5) except as provided in paragraph (4), in the
 17 case of the recommendations with respect to any sec-
 18 tion added by the For the People Act of 2021, June
 19 30, 2022.”.

20 (c) CLERICAL AMENDMENTS.—The table of contents
 21 of such Act, as amended by section 1031(c), section
 22 1101(d), section 1102(c), section 1103(a)(3), and section
 23 1104(c), is amended—

1 (1) by redesignating the items relating to sec-
 2 tions 309 and 310 as relating to sections 310 and
 3 311, respectively; and

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

“Sec. 309. Early voting.”.

6 **Subtitle I—Voting by Mail**

7 **SEC. 1621. VOTING BY MAIL.**

8 (a) REQUIREMENTS.—Subtitle A of title III of the
 9 Help America Vote Act of 2002 (52 U.S.C. 21081 et seq.),
 10 as amended by section 1031(a), section 1101(a), section
 11 1102(a), section 1103(a)(1), section 1104(a), and section
 12 1611(a), is amended—

13 (1) by redesignating sections 310 and 311 as
 14 sections 311 and 312, respectively; and

15 (2) by inserting after section 309 the following
 16 new section:

17 **“SEC. 310. PROMOTING ABILITY OF VOTERS TO VOTE BY** 18 **MAIL.**

19 “(a) UNIFORM AVAILABILITY OF ABSENTEE VOTING
 20 TO ALL VOTERS.—

21 “(1) IN GENERAL.—If an individual in a State
 22 is eligible to cast a vote in an election for Federal
 23 office, the State may not impose any additional con-
 24 ditions or requirements on the eligibility of the indi-

vidual to cast the vote in such election by absentee ballot by mail.

“(2) ADMINISTRATION OF VOTING BY MAIL.—

“(A) PROHIBITING IDENTIFICATION REQUIREMENT AS CONDITION OF OBTAINING BALLOT.—A State may not require an individual to provide any form of identification as a condition of obtaining an absentee ballot, except that nothing in this paragraph may be construed to prevent a State from requiring a signature of the individual or similar affirmation as a condition of obtaining an absentee ballot.

“(B) PROHIBITING REQUIREMENT TO PROVIDE NOTARIZATION OR WITNESS SIGNATURE AS CONDITION OF OBTAINING OR CASTING BALLOT.—A State may not require notarization or witness signature or other formal authentication (other than voter attestation) as a condition of obtaining or casting an absentee ballot.

“(C) DEADLINE FOR RETURNING BALLOT.—A State may impose a reasonable deadline for requesting the absentee ballot and related voting materials from the appropriate State or local election official and for returning

1 the ballot to the appropriate State or local elec-
2 tion official.

3 “(3) NO EFFECT ON IDENTIFICATION REQUIRE-
4 MENTS FOR FIRST-TIME VOTERS REGISTERING BY
5 MAIL.—Nothing in this subsection may be construed
6 to exempt any individual described in paragraph (1)
7 of section 303(b) from meeting the requirements of
8 paragraph (2) of such section.

9 “(b) DUE PROCESS REQUIREMENTS FOR STATES
10 REQUIRING SIGNATURE VERIFICATION.—

11 “(1) REQUIREMENT.—

12 “(A) IN GENERAL.—A State may not im-
13 pose a signature verification requirement as a
14 condition of accepting and counting an absentee
15 ballot submitted by any individual with respect
16 to an election for Federal office unless the
17 State meets the due process requirements de-
18 scribed in paragraph (2).

19 “(B) SIGNATURE VERIFICATION REQUIRE-
20 MENT DESCRIBED.—In this subsection, a ‘sig-
21 nature verification requirement’ is a require-
22 ment that an election official verify the identi-
23 fication of an individual by comparing the indi-
24 vidual’s signature on the absentee ballot with
25 the individual’s signature on the official list of

1 registered voters in the State or another official
2 record or other document used by the State to
3 verify the signatures of voters.

4 “(2) DUE PROCESS REQUIREMENTS.—

5 “(A) NOTICE AND OPPORTUNITY TO CURE
6 DISCREPANCY IN SIGNATURES.—If an indi-
7 vidual submits an absentee ballot and the ap-
8 propriate State or local election official deter-
9 mines that a discrepancy exists between the sig-
10 nature on such ballot and the signature of such
11 individual on the official list of registered voters
12 in the State or other official record or document
13 used by the State to verify the signatures of
14 voters, such election official, prior to making a
15 final determination as to the validity of such
16 ballot, shall—

17 “(i) make a good faith effort to imme-
18 diately notify the individual by mail, tele-
19 phone, and (if available) text message and
20 electronic mail that—

21 “(I) a discrepancy exists between
22 the signature on such ballot and the
23 signature of the individual on the offi-
24 cial list of registered voters in the
25 State or other official record or docu-

1 ment used by the State to verify the
2 signatures of voters, and

3 “(II) if such discrepancy is not
4 cured prior to the expiration of the
5 10-day period which begins on the
6 date the official notifies the individual
7 of the discrepancy, such ballot will not
8 be counted; and

9 “(ii) cure such discrepancy and count
10 the ballot if, prior to the expiration of the
11 10-day period described in clause (i)(II),
12 the individual provides the official with in-
13 formation to cure such discrepancy, either
14 in person, by telephone, or by electronic
15 methods.

16 “(B) NOTICE AND OPPORTUNITY TO CURE
17 MISSING SIGNATURE OR OTHER DEFECT.—If an
18 individual submits an absentee ballot without a
19 signature or submits an absentee ballot with
20 another defect which, if left uncured, would
21 cause the ballot to not be counted, the appro-
22 priate State or local election official, prior to
23 making a final determination as to the validity
24 of the ballot, shall—

1 “(i) make a good faith effort to imme-
2 diately notify the individual by mail, tele-
3 phone, and (if available) text message and
4 electronic mail that—

5 “(I) the ballot did not include a
6 signature or has some other defect,
7 and

8 “(II) if the individual does not
9 provide the missing signature or cure
10 the other defect prior to the expira-
11 tion of the 10-day period which begins
12 on the date the official notifies the in-
13 dividual that the ballot did not include
14 a signature or has some other defect,
15 such ballot will not be counted; and

16 “(ii) count the ballot if, prior to the
17 expiration of the 10-day period described
18 in clause (i)(II), the individual provides the
19 official with the missing signature on a
20 form proscribed by the State or cures the
21 other defect.

22 This subparagraph does not apply with respect
23 to a defect consisting of the failure of a ballot
24 to meet the applicable deadline for the accept-

1 ance of the ballot, as described in subsection
2 (e).

3 “(C) OTHER REQUIREMENTS.—An election
4 official may not make a determination that a
5 discrepancy exists between the signature on an
6 absentee ballot and the signature of the indi-
7 vidual who submits the ballot on the official list
8 of registered voters in the State or other official
9 record or other document used by the State to
10 verify the signatures of voters unless—

11 “(i) at least 2 election officials make
12 the determination;

13 “(ii) each official who makes the de-
14 termination has received training in proce-
15 dures used to verify signatures; and

16 “(iii) of the officials who make the de-
17 termination, at least one is affiliated with
18 the political party whose candidate received
19 the most votes in the most recent statewide
20 election for Federal office held in the State
21 and at least one is affiliated with the polit-
22 ical party whose candidate received the
23 second most votes in the most recent state-
24 wide election for Federal office held in the
25 State.

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 proc-
17 ess.

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 the period
25 beginning on January 1 of any odd-numbered

1 year and ending on December 31 of the fol-
2 lowing year.

3 “(4) RULE OF CONSTRUCTION.—Nothing in
4 this subsection shall be construed—

5 “(A) to prohibit a State from rejecting a
6 ballot attempted to be cast in an election for
7 Federal office by an individual who is not eligi-
8 ble to vote in the election; or

9 “(B) to prohibit a State from providing an
10 individual with more time and more methods
11 for curing a discrepancy in the individual’s sig-
12 nature, providing a missing signature, or curing
13 any other defect than the State is required to
14 provide under this subsection.

15 “(c) ONLINE APPLICATIONS FOR ABSENTEE BAL-
16 LOTS.—

17 “(1) IN GENERAL.—In addition to such other
18 methods as the State may establish for an individual
19 to apply for an absentee ballot, the State shall per-
20 mit an individual to submit an application for an ab-
21 sentee ballot online.

22 “(2) TREATMENT OF WEBSITES.—The State
23 shall be considered to meet the requirements of
24 paragraph (1) if the website of the appropriate State
25 or local election official allows an application for an

1 absentee ballot to be completed and submitted online
2 and if the website permits the individual—

3 “(A) to print the application so that the
4 individual may complete the application and re-
5 turn it to the official; or

6 “(B) to request that a paper copy of the
7 application be transmitted to the individual by
8 mail or electronic mail so that the individual
9 may complete the application and return it to
10 the official.

11 “(3) ENSURING DELIVERY PRIOR TO ELEC-
12 TION.—If an individual who is eligible to vote in an
13 election for Federal office submits an application for
14 an absentee ballot in the election, the appropriate
15 State or local election official shall ensure that the
16 ballot and relating voting materials are received by
17 the individual prior to the date of the election so
18 long as the individual’s application is received by the
19 official not later than 5 days (excluding Saturdays,
20 Sundays, and legal public holidays) before the date
21 of the election, except that nothing in this paragraph
22 shall preclude a State or local jurisdiction from al-
23 lowing for the acceptance and processing of absentee
24 ballot applications submitted or received after such
25 required period.

1 “(4) APPLICATION FOR ALL FUTURE ELEC-
2 TIONS.—At the option of an individual, a State shall
3 treat the individual’s application to vote by absentee
4 ballot by mail in an election for Federal office as an
5 application for an absentee ballot by mail in all sub-
6 sequent Federal elections held in the State.

7 “(d) ACCESSIBILITY FOR INDIVIDUALS WITH DIS-
8 ABILITIES.—The State shall ensure that all absentee bal-
9 lot applications, absentee ballots, and related voting mate-
10 rials in elections for Federal office are accessible to indi-
11 viduals with disabilities in a manner that provides the
12 same opportunity for access and participation (including
13 with privacy and independence) as for other voters.

14 “(e) UNIFORM DEADLINE FOR ACCEPTANCE OF
15 MAILED BALLOTS.—

16 “(1) IN GENERAL.—A State may not refuse to
17 accept or process a ballot submitted by an individual
18 by mail with respect to an election for Federal office
19 in the State on the grounds that the individual did
20 not meet a deadline for returning the ballot to the
21 appropriate State or local election official if—

22 “(A) the ballot is postmarked or otherwise
23 indicated by the United States Postal Service to
24 have been mailed on or before the date of the

1 election, or has been signed by the voter on or
2 before the date of the election; and

3 “(B) the ballot is received by the appro-
4 priate election official prior to the expiration of
5 the 10-day period which begins on the date of
6 the election.

7 “(2) RULE OF CONSTRUCTION.—Nothing in
8 this subsection shall be construed to prohibit a State
9 from having a law that allows for counting of ballots
10 in an election for Federal office that are received
11 through the mail after the date that is 10 days after
12 the date of the election.

13 “(f) ALTERNATIVE METHODS OF RETURNING BAL-
14 LOTS.—

15 “(1) IN GENERAL.—In addition to permitting
16 an individual to whom a ballot in an election was
17 provided under this section to return the ballot to an
18 election official by mail, the State shall permit the
19 individual to cast the ballot by delivering the ballot
20 at such times and to such locations as the State may
21 establish, including—

22 “(A) permitting the individual to deliver
23 the ballot to a polling place on any date on
24 which voting in the election is held at the poll-
25 ing place; and

1 “(B) permitting the individual to deliver
 2 the ballot to a designated ballot drop-off loca-
 3 tion, a tribally designated building, or the office
 4 of a State or local election official.

5 “(2) PERMITTING VOTERS TO DESIGNATE
 6 OTHER PERSON TO RETURN BALLOT.—The State—

7 “(A) shall permit a voter to designate any
 8 person to return a voted and sealed absentee
 9 ballot to the post office, a ballot drop-off loca-
 10 tion, tribally designated building, or election of-
 11 fice so long as the person designated to return
 12 the ballot does not receive any form of com-
 13 pensation based on the number of ballots that
 14 the person has returned and no individual,
 15 group, or organization provides compensation
 16 on this basis; and

17 “(B) may not put any limit on how many
 18 voted and sealed absentee ballots any des-
 19 ignated person can return to the post office, a
 20 ballot drop-off location, tribally designated
 21 building, or election office.

22 “(g) BALLOT PROCESSING AND SCANNING REQUIRE-
 23 MENTS.—

24 “(1) IN GENERAL.—The State shall begin proc-
 25 essing and scanning ballots cast by mail for tabula-

1 tion at least 14 days prior to the date of the election
2 involved.

3 “(2) LIMITATION.—Nothing in this subsection
4 shall be construed to permit a State to tabulate bal-
5 lots in an election before the closing of the polls on
6 the date of the election.

7 “(h) RULE OF CONSTRUCTION.—Nothing in this sec-
8 tion shall be construed to affect the authority of States
9 to conduct elections for Federal office through the use of
10 polling places at which individuals cast ballots.

11 “(i) NO EFFECT ON BALLOTS SUBMITTED BY AB-
12 SENT MILITARY AND OVERSEAS VOTERS.—Nothing in
13 this section may be construed to affect the treatment of
14 any ballot submitted by an individual who is entitled to
15 vote by absentee ballot under the Uniformed and Overseas
16 Citizens Absentee Voting Act (52 U.S.C. 20301 et seq.).

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 1101(d), section 1102(c), section 1103(a)(3), section
24 1104(c), and section 1611(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. Promoting ability of voters to vote by mail.”.

6 (c) DEVELOPMENT OF ALTERNATIVE VERIFICATION
7 METHODS.—

8 (1) DEVELOPMENT OF STANDARDS.—The Na-
9 tional Institute of Standards, in consultation with
10 the Election Assistance Commission, shall develop
11 standards for the use of alternative methods which
12 could be used in place of signature verification re-
13 quirements for purposes of verifying the identifica-
14 tion of an individual voting by absentee ballot in
15 elections for Federal office.

16 (2) PUBLIC NOTICE AND COMMENT.—The Na-
17 tional Institute of Standards shall solicit comments
18 from the public in the development of standards
19 under paragraph (1).

20 (3) DEADLINE.—Not later than 6 months after
21 the date of the enactment of this Act, the National
22 Institute of Standards shall publish the standards
23 developed under paragraph (1).

1 **SEC. 1622. ABSENTEE BALLOT TRACKING PROGRAM.**

2 (a) REQUIREMENTS.—Subtitle A of title III of the
 3 Help America Vote Act of 2002 (52 U.S.C. 21081 et seq.),
 4 as amended by section 1031(a), section 1101(a), section
 5 1102(a), section 1103(a)(1), section 1104(a), section
 6 1611(a), and section 1621(a), is amended—

7 (1) by redesignating sections 311 and 312 as
 8 sections 312 and 313, respectively; and

9 (2) by inserting after section 310 the following
 10 new section:

11 **“SEC. 311. ABSENTEE BALLOT TRACKING PROGRAM.**

12 “(a) REQUIREMENT.—Each State shall carry out a
 13 program to track and confirm the receipt of absentee bal-
 14 lots in an election for Federal office under which the State
 15 or local election official responsible for the receipt of voted
 16 absentee ballots in the election carries out procedures to
 17 track and confirm the receipt of such ballots, and makes
 18 information on the receipt of such ballots available to the
 19 individual who cast the ballot, by means of online access
 20 using the internet site of the official’s office.

21 “(b) INFORMATION ON WHETHER VOTE WAS AC-
 22 CEPTED.—The information referred to under subsection
 23 (a) with respect to the receipt of an absentee ballot shall
 24 include information regarding whether the vote cast on the
 25 ballot was accepted, and, in the case of a vote which was
 26 rejected, the reasons therefor.

1 “(c) USE OF TOLL-FREE TELEPHONE NUMBER BY
 2 OFFICIALS WITHOUT INTERNET SITE.—A program estab-
 3 lished by a State or local election official whose office does
 4 not have an internet site may meet the requirements of
 5 subsection (a) if the official has established a toll-free tele-
 6 phone number that may be used by an individual who cast
 7 an absentee ballot to obtain the information on the receipt
 8 of the voted absentee ballot as provided under such sub-
 9 section.

10 “(d) EFFECTIVE DATE.—This section shall apply
 11 with respect to the regularly scheduled general election for
 12 Federal office held in November 2022 and each succeeding
 13 election for Federal office.”.

14 (b) REIMBURSEMENT FOR COSTS INCURRED BY
 15 STATES IN ESTABLISHING PROGRAM.—Subtitle D of title
 16 II of the Help America Vote Act of 2002 (42 U.S.C.
 17 15401 et seq.) is amended by adding at the end the fol-
 18 lowing new part:

19 **“PART 7—PAYMENTS TO REIMBURSE STATES**
 20 **FOR COSTS INCURRED IN ESTABLISHING**
 21 **PROGRAM TO TRACK AND CONFIRM RE-**
 22 **CEIPT OF ABSENTEE BALLOTS**

23 **“SEC. 297. PAYMENTS TO STATES.**

24 “(a) PAYMENTS FOR COSTS OF PROGRAM.—In ac-
 25 cordance with this section, the Commission shall make a

1 payment to a State to reimburse the State for the costs
2 incurred in establishing the absentee ballot tracking pro-
3 gram under section 311 (including costs incurred prior to
4 the date of the enactment of this part).

5 “(b) CERTIFICATION OF COMPLIANCE AND COSTS.—

6 “(1) CERTIFICATION REQUIRED.—In order to
7 receive a payment under this section, a State shall
8 submit to the Commission a statement containing—

9 “(A) a certification that the State has es-
10 tablished an absentee ballot tracking program
11 with respect to elections for Federal office held
12 in the State; and

13 “(B) a statement of the costs incurred by
14 the State in establishing the program.

15 “(2) AMOUNT OF PAYMENT.—The amount of a
16 payment made to a State under this section shall be
17 equal to the costs incurred by the State in estab-
18 lishing the absentee ballot tracking program, as set
19 forth in the statement submitted under paragraph
20 (1), except that such amount may not exceed the
21 product of—

22 “(A) the number of jurisdictions in the
23 State which are responsible for operating the
24 program; and

25 “(B) \$3,000.

1 “(3) LIMIT ON NUMBER OF PAYMENTS RE-
 2 CEIVED.—A State may not receive more than one
 3 payment under this part.

4 **“SEC. 297A. AUTHORIZATION OF APPROPRIATIONS.**

5 “(a) AUTHORIZATION.—There are authorized to be
 6 appropriated to the Commission for fiscal year 2022 and
 7 each succeeding fiscal year such sums as may be necessary
 8 for payments under this part.

9 “(b) CONTINUING AVAILABILITY OF FUNDS.—Any
 10 amounts appropriated pursuant to the authorization under
 11 this section shall remain available until expended.”.

12 (c) CLERICAL AMENDMENTS.—The table of contents
 13 of such Act, as amended by section 1031(c), section
 14 1101(d), section 1102(c), section 1103(a)(3), section
 15 1104(c), section 1611(c), and section 1621(b), is amend-
 16 ed—

17 (1) by adding at the end of the items relating
 18 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.”;

19 (2) by redesignating the items relating to sec-
 20 tions 311 and 312 as relating to sections 312 and
 21 313, respectively; and

1 (3) by inserting after the item relating to sec-
2 tion 310 the following new item:

“Sec. 311. Absentee ballot tracking program.”.

3 **SEC. 1623. ELECTION MAIL AND DELIVERY IMPROVE-**
4 **MENTS.**

5 (a) POSTMARK REQUIRED FOR BALLOTS.—

6 (1) IN GENERAL.—Chapter 34 of title 39,
7 United States Code, is amended by adding at the
8 end the following:

9 **“§ 3407. Postmark required for ballots**

10 “(a) IN GENERAL.—In the case of any absentee bal-
11 lot carried by the Postal Service, the Postal Service shall
12 indicate on the ballot envelope, using a postmark or other-
13 wise—

14 “(1) the fact that the ballot was carried by the
15 Postal Service; and

16 “(2) the date on which the ballot was mailed.

17 “(b) DEFINITIONS.—As used in this section—

18 “(1) the term ‘absentee ballot’ means any ballot
19 transmitted by a voter by mail in an election for
20 Federal office, but does not include any ballot cov-
21 ered by section 3406; and

22 “(2) the term ‘election for Federal office’ means
23 a general, special, primary, or runoff election for the
24 office of President or Vice President, or of Senator

1 or Representative in, or Delegate or Resident Com-
 2 missioner to, the Congress.”.

3 (2) TECHNICAL AND CONFORMING AMEND-
 4 MENT.—The table of sections for chapter 34 of title
 5 39, United States Code, is amended by adding at
 6 the end the following:

“3407. Postmark required for ballots.”.

7 (3) EFFECTIVE DATE.—The amendments made
 8 by this subsection shall apply to absentee ballots re-
 9 lating to an election for Federal office occurring on
 10 or after January 1, 2022.

11 (b) GREATER VISIBILITY FOR BALLOTS.—

12 (1) IN GENERAL.—Subtitle A of title III of the
 13 Help America Vote Act of 2002 (52 U.S.C. 21081
 14 et seq.), as amended by section 1031(a), section
 15 1101(a), section 1102(a), section 1103(a)(1), section
 16 1104(a), section 1611(a), section 1621(a), and sec-
 17 tion 1622(a), is amended—

18 (A) by redesignating sections 312 and 313
 19 as sections 313 and 314, respectively; and

20 (B) by inserting after section 311 the fol-
 21 lowing new section:

22 **“SEC. 312. BALLOT VISIBILITY.**

23 “(a) IN GENERAL.—Each State or local election offi-
 24 cial shall—

1 “(1) affix Tag 191, Domestic and International
2 Mail-In Ballots (or any successor tag designated by
3 the United States Postal Service), to any tray or
4 sack of ballot mail relating to an election for Federal
5 office that is destined for a domestic or international
6 address;

7 “(2) use the Official Election Mail logo to des-
8 ignate mail pieces relating to an election for Federal
9 office that is destined for a domestic or international
10 address; and

11 “(3) if an intelligent mail barcode is utilized for
12 any mail relating to an election for Federal office
13 that is destined for a domestic or international ad-
14 dress, ensure the specific ballot service type identi-
15 fier for such mail is visible.

16 “(b) EFFECTIVE DATE.—The requirements of this
17 section shall apply to elections for Federal office occurring
18 on and after January 1, 2022.”.

19 (2) CLERICAL AMENDMENTS.—The table of
20 contents of such Act, as amended by section
21 1031(c), section 1101(d), section 1102(c), section
22 1103(a)(3), section 1104(c), section 1611(c), section
23 1621(b), and section 1622(c), is amended—

1 (A) by redesignating the items relating to
 2 sections 312 and 313 as relating to sections
 3 313 and 314; and

4 (B) by inserting after the item relating to
 5 section 311 the following new item:

“Sec. 312. Ballot visibility.”.

6 **SEC. 1624. VOTING MATERIALS POSTAGE.**

7 (a) PREPAYMENT OF POSTAGE ON RETURN ENVE-
 8 LOPES.—

9 (1) IN GENERAL.—Subtitle A of title III of the
 10 Help America Vote Act of 2002 (52 U.S.C. 21081
 11 et seq.), as amended by section 1031(a), section
 12 1101(a), section 1102(a), section 1103(a)(1), section
 13 1104(a), section 1611(a), section 1621(a), section
 14 1622(a), and section 1623(b), is amended—

15 (A) by redesignating sections 313 and 314
 16 as sections 314 and 315, respectively; and

17 (B) by inserting after section 312 the fol-
 18 lowing new section:

19 **“SEC. 313. PREPAYMENT OF POSTAGE ON RETURN ENVE-
 20 LOPES FOR VOTING MATERIALS.**

21 “(a) PROVISION OF RETURN ENVELOPES.—

22 “(1) IN GENERAL.—The appropriate State or
 23 local election official shall provide a self-sealing re-
 24 turn envelope with—

1 “(A) any voter registration application
2 form transmitted to a registrant by mail;

3 “(B) any application for an absentee ballot
4 transmitted to an applicant by mail; and

5 “(C) any blank absentee ballot transmitted
6 to a voter by mail.

7 “(2) REASONABLE EFFORTS.—A State shall be
8 treated as meeting the requirements of paragraph
9 (1) if the State makes all reasonable efforts to pro-
10 vide self-sealing return envelopes as provided in such
11 paragraph.

12 “(b) PREPAYMENT OF POSTAGE.—Consistent with
13 regulations of the United States Postal Service, the State
14 or the unit of local government responsible for the admin-
15 istration of the election involved shall prepay the postage
16 on any envelope provided under subsection (a).

17 “(c) NO EFFECT ON BALLOTS OR BALLOTING MATE-
18 RIALS TRANSMITTED TO ABSENT MILITARY AND OVER-
19 SEAS VOTERS.—Nothing in this section may be construed
20 to affect the treatment of any ballot or balloting materials
21 transmitted to an individual who is entitled to vote by ab-
22 sentee ballot under the Uniformed and Overseas Citizens
23 Absentee Voting Act (52 U.S.C. 20301 et seq.).

24 “(d) EFFECTIVE DATE.—This section shall take ef-
25 fect on the date that is 90 days after the date of the enact-

1 ment of this section, except that State and local jurisdic-
 2 tions shall make arrangements with the United States
 3 Postal Service to pay for all postage costs that such juris-
 4 dictions would be required to pay under this section if this
 5 section took effect on the date of enactment.”.

6 (2) CLERICAL AMENDMENTS.—The table of
 7 contents of such Act, as amended by section
 8 1031(c), section 1101(d), section 1102(c), section
 9 1103(a)(3), section 1104(c), section 1611(c), section
 10 1621(b), section 1622(c), and section 1623(b), is
 11 amended—

12 (A) by redesignating the items relating to
 13 sections 313 and 314 as relating to sections
 14 314 and 315, respectively; and

15 (B) by inserting after the item relating to
 16 section 312 the following new item:

“Sec. 313. Prepayment of postage on return envelopes for voting materials.”.

17 (b) ROLE OF UNITED STATES POSTAL SERVICE.—

18 (1) IN GENERAL.—Chapter 34 of title 39,
 19 United States Code, as amended by section 1623(a),
 20 is amended by inserting after section 3407 the fol-
 21 lowing:

22 **“§ 3408. Carriage of voting materials**

23 “(a) TREATMENT AS FIRST-CLASS MAIL.—Any voter
 24 registration application, absentee ballot application, or ab-
 25 sentee ballot with respect to any election for Federal office

1 shall be carried in accordance with the service standards
 2 established for first-class mail, regardless of the class of
 3 postage prepaid.

4 “(b) DEFINITIONS.—As used in this section, the
 5 terms ‘absentee ballot’ and ‘election for Federal office’
 6 have the meanings given those terms in section 3407.

7 “(c) RULE OF CONSTRUCTION.—Nothing in this sec-
 8 tion may be construed to affect the treatment of any ballot
 9 or balloting materials transmitted to an individual who is
 10 entitled to vote by absentee ballot under the Uniformed
 11 and Overseas Citizens Absentee Voting Act (52 U.S.C.
 12 20301 et seq.).”.

13 (2) CLERICAL AMENDMENT.—The table of sec-
 14 tions for chapter 34 of such title, as amended by
 15 section 1623(a), is amended by inserting after the
 16 item relating to section 3407 the following:

“3408. Carriage of voting materials.”.

17 **Subtitle J—Absent Uniformed**
 18 **Services Voters and Overseas**
 19 **Voters**

20 **SEC. 1701. PRE-ELECTION REPORTS ON AVAILABILITY AND**
 21 **TRANSMISSION OF ABSENTEE BALLOTS.**

22 Section 102(c) of the Uniformed and Overseas Citi-
 23 zens Absentee Voting Act (52 U.S.C. 20302(c)) is amend-
 24 ed to read as follows:

1 “(c) REPORTS ON AVAILABILITY, TRANSMISSION,
2 AND RECEIPT OF ABSENTEE BALLOTS.—

3 “(1) PRE-ELECTION REPORT ON ABSENTEE
4 BALLOT AVAILABILITY.—Not later than 55 days be-
5 fore any regularly scheduled general election for
6 Federal office, each State shall submit a report to
7 the Attorney General, the Election Assistance Com-
8 mission (hereafter in this subsection referred to as
9 the ‘Commission’), and the Presidential Designee,
10 and make that report publicly available that same
11 day, certifying that absentee ballots for the election
12 are or will be available for transmission to absent
13 uniformed services voters and overseas voters by not
14 later than 45 days before the election. The report
15 shall be in a form prescribed jointly by the Attorney
16 General and the Commission and shall require the
17 State to certify specific information about ballot
18 availability from each unit of local government which
19 will administer the election.

20 “(2) PRE-ELECTION REPORT ON ABSENTEE
21 BALLOT TRANSMISSION.—Not later than 43 days be-
22 fore any regularly scheduled general election for
23 Federal office, each State shall submit a report to
24 the Attorney General, the Commission, and the
25 Presidential Designee, and make that report publicly

1 available that same day, certifying whether all ab-
2 sentee ballots have been transmitted by not later
3 than 45 days before the election to all qualified ab-
4 sent uniformed services and overseas voters whose
5 requests were received at least 45 days before the
6 election. The report shall be in a form prescribed
7 jointly by the Attorney General and the Commission,
8 and shall require the State to certify specific infor-
9 mation about ballot transmission, including the total
10 numbers of ballot requests received and ballots
11 transmitted, from each unit of local government
12 which will administer the election.

13 “(3) POST-ELECTION REPORT ON NUMBER OF
14 ABSENTEE BALLOTS TRANSMITTED AND RE-
15 CEIVED.—Not later than 90 days after the date of
16 each regularly scheduled general election for Federal
17 office, each State and unit of local government
18 which administered the election shall (through the
19 State, in the case of a unit of local government) sub-
20 mit a report to the Attorney General, the Commis-
21 sion, and the Presidential Designee on the combined
22 number of absentee ballots transmitted to absent
23 uniformed services voters and overseas voters for the
24 election and the combined number of such ballots
25 which were returned by such voters and cast in the

1 election, and shall make such report available to the
 2 general public that same day.”.

3 **SEC. 1702. ENFORCEMENT.**

4 (a) AVAILABILITY OF CIVIL PENALTIES AND PRI-
 5 VATE RIGHTS OF ACTION.—Section 105 of the Uniformed
 6 and Overseas Citizens Absentee Voting Act (52 U.S.C.
 7 20307) is amended to read as follows:

8 **“SEC. 105. ENFORCEMENT.**

9 “(a) ACTION BY ATTORNEY GENERAL.—

10 “(1) IN GENERAL.—The Attorney General may
 11 bring civil action in an appropriate district court for
 12 such declaratory or injunctive relief as may be nec-
 13 essary to carry out this title.

14 “(2) PENALTY.—In a civil action brought under
 15 paragraph (1), if the court finds that the State vio-
 16 lated any provision of this title, it may, to vindicate
 17 the public interest, assess a civil penalty against the
 18 State—

19 “(A) in an amount not to exceed \$110,000
 20 for each such violation, in the case of a first
 21 violation; or

22 “(B) in an amount not to exceed \$220,000
 23 for each such violation, for any subsequent vio-
 24 lation.

1 “(3) REPORT TO CONGRESS.—Not later than
2 December 31 of each year, the Attorney General
3 shall submit to Congress an annual report on any
4 civil action brought under paragraph (1) during the
5 preceding year.

6 “(b) PRIVATE RIGHT OF ACTION.—A person who is
7 aggrieved by a State’s violation of this title may bring a
8 civil action in an appropriate district court for such declar-
9 atory or injunctive relief as may be necessary to carry out
10 this title.

11 “(c) STATE AS ONLY NECESSARY DEFENDANT.—In
12 any action brought under this section, the only necessary
13 party defendant is the State, and it shall not be a defense
14 to any such action that a local election official or a unit
15 of local government is not named as a defendant, notwith-
16 standing that a State has exercised the authority described
17 in section 576 of the Military and Overseas Voter Em-
18 powerment Act to delegate to another jurisdiction in the
19 State any duty or responsibility which is the subject of
20 an action brought under this section.”.

21 “(b) EFFECTIVE DATE.—The amendments made by
22 this section shall apply with respect to violations alleged
23 to have occurred on or after the date of the enactment
24 of this Act.

1 **SEC. 1703. REVISIONS TO 45-DAY ABSENTEE BALLOT**
 2 **TRANSMISSION RULE.**

3 (a) REPEAL OF WAIVER AUTHORITY.—

4 (1) IN GENERAL.—Section 102 of the Uni-
 5 formed and Overseas Citizens Absentee Voting Act
 6 (52 U.S.C. 20302) is amended by striking sub-
 7 section (g).

8 (2) CONFORMING AMENDMENT.—Section
 9 102(a)(8)(A) of such Act (52 U.S.C.
 10 20302(a)(8)(A)) is amended by striking “except as
 11 provided in subsection (g),”.

12 (b) REQUIRING USE OF EXPRESS DELIVERY IN CASE
 13 OF FAILURE TO MEET REQUIREMENT.—Section 102 of
 14 such Act (52 U.S.C. 20302), as amended by subsection
 15 (a), is amended by inserting after subsection (f) the fol-
 16 lowing new subsection:

17 “(g) REQUIRING USE OF EXPRESS DELIVERY IN
 18 CASE OF FAILURE TO TRANSMIT BALLOTS WITHIN
 19 DEADLINES.—

20 “(1) TRANSMISSION OF BALLOT BY EXPRESS
 21 DELIVERY.—If a State fails to meet the requirement
 22 of subsection (a)(8)(A) to transmit a validly re-
 23 quested absentee ballot to an absent uniformed serv-
 24 ices voter or overseas voter not later than 45 days
 25 before the election (in the case in which the request
 26 is received at least 45 days before the election)—

1 “(A) the State shall transmit the ballot to
2 the voter by express delivery; or

3 “(B) in the case of a voter who has des-
4 ignated that absentee ballots be transmitted
5 electronically in accordance with subsection
6 (f)(1), the State shall transmit the ballot to the
7 voter electronically.

8 “(2) SPECIAL RULE FOR TRANSMISSION FEWER
9 THAN 40 DAYS BEFORE THE ELECTION.—If, in car-
10 rying out paragraph (1), a State transmits an ab-
11 sentee ballot to an absent uniformed services voter
12 or overseas voter fewer than 40 days before the elec-
13 tion, the State shall enable the ballot to be returned
14 by the voter by express delivery, except that in the
15 case of an absentee ballot of an absent uniformed
16 services voter for a regularly scheduled general elec-
17 tion for Federal office, the State may satisfy the re-
18 quirement of this paragraph by notifying the voter
19 of the procedures for the collection and delivery of
20 such ballots under section 103A.

21 “(3) PAYMENT FOR USE OF EXPRESS DELIV-
22 ERY.—The State shall be responsible for the pay-
23 ment of the costs associated with the use of express
24 delivery for the transmittal of ballots under this sub-
25 section.”.

1 (c) CLARIFICATION OF TREATMENT OF WEEK-
 2 ENDS.—Section 102(a)(8)(A) of such Act (52 U.S.C.
 3 20302(a)(8)(A)) is amended by striking “the election;”
 4 and inserting the following: “the election (or, if the 45th
 5 day preceding the election is a weekend or legal public hol-
 6 iday, not later than the most recent weekday which pre-
 7 cedes such 45th day and which is not a legal public holi-
 8 day, but only if the request is received by at least such
 9 most recent weekday);”.

10 **SEC. 1704. USE OF SINGLE ABSENTEE BALLOT APPLICA-**
 11 **TION FOR SUBSEQUENT ELECTIONS.**

12 (a) IN GENERAL.—Section 104 of the Uniformed and
 13 Overseas Citizens Absentee Voting Act (52 U.S.C. 20306)
 14 is amended to read as follows:

15 **“SEC. 104. USE OF SINGLE APPLICATION FOR SUBSEQUENT**
 16 **ELECTIONS.**

17 “(a) IN GENERAL.—If a State accepts and processes
 18 an official post card form (prescribed under section 101)
 19 submitted by an absent uniformed services voter or over-
 20 seas voter for simultaneous voter registration and absen-
 21 tee ballot application (in accordance with section
 22 102(a)(4)) and the voter requests that the application be
 23 considered an application for an absentee ballot for each
 24 subsequent election for Federal office held in the State
 25 through the next regularly scheduled general election for

1 Federal office (including any runoff elections which may
2 occur as a result of the outcome of such general election),
3 the State shall provide an absentee ballot to the voter for
4 each such subsequent election.

5 “(b) EXCEPTION FOR VOTERS CHANGING REGISTRA-
6 TION.—Subsection (a) shall not apply with respect to a
7 voter registered to vote in a State for any election held
8 after the voter notifies the State that the voter no longer
9 wishes to be registered to vote in the State or after the
10 State determines that the voter has registered to vote in
11 another State or is otherwise no longer eligible to vote in
12 the State.

13 “(c) PROHIBITION OF REFUSAL OF APPLICATION ON
14 GROUNDS OF EARLY SUBMISSION.—A State may not
15 refuse to accept or to process, with respect to any election
16 for Federal office, any otherwise valid voter registration
17 application or absentee ballot application (including the
18 postcard form prescribed under section 101) submitted by
19 an absent uniformed services voter or overseas voter on
20 the grounds that the voter submitted the application be-
21 fore the first date on which the State otherwise accepts
22 or processes such applications for that election which are
23 submitted by absentee voters who are not members of the
24 uniformed services or overseas citizens.”.

1 (b) EFFECTIVE DATE.—The amendment made by
 2 subsection (a) shall apply with respect to voter registration
 3 and absentee ballot applications which are submitted to
 4 a State or local election official on or after the date of
 5 the enactment of this Act.

6 **SEC. 1705. EXTENDING GUARANTEE OF RESIDENCY FOR**
 7 **VOTING PURPOSES TO FAMILY MEMBERS OF**
 8 **ABSENT MILITARY PERSONNEL.**

9 Section 102 of the Uniformed and Overseas Citizens
 10 Absentee Voting Act (52 U.S.C. 20302) is amended by
 11 adding at the end the following new subsection:

12 “(j) GUARANTEE OF RESIDENCY FOR SPOUSES AND
 13 DEPENDENTS OF ABSENT MEMBERS OF UNIFORMED
 14 SERVICE.—For the purposes of voting in any election for
 15 any Federal office or any State or local office, a spouse
 16 or dependent of an individual who is an absent uniformed
 17 services voter described in subparagraph (A) or (B) of sec-
 18 tion 107(1) shall not, solely by reason of that individual’s
 19 absence and without regard to whether or not such spouse
 20 or dependent is accompanying that individual—

21 “(1) be deemed to have lost a residence or
 22 domicile in that State, without regard to whether or
 23 not that individual intends to return to that State;

24 “(2) be deemed to have acquired a residence or
 25 domicile in any other State; or

1 “(3) be deemed to have become a resident in or
2 a resident of any other State.”.

3 **SEC. 1706. REQUIRING TRANSMISSION OF BLANK ABSEN-**
4 **TEE BALLOTS UNDER UOCAVA TO CERTAIN**
5 **VOTERS.**

6 (a) IN GENERAL.—The Uniformed and Overseas
7 Citizens Absentee Voting Act (52 U.S.C. 20301 et seq.)
8 is amended by inserting after section 103B the following
9 new section:

10 **“SEC. 103C. TRANSMISSION OF BLANK ABSENTEE BALLOTS**
11 **TO CERTAIN OTHER VOTERS.**

12 “(a) IN GENERAL.—

13 “(1) STATE RESPONSIBILITIES.—Subject to the
14 provisions of this section, each State shall transmit
15 blank absentee ballots electronically to qualified indi-
16 viduals who request such ballots in the same manner
17 and under the same terms and conditions under
18 which the State transmits such ballots electronically
19 to absent uniformed services voters and overseas vot-
20 ers under the provisions of section 102(f), except
21 that no such marked ballots shall be returned elec-
22 tronically.

23 “(2) REQUIREMENTS.—Any blank absentee bal-
24 lot transmitted to a qualified individual under this
25 section—

1 “(A) must comply with the language re-
2 quirements under section 203 of the Voting
3 Rights Act of 1965 (52 U.S.C. 10503); and

4 “(B) must comply with the disability re-
5 quirements under section 508 of the Rehabilita-
6 tion Act of 1973 (29 U.S.C. 794d).

7 “(3) AFFIRMATION.—The State may not trans-
8 mit a ballot to a qualified individual under this sec-
9 tion unless the individual provides the State with a
10 signed affirmation in electronic form that—

11 “(A) the individual is a qualified individual
12 (as defined in subsection (b));

13 “(B) the individual has not and will not
14 cast another ballot with respect to the election;
15 and

16 “(C) acknowledges that a material
17 misstatement of fact in completing the ballot
18 may constitute grounds for conviction of per-
19 jury.

20 “(4) CLARIFICATION REGARDING FREE POST-
21 AGE.—An absentee ballot obtained by a qualified in-
22 dividual under this section shall be considered bal-
23 lotting materials as defined in section 107 for pur-
24 poses of section 3406 of title 39, United States
25 Code.

1 “(5) PROHIBITING REFUSAL TO ACCEPT BAL-
 2 LOT FOR FAILURE TO MEET CERTAIN REQUIRE-
 3 MENTS.—A State shall not refuse to accept and
 4 process any otherwise valid blank absentee ballot
 5 which was transmitted to a qualified individual
 6 under this section and used by the individual to vote
 7 in the election solely on the basis of the following:

8 “(A) Notarization or witness signature re-
 9 quirements.

10 “(B) Restrictions on paper type, including
 11 weight and size.

12 “(C) Restrictions on envelope type, includ-
 13 ing weight and size.

14 “(b) QUALIFIED INDIVIDUAL.—

15 “(1) IN GENERAL.—In this section, except as
 16 provided in paragraph (2), the term ‘qualified indi-
 17 vidual’ means any individual who is otherwise quali-
 18 fied to vote in an election for Federal office and who
 19 meets any of the following requirements:

20 “(A) The individual—

21 “(i) has previously requested an ab-
 22 sentee ballot from the State or jurisdiction
 23 in which such individual is registered to
 24 vote; and

1 “(ii) has not received such absentee
2 ballot at least 2 days before the date of the
3 election.

4 “(B) The individual—

5 “(i) resides in an area of a State with
6 respect to which an emergency or public
7 health emergency has been declared by the
8 chief executive of the State or of the area
9 involved within 5 days of the date of the
10 election under the laws of the State due to
11 reasons including a natural disaster, in-
12 cluding severe weather, or an infectious
13 disease; and

14 “(ii) has not previously requested an
15 absentee ballot.

16 “(C) The individual expects to be absent
17 from such individual’s jurisdiction on the date
18 of the election due to professional or volunteer
19 service in response to a natural disaster or
20 emergency as described in subparagraph (B).

21 “(D) The individual is hospitalized or ex-
22 pects to be hospitalized on the date of the elec-
23 tion.

24 “(E) The individual is an individual with a
25 disability (as defined in section 3 of the Ameri-

cans with Disabilities Act of 1990 (42 U.S.C. 12102)) and resides in a State which does not offer voters the ability to use secure and accessible remote ballot marking. For purposes of this subparagraph, a State shall permit an individual to self-certify that the individual is an individual with a disability.

“(2) EXCLUSION OF ABSENT UNIFORMED SERVICES AND OVERSEAS VOTERS.—The term ‘qualified individual’ shall not include an absent uniformed services voter or an overseas voter.

“(c) STATE.—For purposes of this section, the term ‘State’ includes the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands.

“(d) EFFECTIVE DATE.—This section shall apply with respect to the regularly scheduled general election for Federal office held in November 2022 and each succeeding election for Federal office.”.

(b) CONFORMING AMENDMENT.—Section 102(a) of such Act (52 U.S.C. 20302(a)) is amended—

(1) by striking “and” at the end of paragraph (10);

1 (2) by striking the period at the end of para-
 2 graph (11) and inserting “; and”; and

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

5 “(12) meet the requirements of section 103C
 6 with respect to the provision of blank absentee bal-
 7 lots for the use of qualified individuals described in
 8 such section.”.

9 (c) CLERICAL AMENDMENTS.—The table of contents
 10 of such Act is amended by inserting the following after
 11 section 103:

“Sec. 103A. Procedures for collection and delivery of marked absentee ballots
 of absent overseas uniformed services voters.

“Sec. 103B. Federal voting assistance program improvements.

“Sec. 103C. Transmission of blank absentee ballots to certain other voters.”.

12 **SEC. 1707. EFFECTIVE DATE.**

13 Except as provided in section 1702(b) and section
 14 1704(b), the amendments made by this subtitle shall apply
 15 with respect to elections occurring on or after January 1,
 16 2022.

17 **Subtitle K—Poll Worker**
 18 **Recruitment and Training**

19 **SEC. 1801. GRANTS TO STATES FOR POLL WORKER RE-**
 20 **CRUITMENT AND TRAINING.**

21 (a) GRANTS BY ELECTION ASSISTANCE COMMIS-
 22 SION.—

1 (1) IN GENERAL.—The Election Assistance
2 Commission (hereafter referred to as the “Commis-
3 sion”) shall, subject to the availability of appropria-
4 tions provided to carry out this section, make a
5 grant to each eligible State for recruiting and train-
6 ing individuals to serve as poll workers on dates of
7 elections for public office.

8 (2) USE OF COMMISSION MATERIALS.—In car-
9 rying out activities with a grant provided under this
10 section, the recipient of the grant shall use the man-
11 ual prepared by the Commission on successful prac-
12 tices for poll worker recruiting, training, and reten-
13 tion as an interactive training tool, and shall develop
14 training programs with the participation and input
15 of experts in adult learning.

16 (3) ACCESS AND CULTURAL CONSIDER-
17 ATIONS.—The Commission shall ensure that the
18 manual described in paragraph (2) provides training
19 in methods that will enable poll workers to provide
20 access and delivery of services in a culturally com-
21 petent manner to all voters who use their services,
22 including those with limited English proficiency, di-
23 verse cultural and ethnic backgrounds, disabilities,
24 and regardless of gender, sexual orientation, or gen-
25 der identity. These methods must ensure that each

1 voter will have access to poll worker services that are
2 delivered in a manner that meets the unique needs
3 of the voter.

4 (b) REQUIREMENTS FOR ELIGIBILITY.—

5 (1) APPLICATION.—Each State that desires to
6 receive a payment under this section shall submit an
7 application for the payment to the Commission at
8 such time and in such manner and containing such
9 information as the Commission shall require.

10 (2) CONTENTS OF APPLICATION.—Each appli-
11 cation submitted under paragraph (1) shall—

12 (A) describe the activities for which assist-
13 ance under this section is sought;

14 (B) provide assurances that the funds pro-
15 vided under this section will be used to supple-
16 ment and not supplant other funds used to
17 carry out the activities;

18 (C) provide assurances that the State will
19 furnish the Commission with information on the
20 number of individuals who served as poll work-
21 ers after recruitment and training with the
22 funds provided under this section; and

23 (D) provide such additional information
24 and certifications as the Commission deter-

1 mines to be essential to ensure compliance with
2 the requirements of this section.

3 (c) AMOUNT OF GRANT.—

4 (1) IN GENERAL.—The amount of a grant
5 made to a State under this section shall be equal to
6 the product of—

7 (A) the aggregate amount made available
8 for grants to States under this section; and

9 (B) the voting age population percentage
10 for the State.

11 (2) VOTING AGE POPULATION PERCENTAGE DE-
12 FINED.—In paragraph (1), the “voting age popu-
13 lation percentage” for a State is the quotient of—

14 (A) the voting age population of the State
15 (as determined on the basis of the most recent
16 information available from the Bureau of the
17 Census); and

18 (B) the total voting age population of all
19 States (as determined on the basis of the most
20 recent information available from the Bureau of
21 the Census).

22 (d) REPORTS TO CONGRESS.—

23 (1) REPORTS BY RECIPIENTS OF GRANTS.—Not
24 later than 6 months after the date on which the
25 final grant is made under this section, each recipient

1 of a grant shall submit a report to the Commission
 2 on the activities conducted with the funds provided
 3 by the grant.

4 (2) REPORTS BY COMMISSION.—Not later than
 5 1 year after the date on which the final grant is
 6 made under this section, the Commission shall sub-
 7 mit a report to Congress on the grants made under
 8 this section and the activities carried out by recipi-
 9 ents with the grants, and shall include in the report
 10 such recommendations as the Commission considers
 11 appropriate.

12 (e) FUNDING.—

13 (1) CONTINUING AVAILABILITY OF AMOUNT AP-
 14 PROPRIATED.—Any amount appropriated to carry
 15 out this section shall remain available without fiscal
 16 year limitation until expended.

17 (2) ADMINISTRATIVE EXPENSES.—Of the
 18 amount appropriated for any fiscal year to carry out
 19 this section, not more than 3 percent shall be avail-
 20 able for administrative expenses of the Commission.

21 **SEC. 1802. STATE DEFINED.**

22 In this subtitle, the term “State” includes the Dis-
 23 trict of Columbia, the Commonwealth of Puerto Rico,
 24 Guam, American Samoa, the United States Virgin Is-

1 lands, and the Commonwealth of the Northern Mariana
2 Islands.

3 **Subtitle L—Enhancement of** 4 **Enforcement**

5 **SEC. 1811. ENHANCEMENT OF ENFORCEMENT OF HELP**
6 **AMERICA VOTE ACT OF 2002.**

7 (a) COMPLAINTS; AVAILABILITY OF PRIVATE RIGHT
8 OF ACTION.—Section 401 of the Help America Vote Act
9 of 2002 (52 U.S.C. 21111) is amended—

10 (1) by striking “The Attorney General” and in-
11 serting “(a) IN GENERAL.—The Attorney General”;
12 and

13 (2) by adding at the end the following new sub-
14 sections:

15 “(b) FILING OF COMPLAINTS BY AGGRIEVED PER-
16 SONS.—

17 “(1) IN GENERAL.—A person who is aggrieved
18 by a violation of title III which has occurred, is oc-
19 curring, or is about to occur may file a written,
20 signed, notarized complaint with the Attorney Gen-
21 eral describing the violation and requesting the At-
22 torney General to take appropriate action under this
23 section. The Attorney General shall immediately pro-
24 vide a copy of a complaint filed under the previous
25 sentence to the entity responsible for administering

1 the State-based administrative complaint procedures
2 described in section 402(a) for the State involved.

3 “(2) RESPONSE BY ATTORNEY GENERAL.—The
4 Attorney General shall respond to each complaint
5 filed under paragraph (1), in accordance with proce-
6 dures established by the Attorney General that re-
7 quire responses and determinations to be made with-
8 in the same (or shorter) deadlines which apply to a
9 State under the State-based administrative com-
10 plaint procedures described in section 402(a)(2).
11 The Attorney General shall immediately provide a
12 copy of the response made under the previous sen-
13 tence to the entity responsible for administering the
14 State-based administrative complaint procedures de-
15 scribed in section 402(a) for the State involved.

16 “(c) AVAILABILITY OF PRIVATE RIGHT OF AC-
17 TION.—Any person who is authorized to file a complaint
18 under subsection (b)(1) (including any individual who
19 seeks to enforce the individual’s right to a voter-verified
20 paper ballot, the right to have the voter-verified paper bal-
21 lot counted in accordance with this Act, or any other right
22 under title III) may file an action under section 1979 of
23 the Revised Statutes of the United States (42 U.S.C.
24 1983) to enforce the uniform and nondiscriminatory elec-

tion technology and administration requirements under subtitle A of title III.

“(d) NO EFFECT ON STATE PROCEDURES.—Nothing in this section may be construed to affect the availability of the State-based administrative complaint procedures required under section 402 to any person filing a complaint under this subsection.”.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to violations occurring with respect to elections for Federal office held in 2022 or any succeeding year.

Subtitle M—Federal Election Integrity

SEC. 1821. PROHIBITION ON CAMPAIGN ACTIVITIES BY CHIEF STATE ELECTION ADMINISTRATION OFFICIALS.

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

“CAMPAIGN ACTIVITIES BY CHIEF STATE ELECTION ADMINISTRATION OFFICIALS

“SEC. 319A. (a) PROHIBITION.—It shall be unlawful for a chief State election administration official to take an active part in political management or in a political

1 campaign with respect to any election for Federal office
 2 over which such official has supervisory authority.

3 “(b) CHIEF STATE ELECTION ADMINISTRATION OF-
 4 FICIAL.—The term ‘chief State election administration of-
 5 ficial’ means the highest State official with responsibility
 6 for the administration of Federal elections under State
 7 law.

8 “(c) ACTIVE PART IN POLITICAL MANAGEMENT OR
 9 IN A POLITICAL CAMPAIGN.—The term ‘active part in po-
 10 litical management or in a political campaign’ means—

11 “(1) holding any position (including any unpaid
 12 or honorary position) with an authorized committee
 13 of a candidate, or participating in any decision mak-
 14 ing of an authorized committee of a candidate;

15 “(2) the use of official authority or influence
 16 for the purpose of interfering with or affecting the
 17 result of an election for Federal office;

18 “(3) the solicitation, acceptance, or receipt of a
 19 contribution from any person on behalf of a can-
 20 didate for Federal office; and

21 “(4) any other act which would be prohibited
 22 under paragraph (2) or (3) of section 7323(b) of
 23 title 5, United States Code, if taken by an individual
 24 to whom such paragraph applies (other than any
 25 prohibition on running for public office).

1 “(d) EXCEPTION IN CASE OF RECUSAL FROM AD-
 2 MINISTRATION OF ELECTIONS INVOLVING OFFICIAL OR
 3 IMMEDIATE FAMILY MEMBER.—

4 “(1) IN GENERAL.—This section does not apply
 5 to a chief State election administration official with
 6 respect to an election for Federal office in which the
 7 official or an immediate family member of the offi-
 8 cial is a candidate, but only if—

9 “(A) such official recuses himself or herself
 10 from all of the official’s responsibilities for the
 11 administration of such election; and

12 “(B) the official who assumes responsi-
 13 bility for supervising the administration of the
 14 election does not report directly to such official.

15 “(2) IMMEDIATE FAMILY MEMBER DEFINED.—
 16 In paragraph (1), the term ‘immediate family mem-
 17 ber’ means, with respect to a candidate, a father,
 18 mother, son, daughter, brother, sister, husband,
 19 wife, father-in-law, or mother-in-law.”.

20 (b) EFFECTIVE DATE.—The amendments made by
 21 subsection (a) shall apply with respect to elections for
 22 Federal office held after December 2021.

1 **Subtitle N—Promoting Voter Ac-**
 2 **cess Through Election Adminis-**
 3 **tration Improvements**

4 **PART 1—PROMOTING VOTER ACCESS**

5 **SEC. 1901. TREATMENT OF INSTITUTIONS OF HIGHER EDU-**
 6 **CATION.**

7 (a) TREATMENT OF CERTAIN INSTITUTIONS AS
 8 VOTER REGISTRATION AGENCIES UNDER NATIONAL
 9 VOTER REGISTRATION ACT OF 1993.—Section 7(a) of the
 10 National Voter Registration Act of 1993 (52 U.S.C.
 11 20506(a)) is amended—

12 (1) in paragraph (2)—

13 (A) by striking “and” at the end of sub-
 14 paragraph (A);

15 (B) by striking the period at the end of
 16 subparagraph (B) and inserting “; and”; and

17 (C) by adding at the end the following new
 18 subparagraph:

19 “(C) each institution of higher education
 20 which has a program participation agreement in
 21 effect with the Secretary of Education under
 22 section 487 of the Higher Education Act of
 23 1965 (20 U.S.C. 1094), other than an institu-
 24 tion which is treated as a contributing agency

1 under section 1013 of the Automatic Voter
2 Registration Act of 2021.”; and

3 (2) in paragraph (6)(A), by inserting “or, in
4 the case of an institution of higher education, upon
5 initial enrollment of a student,” after “assistance,”.

6 (b) RESPONSIBILITIES OF INSTITUTIONS UNDER
7 HIGHER EDUCATION ACT OF 1965.—Section 487(a)(23)
8 of the Higher Education Act of 1965 (20 U.S.C.
9 1094(a)(23)) is amended to read as follows:

10 “(23)(A) The institution will make every rea-
11 sonable effort to—

12 “(i) distribute voter registration applica-
13 tions for elections for Federal office using a
14 form that meets the requirements of section
15 9(b) of the National Voter Registration Act of
16 1993 (52 U.S.C. 20508), which may include
17 sharing a direct, guided link to such applica-
18 tion, to each student enrolled at the institution
19 who has not been automatically registered to
20 vote by the institution in accordance with sec-
21 tion 1013 of the For the People Act of 2021,
22 including students who do not qualify as an in-
23 State student as defined in section 1013(f)(2)
24 of the For the People Act of 2021;

1 “(ii) provide clear guidance that each stu-
2 dent enrolled at the institution should—

3 “(I) register in the State in which the
4 student is eligible to vote in the next elec-
5 tion if registration is required, which may
6 include informing students from another
7 State of the ability to vote in the State of
8 the institution in which the students are
9 enrolled and physically in attendance, in
10 accordance with applicable State law; and

11 “(II) in the case of a student who has
12 already registered to vote in a State de-
13 scribed in subclause (I), update the stu-
14 dent’s existing voter registration if the stu-
15 dent’s address has changed recently or
16 since the last election in which the student
17 was eligible to vote;

18 “(iii) periodically share credible, non-
19 partisan resources (to be identified in consulta-
20 tion with the Election Assistance Commission)
21 to help students determine where and how they
22 are eligible to vote, which may include resources
23 from State and local election officials on voter
24 registration and voting requirements, including
25 voter registration deadlines, residency require-

ments, voter identification requirements, and
absentee voting options, as applicable; and

“(iv) in distributing voting materials (as
defined in section 203(b)(3) of the Voting
Rights Act of 1965 (52 U.S.C. 10503(b)(3))
that are produced by a covered State or polit-
ical subdivision described in subsection
203(b)(2) of such Act, ensure to the greatest
extent practicable that—

“(I) such voting materials are pro-
vided in accordance with section 203 of
that Act (52 U.S.C. 10503); and

“(II) all materials and information
made available electronically under this
paragraph—

“(aa) are accessible to individuals
with disabilities; and

“(bb) are compliant with the
most recent Web Content Accessibility
Guidelines, or successor guidelines.

“(B) An institution shall be considered to have
satisfied the requirements of clauses (i), (ii), and
(iii) of subparagraph (A) if—

“(i) with respect to each student enrolled
in the institution who is not exclusively enrolled

1 in distance education at the institution and who
2 has not already been registered to vote by the
3 institution in accordance with section 1013 of
4 the For the People Act of 2021, including stu-
5 dents who do not qualify as an in-State student
6 as defined in section 1013(f)(2) of such Act—

7 “(I) the institution, not less than 30
8 days in advance of the deadline for reg-
9 istering to vote within the State for the
10 next scheduled statewide Federal or State
11 primary election and not less than 30 days
12 in advance of the deadline for registering
13 to vote within the State for the next sched-
14 uled statewide Federal or State general
15 election—

16 “(aa) distributes voter registra-
17 tion applications to such students; or

18 “(bb) electronically transmits a
19 message to each such student that is
20 devoted exclusively to voter registra-
21 tion and contains a voter registration
22 application acceptable for use in the
23 State in which the institution is lo-
24 cated, or an internet address where

1 such voter registration application can
2 be accessed or downloaded;

3 “(II) during a period that an institu-
4 tion requires or encourages such students
5 to remain off-campus due to a national,
6 State, or local public health or other emer-
7 gency for an extended period of time, re-
8 sulting in a significant disruption to such
9 students’ ability to vote in person, as appli-
10 cable, the institution additionally—

11 “(aa) requests that the State
12 provide the institution with absentee
13 ballot applications, as applicable, or
14 that the State share the official State
15 website or online portal through which
16 eligible voters can directly request an
17 absentee ballot;

18 “(bb) distributes to each such
19 student an absentee ballot application
20 requested from the State under item
21 (aa) or the official State website or
22 online portal through which eligible
23 voters can directly request an absen-
24 tee ballot, with instructions that the
25 form, website, or online portal should

1 be used only by students eligible to
2 vote in the State;

3 “(cc) notifies such students of—

4 “(AA) applicable deadlines
5 for requesting and submitting an
6 absentee ballot; and

7 “(BB) additional options for
8 early and in-person voting and
9 voting on Election Day, as appli-
10 cable; and

11 “(dd) shares credible, non-
12 partisan resources (to be identified in
13 consultation with the Election Assist-
14 ance Commission) to help students
15 who are registered in another State to
16 apply for absentee ballots in such
17 State, which may include resources
18 from State and local election officials;
19 and

20 “(III) the institution ensures that an
21 appropriate staff person or office has been
22 designated as a Campus Vote Coordinator,
23 who shall—

1 “(aa) ensure compliance in ac-
2 cordance with this paragraph at the
3 institution;

4 “(bb) be publicly designated as
5 the Campus Vote Coordinator, includ-
6 ing the Campus Vote Coordinator’s
7 contact information, on the website of
8 the institution; and

9 “(cc) upon request, provide to
10 students residency requirements for
11 voting, including the ability of stu-
12 dents from other States to vote in the
13 State of the institution in which they
14 are enrolled and physically in attend-
15 ance, in accordance with applicable
16 State law; and

17 “(ii) with respect to each student enrolled
18 exclusively in distance education or correspond-
19 ence programs, the institution—

20 “(I)(aa) transmits a message devoted
21 exclusively to voter registration that refers
22 such students to a centralized voter reg-
23 istration website or platform by providing
24 the internet address or other method to ac-
25 cess such website or platform, that—

1 “(AA) provides applicable voter
2 registration application and voting in-
3 formation for all States; and

4 “(BB) is hosted by a website op-
5 erated by the Federal, State or local
6 government;

7 “(bb) transmits such message not less
8 than twice in each calendar year; and

9 “(cc) maintains information on the in-
10 stitution’s website containing credible, non-
11 partisan resources to help students deter-
12 mine where and how they are eligible to
13 vote, or a link to such resources; or

14 “(II) provides information to such
15 students in the same manner as the insti-
16 tution provides information to students not
17 enrolled exclusively in distance education
18 under clause (i)(I).

19 “(C) The institution will substantially comply
20 with the requirements that apply to the institution
21 under section 7 of the National Voter Registration
22 Act of 1993 (52 U.S.C. 20506) or section 1013 of
23 the Automatic Voter Registration Act of 2021, as
24 the case may be.

25 “(D) In this paragraph—

“(i) the term ‘voter registration application’ means the mail voter registration application form for elections for Federal office prescribed pursuant to section 9 of the National Voter Registration Act of 1993 (52 U.S.C. 20508);

“(ii) the term ‘absentee ballot’ means any ballot cast by any means other than in person and for which the State requires an application;

“(iii) the term ‘distance education’ has the meaning given the term in section 103, except such term shall not include distance education that is provided due to a decision of an institution to require or encourage students of the institution to remain off-campus due to a national, State, or local public health or other emergency; and

“(iv) the term ‘Federal office’ has the meaning given in section 301(3) of the Federal Election Campaign Act of 1971 (52 U.S.C. 30101(3)).”.

(c) GRANTS TO INSTITUTIONS DEMONSTRATING EXCELLENCE IN STUDENT VOTER REGISTRATION.—

(1) GRANTS AUTHORIZED.—The Secretary of Education may award competitive grants to public

1 and private nonprofit institutions of higher edu-
2 cation that are subject to the requirements of sec-
3 tion 487(a)(23) of the Higher Education Act of
4 1965 (20 U.S.C. 1094(a)(23)), as amended by sub-
5 section (b), and that the Secretary determines have
6 demonstrated excellence in registering students to
7 vote in elections for public office beyond meeting the
8 minimum requirements of such section.

9 (2) ELIGIBILITY.—An institution of higher edu-
10 cation is eligible to receive a grant under this sub-
11 section if the institution submits to the Secretary of
12 Education, at such time and in such form as the
13 Secretary may require, an application containing
14 such information and assurances as the Secretary
15 may require to make the determination described in
16 paragraph (1), including information and assurances
17 that the institution carried out activities to promote
18 voter registration by students, such as the following:

19 (A) Sponsoring large on-campus voter mo-
20 bilization efforts.

21 (B) Engaging the surrounding community
22 in nonpartisan voter registration and get-out-
23 the-vote efforts.

1 (C) Creating a website for students with
2 centralized information about voter registration
3 and election dates.

4 (D) Inviting candidates to speak on cam-
5 pus.

6 (E) Offering rides to students to the polls
7 to increase voter education, registration, and
8 mobilization.

9 (3) AUTHORIZATION OF APPROPRIATIONS.—

10 There are authorized to be appropriated for fiscal
11 year 2022 and each succeeding fiscal year such sums
12 as may be necessary to award grants under this sub-
13 section.

14 (d) SENSE OF CONGRESS RELATING TO OPTION OF
15 STUDENTS TO REGISTER IN JURISDICTION OF INSTITU-
16 TION OF HIGHER EDUCATION OR JURISDICTION OF DOMI-
17 CILE.—It is the sense of Congress that, as provided under
18 existing law, students who attend an institution of higher
19 education and reside in the jurisdiction of the institution
20 while attending the institution should have the option of
21 registering to vote in elections for Federal office in that
22 jurisdiction or in the jurisdiction of their own domicile.

1 **SEC. 1902. MINIMUM NOTIFICATION REQUIREMENTS FOR**
 2 **VOTERS AFFECTED BY POLLING PLACE**
 3 **CHANGES.**

4 (a) REQUIREMENTS.—Section 302 of the Help Amer-
 5 ica Vote Act of 2002 (52 U.S.C. 21082), as amended by
 6 section 1601(a), is amended—

7 (1) by redesignating subsection (f) as sub-
 8 section (g); and

9 (2) by inserting after subsection (e) the fol-
 10 lowing new subsection:

11 “(f) MINIMUM NOTIFICATION REQUIREMENTS FOR
 12 VOTERS AFFECTED BY POLLING PLACE CHANGES.—

13 “(1) IN GENERAL.—If a State assigns an indi-
 14 vidual who is a registered voter in a State to a poll-
 15 ing place with respect to an election for Federal of-
 16 fice which is not the same polling place to which the
 17 individual was previously assigned with respect to
 18 the most recent election for Federal office in the
 19 State in which the individual was eligible to vote—

20 “(A) the State shall notify the individual of
 21 the location of the polling place not later than
 22 7 days before the date of the election or the
 23 first day of an early voting period (whichever
 24 occurs first); or

25 “(B) if the State makes such an assign-
 26 ment fewer than 7 days before the date of the

1 election and the individual appears on the date
2 of the election at the polling place to which the
3 individual was previously assigned, the State
4 shall make every reasonable effort to enable the
5 individual to vote on the date of the election.

6 “(2) METHODS OF NOTIFICATION.—The State
7 shall notify an individual under subparagraph (A) of
8 paragraph (1) by mail, telephone, and (if available)
9 text message and electronic mail.

10 “(3) PLACEMENT OF SIGNS AT CLOSED POLL-
11 ING PLACES.—If a location which served as a polling
12 place in an election for Federal office does not serve
13 as a polling place in the next election for Federal of-
14 fice held in the jurisdiction involved, the State shall
15 ensure that signs are posted at such location on the
16 date of the election and during any early voting pe-
17 riod for the election containing the following infor-
18 mation:

19 “(A) A statement that the location is not
20 serving as a polling place in the election.

21 “(B) The locations serving as polling
22 places in the election in the jurisdiction in-
23 volved.

24 “(C) Contact information, including a tele-
25 phone number and website, for the appropriate

1 State or local election official through which an
 2 individual may find the polling place to which
 3 the individual is assigned for the election.

4 “(4) EFFECTIVE DATE.—This subsection shall
 5 apply with respect to elections held on or after Janu-
 6 ary 1, 2022.”.

7 (b) CONFORMING AMENDMENT.—Section 302(g) of
 8 such Act (52 U.S.C. 21082(g)), as redesignated by sub-
 9 section (a) and as amended by section 1601(b), is amend-
 10 ed by striking “(d)(2) and (e)(2)” and inserting “(d)(2),
 11 (e)(2), and (f)(4)”.

12 **SEC. 1903. PERMITTING USE OF SWORN WRITTEN STATE-**
 13 **MENT TO MEET IDENTIFICATION REQUIRE-**
 14 **MENTS FOR VOTING.**

15 (a) PERMITTING USE OF STATEMENT.—Title III of
 16 the Help America Vote Act of 2002 (52 U.S.C. 21081 et
 17 seq.) is amended by inserting after section 303 the fol-
 18 lowing new section:

19 **“SEC. 303A. PERMITTING USE OF SWORN WRITTEN STATE-**
 20 **MENT OR STUDENT IDENTIFICATION CARD**
 21 **TO MEET IDENTIFICATION REQUIREMENTS.**

22 “(a) USE OF STATEMENT OR STUDENT IDENTIFICA-
 23 TION CARD.—

24 “(1) IN GENERAL.—Except as provided in sub-
 25 section (c), if a State has in effect any requirement

1 that an individual present identification as a condi-
2 tion of receiving and casting a ballot in an election
3 for Federal office, the State shall permit the indi-
4 vidual to meet the requirement—

5 “(A) in the case of an individual who de-
6 sires to vote in person, by presenting the appro-
7 priate State or local election official with—

8 “(i) a sworn written statement, signed
9 by the individual under penalty of perjury,
10 attesting to the individual’s identity and
11 attesting that the individual is eligible to
12 vote in the election; or

13 “(ii) if such individual is a student en-
14 rolled at an institution of higher education
15 (as defined under section 102 of the High-
16 er Education Act of 1965 (20 U.S.C.
17 1002)), a student identification card as-
18 signed to the individual from an institution
19 of higher education; or

20 “(B) in the case of an individual who de-
21 sires to vote by mail, by submitting with the
22 ballot—

23 “(i) the statement described in sub-
24 paragraph (A)(i); or

1 “(ii) if such individual is a student en-
2 rolled at an institution of higher education
3 (as so defined), a copy of the student iden-
4 tification card described in subparagraph
5 (A)(ii).

6 “(2) DEVELOPMENT OF PRE-PRINTED VERSION
7 OF STATEMENT BY COMMISSION.—The Commission
8 shall develop a pre-printed version of the statement
9 described in paragraph (1)(A)(i) which includes a
10 blank space for an individual to provide a name and
11 signature for use by election officials in States which
12 are subject to paragraph (1).

13 “(3) PROVIDING PRE-PRINTED COPY OF STATE-
14 MENT.—A State which is subject to paragraph (1)
15 shall—

16 “(A) make copies of the pre-printed
17 version of the statement described in paragraph
18 (1)(A)(i) which is prepared by the Commission
19 available at polling places for election officials
20 to distribute to individuals who desire to vote in
21 person; and

22 “(B) include a copy of such pre-printed
23 version of the statement with each blank absen-
24 tee or other ballot transmitted to an individual
25 who desires to vote by mail.

1 “(b) REQUIRING USE OF BALLOT IN SAME MANNER
 2 AS INDIVIDUALS PRESENTING IDENTIFICATION.—An in-
 3 dividual who presents or submits a sworn written state-
 4 ment or presents a student identification card in accord-
 5 ance with subsection (a)(1) shall be permitted to cast a
 6 ballot in the election in the same manner as an individual
 7 who presents identification.

8 “(c) EXCEPTION FOR FIRST-TIME VOTERS REG-
 9 ISTERING BY MAIL.—Subsections (a) and (b) do not apply
 10 with respect to any individual described in paragraph (1)
 11 of section 303(b) who is required to meet the requirements
 12 of paragraph (2) of such section.”.

13 (b) REQUIRING STATES TO INCLUDE INFORMATION
 14 ON USE OF SWORN WRITTEN STATEMENT AND STUDENT
 15 IDENTIFICATION CARD IN VOTING INFORMATION MATE-
 16 RIAL POSTED AT POLLING PLACES.—Section 302(b)(2) of
 17 such Act (52 U.S.C. 21082(b)(2)), as amended by section
 18 1072(b) and section 1202(b), is amended—

19 (1) by striking “and” at the end of subpara-
 20 graph (G);

21 (2) by striking the period at the end of sub-
 22 paragraph (H) and inserting “; and”; and

23 (3) by adding at the end the following new sub-
 24 paragraph:

“Sec. 303A. Permitting use of sworn written statement or student identification card to meet identification requirements.”.

15 SEC. 1904. ACCOMMODATIONS FOR VOTERS RESIDING IN
16 INDIAN LANDS.

(1) DESIGNATION OF BALLOT PICKUP AND COLLECTION LOCATIONS.—Given the widespread lack of residential mail delivery in Indian Country, an Indian Tribe may designate buildings as ballot pickup and collection locations with respect to an election for Federal office at no cost to the Indian Tribe. An Indian Tribe may designate one building per pre-

1 cinct located within Indian lands. The applicable
2 State or political subdivision shall collect ballots
3 from those locations. The applicable State or polit-
4 ical subdivision shall provide the Indian Tribe with
5 accurate precinct maps for all precincts located with-
6 in Indian lands 60 days before the election.

7 (2) PROVISION OF MAIL-IN AND ABSENTEE
8 BALLOTS.—The State or political subdivision shall
9 provide mail-in and absentee ballots with respect to
10 an election for Federal office to each individual who
11 is registered to vote in the election who resides on
12 Indian lands in the State or political subdivision in-
13 volved without requiring a residential address or a
14 mail-in or absentee ballot request.

15 (3) USE OF DESIGNATED BUILDING AS RESI-
16 DENTIAL AND MAILING ADDRESS.—The address of a
17 designated building that is a ballot pickup and col-
18 lection location with respect to an election for Fed-
19 eral office may serve as the residential address and
20 mailing address for voters living on Indian lands if
21 the tribally designated building is in the same pre-
22 cinct as that voter. If there is no tribally designated
23 building within a voter's precinct, the voter may use
24 another tribally designated building within the In-
25 dian lands where the voter is located. Voters using

1 a tribally designated building outside of the voter's
2 precinct may use the tribally designated building as
3 a mailing address and may separately designate the
4 voter's appropriate precinct through a description of
5 the voter's address, as specified in section
6 9428.4(a)(2) of title 11, Code of Federal Regula-
7 tions.

8 (4) LANGUAGE ACCESSIBILITY.—In the case of
9 a State or political subdivision that is a covered
10 State or political subdivision under section 203 of
11 the Voting Rights Act of 1965 (52 U.S.C. 10503),
12 that State or political subdivision shall provide ab-
13 sentee or mail-in voting materials with respect to an
14 election for Federal office in the language of the ap-
15 plicable minority group as well as in the English lan-
16 guage, bilingual election voting assistance, and writ-
17 ten translations of all voting materials in the lan-
18 guage of the applicable minority group, as required
19 by section 203 of the Voting Rights Act of 1965 (52
20 U.S.C. 10503), as amended by subsection (b).

21 (5) CLARIFICATION.—Nothing in this section
22 alters the ability of an individual voter residing on
23 Indian lands to request a ballot in a manner avail-
24 able to all other voters in the State.

25 (6) DEFINITIONS.—In this section:

(A) ELECTION FOR FEDERAL OFFICE.—

The term “election for Federal office” means a general, special, primary or runoff election for the office of President or Vice President, or of Senator or Representative in, or Delegate or Resident Commissioner to, the Congress.

(B) INDIAN.—The term “Indian” has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304).

(C) INDIAN LANDS.—The term “Indian lands” includes—

(i) any Indian country of an Indian Tribe, as defined under section 1151 of title 18, United States Code;

(ii) any land in Alaska owned, pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.), by an Indian Tribe that is a Native village (as defined in section 3 of that Act (43 U.S.C. 1602)) or by a Village Corporation that is associated with an Indian Tribe (as defined in section 3 of that Act (43 U.S.C. 1602));

1 (iii) any land on which the seat of the
2 Tribal Government is located; and

3 (iv) any land that is part or all of a
4 Tribal designated statistical area associ-
5 ated with an Indian Tribe, or is part or all
6 of an Alaska Native village statistical area
7 associated with an Indian Tribe, as defined
8 by the Census Bureau for the purposes of
9 the most recent decennial census.

10 (D) INDIAN TRIBE.—The term “Indian
11 Tribe” has the meaning given the term “Indian
12 tribe” in section 4 of the Indian Self-Deter-
13 mination and Education Assistance Act (25
14 U.S.C. 5304).

15 (E) TRIBAL GOVERNMENT.—The term
16 “Tribal Government” means the recognized
17 governing body of an Indian Tribe.

18 (7) ENFORCEMENT.—

19 (A) ATTORNEY GENERAL.—The Attorney
20 General may bring a civil action in an appro-
21 priate district court for such declaratory or in-
22 junctive relief as is necessary to carry out this
23 subsection.

24 (B) PRIVATE RIGHT OF ACTION.—

1 (i) A person or Tribal Government
2 who is aggrieved by a violation of this sub-
3 section may provide written notice of the
4 violation to the chief election official of the
5 State involved.

6 (ii) An aggrieved person or Tribal
7 Government may bring a civil action in an
8 appropriate district court for declaratory
9 or injunctive relief with respect to a viola-
10 tion of this subsection, if—

11 (I) that person or Tribal Govern-
12 ment provides the notice described in
13 clause (i); and

14 (II)(aa) in the case of a violation
15 that occurs more than 120 days be-
16 fore the date of an election for Fed-
17 eral office, the violation remains and
18 90 days or more have passed since the
19 date on which the chief election offi-
20 cial of the State receives the notice
21 under clause (i); or

22 (bb) in the case of a violation
23 that occurs 120 days or less before
24 the date of an election for Federal of-
25 fice, the violation remains and 20

1 days or more have passed since the
 2 date on which the chief election offi-
 3 cial of the State receives the notice
 4 under clause (i).

5 (iii) In the case of a violation of this
 6 section that occurs 30 days or less before
 7 the date of an election for Federal office,
 8 an aggrieved person or Tribal Government
 9 may bring a civil action in an appropriate
 10 district court for declaratory or injunctive
 11 relief with respect to the violation without
 12 providing notice to the chief election offi-
 13 cial of the State under clause (i).

14 (b) BILINGUAL ELECTION REQUIREMENTS.—Section
 15 203 of the Voting Rights Act of 1965 (52 U.S.C. 10503)
 16 is amended—

17 (1) in subsection (b)(3)(C), by striking “1990”
 18 and inserting “2010”; and

19 (2) by striking subsection (c) and inserting the
 20 following:

21 “(c) PROVISION OF VOTING MATERIALS IN THE LAN-
 22 GUAGE OF A MINORITY GROUP.—

23 “(1) IN GENERAL.—Whenever any State or po-
 24 litical subdivision subject to the prohibition of sub-
 25 section (b) of this section provides any registration

1 or voting notices, forms, instructions, assistance, or
2 other materials or information relating to the elec-
3 toral process, including ballots, it shall provide them
4 in the language of the applicable minority group as
5 well as in the English language.

6 “(2) EXCEPTIONS.—

7 “(A) In the case of a minority group that
8 is not American Indian or Alaska Native and
9 the language of that minority group is oral or
10 unwritten, the State or political subdivision
11 shall only be required to furnish, in the covered
12 language, oral instructions, assistance, trans-
13 lation of voting materials, or other information
14 relating to registration and voting.

15 “(B) In the case of a minority group that
16 is American Indian or Alaska Native, the State
17 or political subdivision shall only be required to
18 furnish in the covered language oral instruc-
19 tions, assistance, or other information relating
20 to registration and voting, including all voting
21 materials, if the Tribal Government of that mi-
22 nority group has certified that the language of
23 the applicable American Indian or Alaska Na-
24 tive language is presently unwritten or the

1 Tribal Government does not want written trans-
 2 lations in the minority language.

3 “(3) WRITTEN TRANSLATIONS FOR ELECTION
 4 WORKERS.—Notwithstanding paragraph (2), the
 5 State or political division may be required to provide
 6 written translations of voting materials, with the
 7 consent of any applicable Indian Tribe, to election
 8 workers to ensure that the translations from English
 9 to the language of a minority group are complete,
 10 accurate, and uniform.”.

11 (c) EFFECTIVE DATE.—This section and the amend-
 12 ments made by this section shall apply with respect to the
 13 regularly scheduled general election for Federal office held
 14 in November 2022 and each succeeding election for Fed-
 15 eral office.

16 **SEC. 1905. ENSURING EQUITABLE AND EFFICIENT OPER-**
 17 **ATION OF POLLING PLACES.**

18 (a) IN GENERAL.—Subtitle A of title III of the Help
 19 America Vote Act of 2002 (52 U.S.C. 21081 et seq.), as
 20 amended by section 1031(a), section 1101(a), section
 21 1102(a), section 1103(a)(1), section 1104(a), section
 22 1611(a), section 1621(a), section 1622(a), section
 23 1623(b), and section 1624(a), is amended—

24 (1) by redesignating sections 314 and 315 as
 25 sections 316 and 317, respectively; and

1 (2) by inserting after section 313 the following
2 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 shall provide a
8 sufficient number of voting systems, poll workers,
9 and other election resources (including physical re-
10 sources) at a polling place used in any election for
11 Federal office, including a polling place at which in-
12 dividuals may cast ballots prior to the date of the
13 election, to ensure—

14 “(A) a fair and equitable waiting time for
15 all voters in the State; and

16 “(B) that no individual will be required to
17 wait longer than 30 minutes to cast a ballot at
18 the polling place.

19 “(2) CRITERIA.—In determining the number of
20 voting systems, poll workers, and other election re-
21 sources provided at a polling place for purposes of
22 paragraph (1), the State shall take into account the
23 following factors:

24 “(A) The voting age population.

25 “(B) Voter turnout in past elections.

1 “(C) The number of voters registered.

2 “(D) The number of voters who have reg-
3 istered since the most recent Federal election.

4 “(E) Census data for the population served
5 by the polling place, such as the proportion of
6 the voting-age population who are under 25
7 years of age or who are naturalized citizens.

8 “(F) The needs and numbers of voters
9 with disabilities and voters with limited English
10 proficiency.

11 “(G) The type of voting systems used.

12 “(H) The length and complexity of initia-
13 tives, referenda, and other questions on the bal-
14 lot.

15 “(I) Such other factors, including relevant
16 demographic factors relating to the population
17 served by the polling place, as the State con-
18 siderers appropriate.

19 “(3) RULE OF CONSTRUCTION.—Nothing in
20 this subsection may be construed to authorize a
21 State to meet the requirements of this subsection by
22 closing any polling place, prohibiting an individual
23 from entering a line at a polling place, or refusing
24 to permit an individual who has arrived at a polling

1 place prior to closing time from voting at the polling
2 place.

3 “(4) GUIDELINES.—Not later than 180 days
4 after the date of the enactment of this section, the
5 Commission shall establish and publish guidelines to
6 assist States in meeting the requirements of this
7 subsection.

8 “(5) EFFECTIVE DATE.—This subsection shall
9 take effect upon the expiration of the 180-day period
10 which begins on the date of the enactment of this
11 subsection, without regard to whether or not the
12 Commission has established and published guidelines
13 under paragraph (4).

14 “(b) LIMITING VARIATIONS ON NUMBER OF HOURS
15 OF OPERATION OF POLLING PLACES WITHIN A STATE.—

16 “(1) LIMITATION.—

17 “(A) IN GENERAL.—Except as provided in
18 subparagraph (B) and paragraph (2), each
19 State shall establish hours of operation for all
20 polling places in the State on the date of any
21 election for Federal office held in the State
22 such that the polling place with the greatest
23 number of hours of operation on such date is
24 not in operation for more than 2 hours longer

1 than the polling place with the fewest number
2 of hours of operation on such date.

3 “(B) PERMITTING VARIANCE ON BASIS OF
4 POPULATION.—Subparagraph (A) does not
5 apply to the extent that the State establishes
6 variations in the hours of operation of polling
7 places on the basis of the overall population or
8 the voting age population (as the State may se-
9 lect) of the unit of local government in which
10 such polling places are located.

11 “(2) EXCEPTIONS FOR POLLING PLACES WITH
12 HOURS ESTABLISHED BY UNITS OF LOCAL GOVERN-
13 MENT.—Paragraph (1) does not apply in the case of
14 a polling place—

15 “(A) whose hours of operation are estab-
16 lished, in accordance with State law, by the unit
17 of local government in which the polling place
18 is located; or

19 “(B) which is required pursuant to an
20 order by a court to extend its hours of oper-
21 ation beyond the hours otherwise established.”.

22 (b) CLERICAL AMENDMENTS.—The table of contents
23 of such Act, as amended by section 1031(c), section
24 1101(d), section 1102(c), section 1103(a)(3), section

1 1104(c), section 1611(c), section 1621(c), section 1622(c),
 2 section 1623(b), and section 1624(a), is amended—

3 (1) by redesignating the items relating to sec-
 4 tions 314 and 315 as relating to sections 315 and
 5 316, respectively; and

6 (2) by inserting after the item relating to sec-
 7 tion 313 the following new item:

“Sec. 314. Ensuring equitable and efficient operation of polling places.”.

8 **SEC. 1906. REQUIRING STATES TO PROVIDE SECURED**
 9 **DROP BOXES FOR VOTED ABSENTEE BAL-**
 10 **LOTS IN ELECTIONS FOR FEDERAL OFFICE.**

11 (a) REQUIREMENT.—Subtitle A of title III of the
 12 Help America Vote Act of 2002 (52 U.S.C. 21081 et seq.),
 13 as amended by section 1031(a), section 1101(a), section
 14 1102(a), section 1103(a)(1), section 1104(a), section
 15 1611(a), section 1621(a), section 1622(a), section
 16 1623(b), section 1624(a), and section 1905(a), is amend-
 17 ed—

18 (1) by redesignating sections 315 and 316 as
 19 sections 316 and 317, respectively; and

20 (2) by inserting after section 314 the following
 21 new section:

22 **“SEC. 315. USE OF SECURED DROP BOXES FOR VOTED AB-**
 23 **SENTEE BALLOTS.**

24 “(a) REQUIREING USE OF DROP BOXES.—In each
 25 election jurisdiction in the State, each State shall provide

1 in-person, secured, and clearly labeled drop boxes at which
2 individuals may, at any time during the period described
3 in subsection (b), drop off voted absentee ballots in an
4 election for Federal office.

5 “(b) MINIMUM PERIOD FOR AVAILABILITY OF DROP
6 BOXES.—The period described in this subsection is, with
7 respect to an election, the period which begins 45 days
8 before the date of the election and which ends at the time
9 the polls close for the election in the election jurisdiction
10 involved.

11 “(c) ACCESSIBILITY.—

12 “(1) IN GENERAL.—Each State shall ensure
13 that the drop boxes provided under this section are
14 accessible for use—

15 “(A) by individuals with disabilities, as de-
16 termined in consultation with the protection
17 and advocacy systems (as defined in section 102
18 of the Developmental Disabilities Assistance
19 and Bill of Rights Act of 2000 (42 U.S.C.
20 15002)) of the State; and

21 “(B) by individuals with limited proficiency
22 in the English language.

23 “(2) DETERMINATION OF ACCESSIBILITY FOR
24 INDIVIDUALS WITH DISABILITIES.—For purposes of
25 this subsection, drop boxes shall be considered to be

1 accessible for use by individuals with disabilities if
 2 the drop boxes meet such criteria as the Attorney
 3 General may establish for such purposes.

4 “(3) RULE OF CONSTRUCTION.—If a State pro-
 5 vides a drop box under this section on the grounds
 6 of or inside a building or facility which serves as a
 7 polling place for an election during the period de-
 8 scribed in subsection (b), nothing in this subsection
 9 may be construed to waive any requirements regard-
 10 ing the accessibility of such polling place for the use
 11 of individuals with disabilities or individuals with
 12 limited proficiency in the English language.

13 “(d) NUMBER OF DROP BOXES.—

14 “(1) FORMULA FOR DETERMINATION OF NUM-
 15 BER.—The number of drop boxes provided under
 16 this section in an election jurisdiction with respect to
 17 an election shall be determined as follows:

18 “(A) In the case of an election jurisdiction
 19 in which the number of individuals who are
 20 residents of the election jurisdiction and who
 21 are registered to vote in the election is equal to
 22 or greater than 20,000, the number of drop
 23 boxes shall be a number equal to or greater
 24 than the number of such individuals divided by
 25 20,000 (rounded to the nearest whole number).

1 “(B) In the case of any other election ju-
2 risdiction, the number of drop boxes shall be
3 equal to or greater than one.

4 “(2) TIMING.—For purposes of this subsection,
5 the number of individuals who reside in an election
6 jurisdiction and who are registered to vote in the
7 election shall be determined as of the 90th day be-
8 fore the date of the election.

9 “(e) LOCATION OF DROP BOXES.—The State shall
10 determine the location of drop boxes provided under this
11 section in an election jurisdiction on the basis of criteria
12 which ensure that the drop boxes are—

13 “(1) available to all voters on a non-discrimina-
14 tory basis;

15 “(2) accessible to voters with disabilities (in ac-
16 cordance with subsection (c));

17 “(3) accessible by public transportation to the
18 greatest extent possible;

19 “(4) available during all hours of the day; and

20 “(5) sufficiently available in all communities in
21 the election jurisdiction, including rural communities
22 and on Tribal lands within the election jurisdiction
23 (subject to subsection (f)).

24 “(f) RULES FOR DROP BOXES ON TRIBAL LANDS.—

25 In making a determination of the number and location of

1 drop boxes provided under this section on Tribal lands in
2 an election jurisdiction, the appropriate State and local
3 election officials shall—

4 “(1) consult with Tribal leaders prior to making
5 the determination; and

6 “(2) take into account criteria such as the
7 availability of direct-to-door residential mail delivery,
8 the distance and time necessary to travel to the drop
9 box locations (including in inclement weather),
10 modes of transportation available, conditions of
11 roads, and the availability (if any) of public trans-
12 portation.

13 “(g) TIMING OF SCANNING AND PROCESSING OF
14 BALLOTS.—For purposes of section 306(e) (relating to
15 the timing of the processing and scanning of ballots for
16 tabulation), a vote cast using a drop box provided under
17 this section shall be treated in the same manner as any
18 other vote cast during early voting.

19 “(h) POSTING OF INFORMATION.—On or adjacent to
20 each drop box provided under this section, the State shall
21 post information on the requirements that voted absentee
22 ballots must meet in order to be counted and tabulated
23 in the election.

24 “(i) ELECTION JURISDICTION.—For purposes of this
25 section, the term ‘election jurisdiction’ has the same mean-

ing given to the term ‘registrar’s jurisdiction’ under section 8(j) of the National Voter Registration Act of 1993 (52 U.S.C. 20507(j)).

“(j) EFFECTIVE DATE.—This section shall apply with respect to the regularly scheduled general election for Federal office held in November 2022 and each succeeding election for Federal office.”.

(b) CLERICAL AMENDMENTS.—The table of contents of such Act, as amended by section 1031(c), section 1101(d), section 1102(c), section 1103(a)(3), section 1104(c), section 1611(c), section 1621(c), section 1622(c), section 1623(b), section 1624(a), and section 1905(b), is amended—

(1) by redesignating the items relating to sections 315 and 316 as relating to sections 316 and 317, respectively; and

(2) by inserting after the item relating to section 314 the following new item:

“Sec. 315. Use of secured drop boxes for voted absentee ballots.”.

SEC. 1907. PROHIBITING STATES FROM RESTRICTING CURBSIDE VOTING.

(a) REQUIREMENT.—Subtitle A of title III of the Help America Vote Act of 2002 (52 U.S.C. 21081 et seq.), as amended by section 1031(a), section 1101(a), section 1102(a), section 1103(a)(1), section 1104(a), section 1611(a), section 1621(a), section 1622(a), section

1 1623(b), section 1624(a), section 1905(a), and section
 2 1906(a), is amended—

3 (1) by redesignating sections 316 and 317 as
 4 sections 317 and 318, respectively; and

5 (2) by inserting after section 315 the following
 6 new section:

7 **“SEC. 316. PROHIBITING STATES FROM RESTRICTING**
 8 **CURBSIDE VOTING.**

9 “(a) PROHIBITION.—A State may not—

10 “(1) prohibit any jurisdiction administering an
 11 election for Federal office in the State from utilizing
 12 curbside voting as a method by which individuals
 13 may cast ballots in the election; or

14 “(2) impose any restrictions which would ex-
 15 clude any individual who is eligible to vote in such
 16 an election in a jurisdiction which utilizes curbside
 17 voting from casting a ballot in the election by the
 18 method of curbside voting.

19 “(b) EFFECTIVE DATE.—This section shall apply
 20 with respect to the regularly scheduled general election for
 21 Federal office held in November 2022 and each succeeding
 22 election for Federal office.”.

23 (b) CLERICAL AMENDMENTS.—The table of contents
 24 of such Act, as amended by section 1031(c), section
 25 1101(d), section 1102(c), section 1103(a)(3), section

1 1104(c), section 1611(c), section 1621(c), section 1622(c),
 2 section 1623(b), section 1624(a), section 1905(b), and
 3 section 1906(b), is amended—

4 (1) by redesignating the items relating to sec-
 5 tions 316 and 317 as relating to sections 317 and
 6 318, respectively; and

7 (2) by inserting after the item relating to sec-
 8 tion 315 the following new item:

“Sec. 316. Prohibiting States from restricting curbside voting.”.

9 **PART 2—DISASTER AND EMERGENCY**
 10 **CONTINGENCY PLANS**

11 **SEC. 1911. REQUIREMENTS FOR FEDERAL ELECTION CON-**
 12 **TINGENCY PLANS IN RESPONSE TO NATURAL**
 13 **DISASTERS AND EMERGENCIES.**

14 (a) IN GENERAL.—

15 (1) ESTABLISHMENT.—Not later than 90 days
 16 after the date of the enactment of this Act, each
 17 State and each jurisdiction in a State which is re-
 18 sponsible for administering elections for Federal of-
 19 fice shall establish and make publicly available a
 20 contingency plan to enable individuals to vote in
 21 elections for Federal office during a state of emer-
 22 gency, public health emergency, or national emer-
 23 gency which has been declared for reasons includ-
 24 ing—

25 (A) a natural disaster; or

1 (B) an infectious disease.

2 (2) UPDATING.—Each State and jurisdiction
3 shall update the contingency plan established under
4 this subsection not less frequently than every 5
5 years.

6 (b) REQUIREMENTS RELATING TO SAFETY.—The
7 contingency plan established under subsection (a) shall in-
8 clude initiatives to provide equipment and resources need-
9 ed to protect the health and safety of poll workers and
10 voters when voting in person.

11 (c) REQUIREMENTS RELATING TO RECRUITMENT OF
12 POLL WORKERS.—The contingency plan established
13 under subsection (a) shall include initiatives by the chief
14 State election official and local election officials to recruit
15 poll workers from resilient or unaffected populations,
16 which may include—

17 (1) employees of other State and local govern-
18 ment offices; and

19 (2) in the case in which an infectious disease
20 poses significant increased health risks to elderly in-
21 dividuals, students of secondary schools and institu-
22 tions of higher education in the State.

23 (d) ENFORCEMENT.—

24 (1) ATTORNEY GENERAL.—The Attorney Gen-
25 eral may bring a civil action against any State or ju-

1 jurisdiction in an appropriate United States district
2 court for such declaratory and injunctive relief (in-
3 cluding a temporary restraining order, a permanent
4 or temporary injunction, or other order) as may be
5 necessary to carry out the requirements of this sec-
6 tion.

7 (2) PRIVATE RIGHT OF ACTION.—

8 (A) IN GENERAL.—In the case of a viola-
9 tion of this section, any person who is aggrieved
10 by such violation may provide written notice of
11 the violation to the chief election official of the
12 State involved.

13 (B) RELIEF.—If the violation is not cor-
14 rected within 20 days after receipt of a notice
15 under subparagraph (A), or within 5 days after
16 receipt of the notice if the violation occurred
17 within 120 days before the date of an election
18 for Federal office, the aggrieved person may, in
19 a civil action, obtain declaratory or injunctive
20 relief with respect to the violation.

21 (C) SPECIAL RULE.—If the violation oc-
22 curred within 5 days before the date of an elec-
23 tion for Federal office, the aggrieved person
24 need not provide notice to the chief election of-
25 ficial of the State involved under subparagraph

1 (A) before bringing a civil action under sub-
 2 paragraph (B).

3 (e) DEFINITIONS.—

4 (1) ELECTION FOR FEDERAL OFFICE.—For
 5 purposes of this section, the term “election for Fed-
 6 eral office” means a general, special, primary, or
 7 runoff election for the office of President or Vice
 8 President, or of Senator or Representative in, or
 9 Delegate or Resident Commissioner to, the Con-
 10 gress.

11 (2) STATE.—For purposes of this section, the
 12 term “State” includes the District of Columbia, the
 13 Commonwealth of Puerto Rico, Guam, American
 14 Samoa, the United States Virgin Islands, and the
 15 Commonwealth of the Northern Mariana Islands.

16 (f) EFFECTIVE DATE.—This section shall apply with
 17 respect to the regularly scheduled general election for Fed-
 18 eral office held in November 2022 and each succeeding
 19 election for Federal office.

20 **PART 3—IMPROVEMENTS IN OPERATION OF**
 21 **ELECTION ASSISTANCE COMMISSION**

22 **SEC. 1921. REAUTHORIZATION OF ELECTION ASSISTANCE**
 23 **COMMISSION.**

24 Section 210 of the Help America Vote Act of 2002
 25 (52 U.S.C. 20930) is amended—

1 (1) by striking “for each of the fiscal years
2 2003 through 2005” and inserting “for fiscal year
3 2021 and each succeeding fiscal year”; and

4 (2) by striking “(but not to exceed \$10,000,000
5 for each such year)”.

6 **SEC. 1922. REQUIRING STATES TO PARTICIPATE IN POST-**
7 **GENERAL ELECTION SURVEYS.**

8 (a) REQUIREMENT.—Title III of the Help America
9 Vote Act of 2002 (52 U.S.C. 21081 et seq.), as amended
10 by section 1903(a), is further amended by inserting after
11 section 303A the following new section:

12 **“SEC. 303B. REQUIRING PARTICIPATION IN POST-GENERAL**
13 **ELECTION SURVEYS.**

14 “(a) REQUIREMENT.—Each State shall furnish to the
15 Commission such information as the Commission may re-
16 quest for purposes of conducting any post-election survey
17 of the States with respect to the administration of a regu-
18 larly scheduled general election for Federal office.

19 “(b) EFFECTIVE DATE.—This section shall apply
20 with respect to the regularly scheduled general election for
21 Federal office held in November 2022 and any succeeding
22 election.”.

23 (b) CLERICAL AMENDMENT.—The table of contents
24 of such Act, as amended by section 1903(c), is further

1 amended by inserting after the item relating to section
 2 303A the following new item:

“Sec. 303B. Requiring participation in post-general election surveys.”.

3 **SEC. 1923. REPORTS BY NATIONAL INSTITUTE OF STAND-**
 4 **ARDS AND TECHNOLOGY ON USE OF FUNDS**
 5 **TRANSFERRED FROM ELECTION ASSISTANCE**
 6 **COMMISSION.**

7 (a) **REQUIRING REPORTS ON USE OF FUNDS AS**
 8 **CONDITION OF RECEIPT.**—Section 231 of the Help Amer-
 9 ica Vote Act of 2002 (52 U.S.C. 20971) is amended by
 10 adding at the end the following new subsection:

11 “(e) **REPORT ON USE OF FUNDS TRANSFERRED**
 12 **FROM COMMISSION.**—To the extent that funds are trans-
 13 ferred from the Commission to the Director of the Na-
 14 tional Institute of Standards and Technology for purposes
 15 of carrying out this section during any fiscal year, the Di-
 16 rector may not use such funds unless the Director certifies
 17 at the time of transfer that the Director will submit a re-
 18 port to the Commission not later than 90 days after the
 19 end of the fiscal year detailing how the Director used such
 20 funds during the year.”.

21 (b) **EFFECTIVE DATE.**—The amendment made by
 22 subsection (a) shall apply with respect to fiscal year 2022
 23 and each succeeding fiscal year.

1 **SEC. 1924. RECOMMENDATIONS TO IMPROVE OPERATIONS**
2 **OF ELECTION ASSISTANCE COMMISSION.**

3 (a) ASSESSMENT OF INFORMATION TECHNOLOGY
4 AND CYBERSECURITY.—Not later than December 31,
5 2021, the Election Assistance Commission shall carry out
6 an assessment of the security and effectiveness of the
7 Commission's information technology systems, including
8 the cybersecurity of such systems.

9 (b) IMPROVEMENTS TO ADMINISTRATIVE COMPLAINT
10 PROCEDURES.—

11 (1) REVIEW OF PROCEDURES.—The Election
12 Assistance Commission shall carry out a review of
13 the effectiveness and efficiency of the State-based
14 administrative complaint procedures established and
15 maintained under section 402 of the Help America
16 Vote Act of 2002 (52 U.S.C. 21112) for the inves-
17 tigation and resolution of allegations of violations of
18 title III of such Act.

19 (2) RECOMMENDATIONS TO STREAMLINE PRO-
20 CEDURES.—Not later than December 31, 2021, the
21 Commission shall submit to Congress a report on
22 the review carried out under paragraph (1), and
23 shall include in the report such recommendations as
24 the Commission considers appropriate to streamline
25 and improve the procedures which are the subject of
26 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. NO EFFECT ON OTHER LAWS.**

16 (a) IN GENERAL.—Except as specifically provided,
 17 nothing in this title may be construed to authorize or re-
 18 quire conduct prohibited under any of the following laws,
 19 or to supersede, restrict, or limit the application of such
 20 laws:

21 (1) The Voting Rights Act of 1965 (52 U.S.C.
 22 10301 et seq.).

23 (2) The Voting Accessibility for the Elderly and
 24 Handicapped Act (52 U.S.C. 20101 et seq.).

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

3 (4) The National Voter Registration Act of
4 1993 (52 U.S.C. 20501 et seq.).

5 (5) The Americans with Disabilities Act of
6 1990 (42 U.S.C. 12101 et seq.).

7 (6) The Rehabilitation Act of 1973 (29 U.S.C.
8 701 et seq.).

9 (b) NO EFFECT ON PRECLEARANCE OR OTHER RE-
10 QUIREMENTS UNDER VOTING RIGHTS ACT.—The ap-
11 proval by any person of a payment or grant application
12 under this title, or any other action taken by any person
13 under this title, shall not be considered to have any effect
14 on requirements for preclearance under section 5 of the
15 Voting Rights Act of 1965 (52 U.S.C. 10304) or any other
16 requirements of such Act.

17 (c) NO EFFECT ON AUTHORITY OF STATES TO PRO-
18 VIDE GREATER OPPORTUNITIES FOR VOTING.—Nothing
19 in this title or the amendments made by this title may
20 be construed to prohibit any State from enacting any law
21 which provides greater opportunities for individuals to reg-
22 ister to vote and to vote in elections for Federal office than
23 are provided by this title and the amendments made by
24 this title.

1 **SEC. 1934. CLARIFICATION OF EXEMPTION FOR STATES**
2 **WITHOUT VOTER REGISTRATION.**

3 To the extent that any provision of this title or any
4 amendment made by this title imposes a requirement on
5 a State relating to registering individuals to vote in elec-
6 tions for Federal office, such provision shall not apply in
7 the case of any State in which, under law that is in effect
8 continuously on and after the date of the enactment of
9 this Act, there is no voter registration requirement for any
10 voter in the State with respect to an election for Federal
11 office.

12 **Subtitle O—Severability**

13 **SEC. 1941. SEVERABILITY.**

14 If any provision of this title or amendment made by
15 this title, or the application of a provision or amendment
16 to any person or circumstance, is held to be unconstitu-
17 tional, the remainder of this title and amendments made
18 by this title, and the application of the provisions and
19 amendment to any person or circumstance, shall not be
20 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 of a century to block discriminatory voting
19 practices before their implementation in States and
20 localities 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 Coali-
17 tion’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 resentatives 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 voting patterns shows that the plan is
8 statistically likely to result in a partisan
9 bias of more than one seat in States with
10 20 or fewer congressional districts or a
11 partisan bias of more than 2 seats in
12 States with more than 20 congressional
13 districts, as determined using quantitative
14 measures of partisan fairness, which may
15 include, but are not limited to, the seats-
16 to-votes curve for an enacted plan, the efficiency gap, the declination, partisan asymmetry, and the mean-median difference;
17 and
18

19 (ii) alternative plans, which may include, but are not limited to, those generated by redistricting algorithms, exist
20 that could have complied with the require-
21
22
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

members appointed by the nonpartisan agency under subparagraph (A) of paragraph (1), including at least one member from each of the categories referred to in such subparagraph.

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

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

(A) MEMBERS APPOINTED BY AGENCY.—

At the time the agency appoints the members of the independent redistricting commission

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

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

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

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-

egories of the approved selection pool described in section 2412(b)(1).

(3) REPORTS ON EXPENDITURES FOR POLITICAL ACTIVITY.—

(A) REPORT BY APPLICANTS.—Each individual who applies for a position as an employee of the independent redistricting commission and each vendor who applies for a contract with the commission shall, at the time of applying, file with the commission a report summarizing—

(i) any expenditure for political activity made by such individual or vendor during the 10 most recent calendar years; and

(ii) any income received by such individual or vendor during the 10 most recent calendar years which is attributable to an expenditure for political activity.

(B) ANNUAL REPORTS BY EMPLOYEES AND VENDORS.—Each person who is an employee or vendor of the independent redistricting commission shall, not later than one year after the person is appointed as an employee or enters into a contract as a vendor (as the case may be) and annually thereafter for each year during which the person serves as an

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 redis-
 23 tricting 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 redis-
 13 tricting 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 redis-
 4 tricting in the State.

5 **SEC. 2412. ESTABLISHMENT OF SELECTION POOL OF INDI-**
 6 **VIDUALS ELIGIBLE TO SERVE AS MEMBERS**
 7 **OF COMMISSION.**

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 fol-
 12 lowing criteria:

13 (A) As of the date of appointment, the in-
 14 dividual is registered to vote in elections for
 15 Federal office held in the State.

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

21 (C) The individual submits to the non-
 22 partisan agency established or designated by a
 23 State under section 2414, at such time and in
 24 such form as the agency may require, an appli-
 25 cation for inclusion in the selection pool under

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 Discl-
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.—

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

(i) approve the pool as submitted by the nonpartisan agency, in which case the pool shall be considered the approved selection pool for purposes of section 2411(a)(1); or

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

(B) INACTION DEEMED REJECTION.—If the Select Committee on Redistricting fails to approve or reject the pool within the deadline set forth in subparagraph (A), the Select Committee shall be deemed to have rejected the pool for purposes of such subparagraph.

(d) DEVELOPMENT OF SECOND REPLACEMENT SELECTION POOL.—

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

1 section (c), not later than 14 days after the rejection,
2 tion, the nonpartisan agency shall develop and submit
3 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 individuals
9 who were included in the rejected selection
10 pool submitted under subsection (b) or the rejected
11 replacement selection pool submitted under subsection
12 (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 majority
21 vote—

22 (i) approve the pool as submitted by
23 the nonpartisan agency, in which case the
24 pool shall be considered the approved selection

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 subparagraphs (B) and (C) 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 subparagraphs (B) and (C) of sec-
 22 tion 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 redis-
 4 tricting commission of the State in carrying out its
 5 duties under this subtitle.

6 (3) HEARING; PUBLIC PARTICIPATION.—In de-
 7 veloping a redistricting plan for a State, the court
 8 shall—

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, in-
 12 cluding expert testimony, in accordance with
 13 the rules of the court; and

14 (B) consider other submissions and com-
 15 ments by the public, including proposals for re-
 16 districting plans to cover the entire State or
 17 any portion of the State.

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 tracting 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 tracting 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 redis-
17 tricting 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-

gress”, approved June 18, 1929 (2 U.S.C. 2a), of the
 number of Representatives to which the State is entitled.

**SEC. 2434. NO EFFECT ON ELECTIONS FOR STATE AND
 LOCAL OFFICE.**

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

SEC. 2435. EFFECTIVE DATE.

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

**PART 5—REQUIREMENTS FOR REDISTRICTING
 CARRIED OUT PURSUANT TO 2020 CENSUS
 Subpart A—Application of Certain Requirements for
 Redistricting Carried Out Pursuant to 2020 Census**

**SEC. 2441. APPLICATION OF CERTAIN REQUIREMENTS FOR
 REDISTRICTING CARRIED OUT PURSUANT TO
 2020 CENSUS.**

Notwithstanding section 2435, parts 1, 3, and 4 of
 this subtitle and the amendments made by such parts shall
 apply with respect to congressional redistricting carried
 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 redis-
3 tricting carried out pursuant to the decennial census con-
4 ducted 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 redis-
10 tricting 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 eign 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 statewide
10 election for Federal office held in the State.

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

16 (4) DEADLINE.—The State shall meet the re-
17 quirements of this subsection not later than June
18 15, 2021.

19 (5) RULE OF CONSTRUCTION.—Nothing in this
20 subsection may be construed to prohibit the leader
21 of any political party in a legislature from appoint-
22 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 notice sent under section 8(d), un-
 22 less the notice has been returned as undeliver-
 23 able.

24 “(C) The failure of the registrant to take
 25 any other action with respect to voting in any

1 election or with respect to the registrant's sta-
 2 tus as a registrant.

3 “(b) NOTICE AFTER REMOVAL.—

4 “(1) NOTICE TO INDIVIDUAL REMOVED.—

5 “(A) IN GENERAL.—Not later than 48
 6 hours after a State removes the name of a reg-
 7 istrant from the official list of eligible voters for
 8 any reason (other than the death of the reg-
 9 istrant), the State shall send notice of the re-
 10 moval to the former registrant, and shall in-
 11 clude in the notice the grounds for the removal
 12 and information on how the former registrant
 13 may contest the removal or be reinstated, in-
 14 cluding a telephone number for the appropriate
 15 election official.

16 “(B) EXCEPTIONS.—Subparagraph (A)
 17 does not apply in the case of a registrant—

18 “(i) who sends written confirmation to
 19 the State that the registrant is no longer
 20 eligible to vote in the registrar's jurisdic-
 21 tion in which the registrant was registered;
 22 or

23 “(ii) who is removed from the official
 24 list of eligible voters by reason of the death
 25 of the registrant.

1 “(2) PUBLIC NOTICE.—Not later than 48 hours
2 after conducting any general program to remove the
3 names of ineligible voters from the official list of eli-
4 gible voters (as described in section 8(a)(4)), the
5 State shall disseminate a public notice through such
6 methods as may be reasonable to reach the general
7 public (including by publishing the notice in a news-
8 paper of wide circulation or posting the notice on the
9 websites of the appropriate election officials) that
10 list maintenance is taking place and that registrants
11 should check their registration status to ensure no
12 errors or mistakes have been made. The State shall
13 ensure that the public notice disseminated under this
14 paragraph is in a format that is reasonably conven-
15 ient and accessible to voters with disabilities, includ-
16 ing voters who have low vision or are blind.”.

17 (b) CONDITIONS FOR TRANSMISSION OF NOTICES OF
18 REMOVAL.—Section 8(d) of such Act (52 U.S.C.
19 20507(d)) is amended by adding at the end the following
20 new paragraph:

21 “(4) A State may not transmit a notice to a
22 registrant under this subsection unless the State ob-
23 tains objective and reliable evidence (in accordance
24 with the standards for such evidence which are de-
25 scribed in section 8A(a)(2)) that the registrant has

1 changed residence to a place outside the registrar's
2 jurisdiction in which the registrant is registered.”.

3 (c) CONFORMING AMENDMENTS.—

4 (1) NATIONAL VOTER REGISTRATION ACT OF
5 1993.—Section 8(a) of such Act (52 U.S.C.
6 20507(a)) is amended—

7 (A) in paragraph (3), by striking “pro-
8 vide” and inserting “subject to section 8A, pro-
9 vide”; and

10 (B) in paragraph (4), by striking “con-
11 duct” and inserting “subject to section 8A, con-
12 duct”.

13 (2) HELP AMERICA VOTE ACT OF 2002.—Section
14 303(a)(4)(A) of the Help America Vote Act of 2002
15 (52 U.S.C. 21083(a)(4)(A)) is amended by striking
16 “, registrants” and inserting “, and subject to sec-
17 tion 8A of such Act, registrants”.

18 (d) EFFECTIVE DATE.—The amendments made by
19 this section shall take effect on the date of the enactment
20 of this Act.

1 **Subtitle G—No Effect on Authority**
 2 **of States To Provide Greater**
 3 **Opportunities for Voting**

4 **SEC. 2601. NO EFFECT ON AUTHORITY OF STATES TO PRO-**
 5 **VIDE GREATER OPPORTUNITIES FOR VOT-**
 6 **ING.**

7 Nothing in this title or the amendments made by this
 8 title may be construed to prohibit any State from enacting
 9 any law which provides greater opportunities for individ-
 10 uals to register to vote and to vote in elections for Federal
 11 office than are provided by this title and the amendments
 12 made by this title.

13 **Subtitle H—Residence of**
 14 **Incarcerated Individuals**

15 **SEC. 2701. RESIDENCE OF INCARCERATED INDIVIDUALS.**

16 Section 141 of title 13, United States Code, is
 17 amended—

18 (1) by redesignating subsection (g) as sub-
 19 section (h); and

20 (2) by inserting after subsection (f) the fol-
 21 lowing:

22 “(g)(1) Effective beginning with the 2020 decennial
 23 census of population, in taking any tabulation of total pop-
 24 ulation by States under subsection (a) for purposes of the
 25 apportionment of Representatives in Congress among the

1 several States, the Secretary shall, with respect to an indi-
 2 vidual incarcerated in a State, Federal, county, or munic-
 3 ipal correctional center as of the date on which such cen-
 4 sus is taken, attribute such individual to such individual's
 5 last place of residence before incarceration.

6 “(2) In carrying out this subsection, the Secretary
 7 shall consult with each State department of corrections to
 8 collect the information necessary to make the determina-
 9 tion required under paragraph (1).”.

10 **Subtitle I—Findings Relating to** 11 **Youth Voting**

12 **SEC. 2801. FINDINGS RELATING TO YOUTH VOTING.**

13 Congress finds the following:

14 (1) The right to vote is a fundamental right of
 15 citizens of the United States.

16 (2) The twenty-sixth amendment of the United
 17 States Constitution guarantees that “The right of
 18 citizens of the United States, who are eighteen years
 19 of age or older, to vote shall not be denied or
 20 abridged by the United States or by any State on
 21 account of age.”.

22 (3) The twenty-sixth amendment of the United
 23 States Constitution grants Congress the power to
 24 enforce the amendment by appropriate legislation.

1 (4) The language of the twenty-sixth amend-
2 ment closely mirrors that of the fifteenth amend-
3 ment and the nineteenth amendment. Like those
4 amendments, the twenty-sixth amendment not only
5 prohibits denial of the right to vote but also pro-
6 hibits any actions that abridge the right to vote.

7 (5) Youth voter suppression undercuts partici-
8 pation in our democracy by introducing arduous ob-
9 stacles to new voters and discouraging a culture of
10 democratic engagement.

11 (6) Voting is habit forming, and allowing youth
12 voters unobstructed access to voting ensures that
13 more Americans will start a lifelong habit of voting
14 as soon as possible.

15 (7) Youth voter suppression is a clear, per-
16 sistent, and growing problem. The actions of States
17 and political subdivisions resulting in at least four
18 findings of twenty-sixth amendment violations as
19 well as pending litigation demonstrate the need for
20 Congress to take action to enforce the twenty-sixth
21 amendment.

22 (8) In *League of Women Voters of Florida, Inc.*
23 *v. Detzner* (2018), the United States District Court
24 in the Northern District of Florida found that the
25 Secretary of State's actions that prevented in-person

1 early voting sites from being located on university
2 property revealed a stark pattern of discrimination
3 that was unexplainable on grounds other than age
4 and thus violated university students' twenty-sixth
5 Amendment rights.

6 (9) In 2019, Michigan agreed to a settlement to
7 enhance college-age voters' access after a twenty-
8 sixth amendment challenge was filed in federal
9 court. The challenge prompted the removal of a
10 Michigan voting law which required first-time voters
11 who registered by mail or through a third-party
12 voter registration drive to vote in person for the first
13 time, as well as the removal of another law which re-
14 quired the address listed on a voter's driver license
15 to match the address listed on their voter registra-
16 tion card.

17 (10) Youth voter suppression tactics are often
18 linked to other tactics aimed at minority voters. For
19 example, students at Prairie View A&M University
20 (PVAMU), a historically black university in Texas,
21 have been the targets of voter suppression tactics for
22 decades. Before the 2018 election, PVAMU students
23 sued Waller County on the basis of both racial and
24 age discrimination over the county's failure to en-
25 sure equal early voting opportunities for students,

1 spurring the county to reverse course and expand
2 early voting access for students.

3 (11) The more than 25 million United States
4 citizens ages 18–24 deserve equal opportunity to
5 participate in the electoral process as guaranteed by
6 the twenty-sixth amendment.

7 **Subtitle J—Severability**

8 **SEC. 2901. SEVERABILITY.**

9 If any provision of this title or amendment made by
10 this title, or the application of a provision or amendment
11 to any person or circumstance, is held to be unconstitu-
12 tional, the remainder of this title and amendments made
13 by this title, and the application of the provisions and
14 amendment to any person or circumstance, shall not be
15 affected by the holding.

16 **TITLE III—ELECTION SECURITY**

17 **SEC. 3000. SHORT TITLE; SENSE OF CONGRESS.**

18 (a) SHORT TITLE.—This title may be cited as the
19 “Election Security Act”.

20 (b) SENSE OF CONGRESS ON NEED TO IMPROVE
21 ELECTION INFRASTRUCTURE SECURITY.—It is the sense
22 of Congress that, in light of the lessons learned from Rus-
23 sian interference in the 2016 Presidential election, the
24 Federal Government should intensify its efforts to improve
25 the security of election infrastructure in the United States,

1 including through the use of individual, durable, paper
 2 ballots marked by the voter by hand.

3 **Subtitle A—Financial Support for**
 4 **Election Infrastructure**

5 **PART 1—VOTING SYSTEM SECURITY**

6 **IMPROVEMENT GRANTS**

7 **SEC. 3001. GRANTS FOR OBTAINING COMPLIANT PAPER**
 8 **BALLOT VOTING SYSTEMS AND CARRYING**
 9 **OUT VOTING SYSTEM SECURITY IMPROVE-**
 10 **MENTS.**

11 (a) AVAILABILITY OF GRANTS.—

12 (1) IN GENERAL.—Subtitle D of title II of the
 13 Help America Vote Act of 2002 (52 U.S.C. 21001
 14 et seq.), as amended by section 1622(b), is amended
 15 by adding at the end the following new part:

16 **“PART 8—GRANTS FOR OBTAINING COMPLIANT**
 17 **PAPER BALLOT VOTING SYSTEMS AND CAR-**
 18 **RYING OUT VOTING SYSTEM SECURITY IM-**
 19 **PROVEMENTS**

20 **“SEC. 298. GRANTS FOR OBTAINING COMPLIANT PAPER**
 21 **BALLOT VOTING SYSTEMS AND CARRYING**
 22 **OUT VOTING SYSTEM SECURITY IMPROVE-**
 23 **MENTS.**

24 “(a) AVAILABILITY AND USE OF GRANT.—The Com-
 25 mission shall make a grant to each eligible State—

1 “(1) to replace a voting system—

2 “(A) which does not meet the requirements
3 which are first imposed on the State pursuant
4 to the amendments made by the Voter Con-
5 fidence and Increased Accessibility Act of 2021
6 with a voting system which does meet such re-
7 quirements, for use in the regularly scheduled
8 general elections for Federal office held in No-
9 vember 2022, or

10 “(B) which does meet such requirements
11 but which is not in compliance with the most
12 recent voluntary voting system guidelines issued
13 by the Commission prior to the regularly sched-
14 uled general election for Federal office held in
15 November 2022 with another system which does
16 meet such requirements and is in compliance
17 with such guidelines;

18 “(2) to carry out voting system security im-
19 provements described in section 298A with respect
20 to the regularly scheduled general elections for Fed-
21 eral office held in November 2022 and each suc-
22 ceeding election for Federal office; and

23 “(3) to implement and model best practices for
24 ballot design, ballot instructions, and the testing of
25 ballots.

1 “(b) AMOUNT OF GRANT.—The amount of a grant
2 made to a State under this section shall be such amount
3 as the Commission determines to be appropriate, except
4 that such amount may not be less than the product of
5 \$1 and the average of the number of individuals who cast
6 votes in any of the two most recent regularly scheduled
7 general elections for Federal office held in the State.

8 “(c) PRO RATA REDUCTIONS.—If the amount of
9 funds appropriated for grants under this part is insuffi-
10 cient to ensure that each State receives the amount of the
11 grant calculated under subsection (b), the Commission
12 shall make such pro rata reductions in such amounts as
13 may be necessary to ensure that the entire amount appro-
14 priated under this part is distributed to the States.

15 “(d) SURPLUS APPROPRIATIONS.—If the amount of
16 funds appropriated for grants authorized under section
17 298D(a)(2) exceed the amount necessary to meet the re-
18 quirements of subsection (b), the Commission shall con-
19 sider the following in making a determination to award
20 remaining funds to a State:

21 “(1) The record of the State in carrying out the
22 following with respect to the administration of elec-
23 tions for Federal office:

24 “(A) Providing voting machines that are
25 less than 10 years old.

1 “(B) Implementing strong chain of custody
2 procedures for the physical security of voting
3 equipment and paper records at all stages of
4 the process.

5 “(C) Conducting pre-election testing on
6 every voting machine and ensuring that paper
7 ballots are available wherever electronic ma-
8 chines are used.

9 “(D) Maintaining offline backups of voter
10 registration lists.

11 “(E) Providing a secure voter registration
12 database that logs requests submitted to the
13 database.

14 “(F) Publishing and enforcing a policy de-
15 tailing use limitations and security safeguards
16 to protect the personal information of voters in
17 the voter registration process.

18 “(G) Providing secure processes and proce-
19 dures for reporting vote tallies.

20 “(H) Providing a secure platform for dis-
21 seminating vote totals.

22 “(2) Evidence of established conditions of inno-
23 vation and reform in providing voting system secu-
24 rity and the proposed plan of the State for imple-
25 menting additional conditions.

1 “(3) Evidence of collaboration between relevant
2 stakeholders, including local election officials, in de-
3 veloping the grant implementation plan described in
4 section 298B.

5 “(4) The plan of the State to conduct a rig-
6 orous evaluation of the effectiveness of the activities
7 carried out with the grant.

8 “(e) ABILITY OF REPLACEMENT SYSTEMS TO AD-
9 MINISTER RANKED CHOICE ELECTIONS.—To the greatest
10 extent practicable, an eligible State which receives a grant
11 to replace a voting system under this section shall ensure
12 that the replacement system is capable of administering
13 a system of ranked choice voting under which each voter
14 shall rank the candidates for the office in the order of
15 the voter’s preference.

16 **“SEC. 298A. VOTING SYSTEM SECURITY IMPROVEMENTS**
17 **DESCRIBED.**

18 “(a) PERMITTED USES.—A voting system security
19 improvement described in this section is any of the fol-
20 lowing:

21 “(1) The acquisition of goods and services from
22 qualified election infrastructure vendors by purchase,
23 lease, or such other arrangements as may be appro-
24 priate.

25 “(2) Cyber and risk mitigation training.

1 “(3) A security risk and vulnerability assess-
2 ment of the State’s election infrastructure which is
3 carried out by a provider of cybersecurity services
4 under a contract entered into between the chief
5 State election official and the provider.

6 “(4) The maintenance of election infrastruc-
7 ture, including addressing risks and vulnerabilities
8 which are identified under either of the security risk
9 and vulnerability assessments described in para-
10 graph (3), except that none of the funds provided
11 under this part may be used to renovate or replace
12 a building or facility which is used primarily for pur-
13 poses other than the administration of elections for
14 public office.

15 “(5) Providing increased technical support for
16 any information technology infrastructure that the
17 chief State election official deems to be part of the
18 State’s election infrastructure or designates as crit-
19 ical to the operation of the State’s election infra-
20 structure.

21 “(6) Enhancing the cybersecurity and oper-
22 ations of the information technology infrastructure
23 described in paragraph (4).

24 “(7) Enhancing the cybersecurity of voter reg-
25 istration systems.

1 “(b) QUALIFIED ELECTION INFRASTRUCTURE VEN-
 2 DORS DESCRIBED.—For purposes of this part, a ‘qualified
 3 election infrastructure vendor’ is any person who provides,
 4 supports, or maintains, or who seeks to provide, support,
 5 or maintain, election infrastructure on behalf of a State,
 6 unit of local government, or election agency (as defined
 7 in section 3601 of the Election Security Act) who meets
 8 the criteria described in section 3001(b) of the Election
 9 Security Act.

10 **“SEC. 298B. ELIGIBILITY OF STATES.**

11 “A State is eligible to receive a grant under this part
 12 if the State submits to the Commission, at such time and
 13 in such form as the Commission may require, an applica-
 14 tion containing—

15 “(1) a description of how the State will use the
 16 grant to carry out the activities authorized under
 17 this part;

18 “(2) a certification and assurance that, not
 19 later than 5 years after receiving the grant, the
 20 State will carry out risk-limiting audits and will
 21 carry out voting system security improvements, as
 22 described in section 298A; and

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

1 **“SEC. 298C. REPORTS TO CONGRESS.**

2 “Not later than 90 days after the end of each fiscal
3 year, the Commission shall submit a report to the appro-
4 priate congressional committees, including the Committees
5 on Homeland Security, House Administration, and the Ju-
6 diciary of the House of Representatives and the Commit-
7 tees on Homeland Security and Governmental Affairs, the
8 Judiciary, and Rules and Administration of the Senate,
9 on the activities carried out with the funds provided under
10 this part.

11 **“SEC. 298D. AUTHORIZATION OF APPROPRIATIONS.**

12 “(a) AUTHORIZATION.—There are authorized to be
13 appropriated for grants under this part—

14 “(1) \$1,000,000,000 for fiscal year 2021; and

15 “(2) \$175,000,000 for each of the fiscal years
16 2022, 2024, 2026, and 2028.

17 “(b) CONTINUING AVAILABILITY OF AMOUNTS.—Any
18 amounts appropriated pursuant to the authorization of
19 this section shall remain available until expended.”.

20 (2) CLERICAL AMENDMENT.—The table of con-
21 tents of such Act, as amended by section 1622(c),
22 is amended by adding at the end of the items relat-
23 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.

1 (b) QUALIFIED ELECTION INFRASTRUCTURE VEN-
2 DORS.—

3 (1) IN GENERAL.—The Secretary, in consulta-
4 tion with the Chairman, shall establish and publish
5 criteria for qualified election infrastructure vendors
6 for purposes of section 298A of the Help America
7 Vote Act of 2002 (as added by this Act).

8 (2) CRITERIA.—The criteria established under
9 paragraph (1) shall include each of the following re-
10 quirements:

11 (A) The vendor shall—

12 (i) be owned and controlled by a cit-
13 izen or permanent resident of the United
14 States or a member of the Five Eyes intel-
15 ligence-sharing alliance; and

16 (ii) in the case of any election infra-
17 structure which is a voting machine, en-
18 sure that such voting machine is assembled
19 in the United States.

20 (B) The vendor shall disclose to the Sec-
21 retary and the Chairman, and to the chief State
22 election official of any State to which the ven-
23 dor provides any goods and services with funds

1 provided under part 8 of subtitle A of title II
2 of the Help America Vote Act of 2002 (as
3 added by this Act), of any sourcing outside the
4 United States for parts of the election infra-
5 structure.

6 (C) The vendor shall disclose to the Sec-
7 retary and the Chairman, and to the chief State
8 election official of any State to which the ven-
9 dor provides any goods and services with funds
10 provided under such part 8, the identification of
11 any entity or individual with a more than 5 per-
12 cent ownership interest in the vendor.

13 (D) The vendor agrees to ensure that the
14 election infrastructure will be developed and
15 maintained in a manner that is consistent with
16 the cybersecurity best practices issued by the
17 Cybersecurity and Infrastructure Security
18 Agency of the Department of Homeland Secu-
19 rity.

20 (E) The vendor agrees to maintain its in-
21 formation technology infrastructure in a man-
22 ner that is consistent with the cybersecurity
23 best practices issued by the Cybersecurity and
24 Infrastructure Security Agency of the Depart-
25 ment of Homeland Security.

1 (F) The vendor agrees to ensure that the
2 election infrastructure will be developed and
3 maintained in a manner that is consistent with
4 the supply chain best practices issued by the
5 Cybersecurity and Infrastructure Security
6 Agency of the Department of Homeland Security.
7

8 (G) The vendor agrees to ensure that it
9 has personnel policies and practices in place
10 that are consistent with personnel best practices,
11 including cybersecurity training and background
12 checks, issued by the Cybersecurity and
13 Infrastructure Security Agency of the Department
14 of Homeland Security.

15 (H) The vendor agrees to ensure that the
16 election infrastructure will be developed and
17 maintained in a manner that is consistent with
18 data integrity best practices, including requirements
19 for encrypted transfers and validation,
20 testing and checking printed materials for accuracy,
21 and disclosure of quality control incidents,
22 issued by the Cybersecurity and Infrastructure
23 Security Agency of the Department of Homeland
24 Security.

1 (I) The vendor agrees to meet the require-
2 ments of paragraph (3) with respect to any
3 known or suspected cybersecurity incidents in-
4 volving any of the goods and services provided
5 by the vendor pursuant to a grant under part
6 8 of subtitle A of title II of the Help America
7 Vote Act of 2002 (as added by this Act).

8 (J) The vendor agrees to permit inde-
9 pendent security testing by the Commission (in
10 accordance with section 231(a) of the Help
11 America Vote Act of 2002 (52 U.S.C. 20971))
12 and by the Secretary of the goods and services
13 provided by the vendor pursuant to a grant
14 under part 8 of subtitle A of title II of the Help
15 America Vote Act of 2002 (as added by this
16 Act).

17 (3) CYBERSECURITY INCIDENT REPORTING RE-
18 QUIREMENTS.—

19 (A) IN GENERAL.—A vendor meets the re-
20 quirements of this paragraph if, upon becoming
21 aware of the possibility that an election cyberse-
22 curity incident has occurred involving any of
23 the goods and services provided by the vendor
24 pursuant to a grant under part 8 of subtitle A

1 of title II of the Help America Vote Act of
2 2002 (as added by this Act)—

3 (i) the vendor promptly assesses
4 whether or not such an incident occurred,
5 and submits a notification meeting the re-
6 quirements of subparagraph (B) to the
7 Secretary and the Chairman of the assess-
8 ment as soon as practicable (but in no case
9 later than 3 days after the vendor first be-
10 comes aware of the possibility that the in-
11 cident occurred);

12 (ii) if the incident involves goods or
13 services provided to an election agency, the
14 vendor submits a notification meeting the
15 requirements of subparagraph (B) to the
16 agency as soon as practicable (but in no
17 case later than 3 days after the vendor
18 first becomes aware of the possibility that
19 the incident occurred), and cooperates with
20 the agency in providing any other nec-
21 essary notifications relating to the inci-
22 dent; and

23 (iii) the vendor provides all necessary
24 updates to any notification submitted
25 under clause (i) or clause (ii).

1 (B) CONTENTS OF NOTIFICATIONS.—Each
2 notification submitted under clause (i) or clause
3 (ii) of subparagraph (A) shall contain the fol-
4 lowing information with respect to any election
5 cybersecurity incident covered by the notifica-
6 tion:

7 (i) The date, time, and time zone
8 when the election cybersecurity incident
9 began, if known.

10 (ii) The date, time, and time zone
11 when the election cybersecurity incident
12 was detected.

13 (iii) The date, time, and duration of
14 the election cybersecurity incident.

15 (iv) The circumstances of the election
16 cybersecurity incident, including the spe-
17 cific election infrastructure systems be-
18 lieved to have been accessed and informa-
19 tion acquired, if any.

20 (v) Any planned and implemented
21 technical measures to respond to and re-
22 cover from the incident.

23 (vi) In the case of any notification
24 which is an update to a prior notification,
25 any additional material information relat-

1 ing to the incident, including technical
2 data, as it becomes available.

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:

“(4) will be secure against attempts to undermine the integrity of election systems by cyber or other means; and”.

(e) REQUIREMENTS PAYMENTS.—

(1) USE OF PAYMENTS FOR VOTING SYSTEM SECURITY IMPROVEMENTS.—Section 251(b) of such Act (52 U.S.C. 21001(b)), as amended by section 1061(a)(2), is further amended by adding at the end the following new paragraph:

“(5) PERMITTING USE OF PAYMENTS FOR VOTING SYSTEM SECURITY IMPROVEMENTS.—A State may use a requirements payment to carry out any of the following activities:

“(A) Cyber and risk mitigation training.

“(B) Providing increased technical support for any information technology infrastructure that the chief State election official deems to be part of the State’s election infrastructure or designates as critical to the operation of the State’s election infrastructure.

“(C) Enhancing the cybersecurity and operations of the information technology infrastructure described in subparagraph (B).

“(D) Enhancing the security of voter registration 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—GRANTS FOR RISK-LIMITING AUDITS OF**
 2 **RESULTS OF ELECTIONS**

3 **SEC. 3011. GRANTS TO STATES FOR CONDUCTING RISK-LIM-**
 4 **ITING AUDITS OF RESULTS OF ELECTIONS.**

5 (a) AVAILABILITY OF GRANTS.—Subtitle D of title
 6 II of the Help America Vote Act of 2002 (52 U.S.C.
 7 21001 et seq.), as amended by sections 1622(b) and
 8 3001(a), is amended by adding at the end the following
 9 new part:

10 **“PART 9—GRANTS FOR CONDUCTING RISK-**
 11 **LIMITING AUDITS OF RESULTS OF ELECTIONS**
 12 **“SEC. 299. GRANTS FOR CONDUCTING RISK-LIMITING AU-**
 13 **DITS OF RESULTS OF ELECTIONS.**

14 “(a) AVAILABILITY OF GRANTS.—The Commission
 15 shall make a grant to each eligible State to conduct risk-
 16 limiting audits as described in subsection (b) with respect
 17 to the regularly scheduled general elections for Federal of-
 18 fice held in November 2022 and each succeeding election
 19 for Federal office.

20 “(b) RISK-LIMITING AUDITS DESCRIBED.—In this
 21 part, a ‘risk-limiting audit’ is a post-election process—

22 “(1) which is conducted in accordance with
 23 rules and procedures established by the chief State
 24 election official of the State which meet the require-
 25 ments of subsection (c); and

1 “(2) under which, if the reported outcome of
2 the election is incorrect, there is at least a predeter-
3 mined percentage chance that the audit will replace
4 the incorrect outcome with the correct outcome as
5 determined by a full, hand-to-eye tabulation of all
6 votes validly cast in that election that ascertains
7 voter intent manually and directly from voter-
8 verifiable paper records.

9 “(c) REQUIREMENTS FOR RULES AND PROCE-
10 DURES.—The rules and procedures established for con-
11 ducting a risk-limiting audit shall include the following
12 elements:

13 “(1) Rules for ensuring the security of ballots
14 and documenting that prescribed procedures were
15 followed.

16 “(2) Rules and procedures for ensuring the ac-
17 curacy of ballot manifests produced by election agen-
18 cies.

19 “(3) Rules and procedures for governing the
20 format of ballot manifests, cast vote records, and
21 other data involved in the audit.

22 “(4) Methods to ensure that any cast vote
23 records used in the audit are those used by the vot-
24 ing system to tally the election results sent to the
25 chief State election official and made public.

1 “(5) Procedures for the random selection of
2 ballots to be inspected manually during each audit.

3 “(6) Rules for the calculations and other meth-
4 ods to be used in the audit and to determine wheth-
5 er and when the audit of an election is complete.

6 “(7) Procedures and requirements for testing
7 any software used to conduct risk-limiting audits.

8 “(d) DEFINITIONS.—In this part, the following defi-
9 nitions apply:

10 “(1) The term ‘ballot manifest’ means a record
11 maintained by each election agency that meets each
12 of the following requirements:

13 “(A) The record is created without reliance
14 on any part of the voting system used to tab-
15 ulate votes.

16 “(B) The record functions as a sampling
17 frame for conducting a risk-limiting audit.

18 “(C) The record contains the following in-
19 formation with respect to the ballots cast and
20 counted in the election:

21 “(i) The total number of ballots cast
22 and counted by the agency (including
23 undervotes, overvotes, and other invalid
24 votes).

1 “(ii) The total number of ballots cast
2 in each election administered by the agency
3 (including undervotes, overvotes, and other
4 invalid votes).

5 “(iii) A precise description of the
6 manner in which the ballots are physically
7 stored, including the total number of phys-
8 ical groups of ballots, the numbering sys-
9 tem for each group, a unique label for each
10 group, and the number of ballots in each
11 such group.

12 “(2) The term ‘incorrect outcome’ means an
13 outcome that differs from the outcome that would be
14 determined by a full tabulation of all votes validly
15 cast in the election, determining voter intent manu-
16 ally, directly from voter-verifiable paper records.

17 “(3) The term ‘outcome’ means the winner of
18 an election, whether a candidate or a position.

19 “(4) The term ‘reported outcome’ means the
20 outcome of an election which is determined accord-
21 ing to the canvass and which will become the official,
22 certified outcome unless it is revised by an audit, re-
23 count, or other legal process.

1 **“SEC. 299A. 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 certification that, not later than 5 years
7 after receiving the grant, the State will conduct risk-
8 limiting audits of the results of elections for Federal
9 office held in the State as described in section 299;

10 “(2) a certification that, not later than one year
11 after the date of the enactment of this section, the
12 chief State election official of the State has estab-
13 lished or will establish the rules and procedures for
14 conducting the audits which meet the requirements
15 of section 299(c);

16 “(3) a certification that the audit shall be com-
17 pleted not later than the date on which the State
18 certifies the results of the election;

19 “(4) a certification that, after completing the
20 audit, the State shall publish a report on the results
21 of the audit, together with such information as nec-
22 essary to confirm that the audit was conducted prop-
23 erly;

24 “(5) a certification that, if a risk-limiting audit
25 conducted under this part leads to a full manual
26 tally of an election, State law requires that the State

1 or election agency shall use the results of the full
 2 manual tally as the official results of the election;
 3 and

4 “(6) such other information and assurances as
 5 the Commission may require.

6 **“SEC. 299B. AUTHORIZATION OF APPROPRIATIONS.**

7 “There are authorized to be appropriated for grants
 8 under this part \$20,000,000 for fiscal year 2021, to re-
 9 main available until expended.”.

10 (b) CLERICAL AMENDMENT.—The table of contents
 11 of such Act, as amended by sections 1622(c) and 3001(b),
 12 is further amended by adding at the end of the items relat-
 13 ing to subtitle D of title II the following:

“PART 9—GRANTS FOR CONDUCTING RISK-LIMITING AUDITS OF RESULTS
 OF ELECTIONS

“Sec. 299. Grants for conducting risk-limiting audits of results of elec-
 tions.

“Sec. 299A. Eligibility of States.

“Sec. 299B. Authorization of appropriations.

14 **SEC. 3012. GAO ANALYSIS OF EFFECTS OF AUDITS.**

15 (a) ANALYSIS.—Not later than 6 months after the
 16 first election for Federal office is held after grants are
 17 first awarded to States for conducting risk-limiting audits
 18 under part 9 of subtitle D of title II of the Help America
 19 Vote Act of 2002 (as added by section 3011) for con-
 20 ducting risk-limiting audits of elections for Federal office,
 21 the Comptroller General of the United States shall con-
 22 duct an analysis of the extent to which such audits have

1 improved the administration of such elections and the se-
 2 curity of election infrastructure in the States receiving
 3 such grants.

4 (b) REPORT.—The Comptroller General of the
 5 United States shall submit a report on the analysis con-
 6 ducted under subsection (a) to the appropriate congres-
 7 sional committees.

8 **PART 3—ELECTION INFRASTRUCTURE**

9 **INNOVATION GRANT PROGRAM**

10 **SEC. 3021. ELECTION INFRASTRUCTURE INNOVATION** 11 **GRANT PROGRAM.**

12 (a) IN GENERAL.—Title III of the Homeland Secu-
 13 rity Act of 2002 (6 U.S.C. 181 et seq.) is amended by
 14 adding at the end the following new section:

15 **“SEC. 321. ELECTION INFRASTRUCTURE INNOVATION** 16 **GRANT PROGRAM.**

17 “(a) ESTABLISHMENT.—The Secretary, acting
 18 through the Under Secretary for Science and Technology,
 19 in coordination with the Chairman of the Election Assist-
 20 ance Commission (established pursuant to the Help Amer-
 21 ica Vote Act of 2002), shall establish a competitive grant
 22 program to award grants to eligible entities, on a competi-
 23 tive basis, for purposes of research and development that
 24 are determined to have the potential to significantly im-
 25 prove the security (including cybersecurity), quality, reli-

1 ability, accuracy, accessibility, and affordability of election
 2 infrastructure, and increase voter participation.

3 “(b) REPORT TO CONGRESS.—Not later than 90 days
 4 after the conclusion of each fiscal year for which grants
 5 are awarded under this section, the Secretary shall submit
 6 to the Committee on Homeland Security and the Com-
 7 mittee on House Administration of the House of Rep-
 8 resentatives and the Committee on Homeland Security
 9 and Governmental Affairs and the Committee on Rules
 10 and Administration of the Senate a report describing such
 11 grants and analyzing the impact, if any, of such grants
 12 on the security and operation of election infrastructure,
 13 and on voter participation.

14 “(c) AUTHORIZATION OF APPROPRIATIONS.—There
 15 are authorized to be appropriated to the Secretary
 16 \$20,000,000 for each of fiscal years 2021 through 2029
 17 for purposes of carrying out this section.

18 “(d) ELIGIBLE ENTITY DEFINED.—In this section,
 19 the term ‘eligible entity’ means—

20 “(1) an institution of higher education (as such
 21 term is defined in section 101(a) of the Higher Edu-
 22 cation Act of 1965 (20 U.S.C. 1001(a)), including
 23 an institution of higher education that is a histori-
 24 cally Black college or university (which has the
 25 meaning given the term ‘part B institution’ in sec-

tion 322 of such Act (20 U.S.C. 1061)) or other minority-serving institution listed in section 371(a) of such Act (20 U.S.C. 1067q(a));

“(2) an organization described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code; or

“(3) an organization, association, or a for-profit company, including a small business concern (as such term is described in section 3 of the Small Business Act (15 U.S.C. 632)), including a small business concern owned and controlled by socially and economically disadvantaged individuals (as such term is defined in section 8(d)(3)(C) of the Small Business Act (15 U.S.C. 637(d)(3)(C))).”.

(b) DEFINITION.—Section 2 of the Homeland Security Act of 2002 (6 U.S.C. 101) is amended—

(1) by redesignating paragraphs (6) through (20) as paragraphs (7) through (21), respectively; and

(2) by inserting after paragraph (5) the following new paragraph:

“(6) ELECTION INFRASTRUCTURE.—The term ‘election infrastructure’ means storage facilities, polling places, and centralized vote tabulation loca-

1 tions used to support the administration of elections
 2 for public office, as well as related information and
 3 communications technology, including voter registra-
 4 tion databases, voting machines, electronic mail and
 5 other communications systems (including electronic
 6 mail and other systems of vendors who have entered
 7 into contracts with election agencies to support the
 8 administration of elections, manage the election
 9 process, and report and display election results), and
 10 other systems used to manage the election process
 11 and to report and display election results on behalf
 12 of an election agency.”.

13 (c) CLERICAL AMENDMENT.—The table of contents
 14 in section 1(b) of the Homeland Security Act of 2002 is
 15 amended by inserting after the item relating to section
 16 320 the following:

“Sec. 321. Election infrastructure innovation grant program.”.

17 **Subtitle B—Security Measures**

18 **SEC. 3101. ELECTION INFRASTRUCTURE DESIGNATION.**

19 Subparagraph (J) of section 2001(3) of the Home-
 20 land Security Act of 2002 (6 U.S.C. 601(3)) is amended
 21 by inserting “, including election infrastructure” before
 22 the period at the end.

1 **SEC. 3102. TIMELY THREAT INFORMATION.**

2 Subsection (d) of section 201 of the Homeland Secu-
3 rity Act of 2002 (6 U.S.C. 121) is amended by adding
4 at the end the following:

5 “(24) To provide timely threat information re-
6 garding election infrastructure to the chief State
7 election official (as defined in section 3601 of the
8 For the People Act of 2021) of the State with re-
9 spect to which such information pertains.”.

10 **SEC. 3103. SECURITY CLEARANCE ASSISTANCE FOR ELEC-**
11 **TION OFFICIALS.**

12 In order to promote the timely sharing of information
13 on threats to election infrastructure, the Secretary may—

14 (1) help expedite a security clearance for the
15 chief State election official and other appropriate
16 State personnel involved in the administration of
17 elections, as designated by the chief State election
18 official;

19 (2) sponsor a security clearance for the chief
20 State election official and other appropriate State
21 personnel involved in the administration of elections,
22 as designated by the chief State election official; and

23 (3) facilitate the issuance of a temporary clear-
24 ance to the chief State election official and other ap-
25 propriate State personnel involved in the administra-
26 tion of elections, as designated by the chief State

1 election official, if the Secretary determines classi-
2 fied information to be timely and relevant to the
3 election infrastructure of the State at issue.

4 **SEC. 3104. SECURITY RISK AND VULNERABILITY ASSESS-**
5 **MENTS.**

6 (a) IN GENERAL.—Paragraph (6) of section 2209(c)
7 of the Homeland Security Act of 2002 (6 U.S.C. 659(c))
8 is amended by inserting “(including by carrying out a se-
9 curity risk and vulnerability assessment)” after “risk
10 management support”.

11 (b) PRIORITIZATION TO ENHANCE ELECTION SECU-
12 RITY.—

13 (1) IN GENERAL.—Not later than 90 days after
14 receiving a written request from a chief State elec-
15 tion official, the Secretary shall, to the extent prac-
16 ticable, commence a security risk and vulnerability
17 assessment (pursuant to paragraph (6) of section
18 2209(c) of the Homeland Security Act of 2002, as
19 amended by subsection (a)) on election infrastruc-
20 ture in the State at issue.

21 (2) NOTIFICATION.—If the Secretary, upon re-
22 ceipt of a request described in paragraph (1), deter-
23 mines that a security risk and vulnerability assess-
24 ment referred to in such paragraph cannot be com-
25 menced within 90 days, the Secretary shall expedi-

1 tiously notify the chief State election official who
2 submitted such request.

3 **SEC. 3105. ANNUAL REPORTS.**

4 (a) REPORTS ON ASSISTANCE AND ASSESSMENTS.—

5 Not later than 1 year after the date of enactment of this
6 Act and annually thereafter through 2028, the Secretary
7 shall submit to the appropriate congressional commit-
8 tees—

9 (1) efforts to carry out section 3103 during the
10 prior year, including specific information regarding
11 which States were helped, how many officials have
12 been helped in each State, how many security clear-
13 ances have been sponsored in each State, and how
14 many temporary clearances have been issued in each
15 State; and

16 (2) efforts to carry out section 3104 during the
17 prior year, including specific information regarding
18 which States were helped, the dates on which the
19 Secretary received a request for a security risk and
20 vulnerability assessment referred to in such section,
21 the dates on which the Secretary commenced each
22 such request, and the dates on which the Secretary
23 transmitted a notification in accordance with sub-
24 section (b)(2) of such section.

1 (b) REPORTS ON FOREIGN THREATS.—Beginning
2 with fiscal year 2021, not later than 90 days after the
3 end of each fiscal year, the Secretary and the Director
4 of National Intelligence, in coordination with the heads of
5 appropriate offices of the Federal Government, shall sub-
6 mit to the appropriate congressional committees a joint
7 report on foreign threats, including physical and cyberse-
8 curity threats, to elections in the United States.

9 (c) INFORMATION FROM STATES.—For purposes of
10 preparing the reports required under this section, the Sec-
11 retary shall solicit and consider information and comments
12 from States and election agencies, except that the provi-
13 sion of such information and comments by a State or elec-
14 tion agency shall be voluntary and at the discretion of the
15 State or election agency.

16 **SEC. 3106. PRE-ELECTION THREAT ASSESSMENTS.**

17 (a) SUBMISSION OF ASSESSMENT BY DNI.—Not
18 later than 180 days before the date of each regularly
19 scheduled general election for Federal office, the Director
20 of National Intelligence shall submit an assessment of the
21 full scope of threats, including cybersecurity threats posed
22 by state actors and terrorist groups, to election infrastruc-
23 ture and recommendations to address or mitigate such
24 threats, as developed by the Secretary and Chairman, to—

1 (1) the chief State election official of each
2 State;

3 (2) the appropriate congressional committees;
4 and

5 (3) any other relevant congressional commit-
6 tees.

7 (b) UPDATES TO INITIAL ASSESSMENTS.—If, at any
8 time after submitting an assessment with respect to an
9 election under subsection (a), the Director of National In-
10 telligence determines that the assessment should be up-
11 dated to reflect new information regarding the threats in-
12 volved, the Director shall submit a revised assessment
13 under such subsection.

14 (c) DEFINITIONS.—In this section:

15 (1) CHAIRMAN.—The term “Chairman” means
16 the chair of the Election Assistance Commission.

17 (2) CHIEF STATE ELECTION OFFICIAL.—The
18 term “chief State election official” means, with re-
19 spect to a State, the individual designated by the
20 State under section 10 of the National Voter Reg-
21 istration Act of 1993 (52 U.S.C. 20509) to be re-
22 sponsible for coordination of the State’s responsibil-
23 ities under such Act.

24 (3) ELECTION INFRASTRUCTURE.—The term
25 “election infrastructure” means storage facilities,

1 polling places, and centralized vote tabulation loca-
2 tions used to support the administration of elections
3 for public office, as well as related information and
4 communications technology, including voter registra-
5 tion databases, voting machines, electronic mail and
6 other communications systems (including electronic
7 mail and other systems of vendors who have entered
8 into contracts with election agencies to support the
9 administration of elections, manage the election
10 process, and report and display election results), and
11 other systems used to manage the election process
12 and to report and display election results on behalf
13 of an election agency.

14 (4) SECRETARY.—The term “Secretary” means
15 the Secretary of Homeland Security.

16 (5) STATE.—The term “State” has the mean-
17 ing given such term in section 901 of the Help
18 America Vote Act of 2002 (52 U.S.C. 21141).

19 (d) EFFECTIVE DATE.—This subtitle shall apply with
20 respect to the regularly scheduled general election for Fed-
21 eral office held in November 2022 and each succeeding
22 regularly scheduled general election for Federal office.

1 **Subtitle C—Enhancing Protections**
2 **for United States Democratic In-**
3 **stitutions**

4 **SEC. 3201. NATIONAL STRATEGY TO PROTECT UNITED**
5 **STATES DEMOCRATIC INSTITUTIONS.**

6 (a) IN GENERAL.—Not later than 1 year after the
7 date of enactment of this Act, the President, acting
8 through the Secretary, in consultation with the Chairman,
9 the Secretary of Defense, the Secretary of State, the At-
10 torney General, the Secretary of Education, the Director
11 of National Intelligence, the Chairman of the Federal
12 Election Commission, and the heads of any other appro-
13 priate Federal agencies, shall issue a national strategy to
14 protect against cyber attacks, influence operations,
15 disinformation campaigns, and other activities that could
16 undermine the security and integrity of United States
17 democratic institutions.

18 (b) CONSIDERATIONS.—The national strategy re-
19 quired under subsection (a) shall include consideration of
20 the following:

21 (1) The threat of a foreign state actor, foreign
22 terrorist organization (as designated pursuant to
23 section 219 of the Immigration and Nationality Act
24 (8 U.S.C. 1189)), or a domestic actor carrying out
25 a cyber attack, influence operation, disinformation

1 campaign, or other activity aimed at undermining
2 the security and integrity of United States demo-
3 cratic institutions.

4 (2) The extent to which United States demo-
5 cratic institutions are vulnerable to a cyber attack,
6 influence operation, disinformation campaign, or
7 other activity aimed at undermining the security and
8 integrity of such democratic institutions.

9 (3) Potential consequences, such as an erosion
10 of public trust or an undermining of the rule of law,
11 that could result from a successful cyber attack, in-
12 fluence operation, disinformation campaign, or other
13 activity aimed at undermining the security and in-
14 tegrity of United States democratic institutions.

15 (4) Lessons learned from other governments the
16 institutions of which were subject to a cyber attack,
17 influence operation, disinformation campaign, or
18 other activity aimed at undermining the security and
19 integrity of such institutions, as well as actions that
20 could be taken by the United States Government to
21 bolster collaboration with foreign partners to detect,
22 deter, prevent, and counter such activities.

23 (5) Potential impacts, such as an erosion of
24 public trust in democratic institutions, as could be

1 associated with a successful cyber breach or other
2 activity negatively-affecting election infrastructure.

3 (6) Roles and responsibilities of the Secretary,
4 the Chairman, and the heads of other Federal enti-
5 ties and non-Federal entities, including chief State
6 election officials and representatives of multi-state
7 information sharing and analysis centers.

8 (7) Any findings, conclusions, and recommenda-
9 tions to strengthen protections for United States
10 democratic institutions that have been agreed to by
11 a majority of Commission members on the National
12 Commission to Protect United States Democratic
13 Institutions, authorized pursuant to section 3202.

14 (c) IMPLEMENTATION PLAN.—Not later than 90
15 days after the date on which the national strategy required
16 under subsection (a) is issued, the President, acting
17 through the Secretary, in coordination with the Chairman,
18 shall issue an implementation plan for Federal efforts to
19 implement such strategy that includes the following:

20 (1) Strategic objectives and corresponding
21 tasks.

22 (2) Projected timelines and costs for the tasks
23 referred to in paragraph (1).

24 (3) Metrics to evaluate performance of such
25 tasks.

1 (d) CLASSIFICATION.—The national strategy re-
2 quired under subsection (a) shall be in unclassified form.

3 (e) CIVIL RIGHTS REVIEW.—Not later than 60 days
4 after the date on which the national strategy required
5 under subsection (a) is issued, and not later than 60 days
6 after the date on which the implementation plan required
7 under subsection (c) is issued, the Privacy and Civil Lib-
8 erties Oversight Board (established under section 1061 of
9 the Intelligence Reform and Terrorism Prevention Act of
10 2004 (42 U.S.C. 2000ee)) shall submit a report to Con-
11 gress on any potential privacy and civil liberties impacts
12 of such strategy and implementation plan, respectively.

13 **SEC. 3202. NATIONAL COMMISSION TO PROTECT UNITED**
14 **STATES DEMOCRATIC INSTITUTIONS.**

15 (a) ESTABLISHMENT.—There is established within
16 the legislative branch the National Commission to Protect
17 United States Democratic Institutions (hereafter in this
18 section referred to as the “Commission”).

19 (b) PURPOSE.—The purpose of the Commission is to
20 counter efforts to undermine democratic institutions with-
21 in the United States.

22 (c) COMPOSITION.—

23 (1) MEMBERSHIP.—The Commission shall be
24 composed of 10 members appointed for the life of
25 the Commission as follows:

1 (A) One member shall be appointed by the
2 Secretary.

3 (B) One member shall be appointed by the
4 Chairman.

5 (C) Two members shall be appointed by
6 the majority leader of the Senate, in consulta-
7 tion with the Chairman of the Committee on
8 Homeland Security and Governmental Affairs
9 of the Senate, the Chairman of the Committee
10 on the Judiciary of the Senate, and the Chair-
11 man of the Committee on Rules and Adminis-
12 tration of the Senate.

13 (D) Two members shall be appointed by
14 the minority leader of the Senate, in consulta-
15 tion with the ranking minority member of the
16 Committee on Homeland Security and Govern-
17 mental Affairs of the Senate, the ranking mi-
18 nority member of the Committee on the Judici-
19 ary of the Senate, and the ranking minority
20 member of the Committee on Rules and Admin-
21 istration of the Senate.

22 (E) Two members shall be appointed by
23 the Speaker of the House of Representatives, in
24 consultation with the Chairman of the Com-
25 mittee on Homeland Security of the House of

1 Representatives, the Chairman of the Com-
2 mittee on House Administration of the House
3 of Representatives, and the Chairman of the
4 Committee on the Judiciary of the House of
5 Representatives.

6 (F) Two members shall be appointed by
7 the minority leader of the House of Representa-
8 tives, in consultation with the ranking minority
9 member of the Committee on Homeland Secu-
10 rity of the House of Representatives, the rank-
11 ing minority member of the Committee on the
12 Judiciary of the House of Representatives, and
13 the ranking minority member of the Committee
14 on House Administration of the House of Rep-
15 resentatives.

16 (2) QUALIFICATIONS.—Individuals shall be se-
17 lected for appointment to the Commission solely on
18 the basis of their professional qualifications, achieve-
19 ments, public stature, experience, and expertise in
20 relevant fields, including cybersecurity, national se-
21 curity, and the Constitution of the United States.

22 (3) NO COMPENSATION FOR SERVICE.—Mem-
23 bers may not receive compensation for service on the
24 Commission, but shall receive travel expenses, in-

1 including per diem in lieu of subsistence, in accord-
2 ance with chapter 57 of title 5, United States Code.

3 (4) DEADLINE FOR APPOINTMENT.—All mem-
4 bers of the Commission shall be appointed not later
5 than 60 days after the date of enactment of this
6 Act.

7 (5) VACANCIES.—A vacancy on the Commission
8 shall not affect its powers and shall be filled in the
9 manner in which the original appointment was
10 made. The appointment of the replacement member
11 shall be made not later than 60 days after the date
12 on which the vacancy occurs.

13 (d) CHAIR AND VICE CHAIR.—The Commission shall
14 elect a Chair and Vice Chair from among its members.

15 (e) QUORUM AND MEETINGS.—

16 (1) QUORUM.—The Commission shall meet and
17 begin the operations of the Commission not later
18 than 30 days after the date on which all members
19 have been appointed or, if such meeting cannot be
20 mutually agreed upon, on a date designated by the
21 Speaker of the House of Representatives and the
22 President pro tempore of the Senate. Each subse-
23 quent meeting shall occur upon the call of the Chair
24 or a majority of its members. A majority of the

1 members of the Commission shall constitute a
2 quorum, but a lesser number may hold meetings.

3 (2) AUTHORITY OF INDIVIDUALS TO ACT FOR
4 COMMISSION.—Any member of the Commission may,
5 if authorized by the Commission, take any action
6 that the Commission is authorized to take under this
7 section.

8 (f) POWERS.—

9 (1) HEARINGS AND EVIDENCE.—The Commis-
10 sion (or, on the authority of the Commission, any
11 subcommittee or member thereof) may, for the pur-
12 pose of carrying out this section, hold hearings and
13 sit and act at such times and places, take such testi-
14 mony, receive such evidence, and administer such
15 oaths as the Commission considers advisable to
16 carry out its duties.

17 (2) CONTRACTING.—The Commission may, to
18 such extent and in such amounts as are provided in
19 appropriation Acts, enter into contracts to enable
20 the Commission to discharge its duties under this
21 section.

22 (g) ASSISTANCE FROM FEDERAL AGENCIES.—

23 (1) GENERAL SERVICES ADMINISTRATION.—
24 The Administrator of General Services shall provide
25 to the Commission on a reimbursable basis adminis-

1 trative support and other services for the perform-
2 ance of the Commission's functions.

3 (2) OTHER DEPARTMENTS AND AGENCIES.—In
4 addition to the assistance provided under paragraph
5 (1), the Department of Homeland Security, the
6 Election Assistance Commission, and other appro-
7 priate departments and agencies of the United
8 States shall provide to the Commission such serv-
9 ices, funds, facilities, and staff as they may deter-
10 mine advisable and as may be authorized by law.

11 (h) PUBLIC MEETINGS.—Any public meetings of the
12 Commission shall be conducted in a manner consistent
13 with the protection of information provided to or developed
14 for or by the Commission as required by any applicable
15 statute, regulation, or Executive order.

16 (i) SECURITY CLEARANCES.—

17 (1) IN GENERAL.—The heads of appropriate
18 departments and agencies of the executive branch
19 shall cooperate with the Commission to expeditiously
20 provide Commission members and staff with appro-
21 priate security clearances to the extent possible
22 under applicable procedures and requirements.

23 (2) PREFERENCES.—In appointing staff, ob-
24 taining detailees, and entering into contracts for the
25 provision of services for the Commission, the Com-

1 mission shall give preference to individuals who have
2 active security clearances.

3 (j) REPORTS.—

4 (1) INTERIM REPORTS.—At any time prior to
5 the submission of the final report under paragraph
6 (2), the Commission may submit interim reports to
7 the President and Congress 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 (2) FINAL REPORT.—Not later than 18 months
13 after the date of the first meeting of the Commis-
14 sion, the Commission shall submit to the President
15 and Congress a final report containing such find-
16 ings, conclusions, and recommendations to strength-
17 en protections for democratic institutions in the
18 United States as have been agreed to by a majority
19 of the members of the Commission.

20 (k) TERMINATION.—

21 (1) IN GENERAL.—The Commission shall termi-
22 nate upon the expiration of the 60-day period which
23 begins on the date on which the Commission submits
24 the final report required under subsection (j)(2).

1 (2) ADMINISTRATIVE ACTIVITIES PRIOR TO
 2 TERMINATION.—During the 60-day period referred
 3 to in paragraph (1), the Commission may carry out
 4 such administrative activities as may be required to
 5 conclude its work, including providing testimony to
 6 committees of Congress concerning the final report
 7 and disseminating the final report.

8 **Subtitle D—Promoting Cybersecu-**
 9 **rity Through Improvements in**
 10 **Election Administration**

11 **SEC. 3301. TESTING OF EXISTING VOTING SYSTEMS TO EN-**
 12 **SURE COMPLIANCE WITH ELECTION CYBER-**
 13 **SECURITY GUIDELINES AND OTHER GUIDE-**
 14 **LINES.**

15 (a) REQUIRING TESTING OF EXISTING VOTING SYS-
 16 TEMS.—

17 (1) IN GENERAL.—Section 231(a) of the Help
 18 America Vote Act of 2002 (52 U.S.C. 20971(a)) is
 19 amended by adding at the end the following new
 20 paragraph:

21 “(3) TESTING TO ENSURE COMPLIANCE WITH
 22 GUIDELINES.—

23 “(A) TESTING.—Not later than 9 months
 24 before the date of each regularly scheduled gen-
 25 eral election for Federal office, the Commission

1 shall provide for the testing by accredited lab-
 2 oratories under this section of the voting system
 3 hardware and software which was certified for
 4 use in the most recent such election, on the
 5 basis of the most recent voting system guide-
 6 lines applicable to such hardware or software
 7 (including election cybersecurity guidelines)
 8 issued under this Act.

9 “(B) DECERTIFICATION OF HARDWARE OR
 10 SOFTWARE FAILING TO MEET GUIDELINES.—If,
 11 on the basis of the testing described in subpara-
 12 graph (A), the Commission determines that any
 13 voting system hardware or software does not
 14 meet the most recent guidelines applicable to
 15 such hardware or software issued under this
 16 Act, the Commission shall decertify such hard-
 17 ware or software.”.

18 (2) EFFECTIVE DATE.—The amendment made
 19 by paragraph (1) shall apply with respect to the reg-
 20 ularly scheduled general election for Federal office
 21 held in November 2022 and each succeeding regu-
 22 larly scheduled general election for Federal office.

23 (b) ISSUANCE OF CYBERSECURITY GUIDELINES BY
 24 CISA.—Not later than 6 months after the date of the en-
 25 actment of this subsection, the Director of the Cybersecu-

1 rity and Infrastructure Security Agency of the Depart-
 2 ment of Homeland Security, in consultation with the Com-
 3 mission, shall issue election cybersecurity guidelines, in-
 4 cluding standards and best practices for procuring, main-
 5 taining, testing, operating, and updating election systems
 6 to prevent and deter cybersecurity incidents.

7 **SEC. 3302. TREATMENT OF ELECTRONIC POLL BOOKS AS**
 8 **PART OF VOTING SYSTEMS.**

9 (a) INCLUSION IN DEFINITION OF VOTING SYS-
 10 TEM.—Section 301(b) of the Help America Vote Act of
 11 2002 (52 U.S.C. 21081(b)) is amended—

12 (1) in the matter preceding paragraph (1), by
 13 striking “this section” and inserting “this Act”;

14 (2) by striking “and” at the end of paragraph
 15 (1);

16 (3) by redesignating paragraph (2) as para-
 17 graph (3); and

18 (4) by inserting after paragraph (1) the fol-
 19 lowing new paragraph:

20 “(2) any electronic poll book used with respect
 21 to the election; and”.

22 (b) DEFINITION.—Section 301 of such Act (52
 23 U.S.C. 21081) is amended—

24 (1) by redesignating subsections (c) and (d) as
 25 subsections (d) and (e); and

1 (2) by inserting after subsection (b) the fol-
 2 lowing new subsection:

3 “(c) ELECTRONIC POLL BOOK DEFINED.—In this
 4 Act, the term ‘electronic poll book’ means the total com-
 5 bination of mechanical, electromechanical, or electronic
 6 equipment (including the software, firmware, and docu-
 7 mentation required to program, control, and support the
 8 equipment) that is used—

9 “(1) to retain the list of registered voters at a
 10 polling location, or vote center, or other location at
 11 which voters cast votes in an election for Federal of-
 12 fice; and

13 “(2) to identify registered voters who are eligi-
 14 ble to vote in an election.”.

15 (c) EFFECTIVE DATE.—Section 301(e) of such Act
 16 (52 U.S.C. 21081(e)), as redesignated by subsection (b),
 17 is amended by striking the period at the end and inserting
 18 the following: “, or, with respect to any requirements re-
 19 lating to electronic poll books, on and after January 1,
 20 2022.”.

21 **SEC. 3303. PRE-ELECTION REPORTS ON VOTING SYSTEM**
 22 **USAGE.**

23 (a) REQUIRING STATES TO SUBMIT REPORTS.—Title
 24 III of the Help America Vote Act of 2002 (52 U.S.C.

1 21081 et seq.) is amended by inserting after section 301
 2 the following new section:

3 **“SEC. 301A. PRE-ELECTION REPORTS ON VOTING SYSTEM**
 4 **USAGE.**

5 “(a) **REQUIRING STATES TO SUBMIT REPORTS.—**
 6 Not later than 120 days before the date of each regularly
 7 scheduled general election for Federal office, the chief
 8 State election official of a State shall submit a report to
 9 the Commission containing a detailed voting system usage
 10 plan for each jurisdiction in the State which will admin-
 11 ister the election, including a detailed plan for the usage
 12 of electronic poll books and other equipment and compo-
 13 nents of such system.

14 “(b) **EFFECTIVE DATE.**—Subsection (a) shall apply
 15 with respect to the regularly scheduled general election for
 16 Federal office held in November 2022 and each succeeding
 17 regularly scheduled general election for Federal office.”.

18 (b) **CLERICAL AMENDMENT.**—The table of contents
 19 of such Act is amended by inserting after the item relating
 20 to section 301 the following new item:

“Sec. 301A. Pre-election reports on voting system usage.”.

21 **SEC. 3304. STREAMLINING COLLECTION OF ELECTION IN-**
 22 **FORMATION.**

23 Section 202 of the Help America Vote Act of 2002
 24 (52 U.S.C. 20922) is amended—

1 (1) by striking “The Commission” and insert-
 2 ing “(a) IN GENERAL.—The Commission”; and

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

5 “(b) WAIVER OF CERTAIN REQUIREMENTS.—Sub-
 6 chapter I of chapter 35 of title 44, United States Code,
 7 shall not apply to the collection of information for pur-
 8 poses of maintaining the clearinghouse described in para-
 9 graph (1) of subsection (a).”.

10 **Subtitle E—Preventing Election** 11 **Hacking**

12 **SEC. 3401. SHORT TITLE.**

13 This subtitle may be cited as the “Prevent Election
 14 Hacking Act of 2021”.

15 **SEC. 3402. ELECTION SECURITY BUG BOUNTY PROGRAM.**

16 (a) ESTABLISHMENT.—Not later than 1 year after
 17 the date of enactment of this Act, the Secretary shall es-
 18 tablish a program to be known as the “Election Security
 19 Bug Bounty Program” (hereafter in this subtitle referred
 20 to as the “Program”) to improve the cybersecurity of the
 21 systems used to administer elections for Federal office by
 22 facilitating and encouraging assessments by independent
 23 technical experts, in cooperation with State and local elec-
 24 tion officials and election service providers, to identify and
 25 report election cybersecurity vulnerabilities.

1 (b) VOLUNTARY PARTICIPATION BY ELECTION OFFI-
2 CIALS AND ELECTION SERVICE PROVIDERS.—

3 (1) NO REQUIREMENT TO PARTICIPATE IN PRO-
4 GRAM.—Participation in the Program shall be en-
5 tirely voluntary for State and local election officials
6 and election service providers.

7 (2) ENCOURAGING PARTICIPATION AND INPUT
8 FROM ELECTION OFFICIALS.—In developing the Pro-
9 gram, the Secretary shall solicit input from, and en-
10 courage participation by, State and local election of-
11 ficials.

12 (c) ACTIVITIES FUNDED.—In establishing and car-
13 rying out the Program, the Secretary shall—

14 (1) establish a process for State and local elec-
15 tion officials and election service providers to volun-
16 tarily participate in the Program;

17 (2) designate appropriate information systems
18 to be included in the Program;

19 (3) provide compensation to eligible individuals,
20 organizations, and companies for reports of pre-
21 viously unidentified security vulnerabilities within
22 the information systems designated under paragraph
23 (2) and establish criteria for individuals, organiza-
24 tions, and companies to be considered eligible for
25 such compensation in compliance with Federal laws;

1 (4) consult with the Attorney General on how
2 to ensure that approved individuals, organizations,
3 and companies that comply with the requirements of
4 the Program are protected from prosecution under
5 section 1030 of title 18, United States Code, and
6 similar provisions of law, and from liability under
7 civil actions for specific activities authorized under
8 the Program;

9 (5) consult with the Secretary of Defense and
10 the heads of other departments and agencies that
11 have implemented programs to provide compensation
12 for reports of previously undisclosed vulnerabilities
13 in information systems, regarding lessons that may
14 be applied from such programs;

15 (6) develop an expeditious process by which an
16 individual, organization, or company can register
17 with the Department, submit to a background check
18 as determined by the Department, and receive a de-
19 termination regarding eligibility for participation in
20 the Program; and

21 (7) engage qualified interested persons, includ-
22 ing representatives of private entities, about the
23 structure of the Program and, to the extent prac-
24 ticable, establish a recurring competition for inde-
25 pendent technical experts to assess election systems

1 for the purpose of identifying and reporting election
2 cybersecurity vulnerabilities.

3 (d) USE OF SERVICE PROVIDERS.—The Secretary
4 may award competitive contracts as necessary to manage
5 the Program.

6 (e) DEFINITIONS.—In this section:

7 (1) The term “Department” means the Depart-
8 ment of Homeland Security.

9 (2) The terms “election” and “Federal office”
10 have the meanings given such terms in section 301
11 of the Federal Election Campaign Act of 1971 (52
12 U.S.C. 30101).

13 (3) The term “election cybersecurity vulner-
14 ability” means any security vulnerability that affects
15 an election system.

16 (4) The term “election infrastructure” has the
17 meaning given such term in paragraph (6) of section
18 2 of the Homeland Security Act of 2002 (6 U.S.C.
19 101), as added by section 3021 of this title.

20 (5) The term “election service provider” means
21 any person providing, supporting, or maintaining an
22 election system on behalf of a State or local election
23 official, such as a contractor or vendor.

1 (6) The term “election system” means any in-
2 formation system which is part of an election infra-
3 structure.

4 (7) The term “information system” has the
5 meaning given such term in section 3502 of title 44,
6 United States Code.

7 (8) The term “Secretary” means the Secretary
8 of Homeland Security, or, upon designation by the
9 Secretary of Homeland Security, the Deputy Sec-
10 retary of Homeland Security, the Director of Cyber-
11 security and Infrastructure Security of the Cyberse-
12 curity and Infrastructure Security Agency of the De-
13 partment of Homeland Security, or a Senate-con-
14 firmed official who reports to the Director.

15 (9) The term “security vulnerability” has the
16 meaning given such term in section 102 of the Cy-
17 bersecurity Information Sharing Act of 2015 (6
18 U.S.C. 1501).

19 (10) The term “State” means each of the sev-
20 eral States, the District of Columbia, the Common-
21 wealth of Puerto Rico, Guam, American Samoa, the
22 Commonwealth of Northern Mariana Islands, and
23 the United States Virgin Islands.

1 (11) The term “voting system” has the mean-
 2 ing given such term in section 301(b) of the Help
 3 America Vote Act of 2002 (52 U.S.C. 21081(b)).

4 **Subtitle F—Election Security**
 5 **Grants Advisory Committee**

6 **SEC. 3501. ESTABLISHMENT OF ADVISORY COMMITTEE.**

7 (a) IN GENERAL.—Subtitle A of title II of the Help
 8 America Vote Act of 2002 (52 U.S.C. 20921 et seq.) is
 9 amended by adding at the end the following:

10 **“PART 5—ELECTION SECURITY GRANTS**
 11 **ADVISORY COMMITTEE**

12 **“SEC. 225. ELECTION SECURITY GRANTS ADVISORY COM-**
 13 **MITTEE.**

14 “(a) ESTABLISHMENT.—There is hereby established
 15 an advisory committee (hereinafter in this part referred
 16 to as the ‘Committee’) to assist the Commission with re-
 17 spect to the award of grants to States under this Act for
 18 the purpose of election security.

19 “(b) DUTIES.—

20 “(1) IN GENERAL.—The Committee shall, with
 21 respect to an application for a grant received by the
 22 Commission—

23 “(A) review such application; and

24 “(B) recommend to the Commission
 25 whether to award the grant to the applicant.

1 “(2) CONSIDERATIONS.—In reviewing an appli-
 2 cation pursuant to paragraph (1)(A), the Committee
 3 shall consider—

4 “(A) the record of the applicant with re-
 5 spect to—

6 “(i) compliance of the applicant with
 7 the requirements under subtitle A of title
 8 III; and

9 “(ii) adoption of voluntary guidelines
 10 issued by the Commission under subtitle B
 11 of title III; and

12 “(B) the goals and requirements of elec-
 13 tion security as described in title III of the For
 14 the People Act of 2021.

15 “(c) MEMBERSHIP.—The Committee shall be com-
 16 posed of 15 individuals appointed by the Executive Direc-
 17 tor of the Commission with experience and expertise in
 18 election security.

19 “(d) NO COMPENSATION FOR SERVICE.—Members of
 20 the Committee shall not receive any compensation for
 21 their service, but shall be paid travel expenses, including
 22 per diem in lieu of subsistence, at rates authorized for em-
 23 ployees of agencies under subchapter I of chapter 57 of
 24 title 5, United States Code, while away from their homes

1 or regular places of business in the performance of services
2 for the Committee.”.

3 (b) CLERICAL AMENDMENT.—The table of contents
4 of such Act is amended by inserting after the item relating
5 to section 223 the following new items:

“PART 5—ELECTION SECURITY GRANTS ADVISORY COMMITTEE

“Sec. 225. Election security grants advisory committee.”.

6 (c) EFFECTIVE DATE.—The amendments made by
7 this section shall take effect 1 year after the date of enact-
8 ment of this Act.

9 **Subtitle G—Miscellaneous** 10 **Provisions**

11 **SEC. 3601. DEFINITIONS.**

12 Except as provided in sections 3106 and 3402, in this
13 title, the following definitions apply:

14 (1) CHAIRMAN.—The term “Chairman” means
15 the chair of the Election Assistance Commission.

16 (2) APPROPRIATE CONGRESSIONAL COMMIT-
17 TEES.—The term “appropriate congressional com-
18 mittees” means the Committees on Homeland Secu-
19 rity and House Administration of the House of Rep-
20 resentatives and the Committees on Homeland Secu-
21 rity and Governmental Affairs and Rules and Ad-
22 ministration of the Senate.

23 (3) CHIEF STATE ELECTION OFFICIAL.—The
24 term “chief State election official” means, with re-

1 spect to a State, the individual designated by the
 2 State under section 10 of the National Voter Reg-
 3 istration Act of 1993 (52 U.S.C. 20509) to be re-
 4 sponsible for coordination of the State’s responsibil-
 5 ities under such Act.

6 (4) COMMISSION.—The term “Commission”
 7 means the Election Assistance Commission.

8 (5) DEMOCRATIC INSTITUTIONS.—The term
 9 “democratic institutions” means the diverse range of
 10 institutions that are essential to ensuring an inde-
 11 pendent judiciary, free and fair elections, and rule of
 12 law.

13 (6) ELECTION AGENCY.—The term “election
 14 agency” means any component of a State, or any
 15 component of a unit of local government in a State,
 16 which is responsible for the administration of elec-
 17 tions for Federal office in the State.

18 (7) ELECTION INFRASTRUCTURE.—The term
 19 “election infrastructure” means storage facilities,
 20 polling places, and centralized vote tabulation loca-
 21 tions used to support the administration of elections
 22 for public office, as well as related information and
 23 communications technology, including voter registra-
 24 tion databases, voting machines, electronic mail and
 25 other communications systems (including electronic

1 mail and other systems of vendors who have entered
2 into contracts with election agencies to support the
3 administration of elections, manage the election
4 process, and report and display election results), and
5 other systems used to manage the election process
6 and to report and display election results on behalf
7 of an election agency.

8 (8) SECRETARY.—The term “Secretary” means
9 the Secretary of Homeland Security.

10 (9) STATE.—The term “State” has the mean-
11 ing given such term in section 901 of the Help
12 America Vote Act of 2002 (52 U.S.C. 21141).

13 **SEC. 3602. INITIAL REPORT ON ADEQUACY OF RESOURCES**
14 **AVAILABLE FOR IMPLEMENTATION.**

15 Not later than 120 days after the date of enactment
16 of this Act, the Chairman and the Secretary shall submit
17 a report to the appropriate committees of Congress, in-
18 cluding the Committees on Homeland Security and House
19 Administration of the House of Representatives and the
20 Committee on Homeland Security and Governmental Af-
21 fairs of the Senate, analyzing the adequacy of the funding,
22 resources, and personnel available to carry out this title
23 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 1505, and section 1507,
8 is further amended by adding at the end the following new
9 paragraph:

10 “(10) VOTING MACHINE REQUIREMENTS.—By
11 not later than the date of the regularly scheduled
12 general election for Federal office occurring in No-
13 vember 2024, each State shall seek to ensure that
14 any voting machine used in such election and in any
15 subsequent election for Federal office is manufac-
16 tured in the United States.”.

17 (b) CONFORMING AMENDMENT RELATING TO EF-
18 FECTIVE DATE.—Section 301(d)(1) of such Act (52
19 U.S.C. 21081(d)(1)), as amended by section 1508, is
20 amended by striking “paragraph (2)” and inserting “sub-
21 section (a)(10) and paragraph (2)”.

22 **Subtitle I—Severability**

23 **SEC. 3801. SEVERABILITY.**

24 If any provision of this title or amendment made by
25 this title, or the application of a provision or amendment

1 to any person or circumstance, is held to be unconstitu-
 2 tional, the remainder of this title and amendments made
 3 by this title, and the application of the provisions and
 4 amendment to any person or circumstance, shall not be
 5 affected by the holding.

6 **DIVISION B—CAMPAIGN**

7 **FINANCE**

8 **TITLE IV—CAMPAIGN FINANCE**

9 **TRANSPARENCY**

10 **Subtitle A—Establishing Duty To** 11 **Report Foreign Election Inter-** 12 **ference**

13 **SEC. 4001. FINDINGS RELATING TO ILLICIT MONEY UNDER-** 14 **MINING OUR DEMOCRACY.**

15 Congress finds the following:

16 (1) Criminals, terrorists, and corrupt govern-
 17 ment officials frequently abuse anonymously held
 18 Limited Liability Companies (LLCs), also known as
 19 “shell companies,” to hide, move, and launder the
 20 dirty money derived from illicit activities such as
 21 trafficking, bribery, exploitation, and embezzlement.
 22 Ownership and control of the finances that run
 23 through shell companies are obscured to regulators
 24 and law enforcement because little information is re-
 25 quired and collected when establishing these entities.

1 (2) The public release of the “Panama Papers”
2 in 2016 and the “Paradise Papers” in 2017 revealed
3 that these shell companies often purchase and sell
4 United States real estate. United States anti-money
5 laundering laws do not apply to cash transactions in-
6 volving real estate effectively concealing the bene-
7 ficiaries and transactions from regulators and law
8 enforcement.

9 (3) Since the Supreme Court’s decisions in Citi-
10 zens United v. Federal Election Commission, 558
11 U.S. 310 (2010), millions of dollars have flowed into
12 super PACs through LLCs whose funders are anon-
13 ymous or intentionally obscured. Criminal investiga-
14 tions have uncovered LLCs that were used to hide
15 illegal campaign contributions from foreign criminal
16 fugitives, to advance international influence-buying
17 schemes, and to conceal contributions from donors
18 who were already under investigation for bribery and
19 racketeering. Voters have no way to know the true
20 sources of the money being routed through these
21 LLCs to influence elections, including whether any
22 of the funds come from foreign or other illicit
23 sources.

24 (4) Congress should curb the use of anonymous
25 shell companies for illicit purposes by requiring

1 United States companies to disclose their beneficial
 2 owners, strengthening anti-money laundering and
 3 counter-terrorism finance laws.

4 (5) Congress should examine the money laun-
 5 dering and terrorist financing risks in the real estate
 6 market, including the role of anonymous parties, and
 7 review legislation to address any vulnerabilities iden-
 8 tified in this sector.

9 (6) Congress should examine the methods by
 10 which corruption flourishes and the means to detect
 11 and deter the financial misconduct that fuels this
 12 driver of global instability. Congress should monitor
 13 government efforts to enforce United States anti-
 14 corruption laws and regulations.

15 **SEC. 4002. FEDERAL CAMPAIGN REPORTING OF FOREIGN**
 16 **CONTACTS.**

17 (a) INITIAL NOTICE.—

18 (1) IN GENERAL.—Section 304 of the Federal
 19 Election Campaign Act of 1971 (52 U.S.C. 30104)
 20 is amended by adding at the end the following new
 21 subsection:

22 “(j) DISCLOSURE OF REPORTABLE FOREIGN CON-
 23 TACTS.—

24 “(1) COMMITTEE OBLIGATION TO NOTIFY.—
 25 Not later than 1 week after a reportable foreign con-

1 tact, each political committee shall notify the Fed-
2 eral Bureau of Investigation and the Commission of
3 the reportable foreign contact and provide a sum-
4 mary of the circumstances with respect to such re-
5 portable foreign contact. The Federal Bureau of In-
6 vestigation, not later than 1 week after receiving a
7 notification from a political committee under this
8 paragraph, shall submit to the political committee,
9 the Permanent Select Committee on Intelligence of
10 the House of Representatives, and the Select Com-
11 mittee on Intelligence of the Senate written or elec-
12 tronic confirmation of receipt of the notification.

13 “(2) INDIVIDUAL OBLIGATION TO NOTIFY.—
14 Not later than 3 days after a reportable foreign con-
15 tact—

16 “(A) each candidate and each immediate
17 family member of a candidate shall notify the
18 treasurer or other designated official of the
19 principal campaign committee of such candidate
20 of the reportable foreign contact and provide a
21 summary of the circumstances with respect to
22 such reportable foreign contact; and

23 “(B) each official, employee, or agent of a
24 political committee shall notify the treasurer or
25 other designated official of the committee of the

1 reportable foreign contact and provide a sum-
 2 mary of the circumstances with respect to such
 3 reportable foreign contact.

4 “(3) REPORTABLE FOREIGN CONTACT.—In this
 5 subsection:

6 “(A) IN GENERAL.—The term ‘reportable
 7 foreign contact’ means any direct or indirect
 8 contact or communication that—

9 “(i) is between—

10 “(I) a candidate, an immediate
 11 family member of the candidate, a po-
 12 litical committee, or any official, em-
 13 ployee, or agent of such committee;
 14 and

15 “(II) an individual that the per-
 16 son described in subclause (I) knows,
 17 has reason to know, or reasonably be-
 18 lieves is a covered foreign national;
 19 and

20 “(ii) the person described in clause
 21 (i)(I) knows, has reason to know, or rea-
 22 sonably believes involves—

23 “(I) an offer or other proposal
 24 for a contribution, donation, expendi-

1 ture, disbursement, or solicitation de-
2 scribed in section 319; or

3 “(II) coordination or collabora-
4 tion with, an offer or provision of in-
5 formation or services to or from, or
6 persistent and repeated contact with,
7 a covered foreign national in connec-
8 tion with an election.

9 “(B) EXCEPTIONS.—

10 “(i) CONTACTS IN OFFICIAL CAPACITY
11 AS ELECTED OFFICIAL.—The term ‘report-
12 able foreign contact’ shall not include any
13 contact or communication with a covered
14 foreign national by an elected official or an
15 employee of an elected official solely in an
16 official capacity as such an official or em-
17 ployee.

18 “(ii) CONTACTS FOR PURPOSES OF
19 ENABLING OBSERVATION OF ELECTIONS
20 BY INTERNATIONAL OBSERVERS.—The
21 term ‘reportable foreign contact’ shall not
22 include any contact or communication with
23 a covered foreign national by any person
24 which is made for purposes of enabling the
25 observation of elections in the United

1 States by a foreign national or the obser-
 2 vation of elections outside of the United
 3 States by a candidate, political committee,
 4 or any official, employee, or agent of such
 5 committee.

6 “(iii) EXCEPTIONS NOT APPLICABLE
 7 IF CONTACTS OR COMMUNICATIONS IN-
 8 VOLVE PROHIBITED DISBURSEMENTS.—A
 9 contact or communication by an elected of-
 10 ficial or an employee of an elected official
 11 shall not be considered to be made solely
 12 in an official capacity for purposes of
 13 clause (i), and a contact or communication
 14 shall not be considered to be made for pur-
 15 poses of enabling the observation of elec-
 16 tions for purposes of clause (ii), if the con-
 17 tact or communication involves a contribu-
 18 tion, donation, expenditure, disbursement,
 19 or solicitation described in section 319.

20 “(C) COVERED FOREIGN NATIONAL DE-
 21 FINED.—

22 “(i) IN GENERAL.—In this paragraph,
 23 the term ‘covered foreign national’
 24 means—

1 “(I) a foreign principal (as de-
2 fined in section 1(b) of the Foreign
3 Agents Registration Act of 1938 (22
4 U.S.C. 611(b)) that is a government
5 of a foreign country or a foreign polit-
6 ical party;

7 “(II) any person who acts as an
8 agent, representative, employee, or
9 servant, or any person who acts in
10 any other capacity at the order, re-
11 quest, or under the direction or con-
12 trol, of a foreign principal described in
13 subclause (I) or of a person any of
14 whose activities are directly or indi-
15 rectly supervised, directed, controlled,
16 financed, or subsidized in whole or in
17 major part by a foreign principal de-
18 scribed in subclause (I); or

19 “(III) any person included in the
20 list of specially designated nationals
21 and blocked persons maintained by
22 the Office of Foreign Assets Control
23 of the Department of the Treasury
24 pursuant to authorities relating to the
25 imposition of sanctions relating to the

1 conduct of a foreign principal de-
2 scribed in subclause (I).

3 “(ii) CLARIFICATION REGARDING AP-
4 PLICATION TO CITIZENS OF THE UNITED
5 STATES.—In the case of a citizen of the
6 United States, subclause (II) of clause (i)
7 applies only to the extent that the person
8 involved acts within the scope of that per-
9 son’s status as the agent of a foreign prin-
10 cipal described in subclause (I) of clause
11 (i).

12 “(4) IMMEDIATE FAMILY MEMBER.—In this
13 subsection, the term ‘immediate family member’
14 means, with respect to a candidate, a parent, parent-
15 in-law, spouse, adult child, or sibling.”.

16 (2) EFFECTIVE DATE.—The amendment made
17 by paragraph (1) shall apply with respect to report-
18 able foreign contacts which occur on or after the
19 date of the enactment of this Act.

20 (b) INFORMATION INCLUDED ON REPORT.—

21 (1) IN GENERAL.—Section 304(b) of such Act
22 (52 U.S.C. 30104(b)) is amended—

23 (A) by striking “and” at the end of para-
24 graph (7);

1 (B) by striking the period at the end of
2 paragraph (8) and inserting “; and”; and

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

5 “(9) for any reportable foreign contact (as de-
6 fined in subsection (j)(3))—

7 “(A) the date, time, and location of the
8 contact;

9 “(B) the date and time of when a des-
10 ignated official of the committee was notified of
11 the contact;

12 “(C) the identity of individuals involved;
13 and

14 “(D) a description of the contact, including
15 the nature of any contribution, donation, ex-
16 penditure, disbursement, or solicitation involved
17 and the nature of any activity described in sub-
18 section (j)(3)(A)(ii)(II) involved.”.

19 (2) EFFECTIVE DATE.—The amendment made
20 by paragraph (1) shall apply with respect to reports
21 filed on or after the expiration of the 60-day period
22 which begins on the date of the enactment of this
23 Act.

1 **SEC. 4003. FEDERAL CAMPAIGN FOREIGN CONTACT RE-**
2 **PORTING COMPLIANCE SYSTEM.**

3 (a) IN GENERAL.—Section 302 of the Federal Elec-
4 tion Campaign Act of 1971 (52 U.S.C. 30102) is amended
5 by adding at the end the following new subsection:

6 “(j) REPORTABLE FOREIGN CONTACTS COMPLIANCE
7 POLICY.—

8 “(1) REPORTING.—Each political committee
9 shall establish a policy that requires all officials, em-
10 ployees, and agents of such committee (and, in the
11 case of an authorized committee, the candidate and
12 each immediate family member of the candidate) to
13 notify the treasurer or other appropriate designated
14 official of the committee of any reportable foreign
15 contact (as defined in section 304(j)) not later than
16 3 days after such contact was made.

17 “(2) RETENTION AND PRESERVATION OF
18 RECORDS.—Each political committee shall establish
19 a policy that provides for the retention and preserva-
20 tion of records and information related to reportable
21 foreign contacts (as so defined) for a period of not
22 less than 3 years.

23 “(3) CERTIFICATION.—

24 “(A) IN GENERAL.—Upon filing its state-
25 ment of organization under section 303(a), and
26 with each report filed under section 304(a), the

1 treasurer of each political committee (other
 2 than an authorized committee) shall certify
 3 that—

4 “(i) the committee has in place poli-
 5 cies that meet the requirements of para-
 6 graphs (1) and (2);

7 “(ii) the committee has designated an
 8 official to monitor compliance with such
 9 policies; and

10 “(iii) not later than 1 week after the
 11 beginning of any formal or informal affili-
 12 ation with the committee, all officials, em-
 13 ployees, and agents of such committee
 14 will—

15 “(I) receive notice of such poli-
 16 cies;

17 “(II) be informed of the prohibi-
 18 tions under section 319; and

19 “(III) sign a certification affirm-
 20 ing their understanding of such poli-
 21 cies and prohibitions.

22 “(B) AUTHORIZED COMMITTEES.—With
 23 respect to an authorized committee, the can-
 24 didate shall make the certification required
 25 under subparagraph (A).”.

1 (b) EFFECTIVE DATE.—

2 (1) IN GENERAL.—The amendment made by
3 subsection (a) shall apply with respect to political
4 committees which file a statement of organization
5 under section 303(a) of the Federal Election Cam-
6 paign Act of 1971 (52 U.S.C. 30103(a)) on or after
7 the date of the enactment of this Act.

8 (2) TRANSITION RULE FOR EXISTING COMMIT-
9 TEES.—Not later than 30 days after the date of the
10 enactment of this Act, each political committee
11 under the Federal Election Campaign Act of 1971
12 shall file a certification with the Federal Election
13 Commission that the committee is in compliance
14 with the requirements of section 302(j) of such Act
15 (as added by subsection (a)).

16 **SEC. 4004. CRIMINAL PENALTIES.**

17 Section 309(d)(1) of the Federal Election Campaign
18 Act of 1971 (52 U.S.C. 30109(d)(1)) is amended by add-
19 ing at the end the following new subparagraphs:

20 “(E) Any person who knowingly and willfully com-
21 mits a violation of subsection (j) or (b)(9) of section 304
22 or section 302(j) shall be fined not more than \$500,000,
23 imprisoned not more than 5 years, or both.

24 “(F) Any person who knowingly and willfully conceals
25 or destroys any materials relating to a reportable foreign

1 contact (as defined in section 304(j)) shall be fined not
2 more than \$1,000,000, imprisoned not more than 5 years,
3 or both.”.

4 **SEC. 4005. REPORT TO CONGRESSIONAL INTELLIGENCE**
5 **COMMITTEES.**

6 (a) IN GENERAL.—Not later than 1 year after the
7 date of enactment of this Act, and annually thereafter,
8 the Director of the Federal Bureau of Investigation shall
9 submit to the congressional intelligence committees a re-
10 port relating to notifications received by the Federal Bu-
11 reau of Investigation under section 304(j)(1) of the Fed-
12 eral Election Campaign Act of 1971 (as added by section
13 4002(a) of this Act).

14 (b) ELEMENTS.—Each report under subsection (a)
15 shall include, at a minimum, the following with respect
16 to notifications described in subsection (a):

17 (1) The number of such notifications received
18 from political committees during the year covered by
19 the report.

20 (2) A description of protocols and procedures
21 developed by the Federal Bureau of Investigation re-
22 lating to receipt and maintenance of records relating
23 to such notifications.

24 (3) With respect to such notifications received
25 during the year covered by the report, a description

1 of any subsequent actions taken by the Director re-
2 sulting from the receipt of such notifications.

3 (c) CONGRESSIONAL INTELLIGENCE COMMITTEES
4 DEFINED.—In this section, the term “congressional intel-
5 ligence committees” has the meaning given that term in
6 section 3 of the National Security Act of 1947 (50 U.S.C.
7 3003).

8 **SEC. 4006. RULE OF CONSTRUCTION.**

9 Nothing in this subtitle or the amendments made by
10 this subtitle shall be construed—

11 (1) to impede legitimate journalistic activities;
12 or

13 (2) to impose any additional limitation on the
14 right to express political views or to participate in
15 public discourse of any individual who—

16 (A) resides in the United States;

17 (B) is not a citizen of the United States or
18 a national of the United States, as defined in
19 section 101(a)(22) of the Immigration and Na-
20 tionality Act (8 U.S.C. 1101(a)(22)); and

21 (C) is not lawfully admitted for permanent
22 residence, as defined by section 101(a)(20) of
23 the Immigration and Nationality Act (8 U.S.C.
24 1101(a)(20)).

Subtitle B—DISCLOSE Act

SEC. 4100. SHORT TITLE.

This subtitle may be cited as the “Democracy Is Strengthened by Casting Light On Spending in Elections Act of 2021” or the “DISCLOSE Act of 2021”.

PART 1—CLOSING LOOPHOLES ALLOWING SPENDING BY FOREIGN NATIONALS IN ELECTIONS

SEC. 4101. CLARIFICATION OF PROHIBITION ON PARTICIPATION BY FOREIGN NATIONALS IN ELECTION-RELATED ACTIVITIES.

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

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

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

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

“(3) a foreign national to direct, dictate, control, or directly or indirectly participate in the decision-making process of any person (including a corporation, labor organization, political committee, or political organization) with regard to such person’s

1 Federal or non-Federal election-related activity, in-
 2 cluding any decision concerning the making of con-
 3 tributions, donations, expenditures, or disbursements
 4 in connection with an election for any Federal,
 5 State, or local office or any decision concerning the
 6 administration of a political committee.”.

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

10 “(c) CERTIFICATION OF COMPLIANCE REQUIRED
 11 PRIOR TO CARRYING OUT ACTIVITY.—Prior to the mak-
 12 ing in connection with an election for Federal office of any
 13 contribution, donation, expenditure, independent expendi-
 14 ture, or disbursement for an electioneering communication
 15 by a corporation, labor organization (as defined in section
 16 316(b)), limited liability corporation, or partnership dur-
 17 ing a year, the chief executive officer of the corporation,
 18 labor organization, limited liability corporation, or part-
 19 nership (or, if the corporation, labor organization, limited
 20 liability corporation, or partnership does not have a chief
 21 executive officer, the highest ranking official of the cor-
 22 poration, labor organization, limited liability corporation,
 23 or partnership), shall file a certification with the Commis-
 24 sion, under penalty of perjury, that a foreign national did
 25 not direct, dictate, control, or directly or indirectly partici-

1 pate in the decision-making process relating to such activ-
 2 ity in violation of subsection (a)(3), unless the chief execu-
 3 tive officer has previously filed such a certification during
 4 that calendar year.”.

5 (c) EFFECTIVE DATE.—The amendments made by
 6 this section shall take effect upon the expiration of the
 7 180-day period which begins on the date of the enactment
 8 of this Act, and shall take effect without regard to whether
 9 or not the Federal Election Commission has promulgated
 10 regulations to carry out such amendments.

11 **SEC. 4102. CLARIFICATION OF APPLICATION OF FOREIGN**
 12 **MONEY BAN TO CERTAIN DISBURSEMENTS**
 13 **AND ACTIVITIES.**

14 (a) APPLICATION TO DISBURSEMENTS TO SUPER
 15 PACS AND OTHER PERSONS.—Section 319(b) of the Fed-
 16 eral Election Campaign Act of 1971 (52 U.S.C. 30121(b))
 17 is amended—

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

21 (2) by striking “As used in this section” and in-
 22 serting the following: “DEFINITIONS.—For purposes
 23 of this section—

24 “(1) FOREIGN NATIONAL.—The term”; and

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

3 “(2) CONTRIBUTION AND DONATION.—For pur-
4 poses of paragraphs (1) and (2) of subsection (a),
5 the term ‘contribution or donation’ includes any dis-
6 bursement to a political committee which accepts do-
7 nations or contributions that do not comply with any
8 of the limitations, prohibitions, and reporting re-
9 quirements of this Act (or any disbursement to or on
10 behalf of any account of a political committee which
11 is established for the purpose of accepting such do-
12 nations or contributions), or to any other person for
13 the purpose of funding an expenditure, independent
14 expenditure, or electioneering communication (as de-
15 fined in section 304(f)(3)).”.

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

20 “(8) A separate segregated fund established by a cor-
21 poration may not make a contribution or expenditure dur-
22 ing a year unless the fund has certified to the Commission
23 the following during the year:

24 “(A) Each individual who manages the fund,
25 and who is responsible for exercising decision-mak-

1 ing authority for the fund, is a citizen of the United
 2 States or is lawfully admitted for permanent resi-
 3 dence in the United States.

4 “(B) No foreign national under section 319
 5 participates in any way in the decision-making proc-
 6 esses of the fund with regard to contributions or ex-
 7 penditures under this Act.

8 “(C) The fund does not solicit or accept rec-
 9 ommendations from any foreign national under sec-
 10 tion 319 with respect to the contributions or expend-
 11 itures made by the fund.

12 “(D) Any member of the board of directors of
 13 the corporation who is a foreign national under sec-
 14 tion 319 abstains from voting on matters concerning
 15 the fund or its activities.”.

16 **SEC. 4103. AUDIT AND REPORT ON ILLICIT FOREIGN**
 17 **MONEY IN FEDERAL ELECTIONS.**

18 (a) IN GENERAL.—Title III of the Federal Election
 19 Campaign Act of 1971 (52 U.S.C. 30101 et seq.), as
 20 amended by section 1821, is further amended by inserting
 21 after section 319A the following new section:

22 **“SEC. 319B. AUDIT AND REPORT ON DISBURSEMENTS BY**
 23 **FOREIGN NATIONALS.**

24 “(a) AUDIT.—

1 “(1) IN GENERAL.—The Commission shall con-
2 duct an audit after each Federal election cycle to de-
3 termine the incidence of illicit foreign money in such
4 Federal election cycle.

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

10 “(b) REPORT.—Not later than 180 days after the end
11 of each Federal election cycle, the Commission shall sub-
12 mit to Congress a report containing—

13 “(1) results of the audit required by subsection
14 (a)(1);

15 “(2) an analysis of the extent to which illicit
16 foreign money was used to carry out disinformation
17 and propaganda campaigns focused on depressing
18 turnout among rural communities and the success or
19 failure of these efforts, together with recommenda-
20 tions to address these efforts in future elections;

21 “(3) an analysis of the extent to which illicit
22 foreign money was used to carry out disinformation
23 and propaganda campaigns focused on depressing
24 turnout among African-American and other minority
25 communities and the success or failure of these ef-

1 forts, together with recommendations to address
 2 these efforts in future elections;

3 “(4) an analysis of the extent to which illicit
 4 foreign money was used to carry out disinformation
 5 and propaganda campaigns focused on influencing
 6 military and veteran communities and the success or
 7 failure of these efforts, together with recommenda-
 8 tions to address these efforts in future elections; and

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

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

12 “(1) The term ‘Federal election cycle’ means
 13 the period which begins on the day after the date of
 14 a regularly scheduled general election for Federal of-
 15 fice and which ends on the date of the first regularly
 16 scheduled general election for Federal office held
 17 after such date.

18 “(2) The term ‘illicit foreign money’ means any
 19 disbursement by a foreign national (as defined in
 20 section 319(b)) prohibited under such section.”.

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

1 **SEC. 4104. PROHIBITION ON CONTRIBUTIONS AND DONA-**
 2 **TIONS BY FOREIGN NATIONALS IN CONNEC-**
 3 **TION WITH BALLOT INITIATIVES AND**
 4 **REFERENDA.**

5 (a) IN GENERAL.—Section 319(b) of the Federal
 6 Election Campaign Act of 1971 (52 U.S.C. 30121(b)), as
 7 amended by section 4102(a), is amended by adding at the
 8 end the following new paragraph:

9 “(3) FEDERAL, STATE, OR LOCAL ELECTION.—
 10 The term ‘Federal, State, or local election’ includes
 11 a State or local ballot initiative or referendum.”.

12 (b) EFFECTIVE DATE.—The amendment made by
 13 this section shall apply with respect to elections held in
 14 2022 or any succeeding year.

15 **SEC. 4105. DISBURSEMENTS AND ACTIVITIES SUBJECT TO**
 16 **FOREIGN MONEY BAN.**

17 (a) DISBURSEMENTS DESCRIBED.—Section
 18 319(a)(1) of the Federal Election Campaign Act of 1971
 19 (52 U.S.C. 30121(a)(1)), as amended by section 4101, is
 20 amended—

21 (1) by striking “or” at the end of subparagraph
 22 (B); and

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

25 “(C) an expenditure;

26 “(D) an independent expenditure;

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

4 “(F) a disbursement for a communication
5 which is placed or promoted for a fee on a
6 website, web application, or digital application
7 that refers to a clearly identified candidate for
8 election for Federal office and is disseminated
9 within 60 days before a general, special or run-
10 off election for the office sought by the can-
11 didate or 30 days before a primary or pref-
12 erence election, or a convention or caucus of a
13 political party that has authority to nominate a
14 candidate for the office sought by the can-
15 didate;

16 “(G) a disbursement for a broadcast, cable
17 or satellite communication, or for a communica-
18 tion which is placed or promoted for a fee on
19 a website, web application, or digital applica-
20 tion, that promotes, supports, attacks or op-
21 poses the election of a clearly identified can-
22 didate for Federal, State, or local office (re-
23 gardless of whether the communication contains
24 express advocacy or the functional equivalent of
25 express advocacy);

1 “(H) a disbursement for a broadcast,
2 cable, or satellite communication, or for any
3 communication which is placed or promoted for
4 a fee on an online platform (as defined in sec-
5 tion 304(k)(3)), that discusses a national legis-
6 lative issue of public importance in a year in
7 which a regularly scheduled general election for
8 Federal office is held, but only if the disburse-
9 ment is made by a covered foreign national de-
10 scribed in section 304(j)(3)(C);

11 “(I) a disbursement by a covered foreign
12 national described in section 304(j)(3)(C) to
13 compensate any person for internet activity that
14 promotes, supports, attacks or opposes the elec-
15 tion of a clearly identified candidate for Fed-
16 eral, State, or local office (regardless of whether
17 the activity contains express advocacy or the
18 functional equivalent of express advocacy);

19 “(J) a disbursement for a Federal judicial
20 nomination communication (as defined in sec-
21 tion 324(d)(3));”.

22 (b) EFFECTIVE DATE.—The amendments made by
23 this section shall apply with respect to disbursements
24 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 1201(a), 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 **eign 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 1201(b), is amended by
 24 inserting after the item relating to section 613 the fol-
 25 lowing:

“614. Establishment of corporation to conceal election contributions and donations 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)—

21 “(A) in the case of the first statement filed
 22 under this subsection, for the period beginning
 23 on the first day of the election reporting cycle
 24 (or, if earlier, the period beginning one year be-

1 fore the first such disclosure date) and ending
2 on the first such disclosure date; and

3 “(B) in the case of any subsequent state-
4 ment filed under this subsection, for the period
5 beginning on the previous disclosure date and
6 ending on such disclosure date.

7 “(2) INFORMATION DESCRIBED.—The informa-
8 tion described in this paragraph is as follows:

9 “(A) The name of the covered organization
10 and the principal place of business of such or-
11 ganization and, in the case of a covered organi-
12 zation that is a corporation (other than a busi-
13 ness concern that is an issuer of a class of secu-
14 rities registered under section 12 of the Securi-
15 ties Exchange Act of 1934 (15 U.S.C. 78l) or
16 that is required to file reports under section
17 15(d) of that Act (15 U.S.C. 78o(d))) or an en-
18 tity described in subsection (e)(2), a list of the
19 beneficial owners (as defined in paragraph
20 (4)(A)) of the entity that—

21 “(i) identifies each beneficial owner by
22 name and current residential or business
23 street address; and

24 “(ii) if any beneficial owner exercises
25 control over the entity through another

1 legal entity, such as a corporation, partner-
2 ship, limited liability company, or trust,
3 identifies each such other legal entity and
4 each such beneficial owner who will use
5 that other entity to exercise control over
6 the entity.

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

12 “(C) In the case of a campaign-related dis-
13 bursement that is not a covered transfer, the
14 election to which the campaign-related disburse-
15 ment pertains and if the disbursement is made
16 for a public communication, the name of any
17 candidate identified in such communication and
18 whether such communication is in support of or
19 in opposition to a candidate.

20 “(D) A certification by the chief executive
21 officer or person who is the head of the covered
22 organization that the campaign-related dis-
23 bursement is not made in cooperation, consulta-
24 tion, or concert with or at the request or sug-
25 gestion of a candidate, authorized committee, or

1 agent of a candidate, political party, or agent of
2 a political party.

3 “(E)(i) If the covered organization makes
4 campaign-related disbursements using exclu-
5 sively funds in a segregated bank account con-
6 sisting of funds that were paid directly to such
7 account by persons other than the covered orga-
8 nization that controls the account, for each
9 such payment to the account—

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

13 “(II) the date and amount of such
14 payment; and

15 “(III) the aggregate amount of all
16 such payments made by the person during
17 the period beginning on the first day of the
18 election reporting cycle (or, if earlier, the
19 period beginning one year before the dis-
20 closure date) and ending on the disclosure
21 date,

22 but only if such payment was made by a person
23 who made payments to the account in an aggre-
24 gate amount of \$10,000 or more during the pe-
25 riod beginning on the first day of the election

1 reporting cycle (or, if earlier, the period begin-
 2 ning one year before the disclosure date) and
 3 ending on the disclosure date.

4 “(ii) In any calendar year after 2022, sec-
 5 tion 315(c)(1)(B) shall apply to the amount de-
 6 scribed in clause (i) in the same manner as
 7 such section applies to the limitations estab-
 8 lished under subsections (a)(1)(A), (a)(1)(B),
 9 (a)(3), and (h) of such section, except that for
 10 purposes of applying such section to the
 11 amounts described in subsection (b), the ‘base
 12 period’ shall be calendar year 2022.

13 “(F)(i) If the covered organization makes
 14 campaign-related disbursements using funds
 15 other than funds in a segregated bank account
 16 described in subparagraph (E), for each pay-
 17 ment to the covered organization—

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

21 “(II) the date and amount of such
 22 payment; and

23 “(III) the aggregate amount of all
 24 such payments made by the person during
 25 the period beginning on the first day of the

1 election reporting cycle (or, if earlier, the
2 period beginning one year before the dis-
3 closure date) and ending on the disclosure
4 date,

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

12 “(ii) In any calendar year after 2022, sec-
13 tion 315(c)(1)(B) shall apply to the amount de-
14 scribed in clause (i) in the same manner as
15 such section applies to the limitations estab-
16 lished under subsections (a)(1)(A), (a)(1)(B),
17 (a)(3), and (h) of such section, except that for
18 purposes of applying such section to the
19 amounts described in subsection (b), the ‘base
20 period’ shall be calendar year 2022.

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

24 “(3) EXCEPTIONS.—

1 “(A) AMOUNTS RECEIVED IN ORDINARY
2 COURSE OF BUSINESS.—The requirement to in-
3 clude in a statement filed under paragraph (1)
4 the information described in paragraph (2)
5 shall not apply to amounts received by the cov-
6 ered organization in commercial transactions in
7 the ordinary course of any trade or business
8 conducted by the covered organization or in the
9 form of investments (other than investments by
10 the principal shareholder in a limited liability
11 corporation) in the covered organization. For
12 purposes of this subparagraph, amounts re-
13 ceived by a covered organization as remittances
14 from an employee to the employee’s collective
15 bargaining representative shall be treated as
16 amounts received in commercial transactions in
17 the ordinary course of the business conducted
18 by the covered organization.

19 “(B) DONOR RESTRICTION ON USE OF
20 FUNDS.—The requirement to include in a state-
21 ment submitted under paragraph (1) the infor-
22 mation described in subparagraph (F) of para-
23 graph (2) shall not apply if—

24 “(i) the person described in such sub-
25 paragraph prohibited, in writing, the use of

1 the payment made by such person for cam-
 2 paign-related disbursements; and

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

8 “(C) THREAT OF HARASSMENT OR RE-
 9 PRISAL.—The requirement to include any infor-
 10 mation relating to the name or address of any
 11 person (other than a candidate) in a statement
 12 submitted under paragraph (1) shall not apply
 13 if the inclusion of the information would subject
 14 the person to serious threats, harassment, or
 15 reprisals.

16 “(4) OTHER DEFINITIONS.—For purposes of
 17 this section:

18 “(A) BENEFICIAL OWNER DEFINED.—

19 “(i) IN GENERAL.—Except as pro-
 20 vided in clause (ii), the term ‘beneficial
 21 owner’ means, with respect to any entity,
 22 a natural person who, directly or indi-
 23 rectly—

1 “(I) exercises substantial control
2 over an entity through ownership, vot-
3 ing rights, agreement, or otherwise; or

4 “(II) has a substantial interest in
5 or receives substantial economic bene-
6 fits from the assets of an entity.

7 “(ii) EXCEPTIONS.—The term ‘bene-
8 ficial owner’ shall not include—

9 “(I) a minor child;

10 “(II) a person acting as a nomi-
11 nee, intermediary, custodian, or agent
12 on behalf of another person;

13 “(III) a person acting solely as
14 an employee of an entity and whose
15 control over or economic benefits from
16 the entity derives solely from the em-
17 ployment status of the person;

18 “(IV) a person whose only inter-
19 est in an entity is through a right of
20 inheritance, unless the person also
21 meets the requirements of clause (i);
22 or

23 “(V) a creditor of an entity, un-
24 less the creditor also meets the re-
25 quirements of clause (i).

1 “(iii) ANTI-ABUSE RULE.—The excep-
2 tions under clause (ii) shall not apply if
3 used for the purpose of evading, circum-
4 venting, or abusing the provisions of clause
5 (i) or paragraph (2)(A).

6 “(B) DISCLOSURE DATE.—The term ‘dis-
7 closure date’ means—

8 “(i) the first date during any election
9 reporting cycle by which a person has
10 made campaign-related disbursements ag-
11 gregating more than \$10,000; and

12 “(ii) any other date during such elec-
13 tion reporting cycle by which a person has
14 made campaign-related disbursements ag-
15 gregating more than \$10,000 since the
16 most recent disclosure date for such elec-
17 tion reporting cycle.

18 “(C) ELECTION REPORTING CYCLE.—The
19 term ‘election reporting cycle’ means the 2-year
20 period beginning on the date of the most recent
21 general election for Federal office, except that
22 in the case of a campaign-related disbursement
23 for a Federal judicial nomination communica-
24 tion, such term means any calendar year in

1 which the campaign-related disbursement is
2 made.

3 “(D) PAYMENT.—The term ‘payment’ in-
4 cludes any contribution, donation, transfer, pay-
5 ment of dues, or other payment.

6 “(b) COORDINATION WITH OTHER PROVISIONS.—

7 “(1) OTHER REPORTS FILED WITH THE COM-
8 MISSION.—Information included in a statement filed
9 under this section may be excluded from statements
10 and reports filed under section 304.

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

16 “(c) FILING.—Statements required to be filed under
17 subsection (a) shall be subject to the requirements of sec-
18 tion 304(d) to the same extent and in the same manner
19 as if such reports had been required under subsection (c)
20 or (g) of section 304.

21 “(d) CAMPAIGN-RELATED DISBURSEMENT DE-
22 FINED.—

23 “(1) IN GENERAL.—In this section, the term
24 ‘campaign-related disbursement’ means a disburse-

1 ment by a covered organization for any of the fol-
 2 lowing:

3 “(A) An independent expenditure which ex-
 4 pressly advocates the election or defeat of a
 5 clearly identified candidate for election for Fed-
 6 eral office, or is the functional equivalent of ex-
 7 press advocacy because, when taken as a whole,
 8 it can be interpreted by a reasonable person
 9 only as advocating the election or defeat of a
 10 candidate for election for Federal office.

11 “(B) An applicable public communication.

12 “(C) An electioneering communication, as
 13 defined in section 304(f)(3).

14 “(D) A Federal judicial nomination com-
 15 munication.

16 “(E) A covered transfer.

17 “(2) APPLICABLE PUBLIC COMMUNICATIONS.—

18 “(A) IN GENERAL.—The term ‘applicable
 19 public communication’ means any public com-
 20 munication that refers to a clearly identified
 21 candidate for election for Federal office and
 22 which promotes or supports the election of a
 23 candidate for that office, or attacks or opposes
 24 the election of a candidate for that office, with-
 25 out regard to whether the communication ex-

1 pressly advocates a vote for or against a can-
2 didate for that office.

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 “(3) FEDERAL JUDICIAL NOMINATION COMMU-
12 NICATION.—

13 “(A) IN GENERAL.—The term ‘Federal ju-
14 dicial nomination communication’ means any
15 communication—

16 “(i) that is by means of any broad-
17 cast, cable, or satellite, paid internet, or
18 paid digital communication, paid pro-
19 motion, newspaper, magazine, outdoor ad-
20 vertising facility, mass mailing, telephone
21 bank, telephone messaging effort of more
22 than 500 substantially similar calls or elec-
23 tronic messages within a 30-day period, or
24 any other form of general public political
25 advertising; and

1 “(ii) which promotes, supports, at-
2 tacks, or opposes the nomination or Senate
3 confirmation of an individual as a Federal
4 judge or justice.

5 “(B) EXCEPTION.—Such term shall not in-
6 clude any news story, commentary, or editorial
7 distributed through the facilities of any broad-
8 casting station or any print, online, or digital
9 newspaper, magazine, publication, or periodical,
10 unless such facilities are owned or controlled by
11 any political party, political committee, or can-
12 didate.

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

18 “(e) COVERED ORGANIZATION DEFINED.—In this
19 section, the term ‘covered organization’ means any of the
20 following:

21 “(1) A corporation (other than an organization
22 described in section 501(c)(3) of the Internal Rev-
23 enue Code of 1986).

24 “(2) A limited liability corporation that is not
25 otherwise treated as a corporation for purposes of

1 this Act (other than an organization described in
2 section 501(c)(3) of the Internal Revenue Code of
3 1986).

4 “(3) An organization described in section
5 501(c) of such Code and exempt from taxation
6 under section 501(a) of such Code (other than an
7 organization described in section 501(c)(3) of such
8 Code).

9 “(4) A labor organization (as defined in section
10 316(b)).

11 “(5) Any political organization under section
12 527 of the Internal Revenue Code of 1986, other
13 than a political committee under this Act (except as
14 provided in paragraph (6)).

15 “(6) A political committee with an account that
16 accepts donations or contributions that do not com-
17 ply with the contribution limits or source prohibi-
18 tions under this Act, but only with respect to such
19 accounts.

20 “(f) COVERED TRANSFER DEFINED.—

21 “(1) IN GENERAL.—In this section, the term
22 ‘covered transfer’ means any transfer or payment of
23 funds by a covered organization to another person if
24 the covered organization—

1 “(A) designates, requests, or suggests that
2 the amounts be used for—

3 “(i) campaign-related disbursements
4 (other than covered transfers); or

5 “(ii) making a transfer to another
6 person for the purpose of making or pay-
7 ing for such campaign-related disburse-
8 ments;

9 “(B) made such transfer or payment in re-
10 sponse to a solicitation or other request for a
11 donation or payment for—

12 “(i) the making of or paying for cam-
13 paign-related disbursements (other than
14 covered transfers); or

15 “(ii) making a transfer to another
16 person for the purpose of making or pay-
17 ing for such campaign-related disburse-
18 ments;

19 “(C) engaged in discussions with the re-
20 cipient of the transfer or payment regarding—

21 “(i) the making of or paying for cam-
22 paign-related disbursements (other than
23 covered transfers); or

24 “(ii) donating or transferring any
25 amount of such transfer or payment to an-

1 other person for the purpose of making or
2 paying for such campaign-related disburse-
3 ments;

4 “(D) made campaign-related disburse-
5 ments (other than a covered transfer) in an ag-
6 gregate amount of \$50,000 or more during the
7 2-year period ending on the date of the transfer
8 or payment, or knew or had reason to know
9 that the person receiving the transfer or pay-
10 ment made such disbursements in such an ag-
11 gregate amount during that 2-year period; or

12 “(E) knew or had reason to know that the
13 person receiving the transfer or payment would
14 make campaign-related disbursements in an ag-
15 gregate amount of \$50,000 or more during the
16 2-year period beginning on the date of the
17 transfer or payment.

18 “(2) EXCLUSIONS.—The term ‘covered transfer’
19 does not include any of the following:

20 “(A) A disbursement made by a covered
21 organization in a commercial transaction in the
22 ordinary course of any trade or business con-
23 ducted by the covered organization or in the
24 form of investments made by the covered orga-
25 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

covered organization is an affiliate of another covered organization if—

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

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

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

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

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) On January 6, 2017, the Office of the Di-
14 rector of National Intelligence published a report ti-
15 tled “Assessing Russian Activities and Intentions in
16 Recent U.S. Elections”, noting that “Russian Presi-
17 dent Vladimir Putin ordered an influence campaign
18 in 2016 aimed at the US presidential election * * *”.
19 Moscow’s influence campaign followed a Russian
20 messaging strategy that blends covert intelligence
21 operation—such as cyber activity—with overt efforts
22 by Russian Government agencies, state-funded
23 media, third-party intermediaries, and paid social
24 media users or “trolls”.

1 (2) On November 24, 2016, The Washington
 2 Post reported findings from 2 teams of independent
 3 researchers that concluded Russians “exploited
 4 American-made technology platforms to attack U.S.
 5 democracy at a particularly vulnerable moment * * *
 6 as part of a broadly effective strategy of sowing dis-
 7 trust in U.S. democracy and its leaders.”.

8 (3) Findings from a 2017 study on the manipu-
 9 lation of public opinion through social media con-
 10 ducted by the Computational Propaganda Research
 11 Project at the Oxford Internet Institute found that
 12 the Kremlin is using pro-Russian bots to manipulate
 13 public discourse to a highly targeted audience. With
 14 a sample of nearly 1,300,000 tweets, researchers
 15 found that in the 2016 election’s 3 decisive States,
 16 propaganda constituted 40 percent of the sampled
 17 election-related tweets that went to Pennsylvanians,
 18 34 percent to Michigan voters, and 30 percent to
 19 those in Wisconsin. In other swing States, the figure
 20 reached 42 percent in Missouri, 41 percent in Flor-
 21 ida, 40 percent in North Carolina, 38 percent in
 22 Colorado, and 35 percent in Ohio.

23 (4) On September 6, 2017, the nation’s largest
 24 social media platform disclosed that between June
 25 2015 and May 2017, Russian entities purchased

1 \$100,000 in political advertisements, publishing
2 roughly 3,000 ads linked to fake accounts associated
3 with the Internet Research Agency, a pro-Kremlin
4 organization. According to the company, the ads
5 purchased focused “on amplifying divisive social and
6 political messages * * *”.

7 (5) In 2002, the Bipartisan Campaign Reform
8 Act became law, establishing disclosure requirements
9 for political advertisements distributed from a tele-
10 vision or radio broadcast station or provider of cable
11 or satellite television. In 2003, the Supreme Court
12 upheld regulations on electioneering communications
13 established under the Act, noting that such require-
14 ments “provide the electorate with information and
15 insure that the voters are fully informed about the
16 person or group who is speaking.”.

17 (6) According to a study from Borrell Associ-
18 ates, in 2016, \$1,415,000,000 was spent on online
19 advertising, more than quadruple the amount in
20 2012.

21 (7) The reach of a few large internet plat-
22 forms—larger than any broadcast, satellite, or cable
23 provider—has greatly facilitated the scope and effec-
24 tiveness of disinformation campaigns. For instance,
25 the largest platform has over 210,000,000 Ameri-

1 cans users—over 160,000,000 of them on a daily
 2 basis. By contrast, the largest cable television pro-
 3 vider has 22,430,000 subscribers, while the largest
 4 satellite television provider has 21,000,000 sub-
 5 scribers. And the most-watched television broadcast
 6 in United States history had 118,000,000 viewers.

7 (8) The public nature of broadcast television,
 8 radio, and satellite ensures a level of publicity for
 9 any political advertisement. These communications
 10 are accessible to the press, fact-checkers, and polit-
 11 ical opponents; this creates strong disincentives for
 12 a candidate to disseminate materially false, inflam-
 13 matory, or contradictory messages to the public. So-
 14 cial media platforms, in contrast, can target portions
 15 of the electorate with direct, ephemeral advertise-
 16 ments often on the basis of private information the
 17 platform has on individuals, enabling political adver-
 18 tisements that are contradictory, racially or socially
 19 inflammatory, or materially false.

20 (9) According to comScore, 2 companies own 8
 21 of the 10 most popular smart phone applications as
 22 of June 2017, including the most popular social
 23 media and email services—which deliver information
 24 and news to users without requiring proactivity by
 25 the user. Those same 2 companies accounted for 99

1 percent of revenue growth from digital advertising in
2 2016, including 77 percent of gross spending. 79
3 percent of online Americans—representing 68 per-
4 cent of all Americans—use the single largest social
5 network, while 66 percent of these users are most
6 likely to get their news from that site.

7 (10) In its 2006 rulemaking, the Federal Elec-
8 tion Commission noted that only 18 percent of all
9 Americans cited the internet as their leading source
10 of news about the 2004 Presidential election; by con-
11 trast, the Pew Research Center found that 65 per-
12 cent of Americans identified an internet-based
13 source as their leading source of information for the
14 2016 election.

15 (11) The Federal Election Commission, the
16 independent Federal agency charged with protecting
17 the integrity of the Federal campaign finance proc-
18 ess by providing transparency and administering
19 campaign finance laws, has failed to take action to
20 address online political advertisements.

21 (12) In testimony before the Senate Select
22 Committee on Intelligence titled, “Disinformation: A
23 Primer in Russian Active Measures and Influence
24 Campaigns”, multiple expert witnesses testified that
25 while the disinformation tactics of foreign adver-

1 saries have not necessarily changed, social media
2 services now provide “platform[s] practically pur-
3 pose-built for active measures[.]” Similarly, as Gen.
4 Keith B. Alexander (RET.), the former Director of
5 the National Security Agency, testified, during the
6 Cold War “if the Soviet Union sought to manipulate
7 information flow, it would have to do so principally
8 through its own propaganda outlets or through ac-
9 tive measures that would generate specific news:
10 planting of leaflets, inciting of violence, creation of
11 other false materials and narratives. But the news
12 itself was hard to manipulate because it would have
13 required actual control of the organs of media, which
14 took long-term efforts to penetrate. Today, however,
15 because the clear majority of the information on so-
16 cial media sites is uncurated and there is a rapid
17 proliferation of information sources and other sites
18 that can reinforce information, there is an increasing
19 likelihood that the information available to average
20 consumers may be inaccurate (whether intentionally
21 or otherwise) and may be more easily manipulable
22 than in prior eras.”.

23 (13) Current regulations on political advertise-
24 ments do not provide sufficient transparency to up-

1 hold the public's right to be fully informed about po-
2 litical advertisements made online.

3 **SEC. 4204. SENSE OF CONGRESS.**

4 It is the sense of Congress that—

5 (1) the dramatic increase in digital political ad-
6 vertisements, and the growing centrality of online
7 platforms in the lives of Americans, requires the
8 Congress and the Federal Election Commission to
9 take meaningful action to ensure that laws and reg-
10 ulations provide the accountability and transparency
11 that is fundamental to our democracy;

12 (2) free and fair elections require both trans-
13 parency and accountability which give the public a
14 right to know the true sources of funding for polit-
15 ical advertisements in order to make informed polit-
16 ical choices and hold elected officials accountable;
17 and

18 (3) transparency of funding for political adver-
19 tisements is essential to enforce other campaign fi-
20 nance laws, including the prohibition on campaign
21 spending by foreign nationals.

22 **SEC. 4205. EXPANSION OF DEFINITION OF PUBLIC COMMU-
23 NICATION.**

24 (a) IN GENERAL.—Paragraph (22) of section 301 of
25 the Federal Election Campaign Act of 1971 (52 U.S.C.

1 30101(22)) is amended by striking “or satellite commu-
2 nication” and inserting “satellite, paid internet, or paid
3 digital communication”.

4 (b) TREATMENT OF CONTRIBUTIONS AND EXPENDI-
5 TURES.—Section 301 of such Act (52 U.S.C. 30101) is
6 amended—

7 (1) in paragraph (8)(B)(v), by striking “on
8 broadcasting stations, or in newspapers, magazines,
9 or similar types of general public political adver-
10 tising” and inserting “in any public communica-
11 tion”; and

12 (2) in paragraph (9)(B)—

13 (A) by amending clause (i) to read as fol-
14 lows:

15 “(i) any news story, commentary, or
16 editorial distributed through the facilities
17 of any broadcasting station or any print,
18 online, or digital newspaper, magazine,
19 blog, publication, or periodical, unless such
20 broadcasting, print, online, or digital facili-
21 ties are owned or controlled by any polit-
22 ical party, political committee, or can-
23 didate;” and

24 (B) in clause (iv), by striking “on broad-
25 casting stations, or in newspapers, magazines,

1 or similar types of general public political ad-
 2 vertising” and inserting “in any public commu-
 3 nication”.

4 (c) DISCLOSURE AND DISCLAIMER STATEMENTS.—
 5 Subsection (a) of section 318 of such Act (52 U.S.C.
 6 30120) is amended—

7 (1) by striking “financing any communication
 8 through any broadcasting station, newspaper, maga-
 9 zine, outdoor advertising facility, mailing, or any
 10 other type of general public political advertising”
 11 and inserting “financing any public communication”;
 12 and

13 (2) by striking “solicits any contribution
 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 “solicits any contribution through any
 18 public communication”.

19 **SEC. 4206. EXPANSION OF DEFINITION OF ELECTION-**
 20 **EERING COMMUNICATION.**

21 (a) EXPANSION TO ONLINE COMMUNICATIONS.—

22 (1) APPLICATION TO QUALIFIED INTERNET AND
 23 DIGITAL COMMUNICATIONS.—

24 (A) IN GENERAL.—Subparagraph (A) of
 25 section 304(f)(3) of the Federal Election Cam-

1 paign Act of 1971 (52 U.S.C. 30104(f)(3)(A))
 2 is amended by striking “or satellite communica-
 3 tion” each place it appears in clauses (i) and
 4 (ii) and inserting “satellite, or qualified internet
 5 or digital communication”.

6 (B) QUALIFIED INTERNET OR DIGITAL
 7 COMMUNICATION.—Paragraph (3) of section
 8 304(f) of such Act (52 U.S.C. 30104(f)) is
 9 amended by adding at the end the following
 10 new subparagraph:

11 “(D) QUALIFIED INTERNET OR DIGITAL
 12 COMMUNICATION.—The term ‘qualified internet
 13 or digital communication’ means any commu-
 14 nication which is placed or promoted for a fee
 15 on an online platform (as defined in subsection
 16 (k)(3)).”.

17 (2) NONAPPLICATION OF RELEVANT ELEC-
 18 TORATE TO ONLINE COMMUNICATIONS.—Section
 19 304(f)(3)(A)(i)(III) of such Act (52 U.S.C.
 20 30104(f)(3)(A)(i)(III)) is amended by inserting “any
 21 broadcast, cable, or satellite” before “communica-
 22 tion”.

23 (3) NEWS EXEMPTION.—Section
 24 304(f)(3)(B)(i) of such Act (52 U.S.C.
 25 30104(f)(3)(B)(i)) is amended to read as follows:

1 “(i) a communication appearing in a
 2 news story, commentary, or editorial dis-
 3 tributed through the facilities of any
 4 broadcasting station or any online or dig-
 5 ital newspaper, magazine, blog, publica-
 6 tion, or periodical, unless such broad-
 7 casting, online, or digital facilities are
 8 owned or controlled by any political party,
 9 political committee, or candidate;”.

10 (b) EFFECTIVE DATE.—The amendments made by
 11 this section shall apply with respect to communications
 12 made on or after January 1, 2022.

13 **SEC. 4207. APPLICATION OF DISCLAIMER STATEMENTS TO**
 14 **ONLINE COMMUNICATIONS.**

15 (a) CLEAR AND CONSPICUOUS MANNER REQUIRE-
 16 MENT.—Subsection (a) of section 318 of the Federal Elec-
 17 tion Campaign Act of 1971 (52 U.S.C. 30120(a)) is
 18 amended—

19 (1) by striking “shall clearly state” each place
 20 it appears in paragraphs (1), (2), and (3) and in-
 21 serting “shall state in a clear and conspicuous man-
 22 ner”; and

23 (2) by adding at the end the following flush
 24 sentence: “For purposes of this section, a commu-
 25 nication does not make a statement in a clear and

1 conspicuous manner if it is difficult to read or hear
 2 or if the placement is easily overlooked.”.

3 (b) SPECIAL RULES FOR QUALIFIED INTERNET OR
 4 DIGITAL COMMUNICATIONS.—

5 (1) IN GENERAL.—Section 318 of such Act (52
 6 U.S.C. 30120) is amended by adding at the end the
 7 following new subsection:

8 “(e) SPECIAL RULES FOR QUALIFIED INTERNET OR
 9 DIGITAL COMMUNICATIONS.—

10 “(1) SPECIAL RULES WITH RESPECT TO STATE-
 11 MENTS.—In the case of any qualified internet or
 12 digital communication (as defined in section
 13 304(f)(3)(D)) which is disseminated through a me-
 14 dium in which the provision of all of the information
 15 specified in this section is not possible, the commu-
 16 nication shall, in a clear and conspicuous manner—

17 “(A) state the name of the person who
 18 paid for the communication; and

19 “(B) provide a means for the recipient of
 20 the communication to obtain the remainder of
 21 the information required under this section with
 22 minimal effort and without receiving or viewing
 23 any additional material other than such re-
 24 quired information.

1 “(2) SAFE HARBOR FOR DETERMINING CLEAR
 2 AND CONSPICUOUS MANNER.—A statement in quali-
 3 fied internet or digital communication (as defined in
 4 section 304(f)(3)(D)) shall be considered to be made
 5 in a clear and conspicuous manner as provided in
 6 subsection (a) if the communication meets the fol-
 7 lowing requirements:

8 “(A) TEXT OR GRAPHIC COMMUNICA-
 9 TIONS.—In the case of a text or graphic com-
 10 munication, the statement—

11 “(i) appears in letters at least as large
 12 as the majority of the text in the commu-
 13 nication; and

14 “(ii) meets the requirements of para-
 15 graphs (2) and (3) of subsection (c).

16 “(B) AUDIO COMMUNICATIONS.—In the
 17 case of an audio communication, the statement
 18 is spoken in a clearly audible and intelligible
 19 manner at the beginning or end of the commu-
 20 nication and lasts at least 3 seconds.

21 “(C) VIDEO COMMUNICATIONS.—In the
 22 case of a video communication which also in-
 23 cludes audio, the statement—

24 “(i) is included at either the beginning
 25 or the end of the communication; and

1 “(ii) is made both in—

2 “(I) a written format that meets
3 the requirements of subparagraph (A)
4 and appears for at least 4 seconds;
5 and

6 “(II) an audible format that
7 meets the requirements of subpara-
8 graph (B).

9 “(D) OTHER COMMUNICATIONS.—In the
10 case of any other type of communication, the
11 statement is at least as clear and conspicuous
12 as the statement specified in subparagraph (A),
13 (B), or (C).”.

14 (2) NONAPPLICATION OF CERTAIN EXCEP-
15 TIONS.—The exceptions provided in section
16 110.11(f)(1)(i) and (ii) of title 11, Code of Federal
17 Regulations, or any successor to such rules, shall
18 have no application to qualified internet or digital
19 communications (as defined in section 304(f)(3)(D)
20 of the Federal Election Campaign Act of 1971).

21 (c) MODIFICATION OF ADDITIONAL REQUIREMENTS
22 FOR CERTAIN COMMUNICATIONS.—Section 318(d) of such
23 Act (52 U.S.C. 30120(d)) is amended—

24 (1) in paragraph (1)(A)—

1 (A) by striking “which is transmitted
2 through radio” and inserting “which is in an
3 audio format”; and

4 (B) by striking “BY RADIO” in the heading
5 and inserting “AUDIO FORMAT”;

6 (2) in paragraph (1)(B)—

7 (A) by striking “which is transmitted
8 through television” and inserting “which is in
9 video format”; and

10 (B) by striking “BY TELEVISION” in the
11 heading and inserting “VIDEO FORMAT”; and

12 (3) in paragraph (2)—

13 (A) by striking “transmitted through radio
14 or television” and inserting “made in audio or
15 video format”; and

16 (B) by striking “through television” in the
17 second sentence and inserting “in video for-
18 mat”.

19 **SEC. 4208. POLITICAL RECORD REQUIREMENTS FOR ON-**
20 **LINE PLATFORMS.**

21 (a) IN GENERAL.—Section 304 of the Federal Elec-
22 tion Campaign Act of 1971 (52 U.S.C. 30104), as amend-
23 ed by section 4002, is amended by adding at the end the
24 following new subsection:

1 “(k) DISCLOSURE OF CERTAIN ONLINE ADVERTISE-
2 MENTS.—

3 “(1) IN GENERAL.—

4 “(A) REQUIREMENTS FOR ONLINE PLAT-
5 FORMS.—An online platform shall maintain,
6 and make available for online public inspection
7 in machine readable format, a complete record
8 of any request to purchase on such online plat-
9 form a qualified political advertisement which is
10 made by a person whose aggregate requests to
11 purchase qualified political advertisements on
12 such online platform during the calendar year
13 exceeds \$500.

14 “(B) REQUIREMENTS FOR ADVER-
15 TISERS.—Any person who requests to purchase
16 a qualified political advertisement on an online
17 platform shall provide the online platform with
18 such information as is necessary for the online
19 platform to comply with the requirements of
20 subparagraph (A).

21 “(2) CONTENTS OF RECORD.—A record main-
22 tained under paragraph (1)(A) shall contain—

23 “(A) a digital copy of the qualified political
24 advertisement;

1 “(B) a description of the audience targeted
2 by the advertisement, the number of views gen-
3 erated from the advertisement, and the date
4 and time that the advertisement is first dis-
5 played and last displayed; and

6 “(C) information regarding—

7 “(i) the average rate charged for the
8 advertisement;

9 “(ii) the name of the candidate to
10 which the advertisement refers and the of-
11 fice to which the candidate is seeking elec-
12 tion, the election to which the advertise-
13 ment refers, or the national legislative
14 issue to which the advertisement refers (as
15 applicable);

16 “(iii) in the case of a request made
17 by, or on behalf of, a candidate, the name
18 of the candidate, the authorized committee
19 of the candidate, and the treasurer of such
20 committee; and

21 “(iv) in the case of any request not
22 described in clause (iii), the name of the
23 person purchasing the advertisement, the
24 name and address of a contact person for
25 such person, and a list of the chief execu-

1 tive officers or members of the executive
2 committee or of the board of directors of
3 such person.

4 “(3) ONLINE PLATFORM.—For purposes of this
5 subsection, the term ‘online platform’ means any
6 public-facing website, web application, or digital ap-
7 plication (including a social network, ad network, or
8 search engine) which—

9 “(A) sells qualified political advertise-
10 ments; and

11 “(B) has 50,000,000 or more unique
12 monthly United States visitors or users for a
13 majority of months during the preceding 12
14 months.

15 “(4) QUALIFIED POLITICAL ADVERTISEMENT.—
16 For purposes of this subsection, the term ‘qualified
17 political advertisement’ means any advertisement
18 (including search engine marketing, display adver-
19 tisements, video advertisements, native advertise-
20 ments, and sponsorships) that—

21 “(A) is made by or on behalf of a can-
22 didate; or

23 “(B) communicates a message relating to
24 any political matter of national importance, in-
25 cluding—

- 1 “(i) a candidate;
- 2 “(ii) any election to Federal office; or
- 3 “(iii) a national legislative issue of
- 4 public importance.

5 “(5) TIME TO MAINTAIN FILE.—The informa-
6 tion required under this subsection shall be made
7 available as soon as possible and shall be retained by
8 the online platform for a period of not less than 4
9 years.

10 “(6) PENALTIES.—For penalties for failure by
11 online platforms, and persons requesting to purchase
12 a qualified political advertisement on online plat-
13 forms, to comply with the requirements of this sub-
14 section, see section 309.”.

15 (b) RULEMAKING.—Not later than 120 days after the
16 date of the enactment of this Act, the Federal Election
17 Commission shall establish rules—

- 18 (1) requiring common data formats for the
- 19 record required to be maintained under section
- 20 304(j) of the Federal Election Campaign Act of
- 21 1971 (as added by subsection (a)) so that all online
- 22 platforms submit and maintain data online in a com-
- 23 mon, machine-readable and publicly accessible for-
- 24 mat; and

1 (2) establishing search interface requirements
 2 relating to such record, including searches by can-
 3 didate name, issue, purchaser, and date.

4 (c) REPORTING.—Not later than 2 years after the
 5 date of the enactment of this Act, and biannually there-
 6 after, the Chairman of the Federal Election Commission
 7 shall submit a report to Congress on—

8 (1) matters relating to compliance with and the
 9 enforcement of the requirements of section 304(k) of
 10 the Federal Election Campaign Act of 1971, as
 11 added by subsection (a);

12 (2) recommendations for any modifications to
 13 such section to assist in carrying out its purposes;
 14 and

15 (3) identifying ways to bring transparency and
 16 accountability to political advertisements distributed
 17 online for free.

18 **SEC. 4209. PREVENTING CONTRIBUTIONS, EXPENDITURES,**
 19 **INDEPENDENT EXPENDITURES, AND DIS-**
 20 **BURSEMENTS FOR ELECTIONEERING COM-**
 21 **MUNICATIONS BY FOREIGN NATIONALS IN**
 22 **THE FORM OF ONLINE ADVERTISING.**

23 Section 319 of the Federal Election Campaign Act
 24 of 1971 (52 U.S.C. 30121), as amended by section

1 4101(b), is further amended by adding at the end the fol-
 2 lowing new subsection:

3 “(d) RESPONSIBILITIES OF BROADCAST STATIONS,
 4 PROVIDERS OF CABLE AND SATELLITE TELEVISION, AND
 5 ONLINE PLATFORMS.—Each television or radio broadcast
 6 station, provider of cable or satellite television, or online
 7 platform (as defined in section 304(k)(3)) shall make rea-
 8 sonable efforts to ensure that communications described
 9 in section 318(a) and made available by such station, pro-
 10 vider, or platform are not purchased by a foreign national,
 11 directly or indirectly.”.

12 **SEC. 4210. REQUIRING ONLINE PLATFORMS TO DISPLAY**
 13 **NOTICES IDENTIFYING SPONSORS OF POLIT-**
 14 **ICAL ADVERTISEMENTS AND TO ENSURE NO-**
 15 **TICES CONTINUE TO BE PRESENT WHEN AD-**
 16 **VERTISEMENTS ARE SHARED.**

17 (a) IN GENERAL.—Section 304 of the Federal Elec-
 18 tion Campaign Act of 1971 (52 U.S.C. 30104), as amend-
 19 ed by section 4002 and section 4208(a), is amended by
 20 adding at the end the following new subsection:

21 “(l) ENSURING DISPLAY AND SHARING OF SPONSOR
 22 IDENTIFICATION IN ONLINE POLITICAL ADVERTISE-
 23 MENTS.—

24 “(1) REQUIREMENT.—An online platform dis-
 25 playing a qualified political advertisement shall—

1 “(A) display with the advertisement a visi-
 2 ble notice identifying the sponsor of the adver-
 3 tisement (or, if it is not practical for the plat-
 4 form to display such a notice, a notice that the
 5 advertisement is sponsored by a person other
 6 than the platform); and

7 “(B) ensure that the notice will continue to
 8 be displayed if a viewer of the advertisement
 9 shares the advertisement with others on that
 10 platform.

11 “(2) DEFINITIONS.—In this subsection—

12 “(A) the term ‘online platform’ has the
 13 meaning given such term in subsection (k)(3);
 14 and

15 “(B) the term ‘qualified political adver-
 16 tisement’ has the meaning given such term in
 17 subsection (k)(4).”.

18 (b) EFFECTIVE DATE.—The amendment made by
 19 subsection (a) shall apply with respect to advertisements
 20 displayed on or after the 120-day period which begins on
 21 the date of the enactment of this Act.

22 **Subtitle D—Stand By Every Ad**

23 **SEC. 4301. SHORT TITLE.**

24 This subtitle may be cited as the “Stand By Every
 25 Ad Act”.

1 **SEC. 4302. STAND BY EVERY AD.**

2 (a) EXPANDED DISCLAIMER REQUIREMENTS FOR
3 CERTAIN COMMUNICATIONS.—Section 318 of the Federal
4 Election Campaign Act of 1971 (52 U.S.C. 30120), as
5 amended by section 4207(b)(1), is further amended—

6 (1) by redesignating subsection (e) as sub-
7 section (f); and

8 (2) by inserting after subsection (d) the fol-
9 lowing new subsection:

10 “(e) EXPANDED DISCLAIMER REQUIREMENTS FOR
11 COMMUNICATIONS NOT AUTHORIZED BY CANDIDATES OR
12 COMMITTEES.—

13 “(1) IN GENERAL.—Except as provided in para-
14 graph (6), any communication described in para-
15 graph (3) of subsection (a) which is transmitted in
16 an audio or video format (including an internet or
17 digital communication), or which is an internet or
18 digital communication transmitted in a text or
19 graphic format, shall include, in addition to the re-
20 quirements of paragraph (3) of subsection (a), the
21 following:

22 “(A) The individual disclosure statement
23 described in paragraph (2)(A) (if the person
24 paying for the communication is an individual)
25 or the organizational disclosure statement de-

1 scribed in paragraph (2)(B) (if the person pay-
2 ing for the communication is not an individual).

3 “(B) If the communication is transmitted
4 in a video format, or is an internet or digital
5 communication which is transmitted in a text or
6 graphic format, and is paid for in whole or in
7 part with a payment which is treated as a cam-
8 paign-related disbursement under section 324—

9 “(i) the Top Five Funders list (if ap-
10 plicable); or

11 “(ii) in the case of a communication
12 which, as determined on the basis of cri-
13 teria established in regulations issued by
14 the Commission, is of such short duration
15 that including the Top Five Funders list in
16 the communication would constitute a
17 hardship to the person paying for the com-
18 munication by requiring a disproportionate
19 amount of the content of the communica-
20 tion to consist of the Top Five Funders
21 list, the name of a website which contains
22 the Top Five Funders list (if applicable)
23 or, in the case of an internet or digital
24 communication, a hyperlink to such
25 website.

1 “(C) If the communication is transmitted
2 in an audio format and is paid for in whole or
3 in part with a payment which is treated as a
4 campaign-related disbursement under section
5 324—

6 “(i) the Top Two Funders list (if ap-
7 plicable); or

8 “(ii) in the case of a communication
9 which, as determined on the basis of cri-
10 teria established in regulations issued by
11 the Commission, is of such short duration
12 that including the Top Two Funders list in
13 the communication would constitute a
14 hardship to the person paying for the com-
15 munication by requiring a disproportionate
16 amount of the content of the communica-
17 tion to consist of the Top Two Funders
18 list, the name of a website which contains
19 the Top Two Funders list (if applicable).

20 “(2) DISCLOSURE STATEMENTS DESCRIBED.—

21 “(A) INDIVIDUAL DISCLOSURE STATE-
22 MENTS.—The individual disclosure statement
23 described in this subparagraph is the following:
24 ‘I am _____, and I approve this

1 message.’, with the blank filled in with the
2 name of the applicable individual.

3 “(B) ORGANIZATIONAL DISCLOSURE
4 STATEMENTS.—The organizational disclosure
5 statement described in this subparagraph is the
6 following: ‘I am _____, the
7 _____ of _____, and
8 _____ approves this message.’,
9 with—

10 “(i) the first blank to be filled in with
11 the name of the applicable individual;

12 “(ii) the second blank to be filled in
13 with the title of the applicable individual;
14 and

15 “(iii) the third and fourth blank each
16 to be filled in with the name of the organi-
17 zation or other person paying for the com-
18 munication.

19 “(3) METHOD OF CONVEYANCE OF STATE-
20 MENT.—

21 “(A) COMMUNICATIONS IN TEXT OR
22 GRAPHIC FORMAT.—In the case of a commu-
23 nication to which this subsection applies which
24 is transmitted in a text or graphic format, the
25 disclosure statements required under paragraph

1 (1) shall appear in letters at least as large as
2 the majority of the text in the communication.

3 “(B) COMMUNICATIONS TRANSMITTED IN
4 AUDIO FORMAT.—In the case of a communica-
5 tion to which this subsection applies which is
6 transmitted in an audio format, the disclosure
7 statements required under paragraph (1) shall
8 be made by audio by the applicable individual
9 in a clear and conspicuous manner.

10 “(C) COMMUNICATIONS TRANSMITTED IN
11 VIDEO FORMAT.—In the case of a communica-
12 tion to which this subsection applies which is
13 transmitted in a video format, the information
14 required under paragraph (1)—

15 “(i) shall appear in writing at the end
16 of the communication or in a crawl along
17 the bottom of the communication in a clear
18 and conspicuous manner, with a reasonable
19 degree of color contrast between the back-
20 ground and the printed statement, for a
21 period of at least 6 seconds; and

22 “(ii) shall also be conveyed by an
23 unobscured, full-screen view of the applica-
24 ble individual or by the applicable indi-
25 vidual making the statement in voice-over

1 accompanied by a clearly identifiable pho-
2 tograph or similar image of the individual,
3 except in the case of a Top Five Funders
4 list.

5 “(4) APPLICABLE INDIVIDUAL DEFINED.—The
6 term ‘applicable individual’ means, with respect to a
7 communication to which this subsection applies—

8 “(A) if the communication is paid for by
9 an individual, the individual involved;

10 “(B) if the communication is paid for by a
11 corporation, the chief executive officer of the
12 corporation (or, if the corporation does not have
13 a chief executive officer, the highest ranking of-
14 ficial of the corporation);

15 “(C) if the communication is paid for by a
16 labor organization, the highest ranking officer
17 of the labor organization; and

18 “(D) if the communication is paid for by
19 any other person, the highest ranking official of
20 such person.

21 “(5) TOP FIVE FUNDERS LIST AND TOP TWO
22 FUNDERS LIST DEFINED.—

23 “(A) TOP FIVE FUNDERS LIST.—The term
24 ‘Top Five Funders list’ means, with respect to
25 a communication which is paid for in whole or

1 in part with a campaign-related disbursement
2 (as defined in section 324), a list of the five
3 persons who, during the 12-month period end-
4 ing on the date of the disbursement, provided
5 the largest payments of any type in an aggre-
6 gate amount equal to or exceeding \$10,000 to
7 the person who is paying for the communication
8 and the amount of the payments each such per-
9 son provided. If two or more people provided
10 the fifth largest of such payments, the person
11 paying for the communication shall select one of
12 those persons to be included on the Top Five
13 Funders list.

14 “(B) TOP TWO FUNDERS LIST.—The term
15 ‘Top Two Funders list’ means, with respect to
16 a communication which is paid for in whole or
17 in part with a campaign-related disbursement
18 (as defined in section 324), a list of the persons
19 who, during the 12-month period ending on the
20 date of the disbursement, provided the largest
21 and the second largest payments of any type in
22 an aggregate amount equal to or exceeding
23 \$10,000 to the person who is paying for the
24 communication and the amount of the pay-
25 ments each such person provided. If two or

1 more persons provided the second largest of
2 such payments, the person paying for the com-
3 munication shall select one of those persons to
4 be included on the Top Two Funders list.

5 “(C) EXCLUSION OF CERTAIN PAY-
6 MENTS.—For purposes of subparagraphs (A)
7 and (B), in determining the amount of pay-
8 ments made by a person to a person paying for
9 a communication, there shall be excluded the
10 following:

11 “(i) Any amounts provided in the or-
12 dinary course of any trade or business con-
13 ducted by the person paying for the com-
14 munication or in the form of investments
15 in the person paying for the communica-
16 tion.

17 “(ii) Any payment which the person
18 prohibited, in writing, from being used for
19 campaign-related disbursements, but only
20 if the person paying for the communication
21 agreed to follow the prohibition and depos-
22 ited the payment in an account which is
23 segregated from any account used to make
24 campaign-related disbursements.

1 “(6) SPECIAL RULES FOR CERTAIN COMMU-
2 NICATIONS.—

3 “(A) EXCEPTION FOR COMMUNICATIONS
4 PAID FOR BY POLITICAL PARTIES AND CERTAIN
5 POLITICAL COMMITTEES.—This subsection does
6 not apply to any communication to which sub-
7 section (d)(2) applies.

8 “(B) TREATMENT OF VIDEO COMMUNICA-
9 TIONS LASTING 10 SECONDS OR LESS.—In the
10 case of a communication to which this sub-
11 section applies which is transmitted in a video
12 format, or is an internet or digital communica-
13 tion which is transmitted in a text or graphic
14 format, the communication shall meet the fol-
15 lowing requirements:

16 “(i) The communication shall include
17 the individual disclosure statement de-
18 scribed in paragraph (2)(A) (if the person
19 paying for the communication is an indi-
20 vidual) or the organizational disclosure
21 statement described in paragraph (2)(B)
22 (if the person paying for the communica-
23 tion is not an individual).

24 “(ii) The statement described in
25 clause (i) shall appear in writing at the

1 end of the communication, or in a crawl
2 along the bottom of the communication, in
3 a clear and conspicuous manner, with a
4 reasonable degree of color contrast between
5 the background and the printed statement,
6 for a period of at least 4 seconds.

7 “(iii) The communication shall in-
8 clude, in a clear and conspicuous manner,
9 a website address with a landing page
10 which will provide all of the information
11 described in paragraph (1) with respect to
12 the communication. Such address shall ap-
13 pear for the full duration of the commu-
14 nication.

15 “(iv) To the extent that the format in
16 which the communication is made permits
17 the use of a hyperlink, the communication
18 shall include a hyperlink to the website ad-
19 dress described in clause (iii).”.

20 (b) APPLICATION OF EXPANDED REQUIREMENTS TO
21 PUBLIC COMMUNICATIONS CONSISTING OF CAMPAIGN-
22 RELATED DISBURSEMENTS.—

23 (1) IN GENERAL.—Section 318(a) of such Act
24 (52 U.S.C. 30120(a)) is amended by striking “for
25 the purpose of financing communications expressly

1 advocating the election or defeat of a clearly identi-
 2 fied candidate” and inserting “for a campaign-re-
 3 lated disbursement, as defined in section 324, con-
 4 sisting of a public communication”.

5 (2) CLARIFICATION OF EXEMPTION FROM IN-
 6 CLUSION OF CANDIDATE DISCLAIMER STATEMENT IN
 7 FEDERAL JUDICIAL NOMINATION COMMUNICA-
 8 TIONS.—Section 318(a)(3) of such Act (52 U.S.C.
 9 30120(a)(3)) is amended by striking “shall state”
 10 and inserting “shall (except in the case of a Federal
 11 judicial nomination communication, as defined in
 12 section 324(d)(3)) state”.

13 (c) EXCEPTION FOR COMMUNICATIONS PAID FOR BY
 14 POLITICAL PARTIES AND CERTAIN POLITICAL COMMIT-
 15 TEES.—Section 318(d)(2) of such Act (52 U.S.C.
 16 30120(d)(2)) is amended—

17 (1) in the heading, by striking “OTHERS” and
 18 inserting “CERTAIN POLITICAL COMMITTEES”;

19 (2) by striking “Any communication” and in-
 20 serting “(A) Any communication”;

21 (3) by inserting “which (except to the extent
 22 provided in subparagraph (B)) is paid for by a polit-
 23 ical committee (including a political committee of a
 24 political party) and” after “subsection (a)”;

1 (4) by striking “or other person” each place it
2 appears; and

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

5 “(B)(i) This paragraph does not apply to a
6 communication paid for in whole or in part during
7 a calendar year with a campaign-related disburse-
8 ment, but only if the covered organization making
9 the campaign-related disbursement made campaign-
10 related disbursements (as defined in section 324) ag-
11 gregating more than \$10,000 during such calendar
12 year.

13 “(ii) For purposes of clause (i), in determining
14 the amount of campaign-related disbursements made
15 by a covered organization during a year, there shall
16 be excluded the following:

17 “(I) Any amounts received by the covered
18 organization in the ordinary course of any trade
19 or business conducted by the covered organiza-
20 tion or in the form of investments in the cov-
21 ered organization.

22 “(II) Any amounts received by the covered
23 organization from a person who prohibited, in
24 writing, the organization from using such
25 amounts for campaign-related disbursements,

1 but only if the covered organization agreed to
 2 follow the prohibition and deposited the
 3 amounts in an account which is segregated
 4 from any account used to make campaign-re-
 5 lated disbursements.”.

6 **SEC. 4303. DISCLAIMER REQUIREMENTS FOR COMMUNICA-**
 7 **TIONS MADE THROUGH PRERECORDED TELE-**
 8 **PHONE CALLS.**

9 (a) APPLICATION OF REQUIREMENTS.—

10 (1) IN GENERAL.—Section 318(a) of the Fed-
 11 eral Election Campaign Act of 1971 (52 U.S.C.
 12 30120(a)), as amended by section 4205(c), is
 13 amended by striking “public communication” each
 14 place it appears and inserting the following: “public
 15 communication (including a telephone call consisting
 16 in substantial part of a prerecorded audio mes-
 17 sage)”.

18 (2) APPLICATION TO COMMUNICATIONS SUB-
 19 JECT TO EXPANDED DISCLAIMER REQUIREMENTS.—
 20 Section 318(e)(1) of such Act (52 U.S.C.
 21 30120(e)(1)), as added by section 4302(a), is
 22 amended in the matter preceding subparagraph (A)
 23 by striking “which is transmitted in an audio or
 24 video format” and inserting “which is transmitted in
 25 an audio or video format or which consists of a tele-

1 phone call consisting in substantial part of a
2 prerecorded audio message”.

3 (b) TREATMENT AS COMMUNICATION TRANSMITTED
4 IN AUDIO FORMAT.—

5 (1) COMMUNICATIONS BY CANDIDATES OR AU-
6 THORIZED PERSONS.—Section 318(d) of such Act
7 (52 U.S.C. 30120(d)) is amended by adding at the
8 end the following new paragraph:

9 “(3) PRERECORDED TELEPHONE CALLS.—Any
10 communication described in paragraph (1), (2), or
11 (3) of subsection (a) (other than a communication
12 which is subject to subsection (e)) which is a tele-
13 phone call consisting in substantial part of a
14 prerecorded audio message shall include, in addition
15 to the requirements of such paragraph, the audio
16 statement required under subparagraph (A) of para-
17 graph (1) or the audio statement required under
18 paragraph (2) (whichever is applicable), except that
19 the statement shall be made at the beginning of the
20 telephone call.”.

21 (2) COMMUNICATIONS SUBJECT TO EXPANDED
22 DISCLAIMER REQUIREMENTS.—Section 318(e)(3) of
23 such Act (52 U.S.C. 30120(e)(3)), as added by sec-
24 tion 4302(a), is amended by adding at the end the
25 following new subparagraph:

1 “(D) PRERECORDED TELEPHONE
2 CALLS.—In the case of a communication to
3 which this subsection applies which is a tele-
4 phone call consisting in substantial part of a
5 prerecorded audio message, the communication
6 shall be considered to be transmitted in an
7 audio format.”.

8 **SEC. 4304. NO EXPANSION OF PERSONS SUBJECT TO DIS-**
9 **CLAIMER REQUIREMENTS ON INTERNET**
10 **COMMUNICATIONS.**

11 Nothing in this subtitle or the amendments made by
12 this subtitle may be construed to require any person who
13 is not required under section 318 of the Federal Election
14 Campaign Act of 1971 to include a disclaimer on commu-
15 nications made by the person through the internet to in-
16 clude any disclaimer on any such communications.

17 **SEC. 4305. EFFECTIVE DATE.**

18 The amendments made by this subtitle shall apply
19 with respect to communications made on or after January
20 1, 2022, and shall take effect without regard to whether
21 or not the Federal Election Commission has promulgated
22 regulations to carry out such amendments.

Subtitle E—Deterring Foreign Interference in Elections

PART 1—DETERRENCE UNDER FEDERAL ELECTION CAMPAIGN ACT OF 1971

SEC. 4401. RESTRICTIONS ON EXCHANGE OF CAMPAIGN IN- FORMATION BETWEEN CANDIDATES AND FOREIGN POWERS.

Section 319 of the Federal Election Campaign Act of 1971 (52 U.S.C. 30121), as amended by section 4101(b) and section 4209, is further amended by adding at the end the following new subsection:

“(e) RESTRICTIONS ON EXCHANGE OF INFORMATION BETWEEN CANDIDATES AND FOREIGN POWERS.—

“(1) TREATMENT OF OFFER TO SHARE NON-PUBLIC CAMPAIGN MATERIAL AS SOLICITATION OF CONTRIBUTION FROM FOREIGN NATIONAL.—If a candidate or an individual affiliated with the campaign of a candidate, or if a political committee or an individual affiliated with a political committee, provides or offers to provide nonpublic campaign material to a covered foreign national or to another person whom the candidate, committee, or individual knows or has reason to know will provide the material to a covered foreign national, the candidate, 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 90 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 knowingly accept a donation
 7 to an Inaugural Committee made by a per-
 8 son in the name of another person; or

9 “(iii) to convert a donation to an In-
 10 augural Committee to personal use as de-
 11 scribed in paragraph (2); and

12 “(C) for a foreign national to, directly or
 13 indirectly, make a donation, or make an express
 14 or implied promise to make a donation, to an
 15 Inaugural Committee.

16 “(2) CONVERSION OF DONATION TO PERSONAL
 17 USE.—For purposes of paragraph (1)(B)(iii), a do-
 18 nation shall be considered to be converted to per-
 19 sonal use if any part of the donated amount is used
 20 to fulfill a commitment, obligation, or expense of a
 21 person that would exist irrespective of the respon-
 22 sibilities of the Inaugural Committee under chapter
 23 5 of title 36, United States Code.

24 “(3) NO EFFECT ON DISBURSEMENT OF UN-
 25 USED FUNDS TO NONPROFIT ORGANIZATIONS.—

1 Nothing in this subsection may be construed to pro-
 2 hibit an Inaugural Committee from disbursing un-
 3 used funds to an organization which is described in
 4 section 501(c)(3) of the Internal Revenue Code of
 5 1986 and is exempt from taxation under section
 6 501(a) of such Code.

7 “(b) LIMITATION ON DONATIONS.—

8 “(1) IN GENERAL.—It shall be unlawful for an
 9 individual to make donations to an Inaugural Com-
 10 mittee which, in the aggregate, exceed \$50,000.

11 “(2) INDEXING.—At the beginning of each
 12 Presidential election year (beginning with 2028), the
 13 amount described in paragraph (1) shall be in-
 14 creased by the cumulative percent difference deter-
 15 mined in section 315(c)(1)(A) since the previous
 16 Presidential election year. If any amount after such
 17 increase is not a multiple of \$1,000, such amount
 18 shall be rounded to the nearest multiple of \$1,000.

19 “(c) DISCLOSURE OF CERTAIN DONATIONS AND DIS-
 20 BURSEMENTS.—

21 “(1) DONATIONS OVER \$1,000.—

22 “(A) IN GENERAL.—An Inaugural Com-
 23 mittee shall file with the Commission a report
 24 disclosing any donation by an individual to the
 25 committee in an amount of \$1,000 or more not

1 later than 24 hours after the receipt of such do-
2 nation.

3 “(B) CONTENTS OF REPORT.—A report
4 filed under subparagraph (A) shall contain—

5 “(i) the amount of the donation;

6 “(ii) the date the donation is received;

7 and

8 “(iii) the name and address of the in-
9 dividual making the donation.

10 “(2) FINAL REPORT.—Not later than the date
11 that is 90 days after the date of the Presidential in-
12 augural ceremony, the Inaugural Committee shall
13 file with the Commission a report containing the fol-
14 lowing information:

15 “(A) For each donation of money or any-
16 thing of value made to the committee in an ag-
17 gregate amount equal to or greater than
18 \$200—

19 “(i) the amount of the donation;

20 “(ii) the date the donation is received;

21 and

22 “(iii) the name and address of the in-
23 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’

means, with respect to a candidate, any contribution
(or series of contributions)—

“(A) which is not a qualifying contribution
(or does not include a qualifying contribution);

“(B) which is made by an individual who
is not prohibited from making a contribution
under this Act; and

“(C) the aggregate amount of which does
not exceed \$200 per election.

“(14) QUALIFYING MULTICANDIDATE POLIT-
ICAL COMMITTEE CONTRIBUTION.—

“(A) IN GENERAL.—The term ‘qualifying
multicandidate political committee contribution’
means any contribution to a candidate that is
made from a qualified account of a multi-
candidate political committee (within the mean-
ing of section 315(a)(2)).

“(B) QUALIFIED ACCOUNT.—For purposes
of subparagraph (A), the term ‘qualified ac-
count’ means, with respect to a multicandidate
political committee, a separate, segregated ac-
count of the committee that consists solely of
contributions which meet the following require-
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) SENSE OF THE SENATE REGARDING FUND-
 15 ING.—It is the sense of the Senate that—

16 “(1) no taxpayer funds should be used in fund-
 17 ing this title; and

18 “(2) the Fund should consist of—

19 “(A) assessments against certain fines,
 20 penalties, and settlements as a result of cor-
 21 porate malfeasance;

22 “(B) amounts deposited in the Fund
 23 under—

24 “(i) section 513(c) (relating to excep-
 25 tions to contribution requirements);

1 “(ii) section 521(c) (relating to remit-
 2 tance of unused payments from the Fund);
 3 and

4 “(iii) section 532 (relating to viola-
 5 tions); and

6 “(C) interest on, and the proceeds from,
 7 the sale or redemption of any obligations held
 8 by the Fund.

9 **“Subtitle B—Eligibility and** 10 **Certification**

11 **“SEC. 511. ELIGIBILITY.**

12 “(a) IN GENERAL.—A candidate for Senator is eligi-
 13 ble to receive an allocation from the Fund for any election
 14 if the candidate meets the following requirements:

15 “(1) The candidate files with the Commission a
 16 statement of intent to seek certification as a partici-
 17 pating candidate under this title during the period
 18 beginning on the Fair Elections start date and end-
 19 ing on the last day of the Fair Elections qualifying
 20 period.

21 “(2) The candidate meets the qualifying con-
 22 tribution requirements of section 512.

23 “(3) The candidate files with the Commission a
 24 statement certifying that the authorized committees

1 of the candidate meet the requirements of section
 2 513(d)(2).

3 “(4) Not later than the last day of the Fair
 4 Elections qualifying period, the candidate files with
 5 the Commission an affidavit signed by the candidate
 6 and the treasurer of the candidate’s principal cam-
 7 paign committee declaring that the candidate—

8 “(A) has complied and, if certified, will
 9 comply with the contribution and expenditure
 10 requirements of section 513;

11 “(B) if certified, will not run as a non-
 12 participating candidate during such year in any
 13 election for the office that such candidate is
 14 seeking; and

15 “(C) has either qualified or will take steps
 16 to qualify under State law to be on the ballot.

17 “(b) GENERAL ELECTION.—Notwithstanding sub-
 18 section (a), a candidate shall not be eligible to receive an
 19 allocation from the Fund for a general election or a gen-
 20 eral runoff election unless the candidate’s party nominated
 21 the candidate to be placed on the ballot for the general
 22 election or the candidate otherwise qualified to be on the
 23 ballot under State law.

1 **“SEC. 512. QUALIFYING CONTRIBUTION REQUIREMENT.**

2 “(a) IN GENERAL.—A candidate for Senator meets
3 the requirement of this section if, during the Fair Elec-
4 tions qualifying period, the candidate obtains—

5 “(1) a number of qualifying contributions equal
6 to the sum of—

7 “(A) 2,000; plus

8 “(B) 500 for each congressional district in
9 the State with respect to which the candidate is
10 seeking election; and

11 “(2) a total dollar amount of qualifying con-
12 tributions equal to 10 percent of the amount of the
13 allocation such candidate would be entitled to receive
14 for the primary election under section 522(c)(1) (de-
15 termined without regard to paragraph (5) thereof) if
16 such candidate were a participating candidate.

17 “(b) REQUIREMENTS RELATING TO RECEIPT OF
18 QUALIFYING CONTRIBUTION.—Each qualifying contribu-
19 tion—

20 “(1) may be made by means of a personal
21 check, money order, debit card, credit card, or elec-
22 tronic payment account;

23 “(2) shall be accompanied by a signed state-
24 ment containing the contributor’s name and the con-
25 tributor’s address in the State in which the contrib-
26 utor is registered to vote; and

1 “(3) shall be acknowledged by a receipt that is
 2 sent to the contributor with a copy kept by the can-
 3 didate for the Commission and a copy kept by the
 4 candidate for the election authorities in the State
 5 with respect to which the candidate is seeking elec-
 6 tion.

7 “(c) VERIFICATION OF QUALIFYING CONTRIBU-
 8 TIONS.—The Commission shall establish procedures for
 9 the auditing and verification of qualifying contributions to
 10 ensure that such contributions meet the requirements of
 11 this section.

12 **“SEC. 513. CONTRIBUTION AND EXPENDITURE REQUIRE-**
 13 **MENTS.**

14 “(a) GENERAL RULE.—A candidate for Senator
 15 meets the requirements of this section if, during the elec-
 16 tion cycle of the candidate, the candidate—

17 “(1) except as provided in subsection (b), ac-
 18 cepts no contributions other than—

19 “(A) qualifying contributions;

20 “(B) qualified small dollar contributions;

21 “(C) qualifying multicandidate political
 22 committee contributions;

23 “(D) allocations from the Fund under sec-
 24 tion 522;

1 “(E) matching contributions under section
2 523;

3 “(F) enhanced matching contributions
4 under section 524;

5 “(G) subject to subsection (c), personal
6 funds of the candidate or of any immediate
7 family member of the candidate (other than
8 funds received through qualified small dollar
9 contributions); and

10 “(H) subject to subsection (d), contribu-
11 tions from individuals who are otherwise per-
12 mitted to make contributions under this Act,
13 subject to the applicable limitations of section
14 315, except that the aggregate amount of con-
15 tributions a participating candidate may accept
16 from any individual with respect to any election
17 during the election cycle may not exceed
18 \$1,000; and

19 “(2) makes no expenditures from any amounts
20 other than from—

21 “(A) qualifying contributions;

22 “(B) qualified small dollar contributions;

23 “(C) qualifying multicandidate political
24 committee contributions;

1 “(D) allocations from the Fund under sec-
2 tion 522;

3 “(E) matching contributions under section
4 523;

5 “(F) enhanced matching contributions
6 under section 524;

7 “(G) subject to subsection (c), personal
8 funds of the candidate or of any immediate
9 family member of the candidate (other than
10 funds received through qualified small dollar
11 contributions); and

12 “(H) subject to subsection (d), contribu-
13 tions from individuals who are otherwise per-
14 mitted to make contributions under this Act,
15 subject to the applicable limitations of section
16 315, except that the aggregate amount of con-
17 tributions a participating candidate may accept
18 from any individual with respect to any election
19 during the election cycle may not exceed
20 \$1,000.

21 For purposes of this subsection, a payment made by a po-
22 litical party in coordination with a participating candidate
23 shall not be treated as a contribution to or as an expendi-
24 ture made by the participating candidate.

1 “(b) CONTRIBUTIONS FOR LEADERSHIP PACS,
 2 ETC.—A political committee of a participating candidate
 3 which is not an authorized committee of such candidate
 4 may accept contributions other than contributions de-
 5 scribed in subsection (a)(1) from any person if—

6 “(1) the aggregate contributions from such per-
 7 son for any calendar year do not exceed \$200; and

8 “(2) no portion of such contributions is dis-
 9 bursed in connection with the campaign of the par-
 10 ticipating candidate.

11 “(c) SPECIAL RULES FOR PERSONAL FUNDS.—A
 12 candidate who is certified as a participating candidate may
 13 use personal funds (including personal funds of any imme-
 14 diate family member of the candidate) so long as—

15 “(1) the aggregate amount used with respect to
 16 the election cycle (including any period of the cycle
 17 occurring prior to the candidate’s certification as a
 18 participating candidate) does not exceed \$50,000;
 19 and

20 “(2) the funds are used only for making direct
 21 payments for the receipt of goods and services which
 22 constitute authorized expenditures in connection
 23 with the election cycle involved.

24 “(d) REQUIREMENTS RELATING TO SUBSEQUENT
 25 CONTRIBUTIONS AND NOTIFICATION REQUIREMENTS.—

1 “(1) RESTRICTION ON SUBSEQUENT CONTRIBU-
2 TIONS.—

3 “(A) PROHIBITING DONOR FROM MAKING
4 SUBSEQUENT NONQUALIFIED CONTRIBUTIONS
5 DURING ELECTION CYCLE.—An individual who
6 makes a qualified small dollar contribution to a
7 candidate with respect to an election may not
8 make any subsequent contribution to such can-
9 didate with respect to the election cycle which
10 is not a qualified small dollar contribution.

11 “(B) TREATMENT OF SUBSEQUENT NON-
12 QUALIFIED CONTRIBUTIONS.—If, notwith-
13 standing the prohibition described in subpara-
14 graph (A), an individual who makes a qualified
15 small dollar contribution to a candidate with re-
16 spect to an election makes a subsequent con-
17 tribution to such candidate with respect to the
18 election which is prohibited under subparagraph
19 (A) because it is not a qualified small dollar
20 contribution, the candidate may take one of the
21 following actions:

22 “(i) Not later than 2 weeks after re-
23 ceiving the contribution, the candidate may
24 return the subsequent contribution to the
25 individual. In the case of a subsequent con-

1 tribution which is not a qualified small dol-
2 lar contribution because the contribution
3 fails to meet the requirements of para-
4 graph (13)(C) of section 501 (relating to
5 the aggregate amount of qualified small
6 dollar contributions that may be made by
7 an individual to a candidate), the can-
8 didate may return an amount equal to the
9 difference between the amount of the sub-
10 sequent contribution and the amount de-
11 scribed in such paragraph.

12 “(ii) The candidate may retain the
13 subsequent contribution, so long as not
14 later than 2 weeks after receiving the sub-
15 sequent contribution, the candidate remits
16 to the Commission for deposit in the Free-
17 dom from Influence Fund established by
18 section 502 an amount equal to any pay-
19 ments received by the candidate under this
20 title which are attributable to the qualified
21 small dollar contribution made by the indi-
22 vidual involved.

23 “(C) NO EFFECT ON ABILITY TO MAKE
24 MULTIPLE CONTRIBUTIONS.—Nothing in this
25 subsection may be construed to prohibit an in-

dividual from making multiple qualified small dollar contributions to any candidate or any number of candidates, so long as each contribution meets the definition of a qualified small dollar contribution under section 501(13).

“(2) NOTIFICATION REQUIREMENTS FOR CANDIDATES.—

“(A) NOTIFICATION.—Each authorized committee of a candidate who seeks to be a participating candidate under this title shall provide the following information in any materials for the solicitation of contributions, including any internet site through which individuals may make contributions to the committee:

“(i) A statement that if the candidate is certified as a participating candidate under this title, the candidate will receive matching payments in an amount which is based on the total amount of qualified small dollar contributions received.

“(ii) A statement that a contribution which meets the definition of a qualified small dollar contribution under section 501(13) shall be treated as a qualified small dollar contribution under this title.

1 “(iii) A statement that if a contribu-
 2 tion is treated as qualified small dollar
 3 contribution under this title, the individual
 4 who makes the contribution may not make
 5 any contribution to the candidate or the
 6 authorized committees of the candidate
 7 during the election cycle which is not a
 8 qualified small dollar contribution.

9 “(B) ALTERNATIVE METHODS OF MEETING
 10 REQUIREMENTS.—An authorized committee
 11 may meet the requirements of subparagraph
 12 (A)—

13 “(i) by including the information de-
 14 scribed in paragraph (1) in the receipt pro-
 15 vided under section 512(b)(3) to a person
 16 making a qualified small dollar contribu-
 17 tion; or

18 “(ii) by modifying the information it
 19 provides to persons making contributions
 20 which is otherwise required under title III
 21 (including information it provides through
 22 the internet).

23 “(e) EXCEPTION.—Notwithstanding subsection (a), a
 24 candidate shall not be treated as having failed to meet
 25 the requirements of this section if any contributions that

1 are not qualified small dollar contributions, qualifying con-
 2 tributions, qualifying multicandidate political committee
 3 contributions, or contributions that meet the requirements
 4 of subsection (b) and that are accepted before the date
 5 the candidate files a statement of intent under section
 6 511(a)(1) are—

7 “(1) returned to the contributor; or

8 “(2) submitted to the Commission for deposit in
 9 the Fund.

10 **“SEC. 514. CERTIFICATION.**

11 “(a) IN GENERAL.—Not later than 5 days after a
 12 candidate for Senator files an affidavit under section
 13 511(a)(4), the Commission shall—

14 “(1) certify whether or not the candidate is a
 15 participating candidate; and

16 “(2) notify the candidate of the Commission’s
 17 determination.

18 **“(b) REVOCATION OF CERTIFICATION.—**

19 “(1) IN GENERAL.—The Commission may re-
 20 voke a certification under subsection (a) if—

21 “(A) a candidate fails to qualify to appear
 22 on the ballot at any time after the date of cer-
 23 tification; or

24 “(B) a candidate otherwise fails to comply
 25 with the requirements of this title, including

1 any regulatory requirements prescribed by the
2 Commission.

3 “(2) REPAYMENT OF BENEFITS.—If certifi-
4 cation is revoked under paragraph (1), the candidate
5 shall repay to the Fund an amount equal to the
6 value of benefits received under this title plus inter-
7 est (at a rate determined by the Commission) on any
8 such amount received.

9 **“Subtitle C—Benefits**

10 **“SEC. 521. BENEFITS FOR PARTICIPATING CANDIDATES.**

11 “(a) IN GENERAL.—For each election with respect
12 to which a candidate is certified as a participating can-
13 didate under section 514, such candidate shall be entitled
14 to—

15 “(1) an allocation from the Fund to make or
16 obligate to make expenditures with respect to such
17 election, as provided in section 522;

18 “(2) matching contributions, as provided in sec-
19 tion 523; and

20 “(3) enhanced matching contributions, as pro-
21 vided in section 524.

22 “(b) RESTRICTION ON USES OF ALLOCATIONS FROM
23 THE FUND.—Allocations from the Fund received by a par-
24 ticipating candidate under section 522, matching contribu-
25 tions under section 523, and enhanced matching contribu-

1 tions under section 524 may only be used for campaign-
 2 related costs.

3 “(c) REMITTING ALLOCATIONS FROM THE FUND.—

4 “(1) IN GENERAL.—Not later than the date
 5 that is 180 days after an election in which the par-
 6 ticipating candidate appeared on the ballot, such
 7 participating candidate shall remit to the Commis-
 8 sion for deposit in the Fund an amount equal to the
 9 lesser of—

10 “(A) the amount of money in the can-
 11 didate’s campaign account; or

12 “(B) the sum of the allocations from the
 13 Fund received by the candidate under section
 14 522, the matching contributions received by the
 15 candidate under section 523, and the enhanced
 16 matching contributions under section 524.

17 “(2) EXCEPTIONS.—

18 “(A) SUBSEQUENT ELECTION.—In the
 19 case of a candidate who qualifies to be on the
 20 ballot for a primary runoff election, a general
 21 election, or a general runoff election, the
 22 amounts described in paragraph (1) may be re-
 23 tained by the candidate and used in such subse-
 24 quent election.

1 “(B) CANDIDATE SEEKING CERTIFICATION
2 FOR NEXT ELECTION CYCLE.—Notwithstanding
3 paragraph (1), a participating candidate may
4 withhold not more than \$100,000 from the
5 amount required to be remitted under para-
6 graph (1) if the candidate files a signed affi-
7 davit with the Commission that the candidate
8 will seek certification as a participating can-
9 didate with respect to the next election cycle,
10 except that the candidate may not use any por-
11 tion of the amount withheld until the candidate
12 is certified as a participating candidate with re-
13 spect to that next election cycle. If the can-
14 didate fails to seek certification as a partici-
15 pating candidate prior to the last day of the
16 qualifying period for the next election cycle (as
17 described in section 511), or if the Commission
18 notifies the candidate of the Commission’s de-
19 termination that the candidate does not meet
20 the requirements for certification as a partici-
21 pating candidate with respect to such cycle, the
22 candidate shall immediately remit to the Com-
23 mission the amount withheld.

1 **“SEC. 522. ALLOCATIONS FROM THE FUND.**

2 “(a) IN GENERAL.—The Commission shall make allo-
3 cations from the Fund under section 521(a)(1) to a par-
4 ticipating candidate—

5 “(1) in the case of amounts provided under
6 subsection (d)(1), after the date on which such can-
7 didate is certified as a participating candidate under
8 section 514;

9 “(2) in the case of a general election after—

10 “(A) the date of the certification of the re-
11 sults of the primary election or the primary
12 runoff election; or

13 “(B) in any case in which there is no pri-
14 mary election, the date the candidate qualifies
15 to be placed on the ballot; and

16 “(3) in the case of a primary runoff election or
17 a general runoff election, after the certification of
18 the results of the primary election or the general
19 election, as the case may be.

20 “(b) METHOD OF PAYMENT.—The Commission shall
21 distribute funds available to participating candidates
22 under this section through the use of an electronic funds
23 exchange or a debit card.

24 “(c) TIMING OF PAYMENT.—The Commission shall,
25 in coordination with the Secretary of the Treasury, take
26 such steps as may be necessary to ensure that the Sec-

1 retary is able to make payments under this section from
2 the Treasury not later than 2 business days after date
3 of the applicable certification as described in subsection
4 (a).

5 “(d) AMOUNTS.—

6 “(1) PRIMARY ELECTION ALLOCATION; INITIAL
7 ALLOCATION.—Except as provided in paragraph (5),
8 the Commission shall make an allocation from the
9 Fund for a primary election to a participating can-
10 didate in an amount equal to 67 percent of the base
11 amount with respect to such participating candidate.

12 “(2) PRIMARY RUNOFF ELECTION ALLOCA-
13 TION.—The Commission shall make an allocation
14 from the Fund for a primary runoff election to a
15 participating candidate in an amount equal to 25
16 percent of the amount the participating candidate
17 was eligible to receive under this section for the pri-
18 mary election.

19 “(3) GENERAL ELECTION ALLOCATION.—Ex-
20 cept as provided in paragraph (5), the Commission
21 shall make an allocation from the Fund for a gen-
22 eral election to a participating candidate in an
23 amount equal to the base amount with respect to
24 such candidate.

1 “(4) GENERAL RUNOFF ELECTION ALLOCA-
2 TION.—The Commission shall make an allocation
3 from the Fund for a general runoff election to a par-
4 ticipating candidate in an amount equal to 25 per-
5 cent of the base amount with respect to such can-
6 didate.

7 “(5) UNCONTESTED ELECTIONS.—

8 “(A) IN GENERAL.—In the case of a pri-
9 mary or general election that is an uncontested
10 election, the Commission shall make an alloca-
11 tion from the Fund to a participating candidate
12 for such election in an amount equal to 25 per-
13 cent of the allocation which such candidate
14 would be entitled to under this section for such
15 election if this paragraph did not apply.

16 “(B) UNCONTESTED ELECTION DE-
17 FINED.—For purposes of this subparagraph, an
18 election is uncontested if not more than 1 can-
19 didate has campaign funds (including payments
20 from the Fund) in an amount equal to or great-
21 er than 10 percent of the allocation a partici-
22 pating candidate would be entitled to receive
23 under this section for such election if this para-
24 graph did not apply.

25 “(e) BASE AMOUNT.—

1 “(1) IN GENERAL.—Except as otherwise pro-
2 vided in this subsection, the base amount for any
3 candidate is an amount equal to the sum of—

4 “(A) \$750,000; plus

5 “(B) \$150,000 for each congressional dis-
6 trict in the State with respect to which the can-
7 didate is seeking election.

8 “(2) INDEXING.—In each even-numbered year
9 after 2027—

10 “(A) each dollar amount under paragraph
11 (1) shall be increased by the percent difference
12 between the price index (as defined in section
13 315(c)(2)(A)) for the 12 months preceding the
14 beginning of such calendar year and the price
15 index for calendar year 2022;

16 “(B) each dollar amount so increased shall
17 remain in effect for the 2-year period beginning
18 on the first day following the date of the last
19 general election in the year preceding the year
20 in which the amount is increased and ending on
21 the date of the next general election; and

22 “(C) if any amount after adjustment under
23 subparagraph (A) is not a multiple of \$100,
24 such amount shall be rounded to the nearest
25 multiple of \$100.

1 **“SEC. 523. MATCHING PAYMENTS FOR QUALIFIED SMALL**
2 **DOLLAR CONTRIBUTIONS.**

3 “(a) IN GENERAL.—The Commission shall pay to
4 each participating candidate an amount equal to 600 per-
5 cent of the amount of qualified small dollar contributions
6 received by the candidate from individuals after the date
7 on which such candidate is certified under section 514.

8 “(b) LIMITATION.—The aggregate payments under
9 subsection (a) with respect to any candidate shall not ex-
10 ceed 400 percent of the allocation such candidate is enti-
11 tled to receive for such election under section 522 (deter-
12 mined without regard to subsection (d)(5) thereof).

13 “(c) TIME OF PAYMENT.—The Commission shall
14 make payments under this section not later than 2 busi-
15 ness days after the receipt of a report made under sub-
16 section (d).

17 “(d) REPORTS.—

18 “(1) IN GENERAL.—Each participating can-
19 didate shall file reports of receipts of qualified small
20 dollar contributions at such times and in such man-
21 ner as the Commission may by regulations prescribe.

22 “(2) CONTENTS OF REPORTS.—Each report
23 under this subsection shall disclose—

24 “(A) the amount of each qualified small
25 dollar contribution received by the candidate;
26 and

1 “(B) the name, address, and occupation of
 2 each individual who made a qualified small dol-
 3 lar contribution to the candidate.

4 “(3) FREQUENCY OF REPORTS.—Reports under
 5 this subsection shall be made no more frequently
 6 than—

7 “(A) once every month until the date that
 8 is 90 days before the date of the election; and

9 “(B) once every week after the period de-
 10 scribed in subparagraph (A) and until the date
 11 of the election.

12 “(4) LIMITATION ON REGULATIONS.—The
 13 Commission may not prescribe any regulations with
 14 respect to reporting under this subsection with re-
 15 spect to any election after the date that is 180 days
 16 before the date of such election.

17 “(e) APPEALS.—The Commission shall provide a
 18 written explanation with respect to any denial of any pay-
 19 ment under this section and shall provide the opportunity
 20 for review and reconsideration within 5 business days of
 21 such denial.

22 **“SEC. 524. ENHANCED MATCHING SUPPORT.**

23 “(a) IN GENERAL.—In addition to the payments
 24 made under section 523, the Commission shall make an

1 additional payment to an eligible candidate under this sec-
2 tion.

3 “(b) ELIGIBILITY.—A candidate is eligible to receive
4 an additional payment under this section if the candidate
5 meets each of the following requirements:

6 “(1) The candidate is on the ballot for the gen-
7 eral election for the office the candidate seeks.

8 “(2) The candidate is certified as a partici-
9 pating candidate under this title with respect to the
10 election.

11 “(3) During the enhanced support qualifying
12 period, the candidate receives qualified small dollar
13 contributions in a total amount of not less than the
14 sum of \$15,000 for each congressional district in the
15 State with respect to which the candidate is seeking
16 election.

17 “(4) During the enhanced support qualifying
18 period, the candidate submits to the Commission a
19 request for the payment which includes—

20 “(A) a statement of the number and
21 amount of qualified small dollar contributions
22 received by the candidate during the enhanced
23 support qualifying period;

1 “(B) a statement of the amount of the
2 payment the candidate anticipates receiving
3 with respect to the request; and

4 “(C) such other information and assur-
5 ances as the Commission may require.

6 “(5) After submitting a request for the addi-
7 tional payment under paragraph (4), the candidate
8 does not submit any other application for an addi-
9 tional payment under this title.

10 “(c) AMOUNT.—

11 “(1) IN GENERAL.—Subject to paragraph (2),
12 the amount of the additional payment made to an el-
13 igible candidate under this subtitle shall be an
14 amount equal to 50 percent of—

15 “(A) the amount of the payment made to
16 the candidate under section 523 with respect to
17 the qualified small dollar contributions which
18 are received by the candidate during the en-
19 hanced support qualifying period (as included in
20 the request submitted by the candidate under
21 (b)(4)(A)); or

22 “(B) in the case of a candidate who is not
23 eligible to receive a payment under section 523
24 with respect to such qualified small dollar con-
25 tributions because the candidate has reached

the limit on the aggregate amount of payments under section 523, the amount of the payment which would have been made to the candidate under section 523 with respect to such qualified small dollar contributions if the candidate had not reached such limit.

“(2) LIMIT.—The amount of the additional payment determined under paragraph (1) with respect to a candidate may not exceed the sum of \$150,000 for each congressional district in the State with respect to which the candidate is seeking election.

“(3) NO EFFECT ON AGGREGATE LIMIT.—The amount of the additional payment made to a candidate under this section shall not be included in determining the aggregate amount of payments made to a participating candidate with respect to an election cycle under section 523.

“Subtitle D—Administrative Provisions

“SEC. 531. DUTIES OF THE FEDERAL ELECTION COMMISSION.

“(a) DUTIES AND POWERS.—

“(1) ADMINISTRATION.—The Commission shall have the power to administer the provisions of this

1 title and shall prescribe regulations to carry out the
2 purposes of this title, including regulations—

3 “(A) to establish procedures for—

4 “(i) verifying the amount of valid
5 qualifying contributions with respect to a
6 candidate;

7 “(ii) effectively and efficiently moni-
8 toring and enforcing the limits on the rais-
9 ing of qualified small dollar contributions;

10 “(iii) monitoring the raising of quali-
11 fying multicandidate political committee
12 contributions through effectively and effi-
13 ciently monitoring and enforcing the limits
14 on individual contributions to qualified ac-
15 counts of multicandidate political commit-
16 tees;

17 “(iv) effectively and efficiently moni-
18 toring and enforcing the limits on the use
19 of personal funds by participating can-
20 didates; and

21 “(v) monitoring the use of allocations
22 from the Fund and matching contributions
23 under this title through audits or other
24 mechanisms; and

1 “(B) regarding the conduct of debates in a
 2 manner consistent with the best practices of
 3 States that provide public financing for elec-
 4 tions.

5 “(2) REVIEW OF FAIR ELECTIONS FINANC-
 6 ING.—

7 “(A) IN GENERAL.—After each general
 8 election for Federal office, the Commission shall
 9 conduct a comprehensive review of the Fair
 10 Elections financing program under this title, in-
 11 cluding—

12 “(i) the maximum dollar amount of
 13 qualified small dollar contributions under
 14 section 501(13);

15 “(ii) the maximum and minimum dol-
 16 lar amounts for qualifying contributions
 17 under section 501(12);

18 “(iii) the number and value of quali-
 19 fying contributions a candidate is required
 20 to obtain under section 512 to qualify for
 21 allocations from the Fund;

22 “(iv) the amount of allocations from
 23 the Fund that candidates may receive
 24 under section 522;

1 “(v) the maximum amount of match-
 2 ing contributions a candidate may receive
 3 under section 523;

4 “(vi) the maximum amount of en-
 5 hanced matching contributions a candidate
 6 may receive under section 524;

7 “(vii) the overall satisfaction of par-
 8 ticipating candidates and the American
 9 public with the program; and

10 “(viii) such other matters relating to
 11 financing of Senate campaigns as the Com-
 12 mission determines are appropriate.

13 “(B) CRITERIA FOR REVIEW.—In con-
 14 ducting the review under subparagraph (A), the
 15 Commission shall consider the following:

16 “(i) QUALIFYING CONTRIBUTIONS
 17 AND QUALIFIED SMALL DOLLAR CON-
 18 TRIBUTIONS.—The Commission shall con-
 19 sider whether the number and dollar
 20 amount of qualifying contributions re-
 21 quired and maximum dollar amount for
 22 such qualifying contributions and qualified
 23 small dollar contributions strikes a balance
 24 regarding the importance of voter involve-
 25 ment, the need to assure adequate incen-

1 tives for participating, and fiscal responsi-
2 bility, taking into consideration the num-
3 ber of primary and general election partici-
4 pating candidates, the electoral perform-
5 ance of those candidates, program cost,
6 and any other information the Commission
7 determines is appropriate.

8 “(ii) REVIEW OF PROGRAM BENE-
9 FITS.—The Commission shall consider
10 whether the totality of the amount of
11 funds allowed to be raised by participating
12 candidates (including through qualifying
13 contributions and small dollar contribu-
14 tions), allocations from the Fund under
15 section 522, matching contributions under
16 section 523, and enhanced matching con-
17 tributions under section 524 are sufficient
18 for voters in each State to learn about the
19 candidates to cast an informed vote, taking
20 into account the historic amount of spend-
21 ing by winning candidates, media costs,
22 primary election dates, and any other in-
23 formation the Commission determines is
24 appropriate.

1 “(C) RECOMMENDATIONS FOR ADJUST-
2 MENT OF AMOUNTS.—Based on the review con-
3 ducted under subparagraph (A), the Commis-
4 sion shall make recommendations to Congress
5 for any adjustment of the following amounts:

6 “(i) The maximum dollar amount of
7 qualified small dollar contributions under
8 section 501(13)(C).

9 “(ii) The maximum and minimum dol-
10 lar amounts for qualifying contributions
11 under section 501(12)(A).

12 “(iii) The number and value of quali-
13 fying contributions a candidate is required
14 to obtain under section 512(a)(1).

15 “(iv) The base amount for candidates
16 under section 522(d).

17 “(v) The maximum amount of match-
18 ing contributions a candidate may receive
19 under section 523(b).

20 “(vi) The maximum amount of en-
21 hanced matching contributions a candidate
22 may receive under section 524(c).

23 “(D) REPORT.—Not later than March 30
24 following any general election for Federal office,
25 the Commission shall submit a report to Con-

1 gress on the review conducted under subpara-
 2 graph (A) and any recommendations developed
 3 under subparagraph (C). Such report shall con-
 4 tain a detailed statement of the findings, con-
 5 clusions, and recommendations of the Commis-
 6 sion based on such review.

7 “(b) REPORTS.—Not later than March 30, 2026, and
 8 every 2 years thereafter, the Commission shall submit to
 9 the Senate Committee on Rules and Administration a re-
 10 port documenting, evaluating, and making recommenda-
 11 tions relating to the administrative implementation and
 12 enforcement of the provisions of this title.

13 “(c) AUTHORIZATION OF APPROPRIATIONS.—There
 14 are authorized to be appropriated such sums as are nec-
 15 essary to carry out the purposes of this subtitle.

16 **“SEC. 532. VIOLATIONS AND PENALTIES.**

17 “(a) CIVIL PENALTY FOR VIOLATION OF CONTRIBU-
 18 TION AND EXPENDITURE REQUIREMENTS.—If a can-
 19 didate who has been certified as a participating candidate
 20 under section 514 accepts a contribution or makes an ex-
 21 penditure that is prohibited under section 513, the Com-
 22 mission shall assess a civil penalty against the candidate
 23 in an amount that is not more than 3 times the amount
 24 of the contribution or expenditure. Any amounts collected
 25 under this subsection shall be deposited into the Fund.

1 “(b) REPAYMENT FOR IMPROPER USE OF FREEDOM
2 FROM INFLUENCE FUND.—

3 “(1) IN GENERAL.—If the Commission deter-
4 mines that any benefit made available to a partici-
5 pating candidate under this title was not used as
6 provided for in this title or that a participating can-
7 didate has violated any of the dates for remission of
8 funds contained in this title, the Commission shall
9 so notify the candidate and the candidate shall pay
10 to the Fund an amount equal to—

11 “(A) the amount of benefits so used or not
12 remitted, as appropriate; and

13 “(B) interest on any such amounts (at a
14 rate determined by the Commission).

15 “(2) OTHER ACTION NOT PRECLUDED.—Any
16 action by the Commission in accordance with this
17 subsection shall not preclude enforcement pro-
18 ceedings by the Commission in accordance with sec-
19 tion 309(a), including a referral by the Commission
20 to the Attorney General in the case of an apparent
21 knowing and willful violation of this title.”.

1 **SEC. 5112. PROHIBITION ON JOINT FUNDRAISING COMMIT-**
 2 **TEES.**

3 Section 302(e) of the Federal Election Campaign Act
 4 of 1971 (52 U.S.C. 30102(e)) is amended by adding at
 5 the end the following new paragraph:

6 “(6) No authorized committee of a participating
 7 candidate (as defined in section 501) may establish
 8 a joint fundraising committee with a political com-
 9 mittee other than an authorized committee of a can-
 10 didate.”.

11 **SEC. 5113. EXCEPTION TO LIMITATION ON COORDINATED**
 12 **EXPENDITURES BY POLITICAL PARTY COM-**
 13 **MITTEES WITH PARTICIPATING CANDIDATES.**

14 Section 315(d) of the Federal Election Campaign Act
 15 of 1971 (52 U.S.C. 30116(d)) is amended—

16 (1) in paragraph (3)(A), by striking “in the
 17 case of” and inserting “except as provided in para-
 18 graph (6), in the case of”; and

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

21 “(6)(A) The limitation under paragraph (3)(A)
 22 shall not apply with respect to any expenditure from
 23 a qualified political party-participating candidate co-
 24 ordinated expenditure fund.

25 “(B) In this paragraph, the term ‘qualified po-
 26 litical party-participating candidate coordinated ex-

penditure fund’ means a fund established by the national committee of a political party, or a State committee of a political party, including any subordinate committee of a State committee, for purposes of making expenditures in connection with the general election campaign of a candidate for election to the office of Senator who is a participating candidate (as defined in section 501), that only accepts qualified coordinated expenditure contributions.

“(C) In this paragraph, the term ‘qualified coordinated expenditure contribution’ means, with respect to the general election campaign of a candidate for election to the office of Senator who is a participating candidate (as defined in section 501), any contribution (or series of contributions)—

“(i) which is made by an individual who is not prohibited from making a contribution under this Act; and

“(ii) the aggregate amount of which does not exceed \$500 per election.”.

PART 3—RESPONSIBILITIES OF THE FEDERAL ELECTION COMMISSION

SEC. 5121. PETITION FOR CERTIORARI.

Section 307(a)(6) of the Federal Election Campaign Act of 1971 (52 U.S.C. 30107(a)(6)) is amended by in-

1 setting “(including a proceeding before the Supreme
2 Court on certiorari)” after “appeal”.

3 **SEC. 5122. ELECTRONIC FILING OF FEC REPORTS.**

4 Section 304(a)(11) of the Federal Election Campaign
5 Act of 1971 (52 U.S.C. 30104(a)(11)) is amended—

6 (1) in subparagraph (A), by striking “under
7 this Act—” and all that follows and inserting
8 “under this Act shall be required to maintain and
9 file such designation, statement, or report in elec-
10 tronic form accessible by computers.”;

11 (2) in subparagraph (B), by striking “48
12 hours” and all that follows through “filed electroni-
13 cally)” and inserting “24 hours”; and

14 (3) by striking subparagraph (D).

15 **PART 4—MISCELLANEOUS PROVISIONS**

16 **SEC. 5131. SEVERABILITY.**

17 If any provision of this subtitle or amendment made
18 by this subtitle, or the application of a provision or amend-
19 ment to any person or circumstance, is held to be uncon-
20 stitutional, the remainder of this subtitle and amendments
21 made by this subtitle, and the application of the provisions
22 and amendment to any person or circumstance, shall not
23 be affected by the holding.

1 **SEC. 5132. EFFECTIVE DATE.**

2 (a) IN GENERAL.—Except as may otherwise be pro-
 3 vided in this subtitle and in the amendments made by this
 4 subtitle, this subtitle and the amendments made by this
 5 subtitle shall apply with respect to elections occurring dur-
 6 ing 2028 or any succeeding year, without regard to wheth-
 7 er or not the Federal Election Commission has promul-
 8 gated the final regulations necessary to carry out this part
 9 and the amendments made by this part by the deadline
 10 set forth in subsection (b).

11 (b) DEADLINE FOR REGULATIONS.—Not later than
 12 June 30, 2026, the Federal Election Commission shall
 13 promulgate such regulations as may be necessary to carry
 14 out this subtitle and the amendments made by this sub-
 15 title.

16 **Subtitle C—Presidential Elections**

17 **SEC. 5200. SHORT TITLE.**

18 This subtitle may be cited as the “Empower Act of
 19 2021”.

20 **PART 1—PRIMARY ELECTIONS**

21 **SEC. 5201. INCREASE IN AND MODIFICATIONS TO MATCH-**
 22 **ING PAYMENTS.**

23 (a) INCREASE AND MODIFICATION.—

24 (1) IN GENERAL.—The first sentence of section
 25 9034(a) of the Internal Revenue Code of 1986 is
 26 amended—

1 (A) by striking “an amount equal to the
 2 amount of each contribution” and inserting “an
 3 amount equal to 600 percent of the amount of
 4 each matchable contribution (disregarding any
 5 amount of contributions from any person to the
 6 extent that the total of the amounts contributed
 7 by such person for the election exceeds \$200)”;
 8 and

9 (B) by striking “authorized committees”
 10 and all that follows through “\$250” and insert-
 11 ing “authorized committees”.

12 (2) MATCHABLE CONTRIBUTIONS.—Section
 13 9034 of such Code is amended—

14 (A) by striking the last sentence of sub-
 15 section (a); and

16 (B) by adding at the end the following new
 17 subsection:

18 “(c) MATCHABLE CONTRIBUTION DEFINED.—For
 19 purposes of this section and section 9033(b)—

20 “(1) MATCHABLE CONTRIBUTION.—The term
 21 ‘matchable contribution’ means, with respect to the
 22 nomination for election to the office of President of
 23 the United States, a contribution by an individual to
 24 a candidate or an authorized committee of a can-

1 didate with respect to which the candidate has cer-
2 tified in writing that—

3 “(A) the individual making such contribu-
4 tion has not made aggregate contributions (in-
5 cluding such matchable contribution) to such
6 candidate and the authorized committees of
7 such candidate in excess of \$1,000 for the elec-
8 tion,

9 “(B) such candidate and the authorized
10 committees of such candidate will not accept
11 contributions from such individual (including
12 such matchable contribution) aggregating more
13 than the amount described in subparagraph
14 (A), and

15 “(C) such contribution was a direct con-
16 tribution.

17 “(2) CONTRIBUTION.—For purposes of this
18 subsection, the term ‘contribution’ means a gift of
19 money made by a written instrument which identi-
20 fies the individual making the contribution by full
21 name and mailing address, but does not include a
22 subscription, loan, advance, or deposit of money, or
23 anything of value or anything described in subpara-
24 graph (B), (C), or (D) of section 9032(4).

25 “(3) DIRECT CONTRIBUTION.—

“(A) IN GENERAL.—For purposes of this subsection, the term ‘direct contribution’ means, with respect to a candidate, a contribution which is made directly by an individual to the candidate or an authorized committee of the candidate and is not—

“(i) forwarded from the individual making the contribution to the candidate or committee by another person, or

“(ii) received by the candidate or committee with the knowledge that the contribution was made at the request, suggestion, or recommendation of another person.

“(B) OTHER DEFINITIONS.—In subparagraph (A)—

“(i) the term ‘person’ does not include an individual (other than an individual described in section 304(i)(7) of the Federal Election Campaign Act of 1971), a political committee of a political party, or any political committee which is not a separate segregated fund described in section 316(b) of the Federal Election Campaign Act of 1971 and which does not make contributions or independent expenditures,

1 does not engage in lobbying activity under
2 the Lobbying Disclosure Act of 1995 (2
3 U.S.C. 1601 et seq.), and is not estab-
4 lished by, controlled by, or affiliated with
5 a registered lobbyist under such Act, an
6 agent of a registered lobbyist under such
7 Act, or an organization which retains or
8 employs a registered lobbyist under such
9 Act, and

10 “(ii) a contribution is not ‘made at
11 the request, suggestion, or recommendation
12 of another person’ solely on the grounds
13 that the contribution is made in response
14 to information provided to the individual
15 making the contribution by any person, so
16 long as the candidate or authorized com-
17 mittee does not know the identity of the
18 person who provided the information to
19 such individual.”.

20 (3) CONFORMING AMENDMENTS.—

21 (A) Section 9032(4) of such Code is
22 amended by striking “section 9034(a)” and in-
23 serting “section 9034”.

1 (B) Section 9033(b)(3) of such Code is
 2 amended by striking “matching contributions”
 3 and inserting “matchable contributions”.

4 (b) MODIFICATION OF PAYMENT LIMITATION.—Sec-
 5 tion 9034(b) of such Code is amended—

6 (1) by striking “The total” and inserting the
 7 following:

8 “(1) IN GENERAL.—The total”;

9 (2) by striking “shall not exceed” and all that
 10 follows and inserting “shall not exceed
 11 \$250,000,000.”; and

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

14 “(2) INFLATION ADJUSTMENT.—

15 “(A) IN GENERAL.—In the case of any ap-
 16 plicable period beginning after 2029, the dollar
 17 amount in paragraph (1) shall be increased by
 18 an amount equal to—

19 “(i) such dollar amount, multiplied by

20 “(ii) the cost-of-living adjustment de-
 21 termined under section 1(f)(3) for the cal-
 22 endar year following the year which such
 23 applicable period begins, determined by
 24 substituting ‘calendar year 2027’ for ‘cal-

1 endar year 1992’ in subparagraph (B)
2 thereof.

3 “(B) APPLICABLE PERIOD.—For purposes
4 of this paragraph, the term ‘applicable period’
5 means the 4-year period beginning with the
6 first day following the date of the general elec-
7 tion for the office of President and ending on
8 the date of the next such general election.

9 “(C) ROUNDING.—If any amount as ad-
10 justed under subparagraph (A) is not a multiple
11 of \$10,000, such amount shall be rounded to
12 the nearest multiple of \$10,000.”.

13 **SEC. 5202. ELIGIBILITY REQUIREMENTS FOR MATCHING**
14 **PAYMENTS.**

15 (a) AMOUNT OF AGGREGATE CONTRIBUTIONS PER
16 STATE; DISREGARDING OF AMOUNTS CONTRIBUTED IN
17 EXCESS OF \$200.—Section 9033(b)(3) of the Internal
18 Revenue Code of 1986 is amended—

19 (1) by striking “\$5,000” and inserting
20 “\$25,000”; and

21 (2) by striking “20 States” and inserting the
22 following: “20 States (disregarding any amount of
23 contributions from any such resident to the extent
24 that the total of the amounts contributed by such
25 resident for the election exceeds \$200)”.

1 (b) CONTRIBUTION LIMIT.—

2 (1) IN GENERAL.—Paragraph (4) of section
3 9033(b) of such Code is amended to read as follows:

4 “(4) the candidate and the authorized commit-
5 tees of the candidate will not accept aggregate con-
6 tributions from any person with respect to the nomi-
7 nation for election to the office of President of the
8 United States in excess of \$1,000 for the election.”.

9 (2) CONFORMING AMENDMENTS.—

10 (A) Section 9033(b) of such Code is
11 amended by adding at the end the following
12 new flush sentence:

13 “For purposes of paragraph (4), the term ‘contribution’
14 has the meaning given such term in section 301(8) of the
15 Federal Election Campaign Act of 1971.”.

16 (B) Section 9032(4) of such Code, as
17 amended by section 5201(a)(3)(A), is amended
18 by inserting “or 9033(b)” after “9034”.

19 (c) PARTICIPATION IN SYSTEM FOR PAYMENTS FOR
20 GENERAL ELECTION.—Section 9033(b) of such Code is
21 amended—

22 (1) by striking “and” at the end of paragraph
23 (3);

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

1 (3) by inserting after paragraph (4) the fol-
2 lowing new paragraph:

3 “(5) if the candidate is nominated by a political
4 party for election to the office of President, the can-
5 didate will apply for and accept payments with re-
6 spect to the general election for such office in ac-
7 cordance with chapter 95.”.

8 (d) PROHIBITION ON JOINT FUNDRAISING COMMIT-
9 TEES.—Section 9033(b) of such Code, as amended by sub-
10 section (c), is amended—

11 (1) by striking “and” at the end of paragraph
12 (4);

13 (2) by striking the period at the end of para-
14 graph (5) and inserting “; and”; and

15 (3) by inserting after paragraph (5) adding at
16 the end the following new paragraph:

17 “(6) the candidate will not establish a joint
18 fundraising committee with a political committee
19 other than another authorized committee of the can-
20 didate, except that candidate established a joint
21 fundraising committee with respect to a prior elec-
22 tion for which the candidate was not eligible to re-
23 ceive payments under section 9037 and the can-
24 didate does not terminate the committee, the can-
25 didate shall not be considered to be in violation of

1 this paragraph so long as that joint fundraising
 2 committee does not receive any contributions or
 3 make any disbursements during the election cycle for
 4 which the candidate is eligible to receive payments
 5 under such section.”.

6 **SEC. 5203. REPEAL OF EXPENDITURE LIMITATIONS.**

7 (a) IN GENERAL.—Subsection (a) of section 9035 of
 8 the Internal Revenue Code of 1986 is amended to read
 9 as follows:

10 “(a) PERSONAL EXPENDITURE LIMITATION.—No
 11 candidate shall knowingly make expenditures from his per-
 12 sonal funds, or the personal funds of his immediate family,
 13 in connection with his campaign for nomination for elec-
 14 tion to the office of President in excess of, in the aggre-
 15 gate, \$50,000.”.

16 (b) CONFORMING AMENDMENT.—Paragraph (1) of
 17 section 9033(b) of the Internal Revenue Code of 1986 is
 18 amended to read as follows:

19 “(1) the candidate will comply with the per-
 20 sonal expenditure limitation under section 9035,”.

21 **SEC. 5204. PERIOD OF AVAILABILITY OF MATCHING PAY-**
 22 **MENTS.**

23 Section 9032(6) of the Internal Revenue Code of
 24 1986 is amended by striking “the beginning of the cal-
 25 endar year in which a general election for the office of

1 President of the United States will be held” and inserting
 2 “the date that is 6 months prior to the date of the earliest
 3 State primary election”.

4 **SEC. 5205. EXAMINATION AND AUDITS OF MATCHABLE CON-**
 5 **TRIBUTIONS.**

6 Section 9038(a) of the Internal Revenue Code of
 7 1986 is amended by inserting “and matchable contribu-
 8 tions accepted by” after “qualified campaign expenses of”.

9 **SEC. 5206. MODIFICATION TO LIMITATION ON CONTRIBU-**
 10 **TIONS FOR PRESIDENTIAL PRIMARY CAN-**
 11 **DIDATES.**

12 Section 315(a)(6) of the Federal Election Campaign
 13 Act of 1971 (52 U.S.C. 30116(a)(6)) is amended by strik-
 14 ing “calendar year” and inserting “four-year election
 15 cycle”.

16 **PART 2—GENERAL ELECTIONS**

17 **SEC. 5211. MODIFICATION OF ELIGIBILITY REQUIREMENTS**
 18 **FOR PUBLIC FINANCING.**

19 Subsection (a) of section 9003 of the Internal Rev-
 20 enue Code of 1986 is amended to read as follows:

21 “(a) IN GENERAL.—In order to be eligible to receive
 22 any payments under section 9006, the candidates of a po-
 23 litical party in a Presidential election shall meet the fol-
 24 lowing requirements:

1 “(1) PARTICIPATION IN PRIMARY PAYMENT
2 SYSTEM.—The candidate for President received pay-
3 ments under chapter 96 for the campaign for nomi-
4 nation for election to be President.

5 “(2) AGREEMENTS WITH COMMISSION.—The
6 candidates, in writing—

7 “(A) agree to obtain and furnish to the
8 Commission such evidence as it may request of
9 the qualified campaign expenses of such can-
10 didates,

11 “(B) agree to keep and furnish to the
12 Commission such records, books, and other in-
13 formation as it may request, and

14 “(C) agree to an audit and examination by
15 the Commission under section 9007 and to pay
16 any amounts required to be paid under such
17 section.

18 “(3) PROHIBITION ON JOINT FUNDRAISING
19 COMMITTEES.—

20 “(A) PROHIBITION.—The candidates cer-
21 tify in writing that the candidates will not es-
22 tablish a joint fundraising committee with a po-
23 litical committee other than another authorized
24 committee of the candidate.

1 “(B) STATUS OF EXISTING COMMITTEES
 2 FOR PRIOR ELECTIONS.—If a candidate estab-
 3 lished a joint fundraising committee described
 4 in subparagraph (A) with respect to a prior
 5 election for which the candidate was not eligible
 6 to receive payments under section 9006 and the
 7 candidate does not terminate the committee,
 8 the candidate shall not be considered to be in
 9 violation of subparagraph (A) so long as that
 10 joint fundraising committee does not receive
 11 any contributions or make any disbursements
 12 with respect to the election for which the can-
 13 didate is eligible to receive payments under sec-
 14 tion 9006.”.

15 **SEC. 5212. REPEAL OF EXPENDITURE LIMITATIONS AND**
 16 **USE OF QUALIFIED CAMPAIGN CONTRIBU-**
 17 **TIONS.**

18 (a) USE OF QUALIFIED CAMPAIGN CONTRIBUTIONS
 19 WITHOUT EXPENDITURE LIMITS; APPLICATION OF SAME
 20 REQUIREMENTS FOR MAJOR, MINOR, AND NEW PAR-
 21 TIES.—Section 9003 of the Internal Revenue Code of
 22 1986 is amended by striking subsections (b) and (c) and
 23 inserting the following:

24 “(b) USE OF QUALIFIED CAMPAIGN CONTRIBUTIONS
 25 TO DEFRAY EXPENSES.—

1 “(1) IN GENERAL.—In order to be eligible to
2 receive any payments under section 9006, the can-
3 didates of a party in a Presidential election shall
4 certify to the Commission, under penalty of perjury,
5 that—

6 “(A) such candidates and their authorized
7 committees have not and will not accept any
8 contributions to defray qualified campaign ex-
9 penses other than—

10 “(i) qualified campaign contributions,
11 and

12 “(ii) contributions to the extent nec-
13 essary to make up any deficiency payments
14 received out of the fund on account of the
15 application of section 9006(c), and

16 “(B) such candidates and their authorized
17 committees have not and will not accept any
18 contribution to defray expenses which would be
19 qualified campaign expenses but for subpara-
20 graph (C) of section 9002(11).

21 “(2) TIMING OF CERTIFICATION.—The can-
22 didate shall make the certification required under
23 this subsection at the same time the candidate
24 makes the certification required under subsection
25 (a)(3).”.

1 (b) DEFINITION OF QUALIFIED CAMPAIGN CON-
 2 TRIBUTION.—Section 9002 of such Code is amended by
 3 adding at the end the following new paragraph:

4 “(13) QUALIFIED CAMPAIGN CONTRIBUTION.—
 5 The term ‘qualified campaign contribution’ means,
 6 with respect to any election for the office of Presi-
 7 dent of the United States, a contribution from an in-
 8 dividual to a candidate or an authorized committee
 9 of a candidate which—

10 “(A) does not exceed \$1,000 for the elec-
 11 tion, and

12 “(B) with respect to which the candidate
 13 has certified in writing that—

14 “(i) the individual making such con-
 15 tribution has not made aggregate contribu-
 16 tions (including such qualified contribu-
 17 tion) to such candidate and the authorized
 18 committees of such candidate in excess of
 19 the amount described in subparagraph (A),
 20 and

21 “(ii) such candidate and the author-
 22 ized committees of such candidate will not
 23 accept contributions from such individual
 24 (including such qualified contribution) ag-
 25 gregating more than the amount described

1 in subparagraph (A) with respect to such
 2 election.”.

3 (c) CONFORMING AMENDMENTS.—

4 (1) REPEAL OF EXPENDITURE LIMITS.—

5 (A) IN GENERAL.—Section 315 of the Fed-
 6 eral Election Campaign Act of 1971 (52 U.S.C.
 7 30116) is amended by striking subsection (b).

8 (B) CONFORMING AMENDMENTS.—Section
 9 315(c) of such Act (52 U.S.C. 30116(c)) is
 10 amended—

11 (i) in paragraph (1)(B)(i), by striking
 12 “, (b)”; and

13 (ii) in paragraph (2)(B)(i), by striking
 14 “subsections (b) and (d)” and inserting
 15 “subsection (d)”.

16 (2) REPEAL OF REPAYMENT REQUIREMENT.—

17 (A) IN GENERAL.—Section 9007(b) of the
 18 Internal Revenue Code of 1986 is amended by
 19 striking paragraph (2) and redesignating para-
 20 graphs (3), (4), and (5) as paragraphs (2), (3),
 21 and (4), respectively.

22 (B) CONFORMING AMENDMENT.—Para-
 23 graph (2) of section 9007(b) of such Code, as
 24 redesignated by subparagraph (A), is amend-
 25 ed—

1 (i) by striking “a major party” and
 2 inserting “a party”;

3 (ii) by striking “contributions (other
 4 than” and inserting “contributions (other
 5 than qualified contributions”; and

6 (iii) by striking “(other than qualified
 7 campaign expenses with respect to which
 8 payment is required under paragraph
 9 (2))”.

10 (3) CRIMINAL PENALTIES.—

11 (A) REPEAL OF PENALTY FOR EXCESS EX-
 12 PENSES.—Section 9012 of the Internal Revenue
 13 Code of 1986 is amended by striking subsection
 14 (a).

15 (B) PENALTY FOR ACCEPTANCE OF DIS-
 16 ALLOWED CONTRIBUTIONS; APPLICATION OF
 17 SAME PENALTY FOR CANDIDATES OF MAJOR,
 18 MINOR, AND NEW PARTIES.—Subsection (b) of
 19 section 9012 of such Code is amended to read
 20 as follows:

21 “(b) CONTRIBUTIONS.—

22 “(1) ACCEPTANCE OF DISALLOWED CONTRIBU-
 23 TIONS.—It shall be unlawful for an eligible can-
 24 didate of a party in a Presidential election or any of

1 his authorized committees knowingly and willfully to
 2 accept—

3 “(A) any contribution other than a quali-
 4 fied campaign contribution to defray qualified
 5 campaign expenses, except to the extent nec-
 6 essary to make up any deficiency in payments
 7 received out of the fund on account of the ap-
 8 plication of section 9006(c), or

9 “(B) any contribution to defray expenses
 10 which would be qualified campaign expenses but
 11 for subparagraph (C) of section 9002(11).

12 “(2) PENALTY.—Any person who violates para-
 13 graph (1) shall be fined not more than \$5,000, or
 14 imprisoned not more than one year, or both. In the
 15 case of a violation by an authorized committee, any
 16 officer or member of such committee who knowingly
 17 and willfully consents to such violation shall be fined
 18 not more than \$5,000, or imprisoned not more than
 19 one year, or both.”.

20 **SEC. 5213. MATCHING PAYMENTS AND OTHER MODIFICA-**
 21 **TIONS TO PAYMENT AMOUNTS.**

22 (a) IN GENERAL.—

23 (1) AMOUNT OF PAYMENTS; APPLICATION OF
 24 SAME AMOUNT FOR CANDIDATES OF MAJOR, MINOR,
 25 AND NEW PARTIES.—Subsection (a) of section 9004

1 of the Internal Revenue Code of 1986 is amended to
 2 read as follows:

3 “(a) IN GENERAL.—Subject to the provisions of this
 4 chapter, the eligible candidates of a party in a Presidential
 5 election shall be entitled to equal payment under section
 6 9006 in an amount equal to 600 percent of the amount
 7 of each matchable contribution received by such candidate
 8 or by the candidate’s authorized committees (disregarding
 9 any amount of contributions from any person to the extent
 10 that the total of the amounts contributed by such person
 11 for the election exceeds \$200), except that total amount
 12 to which a candidate is entitled under this paragraph shall
 13 not exceed \$250,000,000.”.

14 (2) REPEAL OF SEPARATE LIMITATIONS FOR
 15 CANDIDATES OF MINOR AND NEW PARTIES; INFLA-
 16 TION ADJUSTMENT.—Subsection (b) of section 9004
 17 of such Code is amended to read as follows:

18 “(b) INFLATION ADJUSTMENT.—

19 “(1) IN GENERAL.—In the case of any applica-
 20 ble period beginning after 2029, the \$250,000,000
 21 dollar amount in subsection (a) shall be increased by
 22 an amount equal to—

23 “(A) such dollar amount, multiplied by

24 “(B) the cost-of-living adjustment deter-
 25 mined under section 1(f)(3) for the calendar

1 year following the year which such applicable
 2 period begins, determined by substituting ‘cal-
 3 endar year 2028’ for ‘calendar year 1992’ in
 4 subparagraph (B) thereof.

5 “(2) APPLICABLE PERIOD.—For purposes of
 6 this subsection, the term ‘applicable period’ means
 7 the 4-year period beginning with the first day fol-
 8 lowing the date of the general election for the office
 9 of President and ending on the date of the next such
 10 general election.

11 “(3) ROUNDING.—If any amount as adjusted
 12 under paragraph (1) is not a multiple of \$10,000,
 13 such amount shall be rounded to the nearest mul-
 14 tiple of \$10,000.”.

15 (3) CONFORMING AMENDMENT.—Section
 16 9005(a) of such Code is amended by adding at the
 17 end the following new sentence: “The Commission
 18 shall make such additional certifications as may be
 19 necessary to receive payments under section 9004.”.

20 (b) MATCHABLE CONTRIBUTION.—Section 9002 of
 21 such Code, as amended by section 5212(b), is amended
 22 by adding at the end the following new paragraph:

23 “(14) MATCHABLE CONTRIBUTION.—The term
 24 ‘matchable contribution’ means, with respect to the
 25 election to the office of President of the United

1 States, a contribution by an individual to a can-
 2 didate or an authorized committee of a candidate
 3 with respect to which the candidate has certified in
 4 writing that—

5 “(A) the individual making such contribu-
 6 tion has not made aggregate contributions (in-
 7 cluding such matchable contribution) to such
 8 candidate and the authorized committees of
 9 such candidate in excess of \$1,000 for the elec-
 10 tion,

11 “(B) such candidate and the authorized
 12 committees of such candidate will not accept
 13 contributions from such individual (including
 14 such matchable contribution) aggregating more
 15 than the amount described in subparagraph (A)
 16 with respect to such election, and

17 “(C) such contribution was a direct con-
 18 tribution (as defined in section 9034(c)(3)).”.

19 **SEC. 5214. INCREASE IN LIMIT ON COORDINATED PARTY**
 20 **EXPENDITURES.**

21 (a) IN GENERAL.—Section 315(d)(2) of the Federal
 22 Election Campaign Act of 1971 (52 U.S.C. 30116(d)(2))
 23 is amended to read as follows:

24 “(2)(A) The national committee of a political party
 25 may not make any expenditure in connection with the gen-

1 eral election campaign of any candidate for President of
 2 the United States who is affiliated with such party which
 3 exceeds \$100,000,000.

4 “(B) For purposes of this paragraph—

5 “(i) any expenditure made by or on behalf of a
 6 national committee of a political party and in con-
 7 nection with a Presidential election shall be consid-
 8 ered to be made in connection with the general elec-
 9 tion campaign of a candidate for President of the
 10 United States who is affiliated with such party; and

11 “(ii) any communication made by or on behalf
 12 of such party shall be considered to be made in con-
 13 nection with the general election campaign of a can-
 14 didate for President of the United States who is af-
 15 filiated with such party if any portion of the commu-
 16 nication is in connection with such election.

17 “(C) Any expenditure under this paragraph shall be
 18 in addition to any expenditure by a national committee
 19 of a political party serving as the principal campaign com-
 20 mittee of a candidate for the office of President of the
 21 United States.”.

22 (b) CONFORMING AMENDMENTS RELATING TO TIM-
 23 ING OF COST-OF-LIVING ADJUSTMENT.—

24 (1) IN GENERAL.—Section 315(c)(1) of such
 25 Act (52 U.S.C. 30116(c)(1)) is amended—

1 (A) in subparagraph (B), by striking “(d)”
 2 and inserting “(d)(2)”; and

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

5 “(D) In any calendar year after 2028—

6 “(i) the dollar amount in subsection (d)(2) shall
 7 be increased by the percent difference determined
 8 under subparagraph (A);

9 “(ii) the amount so increased shall remain in
 10 effect for the calendar year; and

11 “(iii) if the amount after adjustment under
 12 clause (i) is not a multiple of \$100, such amount
 13 shall be rounded to the nearest multiple of \$100.”.

14 (2) BASE YEAR.—Section 315(c)(2)(B) of such
 15 Act (52 U.S.C. 30116(c)(2)(B)) is amended—

16 (A) in clause (i)—

17 (i) by striking “(d)” and inserting
 18 “(d)(3)”; and

19 (ii) by striking “and” at the end;

20 (B) in clause (ii), by striking the period at
 21 the end and inserting “; and”; and

22 (C) by adding at the end the following new
 23 clause:

24 “(iii) for purposes of subsection (d)(2), cal-
 25 endar year 2027.”.

1 **SEC. 5215. USE OF GENERAL ELECTION PAYMENTS FOR**
2 **GENERAL ELECTION LEGAL AND ACCOUNT-**
3 **ING COMPLIANCE.**

4 Section 9002(11) of the Internal Revenue Code of
5 1986 is amended by adding at the end the following new
6 sentence: “For purposes of subparagraph (A), an expense
7 incurred by a candidate or authorized committee for gen-
8 eral election legal and accounting compliance purposes
9 shall be considered to be an expense to further the election
10 of such candidate.”.

11 **PART 3—EFFECTIVE DATE**

12 **SEC. 5221. EFFECTIVE DATE.**

13 (a) IN GENERAL.—Except as otherwise provided, this
14 subtitle and the amendments made by this subtitle shall
15 apply with respect to the Presidential election held in 2028
16 and each succeeding Presidential election, without regard
17 to whether or not the Federal Election Commission has
18 promulgated the final regulations necessary to carry out
19 this subtitle and the amendments made by this subtitle
20 by the deadline set forth in subsection (b).

21 (b) DEADLINE FOR REGULATIONS.—Not later than
22 June 30, 2026, the Federal Election Commission shall
23 promulgate such regulations as may be necessary to carry
24 out this subtitle and the amendments made by this sub-
25 title.

1 **Subtitle D—Personal Use Services**
2 **as Authorized Campaign Ex-**
3 **penditures**

4 **SEC. 5301. SHORT TITLE; FINDINGS; PURPOSE.**

5 (a) SHORT TITLE.—This subtitle may be cited as the
6 “Help America Run Act”.

7 (b) FINDINGS.—Congress finds the following:

8 (1) Everyday Americans experience barriers to
9 entry before they can consider running for office to
10 serve their communities.

11 (2) Current law states that campaign funds
12 cannot be spent on everyday expenses that would
13 exist whether or not a candidate were running for
14 office, like childcare and food. While the law seems
15 neutral, its actual effect is to privilege the independ-
16 ently wealthy who want to run, because given the de-
17 mands of running for office, candidates who must
18 work to pay for childcare or to afford health insur-
19 ance are effectively being left out of the process,
20 even if they have sufficient support to mount a via-
21 ble campaign.

22 (3) Thus current practice favors those prospec-
23 tive candidates who do not need to rely on a regular
24 paycheck to make ends meet. The consequence is
25 that everyday Americans who have firsthand knowl-

1 edge of the importance of stable childcare, a safety
2 net, or great public schools are less likely to get a
3 seat at the table. This governance by the few is anti-
4 thetical to the democratic experiment, but most im-
5 portantly, when lawmakers do not share the con-
6 cerns of everyday Americans, their policies reflect
7 that.

8 (4) These circumstances have contributed to a
9 Congress that does not always reflect everyday
10 Americans. The New York Times reported in 2019
11 that fewer than 5 percent of representatives cite
12 blue-collar or service jobs in their biographies. A
13 2015 survey by the Center for Responsive Politics
14 showed that the median net worth of lawmakers was
15 just over \$1 million in 2013, or 18 times the wealth
16 of the typical American household.

17 (5) These circumstances have also contributed
18 to a governing body that does not reflect the nation
19 it serves. For instance, women are 51 percent of the
20 American population. Yet even with a record number
21 of women serving in the One Hundred Sixteenth
22 Congress, the Pew Research Center notes that more
23 than three out of four Members of this Congress are
24 male. The Center for American Women And Politics
25 found that one third of women legislators surveyed

1 had been actively discouraged from running for of-
 2 fice, often by political professionals. This type of dis-
 3 couragement, combined with the prohibitions on
 4 using campaign funds for domestic needs like
 5 childcare, burdens that still fall disproportionately
 6 on American women, particularly disadvantages
 7 working mothers. These barriers may explain why
 8 only 10 women in history have given birth while
 9 serving in Congress, in spite of the prevalence of
 10 working parents in other professions. Yet working
 11 mothers and fathers are best positioned to create
 12 policy that reflects the lived experience of most
 13 Americans.

14 (6) Working mothers, those caring for their el-
 15 derly parents, and young professionals who rely on
 16 their jobs for health insurance should have the free-
 17 dom to run to serve the people of the United States.
 18 Their networks and net worth are simply not the
 19 best indicators of their strength as prospective pub-
 20 lic servants. In fact, helping ordinary Americans to
 21 run may create better policy for all Americans.

22 (c) PURPOSE.—It is the purpose of this subtitle to
 23 ensure that all Americans who are otherwise qualified to
 24 serve this Nation are able to run for office, regardless of
 25 their economic status. By expanding permissible uses of

1 campaign funds and providing modest assurance that test-
 2 ing a run for office will not cost one’s livelihood, the Help
 3 America Run Act will facilitate the candidacy of represent-
 4 atives who more accurately reflect the experiences, chal-
 5 lenges, and ideals of everyday Americans.

6 **SEC. 5302. TREATMENT OF PAYMENTS FOR CHILD CARE**
 7 **AND OTHER PERSONAL USE SERVICES AS AU-**
 8 **THORIZED CAMPAIGN EXPENDITURE.**

9 (a) PERSONAL USE SERVICES AS AUTHORIZED CAM-
 10 PAIGN EXPENDITURE.—Section 313 of the Federal Elec-
 11 tion Campaign Act of 1971 (52 U.S.C. 30114) is amended
 12 by adding at the end the following new subsection:

13 “(d) TREATMENT OF PAYMENTS FOR CHILD CARE
 14 AND OTHER PERSONAL USE SERVICES AS AUTHORIZED
 15 CAMPAIGN EXPENDITURE.—

16 “(1) AUTHORIZED EXPENDITURES.—For pur-
 17 poses of subsection (a), the payment by an author-
 18 ized committee of a candidate for any of the per-
 19 sonal use services described in paragraph (3) shall
 20 be treated as an authorized expenditure if the serv-
 21 ices are necessary to enable the participation of the
 22 candidate in campaign-connected activities.

23 “(2) LIMITATIONS.—

24 “(A) LIMIT ON TOTAL AMOUNT OF PAY-
 25 MENTS.—The total amount of payments made

1 by an authorized committee of a candidate for
2 personal use services described in paragraph (3)
3 may not exceed the limit which is applicable
4 under any law, rule, or regulation on the
5 amount of payments which may be made by the
6 committee for the salary of the candidate (with-
7 out regard to whether or not the committee
8 makes payments to the candidate for that pur-
9 pose).

10 “(B) CORRESPONDING REDUCTION IN
11 AMOUNT OF SALARY PAID TO CANDIDATE.—To
12 the extent that an authorized committee of a
13 candidate makes payments for the salary of the
14 candidate, any limit on the amount of such pay-
15 ments which is applicable under any law, rule,
16 or regulation shall be reduced by the amount of
17 any payments made to or on behalf of the can-
18 didate for personal use services described in
19 paragraph (3), other than personal use services
20 described in subparagraph (D) of such para-
21 graph.

22 “(C) EXCLUSION OF CANDIDATES WHO
23 ARE OFFICEHOLDERS.—Paragraph (1) does not
24 apply with respect to an authorized committee
25 of a candidate who is a holder of Federal office.

1 “(3) PERSONAL USE SERVICES DESCRIBED.—

2 The personal use services described in this para-
3 graph are as follows:

4 “(A) Child care services.

5 “(B) Elder care services.

6 “(C) Services similar to the services de-
7 scribed in subparagraph (A) or subparagraph
8 (B) which are provided on behalf of any de-
9 pendent who is a qualifying relative under sec-
10 tion 152 of the Internal Revenue Code of 1986.

11 “(D) Health insurance premiums.”.

12 (b) EFFECTIVE DATE.—The amendments made by
13 this section shall take effect on the date of the enactment
14 of this Act.

15 **Subtitle E—Empowering Small** 16 **Dollar Donations**

17 **SEC. 5401. PERMITTING POLITICAL PARTY COMMITTEES TO**
18 **PROVIDE ENHANCED SUPPORT FOR CAN-**
19 **DIDATES THROUGH USE OF SEPARATE**
20 **SMALL DOLLAR ACCOUNTS.**

21 (a) INCREASE IN LIMIT ON CONTRIBUTIONS TO CAN-
22 DIDATES.—Section 315(a)(2)(A) of the Federal Election
23 Campaign Act of 1971 (52 U.S.C. 30116(a)(2)(A)) is
24 amended by striking “exceed \$5,000” and inserting “ex-
25 ceed \$5,000 or, in the case of a contribution made by a

1 national committee of a political party from an account
 2 described in paragraph (11), exceed \$10,000”.

3 (b) ELIMINATION OF LIMIT ON COORDINATED EX-
 4 PENDITURES.—Section 315(d)(5) of such Act (52 U.S.C.
 5 30116(d)(5)) is amended by striking “subsection (a)(9)”
 6 and inserting “subsection (a)(9) or subsection (a)(11)”.

7 (c) ACCOUNTS DESCRIBED.—Section 315(a) of such
 8 Act (52 U.S.C. 30116(a)), as amended by section 5112(a),
 9 is amended by adding at the end the following new para-
 10 graph:

11 “(11) An account described in this paragraph is a
 12 separate, segregated account of a national committee of
 13 a political party (including a national congressional cam-
 14 paign committee of a political party) consisting exclusively
 15 of contributions made during a calendar year by individ-
 16 uals whose aggregate contributions to the committee dur-
 17 ing the year do not exceed \$200.”.

18 (d) EFFECTIVE DATE.—The amendments made by
 19 this section shall apply with respect to elections held on
 20 or after the date of the enactment of this Act.

21 **Subtitle F—Severability**

22 **SEC. 5501. SEVERABILITY.**

23 If any provision of this title or amendment made by
 24 this title, or the application of a provision or amendment
 25 to any person or circumstance, is held to be unconstitu-

1 tional, the remainder of this title and amendments made
 2 by this title, and the application of the provisions and
 3 amendment to any person or circumstance, shall not be
 4 affected by the holding.

5 **TITLE VI—CAMPAIGN FINANCE** 6 **OVERSIGHT**

7 **Subtitle A—Restoring Integrity to** 8 **America’s Elections**

9 **SEC. 6001. SHORT TITLE.**

10 This subtitle may be cited as the “Restoring Integrity
 11 to America’s Elections Act”.

12 **SEC. 6002. MEMBERSHIP OF FEDERAL ELECTION COMMIS-** 13 **SION.**

14 (a) REDUCTION IN NUMBER OF MEMBERS; REMOVAL
 15 OF SECRETARY OF SENATE AND CLERK OF HOUSE AS
 16 EX OFFICIO MEMBERS.—

17 (1) IN GENERAL; QUORUM.—Section 306(a)(1)
 18 of the Federal Election Campaign Act of 1971 (52
 19 U.S.C. 30106(a)(1)) is amended by striking the sec-
 20 ond and third sentences and inserting the following:
 21 “The Commission is composed of 5 members ap-
 22 pointed by the President by and with the advice and
 23 consent of the Senate, of whom no more than 2 may
 24 be affiliated with the same political party. A member
 25 shall be treated as affiliated with a political party if

1 the member was affiliated, including as a registered
 2 voter, employee, consultant, donor, officer, or attor-
 3 ney, with such political party or any of its can-
 4 didates or elected public officials at any time during
 5 the 5-year period ending on the date on which such
 6 individual is nominated to be a member of the Com-
 7 mission. A majority of the number of members of
 8 the Commission who are serving at the time shall
 9 constitute a quorum.”.

10 (2) CONFORMING AMENDMENTS RELATING TO
 11 REDUCTION IN NUMBER OF MEMBERS.—(A) Section
 12 306(c) of such Act (52 U.S.C. 30106(c)) is amended
 13 by striking the period at the end of the first sen-
 14 tence and all that follows and inserting the fol-
 15 lowing: “, except that an affirmative vote of a major-
 16 ity of the members of the Commission who are serv-
 17 ing at the time shall be required in order for the
 18 Commission to take any action in accordance with
 19 paragraph (6), (7), (8), or (9) of section 307(a) or
 20 with chapter 95 or chapter 96 of the Internal Rev-
 21 enue Code of 1986. A member of the Commission
 22 may not delegate to any person his or her vote or
 23 any decision-making authority or duty vested in the
 24 Commission by the provisions of this Act”.

1 (B) Such Act is further amended by striking
 2 “affirmative vote of 4 of its members” and inserting
 3 “affirmative vote of a majority of the members of
 4 the Commission who are serving at the time” each
 5 place it appears in the following sections:

6 (i) Section 309(a)(2) (52 U.S.C.
 7 30109(a)(2)).

8 (ii) Section 309(a)(4)(A)(i) (52 U.S.C.
 9 30109(a)(4)(A)(i)).

10 (iii) Section 309(a)(5)(C) (52 U.S.C.
 11 30109(a)(5)(C)).

12 (iv) Section 309(a)(6)(A) (52 U.S.C.
 13 30109(a)(6)(A)).

14 (v) Section 311(b) (52 U.S.C. 30111(b)).

15 (3) CONFORMING AMENDMENT RELATING TO
 16 REMOVAL OF EX OFFICIO MEMBERS.—Section
 17 306(a) of such Act (52 U.S.C. 30106(a)) is amend-
 18 ed by striking “(other than the Secretary of the Sen-
 19 ate and the Clerk of the House of Representatives)”
 20 each place it appears in paragraphs (4) and (5).

21 (b) TERMS OF SERVICE.—Section 306(a)(2) of such
 22 Act (52 U.S.C. 30106(a)(2)) is amended to read as fol-
 23 lows:

24 “(2) TERMS OF SERVICE.—

1 “(A) IN GENERAL.—Each member of the
2 Commission shall serve for a single term of 6
3 years.

4 “(B) SPECIAL RULE FOR INITIAL APPOINT-
5 MENTS.—Of the members first appointed to
6 serve terms that begin in January 2022, the
7 President shall designate 2 to serve for a 3-year
8 term.

9 “(C) NO REAPPOINTMENT PERMITTED.—
10 An individual who served a term as a member
11 of the Commission may not serve for an addi-
12 tional term, except that—

13 “(i) an individual who served a 3-year
14 term under subparagraph (B) may also be
15 appointed to serve a 6-year term under
16 subparagraph (A); and

17 “(ii) for purposes of this subpara-
18 graph, an individual who is appointed to
19 fill a vacancy under subparagraph (D)
20 shall not be considered to have served a
21 term if the portion of the unexpired term
22 the individual fills is less than 50 percent
23 of the period of the term.

24 “(D) VACANCIES.—Any vacancy occurring
25 in the membership of the Commission shall be

filled in the same manner as in the case of the original appointment. Except as provided in subparagraph (C), an individual appointed to fill a vacancy occurring other than by the expiration of a term of office shall be appointed only for the unexpired term of the member he or she succeeds.

“(E) LIMITATION ON SERVICE AFTER EXPIRATION OF TERM.—A member of the Commission may continue to serve on the Commission after the expiration of the member’s term for an additional period, but only until the earlier of—

“(i) the date on which the member’s successor has taken office as a member of the Commission; or

“(ii) the expiration of the 1-year period that begins on the last day of the member’s term.”.

(c) QUALIFICATIONS.—Section 306(a)(3) of such Act (52 U.S.C. 30106(a)(3)) is amended to read as follows:

“(3) QUALIFICATIONS.—

“(A) IN GENERAL.—The President may select an individual for service as a member of the Commission if the individual has experience

1 in election law and has a demonstrated record
2 of integrity, impartiality, and good judgment.

3 “(B) ASSISTANCE OF BLUE RIBBON ADVI-
4 SORY PANEL.—

5 “(i) IN GENERAL.—Prior to the regu-
6 larly scheduled expiration of the term of a
7 member of the Commission and upon the
8 occurrence of a vacancy in the membership
9 of the Commission prior to the expiration
10 of a term, the President shall convene a
11 Blue Ribbon Advisory Panel that includes
12 individuals representing each major polit-
13 ical party and individuals who are inde-
14 pendent of a political party and that con-
15 sists of an odd number of individuals se-
16 lected by the President from retired Fed-
17 eral judges, former law enforcement offi-
18 cials, or individuals with experience in elec-
19 tion law, except that the President may not
20 select any individual to serve on the panel
21 who holds any public office at the time of
22 selection. The President shall also make
23 reasonable efforts to encourage racial, eth-
24 nic, and gender diversity on the panel.

“(ii) RECOMMENDATIONS.—With respect to each member of the Commission whose term is expiring or each vacancy in the membership of the Commission (as the case may be), the Blue Ribbon Advisory Panel shall recommend to the President at least one but not more than 3 individuals for nomination for appointment as a member of the Commission.

“(iii) PUBLICATION.—At the time the President submits to the Senate the nominations for individuals to be appointed as members of the Commission, the President shall publish the Blue Ribbon Advisory Panel’s recommendations for such nominations.

“(iv) EXEMPTION FROM FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) does not apply to a Blue Ribbon Advisory Panel convened under this subparagraph.

“(C) PROHIBITING ENGAGEMENT WITH OTHER BUSINESS OR EMPLOYMENT DURING SERVICE.—A member of the Commission shall not engage in any other business, vocation, or

1 employment. Any individual who is engaging in
 2 any other business, vocation, or employment at
 3 the time of his or her appointment to the Com-
 4 mission shall terminate or liquidate such activ-
 5 ity no later than 90 days after such appoint-
 6 ment.”.

7 **SEC. 6003. ASSIGNMENT OF POWERS TO CHAIR OF FED-**
 8 **ERAL ELECTION COMMISSION.**

9 (a) APPOINTMENT OF CHAIR BY PRESIDENT.—

10 (1) IN GENERAL.—Section 306(a)(5) of the
 11 Federal Election Campaign Act of 1971 (52 U.S.C.
 12 30106(a)(5)) is amended to read as follows:

13 “(5) CHAIR.—

14 “(A) INITIAL APPOINTMENT.—Of the
 15 members first appointed to serve terms that
 16 begin in January 2022, one such member (as
 17 designated by the President at the time the
 18 President submits nominations to the Senate)
 19 shall serve as Chair of the Commission.

20 “(B) SUBSEQUENT APPOINTMENTS.—Any
 21 individual who is appointed to succeed the
 22 member who serves as Chair of the Commission
 23 for the term beginning in January 2022 (as
 24 well as any individual who is appointed to fill
 25 a vacancy if such member does not serve a full

1 term as Chair) shall serve as Chair of the Com-
 2 mission.

3 “(C) VICE CHAIR.—The Commission shall
 4 select, by majority vote of its members, one of
 5 its members to serve as Vice Chair, who shall
 6 act as Chair in the absence or disability of the
 7 Chair or in the event of a vacancy in the posi-
 8 tion of Chair.”.

9 (2) CONFORMING AMENDMENT.—Section
 10 309(a)(2) of such Act (52 U.S.C. 30109(a)(2)) is
 11 amended by striking “through its chairman or vice
 12 chairman” and inserting “through the Chair”.

13 (b) POWERS.—

14 (1) ASSIGNMENT OF CERTAIN POWERS TO
 15 CHAIR.—Section 307(a) of such Act (52 U.S.C.
 16 30107(a)) is amended to read as follows:

17 “(a) DISTRIBUTION OF POWERS BETWEEN CHAIR
 18 AND COMMISSION.—

19 “(1) POWERS ASSIGNED TO CHAIR.—

20 “(A) ADMINISTRATIVE POWERS.—The
 21 Chair of the Commission shall be the chief ad-
 22 ministrative officer of the Commission and shall
 23 have the authority to administer the Commis-
 24 sion and its staff, and (in consultation with the

1 other members of the Commission) shall have
2 the power—

3 “(i) to appoint and remove the staff
4 director of the Commission;

5 “(ii) to request the assistance (includ-
6 ing personnel and facilities) of other agen-
7 cies and departments of the United States,
8 whose heads may make such assistance
9 available to the Commission with or with-
10 out reimbursement; and

11 “(iii) to prepare and establish the
12 budget of the Commission and to make
13 budget requests to the President, the Di-
14 rector of the Office of Management and
15 Budget, and Congress.

16 “(B) OTHER POWERS.—The Chair of the
17 Commission shall have the power—

18 “(i) to appoint and remove the gen-
19 eral counsel of the Commission with the
20 concurrence of at least 2 other members of
21 the Commission;

22 “(ii) to require by special or general
23 orders, any person to submit, under oath,
24 such written reports and answers to ques-
25 tions as the Chair may prescribe;

1 “(iii) to administer oaths or affirma-
2 tions;

3 “(iv) to require by subpoena, signed
4 by the Chair, the attendance and testimony
5 of witnesses and the production of all doc-
6 umentary evidence relating to the execu-
7 tion of its duties;

8 “(v) in any proceeding or investiga-
9 tion, to order testimony to be taken by
10 deposition before any person who is des-
11 ignated by the Chair, and shall have the
12 power to administer oaths and, in such in-
13 stances, to compel testimony and the pro-
14 duction of evidence in the same manner as
15 authorized under clause (iv); and

16 “(vi) to pay witnesses the same fees
17 and mileage as are paid in like cir-
18 cumstances in the courts of the United
19 States.

20 “(2) POWERS ASSIGNED TO COMMISSION.—The
21 Commission shall have the power—

22 “(A) to initiate (through civil actions for
23 injunctive, declaratory, or other appropriate re-
24 lief), defend (in the case of any civil action
25 brought under section 309(a)(8) of this Act) or

1 appeal (including a proceeding before the Su-
2 preme Court on certiorari) any civil action in
3 the name of the Commission to enforce the pro-
4 visions of this Act and chapter 95 and chapter
5 96 of the Internal Revenue Code of 1986,
6 through its general counsel;

7 “(B) to render advisory opinions under
8 section 308 of this Act;

9 “(C) to develop such prescribed forms and
10 to make, amend, and repeal such rules, pursu-
11 ant to the provisions of chapter 5 of title 5,
12 United States Code, as are necessary to carry
13 out the provisions of this Act and chapter 95
14 and chapter 96 of the Internal Revenue Code of
15 1986;

16 “(D) to conduct investigations and hear-
17 ings expeditiously, to encourage voluntary com-
18 pliance, and to report apparent violations to the
19 appropriate law enforcement authorities; and

20 “(E) to transmit to the President and Con-
21 gress not later than June 1 of each year a re-
22 port which states in detail the activities of the
23 Commission in carrying out its duties under
24 this Act, and which includes any recommenda-

1 tions for any legislative or other action the
2 Commission considers appropriate.

3 “(3) PERMITTING COMMISSION TO EXERCISE
4 OTHER POWERS OF CHAIR.—With respect to any in-
5 vestigation, action, or proceeding, the Commission,
6 by an affirmative vote of a majority of the members
7 who are serving at the time, may exercise any of the
8 powers of the Chair described in paragraph (1)(B).”.

9 (2) CONFORMING AMENDMENTS RELATING TO
10 PERSONNEL AUTHORITY.—Section 306(f) of such
11 Act (52 U.S.C. 30106(f)) is amended—

12 (A) by amending the first sentence of
13 paragraph (1) to read as follows: “The Com-
14 mission shall have a staff director who shall be
15 appointed by the Chair of the Commission in
16 consultation with the other members and a gen-
17 eral counsel who shall be appointed by the
18 Chair with the concurrence of at least two other
19 members.”;

20 (B) in paragraph (2), by striking “With
21 the approval of the Commission” and inserting
22 “With the approval of the Chair of the Commis-
23 sion”; and

24 (C) by striking paragraph (3).

1 (3) CONFORMING AMENDMENT RELATING TO
 2 BUDGET SUBMISSION.—Section 307(d)(1) of such
 3 Act (52 U.S.C. 30107(d)(1)) is amended by striking
 4 “the Commission submits any budget” and inserting
 5 “the Chair (or, pursuant to subsection (a)(3), the
 6 Commission) submits any budget”.

7 (4) OTHER CONFORMING AMENDMENTS.—Sec-
 8 tion 306(c) of such Act (52 U.S.C. 30106(c)) is
 9 amended by striking “All decisions” and inserting
 10 “Subject to section 307(a), all decisions”.

11 (5) TECHNICAL AMENDMENT.—The heading of
 12 section 307 of such Act (52 U.S.C. 30107) is
 13 amended by striking “THE COMMISSION” and insert-
 14 ing “THE CHAIR AND THE COMMISSION”.

15 **SEC. 6004. REVISION TO ENFORCEMENT PROCESS.**

16 (a) STANDARD FOR INITIATING INVESTIGATIONS AND
 17 DETERMINING WHETHER VIOLATIONS HAVE OC-
 18 CURRED.—

19 (1) REVISION OF STANDARDS.—Section 309(a)
 20 of the Federal Election Campaign Act of 1971 (52
 21 U.S.C. 30109(a)) is amended by striking paragraphs
 22 (2) and (3) and inserting the following:

23 “(2)(A) The general counsel, upon receiving a com-
 24 plaint filed with the Commission under paragraph (1) or
 25 upon the basis of information ascertained by the Commis-

1 sion in the normal course of carrying out its supervisory
2 responsibilities, shall make a determination as to whether
3 or not there is reason to believe that a person has com-
4 mitted, or is about to commit, a violation of this Act or
5 chapter 95 or chapter 96 of the Internal Revenue Code
6 of 1986, and as to whether or not the Commission should
7 either initiate an investigation of the matter or that the
8 complaint should be dismissed. The general counsel shall
9 promptly provide notification to the Commission of such
10 determination and the reasons therefore, together with
11 any written response submitted under paragraph (1) by
12 the person alleged to have committed the violation. Upon
13 the expiration of the 30-day period which begins on the
14 date the general counsel provides such notification, the
15 general counsel's determination shall take effect, unless
16 during such 30-day period the Commission, by vote of a
17 majority of the members of the Commission who are serv-
18 ing at the time, overrules the general counsel's determina-
19 tion. If the determination by the general counsel that the
20 Commission should investigate the matter takes effect, or
21 if the determination by the general counsel that the com-
22 plaint should be dismissed is overruled as provided under
23 the previous sentence, the general counsel shall initiate an
24 investigation of the matter on behalf of the Commission.

1 “(B) If the Commission initiates an investigation
2 pursuant to subparagraph (A), the Commission, through
3 the Chair, shall notify the subject of the investigation of
4 the alleged violation. Such notification shall set forth the
5 factual basis for such alleged violation. The Commission
6 shall make an investigation of such alleged violation, which
7 may include a field investigation or audit, in accordance
8 with the provisions of this section. The general counsel
9 shall provide notification to the Commission of any intent
10 to issue a subpoena or conduct any other form of discovery
11 pursuant to the investigation. Upon the expiration of the
12 15-day period which begins on the date the general counsel
13 provides such notification, the general counsel may issue
14 the subpoena or conduct the discovery, unless during such
15 15-day period the Commission, by vote of a majority of
16 the members of the Commission who are serving at the
17 time, prohibits the general counsel from issuing the sub-
18 poena or conducting the discovery.

19 “(3)(A) Upon completion of an investigation under
20 paragraph (2), the general counsel shall promptly submit
21 to the Commission the general counsel’s recommendation
22 that the Commission find either that there is probable
23 cause or that there is not probable cause to believe that
24 a person has committed, or is about to commit, a violation
25 of this Act or chapter 95 or chapter 96 of the Internal

1 Revenue Code of 1986, and shall include with the rec-
2 ommendation a brief stating the position of the general
3 counsel on the legal and factual issues of the case.

4 “(B) At the time the general counsel submits to the
5 Commission the recommendation under subparagraph (A),
6 the general counsel shall simultaneously notify the re-
7 spondent of such recommendation and the reasons there-
8 fore, shall provide the respondent with an opportunity to
9 submit a brief within 30 days stating the position of the
10 respondent on the legal and factual issues of the case and
11 replying to the brief of the general counsel. The general
12 counsel shall promptly submit such brief to the Commis-
13 sion upon receipt.

14 “(C) Not later than 30 days after the general counsel
15 submits the recommendation to the Commission under
16 subparagraph (A) (or, if the respondent submits a brief
17 under subparagraph (B), not later than 30 days after the
18 general counsel submits the respondent’s brief to the Com-
19 mission under such subparagraph), the Commission shall
20 approve or disapprove the recommendation by vote of a
21 majority of the members of the Commission who are serv-
22 ing at the time.”.

23 (2) CONFORMING AMENDMENT RELATING TO
24 INITIAL RESPONSE TO FILING OF COMPLAINT.—Sec-

1 tion 309(a)(1) of such Act (52 U.S.C. 30109(a)(1))
2 is amended—

3 (A) in the third sentence, by striking “the
4 Commission” and inserting “the general coun-
5 sel”; and

6 (B) by amending the fourth sentence to
7 read as follows: “Not later than 15 days after
8 receiving notice from the general counsel under
9 the previous sentence, the person may provide
10 the general counsel with a written response that
11 no action should be taken against such person
12 on the basis of the complaint.”.

13 (b) REVISION OF STANDARD FOR REVIEW OF DIS-
14 MISSAL OF COMPLAINTS.—

15 (1) IN GENERAL.—Section 309(a)(8) of such
16 Act (52 U.S.C. 30109(a)(8)) is amended to read as
17 follows:

18 “(8)(A)(i) Any party aggrieved by an order of the
19 Commission dismissing a complaint filed by such party
20 may file a petition with the United States District Court
21 for the District of Columbia. Any petition under this sub-
22 paragraph shall be filed within 60 days after the date on
23 which the party received notice of the dismissal of the
24 complaint.

1 “(ii) In any proceeding under this subparagraph, the
2 court shall determine by de novo review whether the agen-
3 cy’s dismissal of the complaint is contrary to law. In any
4 matter in which the penalty for the alleged violation is
5 greater than \$50,000, the court should disregard any
6 claim or defense by the Commission of prosecutorial dis-
7 cretion as a basis for dismissing the complaint.

8 “(B)(i) Any party who has filed a complaint with the
9 Commission and who is aggrieved by a failure of the Com-
10 mission, within one year after the filing of the complaint,
11 to either dismiss the complaint or to find reason to believe
12 a violation has occurred or is about to occur, may file a
13 petition with the United States District Court for the Dis-
14 trict of Columbia.

15 “(ii) In any proceeding under this subparagraph, the
16 court shall treat the failure to act on the complaint as
17 a dismissal of the complaint, and shall determine by de
18 novo review whether the agency’s failure to act on the
19 complaint is contrary to law.

20 “(C) In any proceeding under this paragraph the
21 court may declare that the dismissal of the complaint or
22 the failure to act is contrary to law, and may direct the
23 Commission to conform with such declaration within 30
24 days, failing which the complainant may bring, in the

1 name of such complainant, a civil action to remedy the
 2 violation involved in the original complaint.”.

3 (2) EFFECTIVE DATE.—The amendments made
 4 by paragraph (1) shall apply—

5 (A) in the case of complaints which are
 6 dismissed by the Federal Election Commission,
 7 with respect to complaints which are dismissed
 8 on or after the date of the enactment of this
 9 Act; and

10 (B) in the case of complaints upon which
 11 the Federal Election Commission failed to act,
 12 with respect to complaints which were filed on
 13 or after the date of the enactment of this Act.

14 **SEC. 6005. PERMITTING APPEARANCE AT HEARINGS ON RE-**
 15 **QUESTS FOR ADVISORY OPINIONS BY PER-**
 16 **SONS OPPOSING THE REQUESTS.**

17 (a) IN GENERAL.—Section 308 of such Act (52
 18 U.S.C. 30108) is amended by adding at the end the fol-
 19 lowing new subsection:

20 “(e) To the extent that the Commission provides an
 21 opportunity for a person requesting an advisory opinion
 22 under this section (or counsel for such person) to appear
 23 before the Commission to present testimony in support of
 24 the request, and the person (or counsel) accepts such op-
 25 portunity, the Commission shall provide a reasonable op-

1 portunity for an interested party who submitted written
 2 comments under subsection (d) in response to the request
 3 (or counsel for such interested party) to appear before the
 4 Commission to present testimony in response to the re-
 5 quest.”.

6 (b) EFFECTIVE DATE.—The amendment made by
 7 subsection (a) shall apply with respect to requests for advi-
 8 sory opinions under section 308 of the Federal Election
 9 Campaign Act of 1971 which are made on or after the
 10 date of the enactment of this Act.

11 **SEC. 6006. PERMANENT EXTENSION OF ADMINISTRATIVE**
 12 **PENALTY AUTHORITY.**

13 (a) EXTENSION OF AUTHORITY.—Section
 14 309(a)(4)(C)(v) of the Federal Election Campaign Act of
 15 1971 (52 U.S.C. 30109(a)(4)(C)(v)) is amended by strik-
 16 ing “, and that end on or before December 31, 2023”.

17 (b) EFFECTIVE DATE.—The amendment made by
 18 subsection (a) shall take effect on December 31, 2021.

19 **SEC. 6007. RESTRICTIONS ON EX PARTE COMMUNICATIONS.**

20 Section 306(e) of the Federal Election Campaign Act
 21 of 1971 (52 U.S.C. 30106(e)) is amended—

22 (1) by striking “(e) The Commission” and in-
 23 serting “(e)(1) The Commission”; and

24 (2) by adding at the end the following new
 25 paragraph:

1 “(2) Members and employees of the Commission shall
 2 be subject to limitations on ex parte communications, as
 3 provided in the regulations promulgated by the Commis-
 4 sion regarding such communications which are in effect
 5 on the date of the enactment of this paragraph.”.

6 **SEC. 6008. CLARIFYING AUTHORITY OF FEC ATTORNEYS TO**
 7 **REPRESENT FEC IN SUPREME COURT.**

8 (a) CLARIFYING AUTHORITY.—Section 306(f)(4) of
 9 the Federal Election Campaign Act of 1971 (52 U.S.C.
 10 30106(f)(4)) is amended by striking “any action instituted
 11 under this Act, either (A) by attorneys” and inserting
 12 “any action instituted under this Act, including an action
 13 before the Supreme Court of the United States, either (A)
 14 by the General Counsel of the Commission and other at-
 15 torneys”.

16 (b) EFFECTIVE DATE.—The amendment made by
 17 paragraph (1) shall apply with respect to actions insti-
 18 tuted before, on, or after the date of the enactment of
 19 this Act.

20 **SEC. 6009. REQUIRING FORMS TO PERMIT USE OF ACCENT**
 21 **MARKS.**

22 (a) REQUIREMENT.—Section 311(a)(1) of the Fed-
 23 eral Election Campaign Act of 1971 (52 U.S.C.
 24 30111(a)(1)) is amended by striking the semicolon at the
 25 end and inserting the following: “, and shall ensure that

1 all such forms (including forms in an electronic format)
2 permit the person using the form to include an accent
3 mark as part of the person's identification;”.

4 (b) EFFECTIVE DATE.—The amendment made by
5 subsection (a) shall take effect upon the expiration of the
6 90-day period which begins on the date of the enactment
7 of this Act.

8 **SEC. 6010. EFFECTIVE DATE; TRANSITION.**

9 (a) IN GENERAL.—Except as otherwise provided, the
10 amendments made by this subtitle shall apply beginning
11 January 1, 2022.

12 (b) TRANSITION.—

13 (1) TERMINATION OF SERVICE OF CURRENT
14 MEMBERS.—Notwithstanding any provision of the
15 Federal Election Campaign Act of 1971, the term of
16 any individual serving as a member of the Federal
17 Election Commission as of December 31, 2021, shall
18 expire on that date.

19 (2) NO EFFECT ON EXISTING CASES OR PRO-
20 CEEDINGS.—Nothing in this subtitle or in any
21 amendment made by this subtitle shall affect any of
22 the powers exercised by the Federal Election Com-
23 mission prior to December 31, 2021, including any
24 investigation initiated by the Commission prior to

1 such date or any proceeding (including any enforce-
 2 ment action) pending as of such date.

3 **Subtitle B—Stopping Super PAC–** 4 **Candidate Coordination**

5 **SEC. 6101. SHORT TITLE.**

6 This subtitle may be cited as the “Stop Super PAC–
 7 Candidate Coordination Act”.

8 **SEC. 6102. CLARIFICATION OF TREATMENT OF COORDI-** 9 **NATED EXPENDITURES AS CONTRIBUTIONS** 10 **TO CANDIDATES.**

11 (a) TREATMENT AS CONTRIBUTION TO CAN-
 12 DIDATE.—Section 301(8)(A) of the Federal Election Cam-
 13 paign Act of 1971 (52 U.S.C. 30101(8)(A)) is amended—

14 (1) by striking “or” at the end of clause (i);

15 (2) by striking the period at the end of clause
 16 (ii) and inserting “; or”; and

17 (3) by adding at the end the following new
 18 clause:

19 “(iii) any payment made by any person
 20 (other than a candidate, an authorized com-
 21 mittee of a candidate, or a political committee
 22 of a political party) for a coordinated expendi-
 23 ture (as such term is defined in section 326)
 24 which is not otherwise treated as a contribution
 25 under clause (i) or clause (ii).”.

1 (b) DEFINITIONS.—Title III of such Act (52 U.S.C.
 2 30101 et seq.), as amended by section 4421 and section
 3 4802(a), is amended by adding at the end the following
 4 new section:

5 **“SEC. 327. PAYMENTS FOR COORDINATED EXPENDITURES.**

6 “(a) COORDINATED EXPENDITURES.—

7 “(1) IN GENERAL.—For purposes of section
 8 301(8)(A)(iii), the term ‘coordinated expenditure’
 9 means—

10 “(A) any expenditure, or any payment for
 11 a covered communication described in sub-
 12 section (d), which is made in cooperation, con-
 13 sultation, or concert with, or at the request or
 14 suggestion of, a candidate, an authorized com-
 15 mittee of a candidate, a political committee of
 16 a political party, or agents of the candidate or
 17 committee, as defined in subsection (b); or

18 “(B) any payment for any communication
 19 which republishes, disseminates, or distributes,
 20 in whole or in part, any video or broadcast or
 21 any written, graphic, or other form of campaign
 22 material prepared by the candidate or com-
 23 mittee or by agents of the candidate or com-
 24 mittee (including any excerpt or use of any

1 video from any such broadcast or written,
 2 graphic, or other form of campaign material).

3 “(2) EXCEPTION FOR PAYMENTS FOR CERTAIN
 4 COMMUNICATIONS.—A payment for a communication
 5 (including a covered communication described in
 6 subsection (d)) shall not be treated as a coordinated
 7 expenditure under this subsection if—

8 “(A) the communication appears in a news
 9 story, commentary, or editorial distributed
 10 through the facilities of any broadcasting sta-
 11 tion, newspaper, magazine, or other periodical
 12 publication, unless such facilities are owned or
 13 controlled by any political party, political com-
 14 mittee, or candidate; or

15 “(B) the communication constitutes a can-
 16 didate debate or forum conducted pursuant to
 17 regulations adopted by the Commission pursu-
 18 ant to section 304(f)(3)(B)(iii), or which solely
 19 promotes such a debate or forum and is made
 20 by or on behalf of the person sponsoring the de-
 21 bate or forum.

22 “(b) COORDINATION DESCRIBED.—

23 “(1) IN GENERAL.—For purposes of this sec-
 24 tion, a payment is made ‘in cooperation, consulta-
 25 tion, or concert with, or at the request or suggestion

1 of,' a candidate, an authorized committee of a can-
2 didate, a political committee of a political party, or
3 agents of the candidate or committee, if the pay-
4 ment, or any communication for which the payment
5 is made, is not made entirely independently of the
6 candidate, committee, or agents. For purposes of the
7 previous sentence, a payment or communication not
8 made entirely independently of the candidate or
9 committee includes any payment or communication
10 made pursuant to any general or particular under-
11 standing with, or pursuant to any communication
12 with, the candidate, committee, or agents about the
13 payment or communication.

14 “(2) NO FINDING OF COORDINATION BASED
15 SOLELY ON SHARING OF INFORMATION REGARDING
16 LEGISLATIVE OR POLICY POSITION.—For purposes
17 of this section, a payment shall not be considered to
18 be made by a person in cooperation, consultation, or
19 concert with, or at the request or suggestion of, a
20 candidate or committee, solely on the grounds that
21 the person or the person’s agent engaged in discus-
22 sions with the candidate or committee, or with any
23 agent of the candidate or committee, regarding that
24 person’s position on a legislative or policy matter
25 (including urging the candidate or committee to

1 adopt that person’s position), so long as there is no
2 communication between the person and the can-
3 didate or committee, or any agent of the candidate
4 or committee, regarding the candidate’s or commit-
5 tee’s campaign advertising, message, strategy, pol-
6 icy, polling, allocation of resources, fundraising, or
7 other campaign activities.

8 “(3) NO EFFECT ON PARTY COORDINATION
9 STANDARD.—Nothing in this section shall be con-
10 strued to affect the determination of coordination
11 between a candidate and a political committee of a
12 political party for purposes of section 315(d).

13 “(4) NO SAFE HARBOR FOR USE OF FIRE-
14 WALL.—A person shall be determined to have made
15 a payment in cooperation, consultation, or concert
16 with, or at the request or suggestion of, a candidate
17 or committee, in accordance with this section with-
18 out regard to whether or not the person established
19 and used a firewall or similar procedures to restrict
20 the sharing of information between individuals who
21 are employed by or who are serving as agents for the
22 person making the payment.

23 “(c) PAYMENTS BY COORDINATED SPENDERS FOR
24 COVERED COMMUNICATIONS.—

1 “(1) PAYMENTS MADE IN COOPERATION, CON-
 2 SULTATION, OR CONCERT WITH CANDIDATES.—For
 3 purposes of subsection (a)(1)(A), if the person who
 4 makes a payment for a covered communication, as
 5 defined in subsection (d), is a coordinated spender
 6 under paragraph (2) with respect to the candidate
 7 as described in subsection (d)(1), the payment for
 8 the covered communication is made in cooperation,
 9 consultation, or concert with the candidate.

10 “(2) COORDINATED SPENDER DEFINED.—For
 11 purposes of this subsection, the term ‘coordinated
 12 spender’ means, with respect to a candidate or an
 13 authorized committee of a candidate, a person (other
 14 than a political committee of a political party) for
 15 which any of the following applies:

16 “(A) During the 4-year period ending on
 17 the date on which the person makes the pay-
 18 ment, the person was directly or indirectly
 19 formed or established by or at the request or
 20 suggestion of, or with the encouragement of,
 21 the candidate (including an individual who later
 22 becomes a candidate) or committee or agents of
 23 the candidate or committee, including with the
 24 approval of the candidate or committee or
 25 agents of the candidate or committee.

1 “(B) The candidate or committee or any
2 agent of the candidate or committee solicits
3 funds, appears at a fundraising event, or en-
4 gages in other fundraising activity on the per-
5 son’s behalf during the election cycle involved,
6 including by providing the person with names of
7 potential donors or other lists to be used by the
8 person in engaging in fundraising activity, re-
9 gardless of whether the person pays fair market
10 value for the names or lists provided. For pur-
11 poses of this subparagraph, the term ‘election
12 cycle’ means, with respect to an election for
13 Federal office, the period beginning on the day
14 after the date of the most recent general elec-
15 tion for that office (or, if the general election
16 resulted in a runoff election, the date of the
17 runoff election) and ending on the date of the
18 next general election for that office (or, if the
19 general election resulted in a runoff election,
20 the date of the runoff election).

21 “(C) The person is established, directed, or
22 managed by the candidate or committee or by
23 any person who, during the 4-year period end-
24 ing on the date on which the person makes the
25 payment, has been employed or retained as a

1 political, campaign media, or fundraising ad-
2 viser or consultant for the candidate or com-
3 mittee or for any other entity directly or indi-
4 rectly controlled by the candidate or committee,
5 or has held a formal position with the candidate
6 or committee (including a position as an em-
7 ployee of the office of the candidate at any time
8 the candidate held any Federal, State, or local
9 public office during the 4-year period).

10 “(D) The person has retained the profes-
11 sional services of any person who, during the 2-
12 year period ending on the date on which the
13 person makes the payment, has provided or is
14 providing professional services relating to the
15 campaign to the candidate or committee, with-
16 out regard to whether the person providing the
17 professional services used a firewall. For pur-
18 poses of this subparagraph, the term ‘profes-
19 sional services’ includes any services in support
20 of the candidate’s or committee’s campaign ac-
21 tivities, including advertising, message, strat-
22 egy, policy, polling, allocation of resources,
23 fundraising, and campaign operations, but does
24 not include accounting or legal services.

1 “(E) The person is established, directed, or
 2 managed by a member of the immediate family
 3 of the candidate, or the person or any officer or
 4 agent of the person has had more than inci-
 5 dental discussions about the candidate’s cam-
 6 paign with a member of the immediate family
 7 of the candidate. For purposes of this subpara-
 8 graph, the term ‘immediate family’ has the
 9 meaning given such term in section 9004(e) of
 10 the Internal Revenue Code of 1986.

11 “(d) COVERED COMMUNICATION DEFINED.—

12 “(1) IN GENERAL.—For purposes of this sec-
 13 tion, the term ‘covered communication’ means, with
 14 respect to a candidate or an authorized committee of
 15 a candidate, a public communication (as defined in
 16 section 301(22)) which—

17 “(A) expressly advocates the election of the
 18 candidate or the defeat of an opponent of the
 19 candidate (or contains the functional equivalent
 20 of express advocacy);

21 “(B) promotes or supports the election of
 22 the candidate, or attacks or opposes the election
 23 of an opponent of the candidate (regardless of
 24 whether the communication expressly advocates
 25 the election or defeat of a candidate or contains

1 the functional equivalent of express advocacy);
 2 or

3 “(C) refers to the candidate or an oppo-
 4 nent of the candidate but is not described in
 5 subparagraph (A) or subparagraph (B), but
 6 only if the communication is disseminated dur-
 7 ing the applicable election period.

8 “(2) APPLICABLE ELECTION PERIOD.—In para-
 9 graph (1)(C), the ‘applicable election period’ with re-
 10 spect to a communication means—

11 “(A) in the case of a communication which
 12 refers to a candidate in a general, special, or
 13 runoff election, the 120-day period which ends
 14 on the date of the election; or

15 “(B) in the case of a communication which
 16 refers to a candidate in a primary or preference
 17 election, or convention or caucus of a political
 18 party that has authority to nominate a can-
 19 didate, the 60-day period which ends on the
 20 date of the election or convention or caucus.

21 “(3) SPECIAL RULES FOR COMMUNICATIONS IN-
 22 VOLVING CONGRESSIONAL CANDIDATES.—For pur-
 23 poses of this subsection, a public communication
 24 shall not be considered to be a covered communica-
 25 tion with respect to a candidate for election for an

1 office other than the office of President or Vice
2 President unless it is publicly disseminated or dis-
3 tributed in the jurisdiction of the office the can-
4 didate is seeking.

5 “(e) PENALTY.—

6 “(1) DETERMINATION OF AMOUNT.—Any per-
7 son who knowingly and willfully commits a violation
8 of this Act by making a contribution which consists
9 of a payment for a coordinated expenditure shall be
10 fined an amount equal to the greater of—

11 “(A) in the case of a person who makes a
12 contribution which consists of a payment for a
13 coordinated expenditure in an amount exceeding
14 the applicable contribution limit under this Act,
15 300 percent of the amount by which the
16 amount of the payment made by the person ex-
17 ceeds such applicable contribution limit; or

18 “(B) in the case of a person who is prohib-
19 ited under this Act from making a contribution
20 in any amount, 300 percent of the amount of
21 the payment made by the person for the coordi-
22 nated expenditure.

23 “(2) JOINT AND SEVERAL LIABILITY.—Any di-
24 rector, manager, or officer of a person who is subject
25 to a penalty under paragraph (1) shall be jointly and

severally liable for any amount of such penalty that is not paid by the person prior to the expiration of the 1-year period which begins on the date the Commission imposes the penalty or the 1-year period which begins on the date of the final judgment following any judicial review of the Commission's action, whichever is later."

(c) EFFECTIVE DATE.—

(1) REPEAL OF EXISTING REGULATIONS ON COORDINATION.—Effective upon the expiration of the 90-day period which begins on the date of the enactment of this Act—

(A) the regulations on coordinated communications adopted by the Federal Election Commission which are in effect on the date of the enactment of this Act (as set forth under the heading "Coordination" in subpart C of part 109 of title 11, Code of Federal Regulations) are repealed; and

(B) the Federal Election Commission shall promulgate new regulations on coordinated communications which reflect the amendments made by this Act.

(2) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to payments

1 made on or after the expiration of the 120-day pe-
 2 riod which begins on the date of the enactment of
 3 this Act, without regard to whether or not the Fed-
 4 eral Election Commission has promulgated regula-
 5 tions in accordance with paragraph (1)(B) as of the
 6 expiration of such period.

7 **SEC. 6103. CLARIFICATION OF BAN ON FUNDRAISING FOR**
 8 **SUPER PACS BY FEDERAL CANDIDATES AND**
 9 **OFFICEHOLDERS.**

10 (a) IN GENERAL.—Section 323(e)(1) of the Federal
 11 Election Campaign Act of 1971 (52 U.S.C. 30125(e)(1))
 12 is amended—

13 (1) by striking “or” at the end of subparagraph
 14 (A);

15 (2) by striking the period at the end of sub-
 16 paragraph (B) and inserting “; or”; and

17 (3) by adding at the end the following new sub-
 18 paragraph:

19 “(C) solicit, receive, direct, or transfer
 20 funds to or on behalf of any political committee
 21 which accepts donations or contributions that
 22 do not comply with the limitations, prohibitions,
 23 and reporting requirements of this Act (or to or
 24 on behalf of any account of a political com-
 25 mittee which is established for the purpose of

accepting such donations or contributions), or to or on behalf of any political organization under section 527 of the Internal Revenue Code of 1986 which accepts such donations or contributions (other than a committee of a State or local political party or a candidate for election for State or local office).”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to elections occurring after January 1, 2022.

Subtitle C—Disposal of Contributions or Donations

SEC. 6201. TIMEFRAME FOR AND PRIORITIZATION OF DISPOSAL OF CONTRIBUTIONS OR DONATIONS.

Section 313 of the Federal Election Campaign Act of 1971 (52 U.S.C. 30114), as amended by section 5113 and section 5302, is amended—

(1) by redesignating subsections (c), (d), and (e) as subsections (d), (e), and (f), respectively; and

(2) by inserting after subsection (b) the following new subsection:

“(c) DISPOSAL.—

“(1) TIMEFRAME.—Contributions or donations described in subsection (a) may only be used—

1 “(A) in the case of an individual who is
2 not a candidate with respect to an election for
3 any Federal office for a 6-year period beginning
4 on the day after the date of the most recent
5 such election in which the individual was a can-
6 didate for any such office, during such 6-year
7 period; or

8 “(B) in the case of an individual who be-
9 comes a registered lobbyist under the Lobbying
10 Disclosure Act of 1995, before the date on
11 which such individual becomes such a registered
12 lobbyist.

13 “(2) MEANS OF DISPOSAL; PRIORITIZATION.—
14 Beginning on the date the 6-year period described in
15 subparagraph (A) of paragraph (1) ends (or, in the
16 case of an individual described in subparagraph (B)
17 of such paragraph, the date on which the individual
18 becomes a registered lobbyist under the Lobbying
19 Disclosure Act of 1995), contributions or donations
20 that remain available to an individual described in
21 such paragraph shall be disposed of, not later than
22 30 days after such date, as follows:

23 “(A) First, to pay any debts or obligations
24 owed in connection with the campaign for elec-
25 tion for Federal office of the individual.

“(B) Second, to the extent such contribution or donations remain available after the application of subparagraph (A), through any of the following means of disposal (or a combination thereof), in any order the individual considers appropriate:

“(i) Returning such contributions or donations to the individuals, entities, or both, who made such contributions or donations.

“(ii) Making contributions to an organization described in section 170(c) of the Internal Revenue Code of 1986.

“(iii) Making transfers to a national, State, or local committee of a political party.”.

SEC. 6202. 1-YEAR TRANSITION PERIOD FOR CERTAIN INDIVIDUALS.

(a) IN GENERAL.—In the case of an individual described in subsection (b), any contributions or donations remaining available to the individual shall be disposed of—

(1) not later than one year after the date of the enactment of this section; and

(2) in accordance with the prioritization specified in subparagraphs (A) through (D) of subsection

1 (c)(2) of section 313 of the Federal Election Cam-
 2 paign Act of 1971 (52 U.S.C. 30114), as amended
 3 by section 6201.

4 (b) INDIVIDUALS DESCRIBED.—An individual de-
 5 scribed in this subsection is an individual who, as of the
 6 date of the enactment of this section—

7 (1)(A) is not a candidate with respect to an
 8 election for any Federal office for a period of not
 9 less than 6 years beginning on the day after the date
 10 of the most recent such election in which the indi-
 11 vidual was a candidate for any such office; or

12 (B) is an individual who becomes a registered
 13 lobbyist under the Lobbying Disclosure Act of 1995;
 14 and

15 (2) would be in violation of subsection (c) of
 16 section 313 of the Federal Election Campaign Act of
 17 1971 (52 U.S.C. 30114), as amended by section
 18 6201.

19 **Subtitle D—Recommendations To** 20 **Ensure Filing of Reports Before** 21 **Date of Election**

22 **SEC. 6301. RECOMMENDATIONS TO ENSURE FILING OF RE-** 23 **PORTS BEFORE DATE OF ELECTION.**

24 Not later than 180 days after the date of the enact-
 25 ment of this Act, the Federal Election Commission shall

1 submit a report to Congress providing recommendations,
2 including recommendations for changes to existing law, on
3 how to ensure that each political committee under the
4 Federal Election Campaign Act of 1971, including a com-
5 mittee which accepts donations or contributions that do
6 not comply with the limitations, prohibitions, and report-
7 ing requirements of such Act, will file a report under sec-
8 tion 304 of such Act prior to the date of the election for
9 which the committee receives contributions or makes dis-
10 bursements, without regard to the date on which the com-
11 mittee first registered under such Act, and shall include
12 specific recommendations to ensure that such committees
13 will not delay until after the date of the election the re-
14 porting of the identification of persons making contribu-
15 tions that will be used to repay debt incurred by the com-
16 mittee.

17 **Subtitle E—Severability**

18 **SEC. 6401. 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 C—ETHICS**
 2 **TITLE VII—ETHICAL STANDARDS**
 3 **Subtitle A—Supreme Court Ethics**

4 **SEC. 7001. CODE OF CONDUCT FOR FEDERAL JUDGES.**

5 (a) IN GENERAL.—Chapter 57 of title 28, United
 6 States Code, is amended by adding at the end the fol-
 7 lowing:

8 **“§ 964. Code of conduct**

9 “Not later than 1 year after the date of the enact-
 10 ment of this section, the Judicial Conference shall issue
 11 a code of conduct, which applies to each justice and judge
 12 of the United States, except that the code of conduct may
 13 include provisions that are applicable only to certain cat-
 14 egories of judges or justices.”.

15 (b) CLERICAL AMENDMENT.—The table of sections
 16 for chapter 57 of title 28, United States Code, is amended
 17 by adding after the item related to section 963 the fol-
 18 lowing:

“964. Code of conduct.”.

Subtitle B—Foreign Agents Registration

SEC. 7101. ESTABLISHMENT OF FARA INVESTIGATION AND ENFORCEMENT UNIT WITHIN DEPARTMENT OF JUSTICE.

Section 8 of the Foreign Agents Registration Act of 1938, as amended (22 U.S.C. 618) is amended by adding at the end the following new subsection:

“(i) DEDICATED ENFORCEMENT UNIT.—

“(1) ESTABLISHMENT.—Not later than 180 days after the date of enactment of this subsection, the Attorney General shall establish a unit within the counterespionage section of the National Security Division of the Department of Justice with responsibility for the enforcement of this Act.

“(2) POWERS.—The unit established under this subsection is authorized to—

“(A) take appropriate legal action against individuals suspected of violating this Act; and

“(B) coordinate any such legal action with the United States Attorney for the relevant jurisdiction.

“(3) CONSULTATION.—In operating the unit established under this subsection, the Attorney General shall, as appropriate, consult with the Director

1 of National Intelligence, the Secretary of Homeland
2 Security, and the Secretary of State.

3 “(4) AUTHORIZATION OF APPROPRIATIONS.—
4 There are authorized to be appropriated to carry out
5 the activities of the unit established under this sub-
6 section \$10,000,000 for fiscal year 2021 and each
7 succeeding fiscal year.”.

8 **SEC. 7102. AUTHORITY TO IMPOSE CIVIL MONEY PEN-**
9 **ALTIES.**

10 (a) ESTABLISHING AUTHORITY.—Section 8 of the
11 Foreign Agents Registration Act of 1938, as amended (22
12 U.S.C. 618) is amended by inserting after subsection (c)
13 the following new subsection:

14 “(d) CIVIL MONEY PENALTIES.—

15 “(1) REGISTRATION STATEMENTS.—Whoever
16 fails to file timely or complete a registration state-
17 ment as provided under section 2(a) shall be subject
18 to a civil money penalty of not more than \$10,000
19 per violation.

20 “(2) SUPPLEMENTS.—Whoever fails to file
21 timely or complete supplements as provided under
22 section 2(b) shall be subject to a civil money penalty
23 of not more than \$1,000 per violation.

24 “(3) OTHER VIOLATIONS.—Whoever knowingly
25 fails to—

1 “(A) remedy a defective filing within 60
 2 days after notice of such defect by the Attorney
 3 General; or

4 “(B) comply with any other provision of
 5 this Act,

6 shall upon proof of such knowing violation by a pre-
 7 ponderance of the evidence, be subject to a civil
 8 money penalty of not more than \$200,000, depend-
 9 ing on the extent and gravity of the violation.

10 “(4) NO FINES PAID BY FOREIGN PRIN-
 11 CIPALS.—A civil money penalty paid under para-
 12 graph (1) may not be paid, directly or indirectly, by
 13 a foreign principal.

14 “(5) USE OF FINES.—All civil money penalties
 15 collected under this subsection shall be used to de-
 16 fray the cost of the enforcement unit established
 17 under subsection (i).”.

18 (b) EFFECTIVE DATE.—The amendment made by
 19 subsection (a) shall take effect on the date of the enact-
 20 ment of this Act.

21 **SEC. 7103. DISCLOSURE OF TRANSACTIONS INVOLVING**
 22 **THINGS OF FINANCIAL VALUE CONFERRED**
 23 **ON OFFICEHOLDERS.**

24 (a) REQUIRING AGENTS TO DISCLOSE KNOWN
 25 TRANSACTIONS.—

1 (1) IN GENERAL.—Section 2(a) of the Foreign
2 Agents Registration Act of 1938, as amended (22
3 U.S.C. 612(a)) is amended—

4 (A) by redesignating paragraphs (10) and
5 (11) as paragraphs (11) and (12); and

6 (B) by inserting after paragraph (9) the
7 following new paragraph:

8 “(10) To the extent that the registrant has
9 knowledge of any transaction which occurred in the
10 preceding 60 days and in which the foreign principal
11 for whom the registrant is acting as an agent con-
12 ferred on a Federal or State officeholder any thing
13 of financial value, including a gift, profit, salary, fa-
14 vorable regulatory treatment, or any other direct or
15 indirect economic or financial benefit, a detailed
16 statement describing each such transaction.”.

17 (2) EFFECTIVE DATE.—The amendments made
18 by paragraph (1) shall apply with respect to state-
19 ments filed on or after the expiration of the 90-day
20 period which begins on the date of the enactment of
21 this Act.

22 (b) SUPPLEMENTAL DISCLOSURE FOR CURRENT
23 REGISTRANTS.—Not later than the expiration of the 90-
24 day period which begins on the date of the enactment of
25 this Act, each registrant who (prior to the expiration of

1 such period) filed a registration statement with the Attor-
 2 ney General under section 2(a) of the Foreign Agents Reg-
 3 istration Act of 1938, as amended (22 U.S.C. 612(a)) and
 4 who has knowledge of any transaction described in para-
 5 graph (10) of section 2(a) of such Act (as added by sub-
 6 section (a)(1)) which occurred at any time during which
 7 the registrant was an agent of the foreign principal in-
 8 volved, shall file with the Attorney General a supplement
 9 to such statement under oath, on a form prescribed by
 10 the Attorney General, containing a detailed statement de-
 11 scribing each such transaction.

12 **SEC. 7104. ENSURING ONLINE ACCESS TO REGISTRATION**
 13 **STATEMENTS.**

14 (a) **REQUIRING STATEMENTS FILED BY REG-**
 15 **ISTRANTS TO BE IN DIGITIZED FORMAT.**—Section 2(g)
 16 of the Foreign Agents Registration Act of 1938, as
 17 amended (22 U.S.C. 612(g)) is amended by striking “in
 18 electronic form” and inserting “in a digitized format
 19 which will enable the Attorney General to meet the re-
 20 quirements of section 6(d)(1) (relating to public access to
 21 an electronic database of statements and updates)”.

22 (b) **REQUIREMENTS FOR ELECTRONIC DATABASE OF**
 23 **REGISTRATION STATEMENTS AND UPDATES.**—Section
 24 6(d)(1) of such Act (22 U.S.C. 616(d)(1)) is amended—

1 (1) in the matter preceding subparagraph (A),
 2 by striking “to the extent technically practicable,”;
 3 and

4 (2) in subparagraph (A), by striking “includes
 5 the information” and inserting “includes in a
 6 digitized format the information”.

7 (c) EFFECTIVE DATE.—The amendments made by
 8 this section shall apply with respect to statements filed
 9 on or after the expiration of the 180-day period which be-
 10 gins on the date of the enactment of this Act.

11 **Subtitle C—Lobbying Disclosure** 12 **Reform**

13 **SEC. 7201. EXPANDING SCOPE OF INDIVIDUALS AND AC-** 14 **TIVITIES SUBJECT TO REQUIREMENTS OF** 15 **LOBBYING DISCLOSURE ACT OF 1995.**

16 (a) TREATMENT OF COUNSELING SERVICES IN SUP-
 17 PORT OF LOBBYING CONTACTS AS LOBBYING ACTIV-
 18 ITY.—Section 3(7) of the Lobbying Disclosure Act of 1995
 19 (2 U.S.C. 1602(7)) is amended—

20 (1) by striking “efforts” and inserting “any ef-
 21 forts”; and

22 (2) by striking “research and other background
 23 work” and inserting the following: “counseling in
 24 support of such preparation and planning activities,
 25 research, and other background work”.

1 (b) TREATMENT OF LOBBYING CONTACT MADE
2 WITH SUPPORT OF COUNSELING SERVICES AS LOBBYING
3 CONTACT MADE BY INDIVIDUAL PROVIDING SERVICES.—

4 Section 3(8) of such Act (2 U.S.C. 1602(8)) is amended
5 by adding at the end the following new subparagraph:

6 “(C) TREATMENT OF PROVIDERS OF
7 COUNSELING SERVICES.—Any individual, with
8 authority to direct or substantially influence a
9 lobbying contact or contacts made by another
10 individual, and for financial or other compensa-
11 tion provides counseling services in support of
12 preparation and planning activities which are
13 treated as lobbying activities under paragraph
14 (7) for that other individual’s lobbying contact
15 or contacts and who has knowledge that the
16 specific lobbying contact or contacts were made,
17 shall be considered to have made the same lob-
18 bying contact at the same time and in the same
19 manner to the covered executive branch official
20 or covered legislative branch official involved.”.

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

1 **SEC. 7202. REQUIRING LOBBYISTS TO DISCLOSE STATUS AS**
 2 **LOBBYISTS UPON MAKING ANY LOBBYING**
 3 **CONTACTS.**

4 (a) MANDATORY DISCLOSURE AT TIME OF CON-
 5 TACT.—Section 14 of the Lobbying Disclosure Act of 1995
 6 (2 U.S.C. 1609) is amended—

7 (1) by striking subsections (a) and (b) and in-
 8 serting the following:

9 “(a) REQUIRING IDENTIFICATION AT TIME OF LOB-
 10 BYING CONTACT.—Any person or entity that makes a lob-
 11 bying contact with a covered legislative branch official or
 12 a covered executive branch official shall, at the time of
 13 the lobbying contact—

14 “(1) indicate whether the person or entity is
 15 registered under this chapter and identify the client
 16 on whose behalf the lobbying contact is made; and

17 “(2) indicate whether such client is a foreign
 18 entity and identify any foreign entity required to be
 19 disclosed under section 4(b)(4) that has a direct in-
 20 terest in the outcome of the lobbying activity.”; and

21 (2) by redesignating subsection (c) as sub-
 22 section (b).

23 (b) EFFECTIVE DATE.—The amendment made by
 24 subsection (a) shall apply with respect to lobbying contacts
 25 made on or after the date of the enactment of this Act.

1 **Subtitle D—Recusal of Presidential**
2 **Appointees**

3 **SEC. 7301. RECUSAL OF APPOINTEES.**

4 Section 208 of title 18, United States Code, is
5 amended by adding at the end the following:

6 “(e)(1) Any officer or employee appointed by the
7 President, other than an officer or employee who serves
8 in the Executive Office of the President, shall recuse him-
9 self or herself from any particular matter involving specific
10 parties in which a party to that matter is—

11 “(A) the President who appointed the officer or
12 employee, which—

13 “(i) shall include a party that is an entity
14 in which the President has a substantial inter-
15 est; and

16 “(ii) shall not include a particular matter
17 in which—

18 “(I) the President is a party to litiga-
19 tion in his or her official capacity; or

20 “(II) the outcome of the particular
21 matter would have a direct bearing on the
22 President’s ability to carry out his or her
23 constitutional duties; or

24 “(B) the spouse of the President who appointed
25 the officer or employee, which shall include a party

1 that is an entity in which the spouse of the Presi-
2 dent has a substantial interest.

3 “(2)(A)(i) Subject to subparagraph (B), if an officer
4 or employee is recused under paragraph (1), a career ap-
5 pointee in the agency of the officer or employee shall per-
6 form the functions and duties of the officer or employee
7 with respect to the matter.

8 “(ii) The most senior career appointee in the agency,
9 or component of the agency if applicable, of an officer or
10 employee recused under paragraph (1) (or the designee
11 of such career appointee) shall perform the functions and
12 duties of the recused officer or employee, and such career
13 appointee shall perform those functions and duties until
14 the particular matter concludes, unless the head of the
15 agency determines in writing that good cause exists to re-
16 assign those functions and duties to a different career ap-
17 pointee.

18 “(B)(i) In this subparagraph, the term ‘Commission’
19 means a board, commission, or other agency for which the
20 authority of the agency is vested in more than 1 member.

21 “(ii) If the recusal of a member of a Commission
22 from a matter under paragraph (1) would result in there
23 not being a statutorily required quorum of members of the
24 Commission available to participate in the matter, not-
25 withstanding such statute or any other provision of law,

1 the members of the Commission not recused under para-
 2 graph (1) may—

3 “(I) consider the matter without regard to the
 4 quorum requirement under such statute;

5 “(II) delegate the authorities and responsibil-
 6 ities of the Commission with respect to the matter
 7 to a subcommittee of the Commission; or

8 “(III) designate an officer or employee of the
 9 Commission who was not appointed by the President
 10 who appointed the member of the Commission
 11 recused from the matter to exercise the authorities
 12 and duties of the recused member with respect to
 13 the matter.

14 “(3) Any officer or employee who violates paragraph
 15 (1) shall be subject to the penalties set forth in section
 16 216.

17 “(f) For purposes of this section, the term ‘particular
 18 matter’ shall have the meaning given the term in section
 19 207(i).”.

20 **Subtitle E—Clearinghouse on** 21 **Lobbying Information**

22 **SEC. 7401. ESTABLISHMENT OF CLEARINGHOUSE.**

23 (a) ESTABLISHMENT.—The Attorney General shall
 24 establish and operate within the Department of Justice
 25 a clearinghouse through which members of the public may

1 obtain copies (including in electronic form) of registration
 2 statements filed under the Lobbying Disclosure Act of
 3 1995 (2 U.S.C. 1601 et seq.) and the Foreign Agents Reg-
 4 istration Act of 1938, as amended (22 U.S.C. 611 et seq.).

5 (b) **FORMAT.**—The Attorney General shall ensure
 6 that the information in the clearinghouse established
 7 under this section is maintained in a searchable and sort-
 8 able format.

9 (c) **AGREEMENTS WITH CLERK OF HOUSE AND SEC-**
 10 **RETARY OF THE SENATE.**—The Attorney General shall
 11 enter into such agreements with the Clerk of the House
 12 of Representatives and the Secretary of the Senate as may
 13 be necessary for the Attorney General to obtain registra-
 14 tion statements filed with the Clerk and the Secretary
 15 under the Lobbying Disclosure Act of 1995 for inclusion
 16 in the clearinghouse.

17 **Subtitle F—Foreign Lobbying**

18 **SEC. 7501. PROHIBITION ON FOREIGN LOBBYING.**

19 (a) **IN GENERAL.**—The Lobbying Disclosure Act of
 20 1995 (2 U.S.C. 1601 et seq.) is amended—

21 (1) by redesignating section 26 (2 U.S.C. 1614)
 22 as section 27; and

23 (2) by inserting after section 25 (2 U.S.C.
 24 1613) the following:

1 **“SEC. 26. PROHIBITION ON FOREIGN LOBBYING.**

2 “(a) DEFINITION.—In this section—

3 “(1) the term ‘covered lobbyist’ means—

4 “(A) a lobbyist that is registered or is re-
5 quired to register under section 4(a)(1);

6 “(B) an organization that employs 1 or
7 more lobbyists and is registered, or is required
8 to register, under section 4(a)(2); and

9 “(C) an employee listed or required to be
10 listed as a lobbyist by a registrant under section
11 4(b)(6) or 5(b)(2)(C); and

12 “(2) the terms ‘information-service employee’,
13 ‘public-relations counsel’, and ‘publicity agent’ have
14 the meanings given those terms in section 1 of the
15 Foreign Agents Registration Act of 1938, as amend-
16 ed (22 U.S.C. 611).

17 “(b) PROHIBITION.—Except as provided in sub-
18 section (c), a covered lobbyist may not accept financial or
19 other compensation for services that include lobbying ac-
20 tivities on behalf of a foreign entity.

21 “(c) EXEMPTIONS.—The prohibition under sub-
22 section (b) shall not apply the following covered lobbyists:

23 “(1) DIPLOMATIC OR CONSULAR OFFICERS.—A
24 duly accredited diplomatic or consular officer of a
25 foreign government who is so recognized by the De-
26 partment of State, while the officer is engaged exclu-

1 sively in activities that are recognized by the Depart-
2 ment of State as being within the scope of the func-
3 tions of the officer.

4 “(2) OFFICIALS OF FOREIGN GOVERNMENTS.—

5 An official of a foreign government, if that govern-
6 ment is recognized by the United States, who is not
7 a public-relations counsel, a publicity agent, or an
8 information-service employee, or a citizen of the
9 United States, whose name and status and the char-
10 acter of whose duties as an official are of public
11 record in the Department of State, while said official
12 is engaged exclusively in activities that are recog-
13 nized by the Department of State as being within
14 the scope of the functions of the official.

15 “(3) STAFF MEMBERS OF DIPLOMATIC OR CON-

16 SULAR OFFICERS.—A member of the staff of, or any
17 person employed by, a duly accredited diplomatic or
18 consular officer of a foreign government who is so
19 recognized by the Department of State, other than
20 a public-relations counsel, a publicity agent, or an
21 information-service employee, whose name and sta-
22 tus and the character of whose duties as such mem-
23 ber or employee are of public record in the Depart-
24 ment of State, while the member or employee is en-
25 gaged exclusively in the performance of activities

1 that are recognized by the Department of State as
 2 being within the scope of the functions of the mem-
 3 ber or employee.

4 “(4) PERSONS ENGAGING OR AGREEING TO EN-
 5 GAGE IN THE SOLICITING OR COLLECTING OF FUNDS
 6 FOR HUMANITARIAN RELIEF.—A person engaging or
 7 agreeing to engage only in the soliciting or collecting
 8 of funds and contributions within the United States
 9 to be used only for medical aid and assistance, or for
 10 food and clothing to relieve human suffering, if the
 11 solicitation or collection of funds and contributions
 12 is in accordance with, and subject to, the provisions
 13 of the Neutrality Act of 1939 (22 U.S.C. 441 et
 14 seq.), and such rules and regulations as may be pre-
 15 scribed thereunder.

16 “(5) CERTAIN PERSONS QUALIFIED TO PRAC-
 17 TICE LAW.—

18 “(A) IN GENERAL.—A person qualified to
 19 practice law, insofar as the person engages, or
 20 agrees to engage in, the legal representation of
 21 a disclosed foreign entity before any court of
 22 law or any agency of the Government of the
 23 United States.

24 “(B) LEGAL REPRESENTATION.—For the
 25 purpose of this paragraph, legal representation

1 does not include any attempt to influence or
 2 persuade agency personnel or officials other
 3 than in the course of—

4 “(i) a judicial proceeding;

5 “(ii) a criminal or civil law enforce-
 6 ment inquiry, investigation, or proceeding;
 7 or

8 “(iii) an agency proceeding required
 9 by statute or regulation to be conducted on
 10 the record.

11 “(d) PENALTIES.—Any person who knowingly vio-
 12 lates this section shall be fined not more than \$200,000,
 13 imprisoned for not more than 5 years, or both, and any
 14 compensation received for engaging in the unlawful activ-
 15 ity shall be subject to disgorgement.”.

16 (b) CONFORMING AMENDMENT.—Section 7 of the
 17 Lobbying Disclosure Act of 1995 (2 U.S.C. 1606) is
 18 amended—

19 (1) in subsection (a), in the matter preceding
 20 paragraph (1), by striking “Whoever” and inserting
 21 “Except as otherwise provided in this Act, whoever”;
 22 and

23 (2) in subsection (b), by striking “Whoever”
 24 and inserting “Except as otherwise provided in this
 25 Act, whoever”.

1 **Subtitle G—Severability**

2 **SEC. 7601. SEVERABILITY.**

3 If any provision of this title or amendment made by
 4 this title, or the application of a provision or amendment
 5 to any person or circumstance, is held to be unconstitu-
 6 tional, the remainder of this title and amendments made
 7 by this title, and the application of the provisions and
 8 amendment to any person or circumstance, shall not be
 9 affected by the holding.

10 **TITLE VIII—ETHICS REFORMS** 11 **FOR THE PRESIDENT, VICE** 12 **PRESIDENT, AND FEDERAL** 13 **OFFICERS AND EMPLOYEES** 14 **Subtitle A—Executive Branch** 15 **Conflict of Interest**

16 **SEC. 8001. SHORT TITLE.**

17 This subtitle may be cited as the “Executive Branch
 18 Conflict of Interest Act”.

19 **SEC. 8002. RESTRICTIONS ON PRIVATE SECTOR PAYMENT** 20 **FOR GOVERNMENT SERVICE.**

21 Section 209 of title 18, United States Code, is
 22 amended—

23 (1) in subsection (a),

24 (A) by striking “any salary” and inserting

25 “any salary (including a bonus)”; and

1 (B) by striking “as compensation for his
 2 services” and inserting “at any time, as com-
 3 pensation for serving”; and

4 (2) in subsection (b)—

5 (A) by inserting “(1)” after “(b)”; and

6 (B) by adding at the end the following:

7 “(2) For purposes of paragraph (1), a pension, retire-
 8 ment, group life, health or accident insurance, profit-shar-
 9 ing, stock bonus, or other employee welfare or benefit plan
 10 that makes payment of any portion of compensation con-
 11 tingent on accepting a position in the United States Gov-
 12 ernment shall not be considered bona fide.”.

13 **SEC. 8003. REQUIREMENTS RELATING TO SLOWING RE-**
 14 **VOLVING DOOR.**

15 The Ethics in Government Act of 1978 (5 U.S.C.
 16 App.) is amended by adding at the end the following:

17 **“TITLE VI—ENHANCED RE-**
 18 **QUIREMENTS FOR CERTAIN**
 19 **EMPLOYEES**

20 **“SEC. 601. DEFINITIONS.**

21 “In this title:

22 “(1) COVERED AGENCY.—

23 “(A) IN GENERAL.—The term ‘covered
 24 agency’ means—

1 “(i) an Executive agency (as defined
2 in section 105 of title 5, United States
3 Code);

4 “(ii) the Postal Service; and

5 “(iii) the Postal Rate Commission.

6 “(B) INCLUSION.—The term ‘covered
7 agency’ includes the Executive Office of the
8 President.

9 “(C) EXCLUSIONS.—The term ‘covered
10 agency’ does not include—

11 “(i) the Government Accountability
12 Office; or

13 “(ii) the government of the District of
14 Columbia.

15 “(2) COVERED EMPLOYEE.—The term ‘covered
16 employee’ means an officer or employee referred to
17 in subsection (c)(2) or (d)(1) of section 207 of title
18 18, United States Code.

19 “(3) DIRECTOR.—The term ‘Director’ means
20 the Director of the Office of Government Ethics.

21 “(4) EXECUTIVE BRANCH.—The term ‘execu-
22 tive branch’ has the meaning given the term in sec-
23 tion 109.

24 “(5) FORMER CLIENT.—

1 “(A) IN GENERAL.—The term ‘former cli-
 2 ent’, with respect to a covered employee, means
 3 a person for whom the covered employee served
 4 personally as an agent, attorney, or consultant
 5 during the 2-year period ending on the day be-
 6 fore the date on which the covered employee be-
 7 gins service in the Federal Government.

8 “(B) EXCLUSIONS.—The term ‘former cli-
 9 ent’ does not include—

10 “(i) an entity in the Federal Govern-
 11 ment, including an executive branch agen-
 12 cy;

13 “(ii) a State or local government;

14 “(iii) the District of Columbia;

15 “(iv) an Indian Tribe included on the
 16 list published under section 104 of the
 17 Federally Recognized Indian Tribe List
 18 Act of 1994 (25 U.S.C. 5131); or

19 “(v) the government of a territory or
 20 possession of the United States.

21 “(6) FORMER EMPLOYER.—

22 “(A) IN GENERAL.—The term ‘former em-
 23 ployer’, with respect to a covered employee,
 24 means a person for whom the covered employee
 25 served as an employee, officer, director, trustee,

1 agent, attorney, consultant, or contractor dur-
 2 ing the 2-year period ending on the day before
 3 the date on which the covered employee begins
 4 service in the Federal Government.

5 “(B) EXCLUSIONS.—The term ‘former em-
 6 ployer’ does not include—

7 “(i) an entity in the Federal Govern-
 8 ment, including an executive branch agen-
 9 cy;

10 “(ii) a State or local government;

11 “(iii) the District of Columbia;

12 “(iv) an Indian Tribe (as defined in
 13 section 4 of the Indian Self-Determination
 14 and Education Assistance Act (25 U.S.C.
 15 5304)); or

16 “(v) the government of a territory or
 17 possession of the United States.

18 “(7) PARTICULAR MATTER.—The term ‘par-
 19 ticular matter’ has the meaning given the term in
 20 section 207(i) of title 18, United States Code.

21 **“SEC. 602. CONFLICT OF INTEREST AND ELIGIBILITY**
 22 **STANDARDS.**

23 “(a) PROHIBITION.—

24 “(1) IN GENERAL.—A covered employee may
 25 not participate personally and substantially in any

1 particular matter involving specific parties by which
2 the covered employee knows that a material financial
3 interest of a former employer or former client will be
4 directly and predictably affected.

5 “(2) EXEMPTIONS.—

6 “(A) REGULATIONS.—The Director shall
7 publish in the Federal Register regulations ap-
8 plicable to all or a portion of covered employees
9 providing exemptions to the prohibition under
10 paragraph (1).

11 “(B) INCLUSION.—The regulations under
12 subparagraph (A) shall include an exemption
13 for any covered employee in a case in which a
14 particular matter involves a financial interest
15 described in paragraph (1) that is too remote or
16 too inconsequential to affect the integrity of the
17 services provided by the covered employee.

18 “(b) WAIVERS.—

19 “(1) IN GENERAL.—

20 “(A) COVERED AGENCY HEADS.—With re-
21 spect to a head of a covered agency who is a
22 covered employee, the designated agency ethics
23 official for the Executive Office of the Presi-
24 dent, in consultation with the Director, may
25 grant a written waiver of the prohibition under

1 subsection (a) before the covered agency head
2 engages in an action otherwise prohibited by
3 that subsection, if the designated agency ethics
4 official determines and certifies in writing that,
5 in consideration of all relevant circumstances,
6 the interest of the Federal Government in the
7 participation of the covered agency head out-
8 weighs the concern that a reasonable person
9 may question the integrity of the programs or
10 operations of the covered agency.

11 “(B) OTHER COVERED EMPLOYEES.—With
12 respect to any covered employee not described
13 in subparagraph (A), the head of the covered
14 agency employing the covered employee, in con-
15 sultation with the Director, may grant a written
16 waiver of the prohibition under subsection (a)
17 before the covered employee engages in an ac-
18 tion otherwise prohibited by that subsection, if
19 the head of the covered agency determines and
20 certifies in writing that, in consideration of all
21 relevant circumstances, the interest of the Fed-
22 eral Government in the participation of the cov-
23 ered employee outweighs the concern that a rea-
24 sonable person may question the integrity of the
25 programs or operations of the covered agency.

1 “(2) NOTICE AND PUBLICATION.—For any
2 waiver granted under paragraph (1), the individual
3 who granted the waiver shall—

4 “(A) not later than 48 hours after the
5 waiver is granted, submit to the Director a copy
6 of the waiver; and

7 “(B) not later than 30 calendar days after
8 the date on which the waiver is granted, publish
9 the waiver on the website of the applicable cov-
10 ered agency.

11 “(3) DIRECTORIAL REVIEW.—On receipt of a
12 written waiver under paragraph (2)(A), the Director
13 shall—

14 “(A) review the waiver to determine wheth-
15 er the Director has any objection to the
16 issuance of the waiver; and

17 “(B) if the Director has an objection de-
18 scribed in subparagraph (A)—

19 “(i) provide reasons for the objection,
20 in writing, to the head of the covered agen-
21 cy who granted the waiver by not later
22 than 15 calendar days after the date on
23 which the waiver was granted; and

24 “(ii) publish the objection on the
25 website of the Office of Government Ethics

1 by not later than 30 calendar days after
2 the date on which the waiver was granted.

3 **“SEC. 603. ENFORCEMENT.**

4 “(a) CRIMINAL PENALTIES.—

5 “(1) IN GENERAL.—Any person who violates
6 section 602 shall be fined under title 18, United
7 States Code, imprisoned for not more than 1 year,
8 or both.

9 “(2) WILLFUL VIOLATIONS.—Any person who
10 willfully violates section 602 shall be fined under
11 title 18, United States Code, imprisoned for not
12 more than 5 years, or both.

13 “(b) CIVIL ENFORCEMENT.—

14 “(1) IN GENERAL.—The Attorney General may
15 bring a civil action in an appropriate district court
16 of the United States against any person who vio-
17 lates, or whom the Attorney General has reason to
18 believe is engaging in conduct that violates, section
19 602.

20 “(2) CIVIL PENALTY.—

21 “(A) IN GENERAL.—If the court finds, by
22 a preponderance of the evidence, that a person
23 violated section 602, the court shall impose
24 against the person a civil penalty of not more
25 than the greater of—

1 “(i) \$100,000 for each violation; and

2 “(ii) the amount of compensation the
3 person received or was offered for the con-
4 duct constituting the violation.

5 “(B) TREATMENT.—A civil penalty under
6 this subsection may be in addition to any other
7 criminal or civil statutory, common law, or ad-
8 ministrative remedy available to—

9 “(i) the United States; or

10 “(ii) any other person.

11 “(3) INJUNCTIVE RELIEF.—

12 “(A) IN GENERAL.—In a civil action
13 brought against a person under paragraph (1),
14 the Attorney General may petition the court for
15 an order prohibiting the person from engaging
16 in conduct that violates section 602.

17 “(B) STANDARD.—The court may issue an
18 order under subparagraph (A) if the court
19 finds, by a preponderance of the evidence, that
20 the conduct of the person violates section 602.

21 “(C) TREATMENT.—The filing of a peti-
22 tion seeking injunctive relief under this para-
23 graph shall not preclude any other remedy
24 available by law to—

25 “(i) the United States; or

1 “(ii) any other person.”.

2 **SEC. 8004. PROHIBITION OF PROCUREMENT OFFICERS AC-**
 3 **CEPTING EMPLOYMENT FROM GOVERNMENT**
 4 **CONTRACTORS.**

5 (a) EXPANSION OF PROHIBITION ON ACCEPTANCE
 6 BY FORMER OFFICIALS OF COMPENSATION FROM CON-
 7 TRACTORS.—Section 2104 of title 41, United States Code,
 8 is amended—

9 (1) in subsection (a)—

10 (A) in the matter preceding paragraph

11 (1)—

12 (i) by striking “or consultant” and in-
 13 serting “attorney, consultant, subcon-
 14 tractor, or lobbyist”; and

15 (ii) by striking “one year” and insert-
 16 ing “2 years”; and

17 (B) in paragraph (3), by striking “person-
 18 ally made for the Federal agency” and inserting
 19 “participated personally and substantially in”;
 20 and

21 (2) by striking subsection (b) and inserting the
 22 following:

23 “(b) PROHIBITION ON COMPENSATION FROM AFFILI-
 24 ATES AND SUBCONTRACTORS.—A former official respon-
 25 sible for a Government contract referred to in paragraph

1 (1), (2), or (3) of subsection (a) may not accept compensa-
 2 tion for 2 years after awarding the contract from any divi-
 3 sion, affiliate, or subcontractor of the contractor.”.

4 (b) REQUIREMENT FOR PROCUREMENT OFFICERS
 5 TO DISCLOSE JOB OFFERS MADE TO RELATIVES.—Sec-
 6 tion 2103(a) of title 41, United States Code, is amended
 7 in the matter preceding paragraph (1) by inserting after
 8 “that official” the following: “, or for a relative (as defined
 9 in section 3110 of title 5) of that official,”.

10 (c) REQUIREMENT ON AWARD OF GOVERNMENT
 11 CONTRACTS TO FORMER EMPLOYERS.—

12 (1) IN GENERAL.—Chapter 21 of division B of
 13 subtitle I of title 41, United States Code, is amend-
 14 ed by adding at the end the following new section:

15 **“§ 2108. Prohibition on involvement by certain**
 16 **former contractor employees in procure-**
 17 **ments**

18 “An employee of the Federal Government may not
 19 participate personally and substantially in any award of
 20 a contract to, or the administration of a contract awarded
 21 to, a contractor that is a former employer of the employee
 22 during the 2-year period beginning on the date on which
 23 the employee leaves the employment of the contractor.”.

24 (2) TECHNICAL AND CONFORMING AMEND-
 25 MENT.—The table of sections for chapter 21 of title

1 41, United States Code, is amended by adding at
2 the end the following new item:

“2108. Prohibition on involvement by certain former contractor employees
in procurements.”.

3 (d) REGULATIONS.—The Director of the Office of
4 Government Ethics, in consultation with the Adminis-
5 trator of General Services, shall promulgate regulations to
6 carry out and ensure the enforcement of chapter 21 of
7 title 41, United States Code, as amended by this section.

8 (e) MONITORING AND COMPLIANCE.—The Adminis-
9 trator of General Services, in consultation with designated
10 agency ethics officials (as that term is defined in section
11 109(3) of the Ethics in Government Act of 1978 (5 U.S.C.
12 App.)), shall monitor compliance with chapter 21 of title
13 41, United States Code, as amended by this section, by
14 individuals and agencies.

15 **SEC. 8005. REVOLVING DOOR RESTRICTIONS ON EMPLOY-**
16 **EES MOVING INTO THE PRIVATE SECTOR.**

17 (a) IN GENERAL.—Subsection (c) of section 207 of
18 title 18, United States Code, is amended—

19 (1) in the subsection heading, by striking
20 “ONE-YEAR” and inserting “TWO-YEAR”;

21 (2) in paragraph (1)—

22 (A) by striking “1 year” in each instance
23 and inserting “2 years”; and

1 (B) by inserting “, or conducts any lob-
2 bying activity to facilitate any communication
3 to or appearance before,” after “any commu-
4 nication to or appearance before”; and

5 (3) in paragraph (2)(B), by striking “1-year”
6 and inserting “2-year”.

7 (b) APPLICATION.—The amendments made by sub-
8 section (a) shall apply to any individual covered by sub-
9 section (c) of section 207 of title 18, United States Code,
10 separating from the civil service on or after the date of
11 enactment of this Act.

12 **SEC. 8006. GUIDANCE ON UNPAID EMPLOYEES.**

13 (a) IN GENERAL.—Not later than 120 days after the
14 date of enactment of this Act, the Director of the Office
15 of Government Ethics shall issue guidance on ethical
16 standards applicable to unpaid employees of an agency.

17 (b) DEFINITIONS.—In this section—

18 (1) the term “agency” includes the Executive
19 Office of the President and the White House; and

20 (2) the term “unpaid employee” includes any
21 individual occupying a position at an agency and
22 who is unpaid by operation of section 3110 of title
23 5, United States Code, or any other provision of law,
24 but does not include any employee who is unpaid
25 due to a lapse in appropriations.

1 **SEC. 8007. LIMITATION ON USE OF FEDERAL FUNDS AND**
2 **CONTRACTING AT BUSINESSES OWNED BY**
3 **CERTAIN GOVERNMENT OFFICERS AND EM-**
4 **PLOYEES.**

5 (a) **LIMITATION ON FEDERAL FUNDS.**—Beginning in
6 fiscal year 2022 and in each fiscal year thereafter, no Fed-
7 eral funds may be obligated or expended for purposes of
8 procuring goods or services at any business owned or con-
9 trolled by a covered individual or any family member of
10 such an individual, unless such obligation or expenditure
11 of funds is authorized under the Presidential Protection
12 Assistance Act of 1976 (18 U.S.C. 3056 note).

13 (b) **PROHIBITION ON CONTRACTS.**—No Executive
14 agency may enter into or hold a contract with a business
15 owned or controlled by a covered individual or any family
16 member of such an individual.

17 (c) **DETERMINATION OF OWNERSHIP.**—For purposes
18 of this section, a business shall be deemed to be owned
19 or controlled by a covered individual or any family member
20 of such an individual if the covered individual or member
21 of family (as the case may be)—

22 (1) is a member of the board of directors or
23 similar governing body of the business;

24 (2) directly or indirectly owns or controls more
25 than 50 percent of the voting shares of the business;

26 or

1 (3) is the beneficiary of a trust which owns or
2 controls more than 50 percent of the business and
3 can direct distributions under the terms of the trust.

4 (d) DEFINITIONS.—In this section:

5 (1) COVERED INDIVIDUAL.—The term “covered
6 individual” means—

7 (A) the President;

8 (B) the Vice President;

9 (C) the head of any Executive department
10 (as that term is defined in section 101 of title
11 5, United States Code); and

12 (D) any individual occupying a position
13 designated by the President as a Cabinet-level
14 position.

15 (2) EXECUTIVE AGENCY.—The term “Executive
16 agency” has the meaning given that term in section
17 105 of title 5, United States Code.

18 (3) FAMILY MEMBER.—The term “family mem-
19 ber” means an individual with any of the following
20 relationships to a covered individual:

21 (A) Spouse, and parents thereof.

22 (B) Sons and daughters, and spouses
23 thereof.

24 (C) Parents, and spouses thereof.

1 (D) Brothers and sisters, and spouses
2 thereof.

3 (E) Grandparents and grandchildren, and
4 spouses thereof.

5 (F) Domestic partner and parents thereof,
6 including domestic partners of any individual in
7 subparagraphs (A) through (E).

8 **Subtitle B—Presidential Conflicts**
9 **of Interest**

10 **SEC. 8011. SHORT TITLE.**

11 This subtitle may be cited as the “Presidential Con-
12 flicts of Interest Act of 2021”.

13 **SEC. 8012. DIVESTITURE OF PERSONAL FINANCIAL INTER-**
14 **ESTS OF THE PRESIDENT AND VICE PRESI-**
15 **DENT THAT POSE A POTENTIAL CONFLICT OF**
16 **INTEREST.**

17 (a) IN GENERAL.—The Ethics in Government Act of
18 1978 (5 U.S.C. App.) is amended by adding after title
19 VI (as added by section 8003) the following:

1 **“TITLE VII—DIVESTITURE OF FI-**
 2 **NANCIAL CONFLICTS OF IN-**
 3 **TERESTS OF THE PRESIDENT**
 4 **AND VICE PRESIDENT**

5 **“SEC. 701. DIVESTITURE OF FINANCIAL INTERESTS POSING**
 6 **A CONFLICT OF INTEREST.**

7 “(a) APPLICABILITY TO THE PRESIDENT AND VICE
 8 PRESIDENT.—The President and Vice President shall,
 9 within 30 days of assuming office, divest of all financial
 10 interests that pose a conflict of interest because the Presi-
 11 dent or Vice President, the spouse, dependent child, or
 12 general partner of the President or Vice President, or any
 13 person or organization with whom the President or Vice
 14 President is negotiating or has any arrangement con-
 15 cerning prospective employment, has a financial interest,
 16 by—

17 “(1) converting each such interest to cash or
 18 other investment that meets the criteria established
 19 by the Director of the Office of Government Ethics
 20 through regulation as being an interest so remote or
 21 inconsequential as not to pose a conflict; or

22 “(2) placing each such interest in a qualified
 23 blind trust as defined in section 102(f)(3) or a diver-
 24 sified trust under section 102(f)(4)(B).

1 “(b) DISCLOSURE EXEMPTION.—Subsection (a) shall
2 not apply if the President or Vice President complies with
3 section 102.”.

4 (b) ADDITIONAL DISCLOSURES.—Section 102(a) of
5 the Ethics in Government Act of 1978 (5 U.S.C. App.)
6 is amended by adding at the end the following:

7 “(9) With respect to any such report filed by
8 the President or Vice President, for any corporation,
9 company, firm, partnership, or other business enter-
10 prise in which the President, Vice President, or the
11 spouse or dependent child of the President or Vice
12 President, has a significant financial interest—

13 “(A) the name of each other person who
14 holds a significant financial interest in the firm,
15 partnership, association, corporation, or other
16 entity;

17 “(B) the value, identity, and category of
18 each liability in excess of \$10,000; and

19 “(C) a description of the nature and value
20 of any assets with a value of \$10,000 or
21 more.”.

22 (c) REGULATIONS.—Not later than 120 days after
23 the date of enactment of this Act, the Director of the Of-
24 fice of Government Ethics shall promulgate regulations to
25 define the criteria required by section 701(a)(1) of the

1 Ethics in Government Act of 1978 (as added by subsection
 2 (a)) and the term “significant financial interest” for pur-
 3 poses of section 102(a)(9) of the Ethics in Government
 4 Act (as added by subsection (b)).

5 **SEC. 8013. INITIAL FINANCIAL DISCLOSURE.**

6 Subsection (a) of section 101 of the Ethics in Govern-
 7 ment Act of 1978 (5 U.S.C. App.) is amended by striking
 8 “position” and adding at the end the following: “position,
 9 with the exception of the President and Vice President,
 10 who must file a new report.”.

11 **SEC. 8014. CONTRACTS BY THE PRESIDENT OR VICE PRESI-**
 12 **DENT.**

13 (a) AMENDMENT.—Section 431 of title 18, United
 14 States Code, is amended—

15 (1) in the section heading, by inserting “**the**
 16 **President, Vice President, Cabinet Mem-**
 17 **ber, or a**” after “**Contracts by**”; and

18 (2) in the first undesignated paragraph, by in-
 19 serting “the President, Vice President, or any Cabi-
 20 net member” after “Whoever, being”.

21 (b) TABLE OF SECTIONS AMENDMENT.—The table of
 22 sections for chapter 23 of title 18, United States Code,
 23 is amended by striking the item relating to section 431
 24 and inserting the following:

“431. Contracts by the President, Vice President, Cabinet Member, or a Mem-
 ber of Congress.”.

1 **SEC. 8015. LEGAL DEFENSE FUNDS.**

2 (a) DEFINITIONS.—In this section—

3 (1) the term “Director” means the Director of
4 the Office of Government Ethics;

5 (2) the term “legal defense fund” means a
6 trust—

7 (A) that has only one beneficiary;

8 (B) that is subject to a trust agreement
9 creating an enforceable fiduciary duty on the
10 part of the trustee to the beneficiary, pursuant
11 to the applicable law of the jurisdiction in which
12 the trust is established;

13 (C) that is subject to a trust agreement
14 that provides for the mandatory public disclo-
15 sure of all donations and disbursements;

16 (D) that is subject to a trust agreement
17 that prohibits the use of its resources for any
18 purpose other than—

19 (i) the administration of the trust;

20 (ii) the payment or reimbursement of
21 legal fees or expenses incurred in investiga-
22 tive, civil, criminal, or other legal pro-
23 ceedings relating to or arising by virtue of
24 service by the trust’s beneficiary as an offi-
25 cer or employee, as defined in this section,
26 or as an employee, contractor, consultant

1 or volunteer of the campaign of the Presi-
2 dent or Vice President; or

3 (iii) the distribution of unused re-
4 sources to a charity selected by the trustee
5 that has not been selected or recommended
6 by the beneficiary of the trust;

7 (E) that is subject to a trust agreement
8 that prohibits the use of its resources for any
9 other purpose or personal legal matters, includ-
10 ing tax planning, personal injury litigation, pro-
11 tection of property rights, divorces, or estate
12 probate; and

13 (F) that is subject to a trust agreement
14 that prohibits the acceptance of donations, ex-
15 cept in accordance with this section and the
16 regulations of the Office of Government Ethics;

17 (3) the term “officer or employee” means—

18 (A) an officer (as that term is defined in
19 section 2104 of title 5, United States Code) or
20 employee (as that term is defined in section
21 2105 of such title) of the executive branch of
22 the Government;

23 (B) the Vice President; and

24 (C) the President; and

1 (4) the term “relative” has the meaning given
2 that term in section 3110 of title 5, United States
3 Code.

4 (b) **LEGAL DEFENSE FUNDS.**—An officer or em-
5 ployee may not accept or use any gift or donation for the
6 payment or reimbursement of legal fees or expenses in-
7 curred in investigative, civil, criminal, or other legal pro-
8 ceedings relating to or arising by virtue of the officer or
9 employee’s service as an officer or employee, as defined
10 in this section, or as an employee, contractor, consultant
11 or volunteer of the campaign of the President or Vice
12 President except through a legal defense fund that is cer-
13 tified by the Director of the Office of Government Ethics.

14 (c) **LIMITS ON GIFTS AND DONATIONS.**—Not later
15 than 120 days after the date of the enactment of this Act,
16 the Director shall promulgate regulations establishing lim-
17 its with respect to gifts and donations described in sub-
18 section (b), which shall, at a minimum—

19 (1) prohibit the receipt of any gift or donation
20 described in subsection (b)—

21 (A) from a single contributor (other than
22 a relative of the officer or employee) in a total
23 amount of more than \$5,000 during any cal-
24 endar year;

25 (B) from a registered lobbyist;

1 (C) from a foreign government or an agent
2 of a foreign principal;

3 (D) from a State government or an agent
4 of a State government;

5 (E) from any person seeking official action
6 from, or seeking to do or doing business with,
7 the agency employing the officer or employee;

8 (F) from any person conducting activities
9 regulated by the agency employing the officer
10 or employee;

11 (G) from any person whose interests may
12 be substantially affected by the performance or
13 nonperformance of the official duties of the offi-
14 cer or employee;

15 (H) from an officer or employee of the ex-
16 ecutive branch; or

17 (I) from any organization a majority of
18 whose members are described in subparagraphs
19 (A) through (H); and

20 (2) require that a legal defense fund, in order
21 to be certified by the Director, only permit distribu-
22 tions to the applicable officer or employee.

23 (d) WRITTEN NOTICE.—

24 (1) IN GENERAL.—An officer or employee who
25 wishes to accept funds or have a representative ac-

cept funds from a legal defense fund shall first ensure that the proposed trustee of the legal defense fund submits to the Director the following information:

(A) The name and contact information for any proposed trustee of the legal defense fund.

(B) A copy of any proposed trust document for the legal defense fund.

(C) The nature of the legal proceeding (or proceedings), investigation, or other matter which gives rise to the establishment of the legal defense fund.

(D) An acknowledgment signed by the officer or employee and the trustee indicating that they will be bound by the regulations and limitations under this section.

(2) APPROVAL.—An officer or employee may not accept any gift or donation to pay, or to reimburse any person for, fees or expenses described in subsection (b) of this section except through a legal defense fund that has been certified in writing by the Director following that office's receipt and approval of the information submitted under paragraph (1) and approval of the structure of the fund.

(e) REPORTING.—

1 (1) IN GENERAL.—An officer or employee who
2 establishes a legal defense fund may not directly or
3 indirectly accept distributions from a legal defense
4 fund unless the fund has provided the Director a
5 quarterly report for each quarter of every calendar
6 year since the establishment of the legal defense
7 fund that discloses, with respect to the quarter cov-
8 ered by the report—

9 (A) the source and amount of each con-
10 tribution to the legal defense fund; and

11 (B) the amount, recipient, and purpose of
12 each expenditure from the legal defense fund,
13 including all distributions from the trust for
14 any purpose.

15 (2) PUBLIC AVAILABILITY.—The Director shall
16 make publicly available online—

17 (A) each report submitted under para-
18 graph (1) in a searchable, sortable, and
19 downloadable form;

20 (B) each trust agreement and any amend-
21 ment thereto;

22 (C) the written notice and acknowledgment
23 required by subsection (d); and

24 (D) the Director's written certification of
25 the legal defense fund.

(f) RECUSAL.—An officer or employee, other than the President and the Vice President, who is the beneficiary of a legal defense fund may not participate personally and substantially in any particular matter in which the officer or employee knows a donor of any source of a gift or donation to the legal defense fund established for the officer or employee has a financial interest, for a period of two years from the date of the most recent gift or donation to the legal defense fund.

Subtitle C—White House Ethics Transparency

SEC. 8021. SHORT TITLE.

This subtitle may be cited as the “White House Ethics Transparency Act of 2021”.

SEC. 8022. PROCEDURE FOR WAIVERS AND AUTHORIZATIONS RELATING TO ETHICS REQUIREMENTS.

(a) IN GENERAL.—Notwithstanding any other provision of law, not later than 30 days after an officer or employee issues or approves a waiver or authorization pursuant to any executive order related to ethics commitments or compliance by covered employees, such officer or employee shall—

- (1) transmit a written copy of such waiver or authorization to the Director of the Office of Government Ethics; and

1 (2) make a written copy of such waiver or au-
2 thorization available to the public on the website of
3 the employing agency of the covered employee.

4 (b) OFFICE OF GOVERNMENT ETHICS PUBLIC
5 AVAILABILITY.—Not later than 30 days after receiving a
6 written copy of a waiver or authorization under subsection
7 (a)(1), the Director of the Office of Government Ethics
8 shall make such waiver or authorization available to the
9 public on the website of the Office of Government Ethics.

10 (c) DEFINITION OF COVERED EMPLOYEE.—In this
11 section, the term “covered employee”—

12 (1) means a non-career Presidential or Vice
13 Presidential appointee, non-career appointee in the
14 Senior Executive Service (or other SES-type sys-
15 tem), or an appointee to a position that has been ex-
16 cepted from the competitive service by reason of
17 being of a confidential or policymaking character
18 (Schedule C and other positions excepted under com-
19 parable criteria) in an executive agency; and

20 (2) does not include any individual appointed as
21 a member of the Senior Foreign Service or solely as
22 a uniformed service commissioned officer.

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 lic 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 Section 6(b)(1) of the Presidential Transition Act of
 24 1963 (3 U.S.C. 102 note) is amended—

1 (1) in subparagraph (A), by striking “and” at
2 the end;

3 (2) in subparagraph (B), by striking the period
4 at the end and inserting a semicolon; and

5 (3) by adding at the end the following:

6 “(C) a description of the role of each transition
7 team member, including a list of any policy issues
8 that the member expects to work on, and a list of
9 agencies the member expects to interact with, while
10 serving on the transition team;

11 “(D) a list of any issues from which each tran-
12 sition team member will be recused while serving as
13 a member of the transition team pursuant to the
14 transition team ethics plan outlined in section
15 4(g)(3); and

16 “(E) an affirmation that no transition team
17 member has a financial conflict of interest that pre-
18 cludes the member from working on the matters de-
19 scribed in subparagraph (C).”.

20 **Subtitle G—Ethics Pledge for Sen-** 21 **ior Executive Branch Employees**

22 **SEC. 8061. SHORT TITLE.**

23 This subtitle may be cited as the “Ethics in Public
24 Service Act”.

1 **SEC. 8062. ETHICS PLEDGE REQUIREMENT FOR SENIOR EX-**
 2 **ECUTIVE BRANCH EMPLOYEES.**

3 The Ethics in Government Act of 1978 (5 U.S.C.
 4 App. 101 et seq.) is amended by inserting after title I the
 5 following new title:

6 **“TITLE II—ETHICS PLEDGE**

7 **“SEC. 201. DEFINITIONS.**

8 “(a) IN GENERAL.—For the purposes of this title,
 9 the following definitions apply:

10 “(1) The term ‘Administration’ means all terms
 11 of office of the incumbent President serving at the
 12 time of the appointment of an appointee covered by
 13 this title.

14 “(2) The term ‘appointee’ means any noncareer
 15 Presidential or Vice Presidential appointee, non-
 16 career appointee in the Senior Executive Service (or
 17 other SES-type system), or appointee to a position
 18 that has been excepted from the competitive service
 19 by reason of being of a confidential or policymaking
 20 character (Schedule C and other positions excepted
 21 under comparable criteria) in an executive agency,
 22 but does not include any individual appointed as a
 23 member of the Senior Foreign Service or solely as
 24 a uniformed service commissioned officer.

25 “(3) The term ‘covered executive branch offi-
 26 cial’ and ‘lobbyist’ have the meanings given those

1 terms in section 3 of the Lobbying Disclosure Act of
2 1995 (2 U.S.C. 1602).

3 “(4) The term ‘directly and substantially re-
4 lated to my former employer or former clients’
5 means matters in which the appointee’s former em-
6 ployer or a former client is a party or represents a
7 party.

8 “(5) The term ‘executive agency’ has the mean-
9 ing given that term in section 105 of title 5, United
10 States Code, and includes the Executive Office of
11 the President, the United States Postal Service, and
12 Postal Regulatory Commission, but does not include
13 the Government Accountability Office.

14 “(6) The term ‘former client’ means a person
15 or entity for whom an appointee served personally as
16 agent, attorney, or consultant during the 2-year pe-
17 riod ending on the date before the date on which the
18 appointee begins service in the Federal Government,
19 but does not include an agency or instrumentality of
20 the Federal Government.

21 “(7) The term ‘former employer’—

22 “(A) means a person or entity for whom
23 an appointee served as an employee, officer, di-
24 rector, trustee, partner, agent, attorney, con-
25 sultant, or contractor during the 2-year period

1 ending on the date before the date on which the
2 appointee begins service in the Federal Govern-
3 ment; and

4 “(B) does not include—

5 “(i) an agency or instrumentality of
6 the Federal Government;

7 “(ii) a State or local government;

8 “(iii) the District of Columbia;

9 “(iv) an Indian Tribe, as defined in
10 section 4 of the Indian Self-Determination
11 and Education Assistance Act (25 U.S.C.
12 5304); or

13 “(v) the government of a territory or
14 possession of the United States.

15 “(8) The term ‘gift’—

16 “(A) has the meaning given that term in
17 section 2635.203(b) of title 5, Code of Federal
18 Regulations (or any successor regulation); and

19 “(B) does not include those items excluded
20 by sections 2635.204(b), (c), (e)(1), (e)(3), (j),
21 (k), and (l) of such title 5.

22 “(9) The term ‘Government official’ means any
23 employee of the executive branch.

24 “(10) The term ‘lobby’ and ‘lobbied’ mean to
25 act or have acted as a registered lobbyist.

1 “(11) The term ‘participate’ means to partici-
2 pate personally and substantially.

3 “(12) The term ‘pledge’ means the ethics
4 pledge set forth in section 202 of this title.

5 “(13) The term ‘post-employment restrictions’
6 includes the provisions and exceptions in section
7 207(c) of title 18, United States Code, and the im-
8 plementing regulations.

9 “(14) The term ‘registered lobbyist or lobbying
10 organization’ means a lobbyist or an organization fil-
11 ing a registration pursuant to section 4(a) of the
12 Lobbying Disclosure Act of 1995 (2 U.S.C.
13 1603(a)), and in the case of an organization filing
14 such a registration, ‘registered lobbyist’ includes
15 each of the lobbyists identified therein.

16 “(b) REFERENCES.—All references to provisions of
17 law and regulations under subsection (a) shall refer to
18 such provisions as in effect on the date of enactment of
19 this title.

20 **“SEC. 202. ETHICS PLEDGE.**

21 “Each appointee in every executive agency appointed
22 on or after the date of enactment of this section shall be
23 required to sign an ethics pledge upon appointment. The
24 pledge shall be signed and dated within 30 days of taking

1 office and shall include, at a minimum, the following ele-
 2 ments:

3 “‘As a condition, and in consideration, of my employ-
 4 ment in the United States Government in a position in-
 5 vested with the public trust, I commit myself to the fol-
 6 lowing obligations, which I understand are binding on me
 7 and are enforceable under law:

8 “(1) Lobbyist Gift Ban.—I will not accept
 9 gifts from registered lobbyists or lobbying organiza-
 10 tions for the duration of my service as an appointee.

11 “(2) Revolving Door Ban; Entering Govern-
 12 ment.—

13 “(A) All Appointees Entering Govern-
 14 ment.—I will not, for a period of 2 years from
 15 the date of my appointment, participate in any
 16 particular matter involving specific party or
 17 parties that is directly and substantially related
 18 to my former employer or former clients, in-
 19 cluding regulations and contracts.

20 “(B) Lobbyists Entering Government.—If
 21 I was a registered lobbyist within the 2 years
 22 before the date of my appointment, in addition
 23 to abiding by the limitations of subparagraph
 24 (A), I will not for a period of 2 years after the
 25 date of my appointment—

1 “(i) participate in any particular
2 matter on which I lobbied within the 2
3 years before the date of my appointment;

4 “(ii) participate in the specific issue
5 area in which that particular matter falls;
6 or

7 “(iii) seek or accept employment with
8 any executive agency that I lobbied within
9 the 2 years before the date of my appoint-
10 ment.

11 “(3) Revolving Door Ban; Appointees Leaving
12 Government.—

13 “(A) All Appointees Leaving Govern-
14 ment.—If, upon my departure from the Govern-
15 ment, I am covered by the post-employment re-
16 strictions on communicating with employees of
17 my former executive agency set forth in section
18 207(c) of title 18, United States Code, I agree
19 that I will abide by those restrictions for a pe-
20 riod of 2 years following the end of my appoint-
21 ment.

22 “(B) Appointees Leaving Government to
23 Lobby.—In addition to abiding by the limita-
24 tions of subparagraph (A), I also agree, upon
25 leaving Government service, not to lobby any

1 covered executive branch official or noncareer
2 Senior Executive Service appointee for the re-
3 mainder of the Administration.

4 ““(4) Employment Qualification Commit-
5 ment.—I agree that any hiring or other employment
6 decisions I make will be based on the candidate’s
7 qualifications, competence, and experience.

8 ““(5) Assent to Enforcement.—I acknowledge
9 that title II of the Ethics in Government Act of
10 1978, which I have read before signing this docu-
11 ment, defines certain of the terms applicable to the
12 foregoing obligations and sets forth the methods for
13 enforcing them. I expressly accept the provisions of
14 that title as a part of this agreement and as binding
15 on me. I understand that the terms of this pledge
16 are in addition to any statutory or other legal re-
17 strictions applicable to me by virtue of Federal Gov-
18 ernment service.’”.

19 **“SEC. 203. WAIVER.**

20 ““(a) The President or the President’s designee may
21 grant to any current or former appointee a written waiver
22 of any restrictions contained in the pledge signed by such
23 appointee if, and to the extent that, the President or the
24 President’s designee certifies (in writing) that, in light of
25 all the relevant circumstances, the interest of the Federal

1 Government in the employee's participation outweighs the
2 concern that a reasonable person may question the integ-
3 rity of the agency's programs or operations.

4 “(b) Any waiver under this section shall take effect
5 when the certification is signed by the President or the
6 President's designee.

7 “(c) For purposes of subsection (a), the interest of
8 the Federal Government shall include exigent cir-
9 cumstances relating to national security or to the econ-
10 omy. De minimis contact with an executive agency shall
11 be cause for a waiver of the restrictions contained in para-
12 graph (2)(B) of the pledge.

13 “(d) For any waiver granted under this section, the
14 individual who granted the waiver shall—

15 “(1) provide a copy of the waiver to the Direc-
16 tor not more than 48 hours after the waiver is
17 granted; and

18 “(2) publish the waiver on the website of the
19 applicable agency not later than 30 calendar days
20 after granting such waiver.

21 “(e) Upon receiving a written waiver under sub-
22 section (d), the Director shall—

23 “(1) review the waiver to determine whether the
24 Director has any objection to the issuance of the
25 waiver; and

1 “(2) if the Director so objects—

2 “(A) provide reasons for the objection in
3 writing to the President or the President’s des-
4 ignee who granted the waiver not more than 15
5 calendar days after the waiver was granted; and

6 “(B) publish the written objection on the
7 website of the Office of Government Ethics not
8 more than 30 calendar days after the waiver
9 was granted.

10 **“SEC. 204. ADMINISTRATION.**

11 “(a) The head of each executive agency shall, in con-
12 sultation with the Director of the Office of Government
13 Ethics, establish such rules or procedures (conforming as
14 nearly as practicable to the agency’s general ethics rules
15 and procedures, including those relating to designated
16 agency ethics officers) as are necessary or appropriate to
17 ensure—

18 “(1) that every appointee in the agency signs
19 the pledge upon assuming the appointed office or
20 otherwise becoming an appointee;

21 “(2) that compliance with paragraph (2)(B) of
22 the pledge is addressed in a written ethics agree-
23 ment with each appointee to whom it applies;

24 “(3) that spousal employment issues and other
25 conflicts not expressly addressed by the pledge are

1 addressed in ethics agreements with appointees or,
2 where no such agreements are required, through eth-
3 ics counseling; and

4 “(4) compliance with this title within the agen-
5 cy.

6 “(b) With respect to the Executive Office of the
7 President, the duties set forth in subsection (a) shall be
8 the responsibility of the Counsel to the President.

9 “(c) The Director of the Office of Government Ethics
10 shall—

11 “(1) ensure that the pledge and a copy of this
12 title are made available for use by agencies in ful-
13 filling their duties under subsection (a);

14 “(2) in consultation with the Attorney General
15 or the Counsel to the President, when appropriate,
16 assist designated agency ethics officers in providing
17 advice to current or former appointees regarding the
18 application of the pledge;

19 “(3) adopt such rules or procedures as are nec-
20 essary or appropriate—

21 “(A) to carry out the responsibilities as-
22 signed by this subsection;

23 “(B) to apply the lobbyist gift ban set
24 forth in paragraph 1 of the pledge to all execu-
25 tive branch employees;

1 “(C) to authorize limited exceptions to the
2 lobbyist gift ban for circumstances that do not
3 implicate the purposes of the ban;

4 “(D) to make clear that no person shall
5 have violated the lobbyist gift ban if the person
6 properly disposes of a gift;

7 “(E) to ensure that existing rules and pro-
8 cedures for Government employees engaged in
9 negotiations for future employment with private
10 businesses that are affected by their official ac-
11 tions do not affect the integrity of the Govern-
12 ment’s programs and operations; and

13 “(F) to ensure, in consultation with the
14 Director of the Office of Personnel Manage-
15 ment, that the requirement set forth in para-
16 graph (4) of the pledge is honored by every em-
17 ployee of the executive branch;

18 “(4) in consultation with the Director of the
19 Office of Management and Budget, report to the
20 President, the Committee on Oversight and Reform
21 of the House of Representatives, and the Committee
22 on Homeland Security and Governmental Affairs of
23 the Senate on whether full compliance is being
24 achieved with existing laws and regulations gov-
25 erning executive branch procurement lobbying disclo-

1 sure and on steps the executive branch can take to
 2 expand to the fullest extent practicable disclosure of
 3 such executive branch procurement lobbying and of
 4 lobbying for presidential pardons, and to include in
 5 the report both immediate action the executive
 6 branch can take and, if necessary, recommendations
 7 for legislation; and

8 “(5) provide an annual public report on the ad-
 9 ministration of the pledge and this title.

10 “(d) All pledges signed by appointees, and all waiver
 11 certifications with respect thereto, shall be filed with the
 12 head of the appointee’s agency for permanent retention
 13 in the appointee’s official personnel folder or equivalent
 14 folder.”.

15 **Subtitle H—Travel on Private Air-**
 16 **craft by Senior Political Ap-**
 17 **pointees**

18 **SEC. 8071. SHORT TITLE.**

19 This subtitle may be cited as the “Stop Waste And
 20 Misuse by Presidential Flyers Landing Yet Evading Rules
 21 and Standards Act” or the “SWAMP FLYERS Act”.

22 **SEC. 8072. PROHIBITION ON USE OF FUNDS FOR TRAVEL**
 23 **ON PRIVATE AIRCRAFT.**

24 (a) IN GENERAL.—Beginning on the date of enact-
 25 ment of this subtitle, no Federal funds appropriated or

1 otherwise made available in any fiscal year may be used
 2 to pay the travel expenses of any senior political appointee
 3 for travel on official business on a non-commercial, pri-
 4 vate, or chartered flight.

5 (b) EXCEPTIONS.—The limitation in subsection (a)
 6 shall not apply—

7 (1) if no commercial flight is available for the
 8 travel in question, consistent with subsection (c); or

9 (2) to any travel on aircraft owned or leased by
 10 the Government.

11 (c) CERTIFICATION.—

12 (1) IN GENERAL.—Any senior political ap-
 13 pointee who travels on a non-commercial, private, or
 14 chartered flight under the exception provided in sub-
 15 section (b)(1) shall, not later than 30 days after the
 16 date of such travel, submit a written statement to
 17 Congress certifying that no commercial flight was
 18 available.

19 (2) PENALTY.—Any statement submitted under
 20 paragraph (1) shall be considered a statement for
 21 purposes of applying section 1001 of title 18, United
 22 States Code.

23 (d) DEFINITION OF SENIOR POLITICAL AP-
 24 POUNTEE.—In this subtitle, the term “senior political ap-
 25 pointee” 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 and section 4208(a), is amended by adding at the
 9 end the following new subsection:

10 “(l) REQUIRING INFORMATION ON REGISTERED LOB-
 11 BYISTS 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 congres-
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) reports not submitted.

7 (c) NONCOMPLIANCE BY FEDERAL AGENCIES.—

8 (1) REPORTS NOT SUBMITTED.—If a Federal
9 agency does not submit a congressionally mandated
10 report to the Director, the Director shall to the ex-
11 tent practicable—

12 (A) include on the reports online portal—

13 (i) the information required under
14 clauses (i), (ii), (iv), and (v) of subsection
15 (b)(1)(C); and

16 (ii) the date on which the report was
17 required to be submitted; and

18 (B) include the congressionally mandated
19 report on the list described in subsection
20 (b)(5)(C).

21 (2) REPORTS NOT IN OPEN FORMAT.—If a Fed-
22 eral agency submits a congressionally mandated re-
23 port that is not in an open format, the Director shall
24 include the congressionally mandated report in an-
25 other format on the reports online portal.

1 (d) FREE ACCESS.—The Director may not charge a
2 fee, require registration, or impose any other limitation
3 in exchange for access to the reports online portal.

4 (e) UPGRADE CAPABILITY.—The reports online por-
5 tal shall be enhanced and updated as necessary to carry
6 out the purposes of this subtitle.

7 **SEC. 9304. FEDERAL AGENCY RESPONSIBILITIES.**

8 (a) SUBMISSION OF ELECTRONIC COPIES OF RE-
9 PORTS.—Concurrently with the submission to Congress of
10 each congressionally mandated report, the head of the
11 Federal agency submitting the congressionally mandated
12 report shall submit to the Director the information re-
13 quired under subparagraphs (A) through (D) of section
14 9303(b)(1) with respect to the congressionally mandated
15 report. Nothing in this subtitle shall relieve a Federal
16 agency of any other requirement to publish the congres-
17 sionally mandated report on the online portal of the Fed-
18 eral agency or otherwise submit the congressionally man-
19 dated report to Congress or specific committees of Con-
20 gress, or subcommittees thereof.

21 (b) GUIDANCE.—Not later than 240 days after the
22 date of enactment of this Act, the Director of the Office
23 of Management and Budget, in consultation with the Di-
24 rector, shall issue guidance to agencies on the implementa-
25 tion of this subtitle.

1 (c) STRUCTURE OF SUBMITTED REPORT DATA.—

2 The head of each Federal agency shall ensure that each
3 congressionally mandated report submitted to the Director
4 complies with the open format criteria established by the
5 Director in the guidance issued under subsection (b).

6 (d) POINT OF CONTACT.—The head of each Federal
7 agency shall designate a point of contact for a congress-
8 sionally mandated report.

9 (e) LIST OF REPORTS.—As soon as practicable each
10 calendar year (but not later than April 1), and on a rolling
11 basis during the year if feasible, the Librarian of Congress
12 shall submit to the Director a list of congressionally man-
13 dated reports from the previous calendar year, in consulta-
14 tion with the Clerk of the House of Representatives, which
15 shall—

16 (1) be provided in an open format;

17 (2) include the information required under
18 clauses (i), (ii), (iv), (v) of section 9303(b)(1)(C) for
19 each report;

20 (3) include the frequency of the report;

21 (4) include a unique alphanumeric identifier for
22 the report that is consistent across report editions;

23 (5) include the date on which each report is re-
24 quired to be submitted; and

1 (6) be updated and provided to the Director, as
2 necessary.

3 **SEC. 9305. REMOVING AND ALTERING REPORTS.**

4 A report submitted to be published to the reports on-
5 line portal may only be changed or removed, with the ex-
6 ception of technical changes, by the head of the Federal
7 agency concerned if—

8 (1) the head of the Federal agency consults
9 with each congressional committee to which the re-
10 port is submitted; and

11 (2) Congress enacts a joint resolution author-
12 izing the changing or removal of the report.

13 **SEC. 9306. RELATIONSHIP TO THE FREEDOM OF INFORMA-**
14 **TION ACT.**

15 (a) IN GENERAL.—Nothing in this subtitle shall be
16 construed to—

17 (1) require the disclosure of information or
18 records that are exempt from public disclosure under
19 section 552 of title 5, United States Code; or

20 (2) to impose any affirmative duty on the Di-
21 rector to review congressionally mandated reports
22 submitted for publication to the reports online portal
23 for the purpose of identifying and redacting such in-
24 formation or records.

1 (b) REDACTION OF INFORMATION.—The head of a
2 Federal agency may redact information required to be dis-
3 closed under this subtitle if the information would be prop-
4 erly withheld from disclosure under section 552 of title
5 5, United States Code, and shall—

6 (1) redact information required to be disclosed
7 under this subtitle if disclosure of such information
8 is prohibited by law;

9 (2) redact information being withheld under
10 this subsection prior to submitting the information
11 to the Director;

12 (3) redact only such information properly with-
13 held under this subsection from the submission of
14 information or from any congressionally mandated
15 report submitted under this subtitle;

16 (4) identify where any such redaction is made
17 in the submission or report; and

18 (5) identify the exemption under which each
19 such redaction is made.

20 **SEC. 9307. IMPLEMENTATION.**

21 Except as provided in section 9304(b), this subtitle
22 shall be implemented not later than 1 year after the date
23 of enactment of this Act and shall apply with respect to
24 congressionally mandated reports submitted to Congress

1 on or after the date that is 1 year after such date of enact-
 2 ment.

3 **Subtitle E—Reports on Outside**
 4 **Compensation Earned by Con-**
 5 **gressional Employees**

6 **SEC. 9401. REPORTS ON OUTSIDE COMPENSATION EARNED**
 7 **BY CONGRESSIONAL EMPLOYEES.**

8 (a) REPORTS.—The supervisor of an individual who
 9 performs services for any Member, committee, or other of-
 10 fice of the Senate or House of Representatives for a period
 11 in excess of four weeks and who receives compensation
 12 therefor from any source other than the Federal Govern-
 13 ment shall submit a report identifying the identity of the
 14 source, amount, and rate of such compensation to—

15 (1) the Select Committee on Ethics of the Sen-
 16 ate, in the case of an individual who performs serv-
 17 ices for a Member, committee, or other office of the
 18 Senate; or

19 (2) the Committee on Ethics of the House of
 20 Representatives, in the case of an individual who
 21 performs services for a Member (including a Dele-
 22 gate or Resident Commissioner to the Congress),
 23 committee, or other office of the House.

1 (b) TIMING.—The supervisor shall submit the report
 2 required under subsection (a) with respect to an indi-
 3 vidual—

4 (1) when such individual first begins per-
 5 forming services described in such subparagraph;

6 (2) at the close of each calendar quarter during
 7 which such individual is performing such services;
 8 and

9 (3) when such individual ceases to perform such
 10 services.

11 **Subtitle F—Severability**

12 **SEC. 9501. SEVERABILITY.**

13 If any provision of this title or amendment made by
 14 this title, or the application of a provision or amendment
 15 to any person or circumstance, is held to be unconstitu-
 16 tional, the remainder of this title and amendments made
 17 by this title, and the application of the provisions and
 18 amendment to any person or circumstance, shall not be
 19 affected by the holding.

20 **TITLE X—PRESIDENTIAL AND** 21 **VICE PRESIDENTIAL TAX** 22 **TRANSPARENCY**

23 **SEC. 10001. PRESIDENTIAL AND VICE PRESIDENTIAL TAX** 24 **TRANSPARENCY.**

25 (a) DEFINITIONS.—In this section—

1 (1) The term “covered candidate” means a can-
 2 didate of a major party in a general election for the
 3 office of President or Vice President.

4 (2) The term “income tax return” means, with
 5 respect to an individual, any return (as such term is
 6 defined in section 6103(b)(1) of the Internal Rev-
 7 enue Code of 1986, except that such term shall not
 8 include declarations of estimated tax) of—

9 (A) such individual, other than information
 10 returns issued to persons other than such indi-
 11 vidual; or

12 (B) of any corporation, partnership, or
 13 trust in which such individual holds, directly or
 14 indirectly, a significant interest as the sole or
 15 principal owner or the sole or principal bene-
 16 ficial owner (as such terms are defined in regu-
 17 lations prescribed by the Secretary).

18 (3) The term “major party” has the meaning
 19 given the term in section 9002 of the Internal Rev-
 20 enue Code of 1986.

21 (4) The term “Secretary” means the Secretary
 22 of the Treasury or the delegate of the Secretary.

23 (b) DISCLOSURE.—

24 (1) IN GENERAL.—

1 (A) CANDIDATES FOR PRESIDENT AND
2 VICE PRESIDENT.—Not later than the date that
3 is 15 days after the date on which an individual
4 becomes a covered candidate, the individual
5 shall submit to the Federal Election Commis-
6 sion a copy of the individual's income tax re-
7 turns for the 10 most recent taxable years for
8 which a return has been filed with the Internal
9 Revenue Service.

10 (B) PRESIDENT AND VICE PRESIDENT.—
11 With respect to an individual who is the Presi-
12 dent or Vice President, not later than the due
13 date for the return of tax for each taxable year,
14 such individual shall submit to the Federal
15 Election Commission a copy of the individual's
16 income tax returns for the taxable year and for
17 the 9 preceding taxable years.

18 (C) TRANSITION RULE FOR SITTING PRESI-
19 DENTS AND VICE PRESIDENTS.—Not later than
20 the date that is 30 days after the date of enact-
21 ment of this section, an individual who is the
22 President or Vice President on such date of en-
23 actment shall submit to the Federal Election
24 Commission a copy of the income tax returns
25 for the 10 most recent taxable years for which

1 a return has been filed with the Internal Rev-
2 enue Service.

3 (2) FAILURE TO DISCLOSE.—If any require-
4 ment under paragraph (1) to submit an income tax
5 return is not met, the chairman of the Federal Elec-
6 tion Commission shall submit to the Secretary a
7 written request that the Secretary provide the Fed-
8 eral Election Commission with the income tax re-
9 turn.

10 (3) PUBLICLY AVAILABLE.—The chairman of
11 the Federal Election Commission shall make publicly
12 available each income tax return submitted under
13 paragraph (1) in the same manner as a return pro-
14 vided under section 6103(l)(23) of the Internal Rev-
15 enue Code of 1986 (as added by this section).

16 (4) TREATMENT AS A REPORT UNDER THE
17 FEDERAL ELECTION CAMPAIGN ACT OF 1971.—For
18 purposes of the Federal Election Campaign Act of
19 1971 (32 U.S.C. 30101 et seq.), any income tax re-
20 turn submitted under paragraph (1) or provided
21 under section 6103(l)(23) of the Internal Revenue
22 Code of 1986 (as added by this section) shall, after
23 redaction under paragraph (3) or subparagraph
24 (B)(ii) of such section, be treated as a report filed

1 under the Federal Election Campaign Act of 1971
 2 (32 U.S.C. 30101 et seq.).

3 (c) DISCLOSURE OF RETURNS OF PRESIDENTS AND
 4 VICE PRESIDENTS AND CERTAIN CANDIDATES FOR
 5 PRESIDENT AND VICE PRESIDENT.—

6 (1) IN GENERAL.—Section 6103(l) of the Inter-
 7 nal Revenue Code of 1986 is amended by adding at
 8 the end the following new paragraph:

9 “(23) DISCLOSURE OF RETURN INFORMATION
 10 OF PRESIDENTS AND VICE PRESIDENTS AND CER-
 11 TAIN CANDIDATES FOR PRESIDENT AND VICE PRESI-
 12 DENT.—

13 “(A) IN GENERAL.—Upon written request
 14 by the chairman of the Federal Election Com-
 15 mission under section 10001(b)(2) of the For
 16 the People Act of 2021, not later than the date
 17 that is 15 days after the date of such request,
 18 the Secretary shall provide copies of any return
 19 which is so requested to officers and employees
 20 of the Federal Election Commission whose offi-
 21 cial duties include disclosure or redaction of
 22 such return under this paragraph.

23 “(B) DISCLOSURE TO THE PUBLIC.—

24 “(i) IN GENERAL.—The chairman of
 25 the Federal Election Commission shall

1 make publicly available any return which is
 2 provided under subparagraph (A).

3 “(ii) REDACTION OF CERTAIN INFOR-
 4 MATION.—Before making publicly available
 5 under clause (i) any return, the chairman
 6 of the Federal Election Commission shall
 7 redact such information as the Federal
 8 Election Commission and the Secretary
 9 jointly determine is necessary for pro-
 10 tecting against identity theft, such as so-
 11 cial security numbers.”.

12 (2) CONFORMING AMENDMENTS.—Section
 13 6103(p)(4) of the Internal Revenue Code of 1986 is
 14 amended—

15 (A) in the matter preceding subparagraph
 16 (A) by striking “or (22)” and inserting “(22),
 17 or (23)”; and

18 (B) in subparagraph (F)(ii) by striking “or
 19 (22)” and inserting “(22), or (23)”.

20 (3) EFFECTIVE DATE.—The amendments made
 21 by this subsection shall apply to disclosures made on
 22 or after the date of enactment of this Act.

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