

116TH CONGRESS
1ST SESSION

S. _____

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

IN THE SENATE OF THE UNITED STATES

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

A BILL

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

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

3 **SECTION 1. SHORT TITLE.**

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

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

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

5 (1) Division A—Voting.

6 (2) Division B—Campaign Finance.

7 (3) Division C—Ethics.

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

10

Sec. 1. Short title.

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

DIVISION A—ELECTION ACCESS

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
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Sec. 1005. 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.

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Sec. 1051. Annual reports on voter registration statistics.

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

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

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

PART 6—AVAILABILITY OF HAVA REQUIREMENTS PAYMENTS

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

PART 7—PROHIBITING INTERFERENCE WITH VOTER REGISTRATION

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

Sec. 1072. Establishment of best practices.

PART 8—VOTER REGISTRATION EFFICIENCY ACT

Sec. 1081. Short title.

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

PART 9—PROVIDING VOTER REGISTRATION INFORMATION TO SECONDARY SCHOOL STUDENTS

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

Sec. 1092. Reports.

Sec. 1093. Authorization of appropriations.

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

Subtitle B—Access to Voting for Individuals With Disabilities

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

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

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- Sec. 1103. Pilot programs for enabling individuals with disabilities to register to vote privately and independently at residences.
- Sec. 1104. GAO analysis and report on voting access for individuals with disabilities.

Subtitle C—Prohibiting Voter Caging

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

Subtitle D—Prohibiting Deceptive Practices and Preventing Voter Intimidation

- Sec. 1301. Short title.
- Sec. 1302. Prohibition on deceptive practices in Federal elections.
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- Sec. 1401. Short title.
- Sec. 1402. Rights of citizens.
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- Sec. 1408. Effective date.

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- Sec. 1611. Early voting.

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- Sec. 1621. Voting by Mail.

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- Sec. 1701. Pre-election reports on availability and transmission of absentee ballots.

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- Sec. 1703. Revisions to 45-day absentee ballot transmission rule.
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- Sec. 1811. Enhancement of enforcement of Help America Vote Act of 2002.

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- Sec. 1902. Minimum notification requirements for voters affected by polling place changes.
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Sec. 2601. No effect on authority of States to provide greater opportunities for voting.

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1 **DIVISION A—ELECTION ACCESS**

2 **TITLE I—ELECTION ACCESS**

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

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

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

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

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

9 **Subtitle A—Voter Registration**
10 **Modernization**

11 **SEC. 1000A. SHORT TITLE.**

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

14 **PART 1—PROMOTING INTERNET REGISTRATION**

15 **SEC. 1001. REQUIRING AVAILABILITY OF INTERNET FOR**
16 **VOTER REGISTRATION.**

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

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

22 **“(a) REQUIRING AVAILABILITY OF INTERNET FOR**
23 **ONLINE REGISTRATION.—**

24 **“(1) AVAILABILITY OF ONLINE REGISTRATION**
25 **AND CORRECTION OF EXISTING REGISTRATION IN-**

1 FORMATION.—Each State, acting through the chief
2 State election official, shall ensure that the following
3 services are available to the public at any time on
4 the official public websites of the appropriate State
5 and local election officials in the State, in the same
6 manner and subject to the same terms and condi-
7 tions as the services provided by voter registration
8 agencies under section 7(a):

9 “(A) Online application for voter registra-
10 tion.

11 “(B) Online assistance to applicants in ap-
12 plying to register to vote.

13 “(C) Online completion and submission by
14 applicants of the mail voter registration applica-
15 tion form prescribed by the Election Assistance
16 Commission pursuant to section 9(a)(2), includ-
17 ing assistance with providing a signature as re-
18 quired under subsection (c).

19 “(D) Online receipt of completed voter reg-
20 istration applications.

21 “(b) ACCEPTANCE OF COMPLETED APPLICATIONS.—

22 A State shall accept an online voter registration applica-
23 tion provided by an individual under this section, and en-
24 sure that the individual is registered to vote in the State,
25 if—

1 “(1) the individual meets the same voter reg-
2 istration requirements applicable to individuals who
3 register to vote by mail in accordance with section
4 6(a)(1) using the mail voter registration application
5 form prescribed by the Election Assistance Commis-
6 sion pursuant to section 9(a)(2); and

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

12 “(c) SIGNATURE REQUIREMENTS.—

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

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

23 “(B) If subparagraph (A) does not apply,
24 the individual submits with the application an

1 electronic copy of the individual's handwritten
2 signature through electronic means.

3 “(C) If subparagraph (A) and subpara-
4 graph (B) do not apply, the individual executes
5 a computerized mark in the signature field on
6 an online voter registration application, in ac-
7 cordance with reasonable security measures es-
8 tablished by the State, but only if the State ac-
9 cepts such mark from the individual.

10 “(2) TREATMENT OF INDIVIDUALS UNABLE TO
11 MEET REQUIREMENT.—If an individual is unable to
12 meet the requirements of paragraph (1), the State
13 shall—

14 “(A) permit the individual to complete all
15 other elements of the online voter registration
16 application;

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

22 “(C) if the individual carries out the steps
23 described in subparagraph (A) and subpara-
24 graph (B), ensure that the individual is reg-
25 istered to vote in the State.

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

6 “(d) CONFIRMATION AND DISPOSITION.—

7 “(1) CONFIRMATION OF RECEIPT.—Upon the
8 online submission of a completed voter registration
9 application by an individual under this section, the
10 appropriate State or local election official shall send
11 the individual a notice confirming the State’s receipt
12 of the application and providing instructions on how
13 the individual may check the status of the applica-
14 tion.

15 “(2) NOTICE OF DISPOSITION.—Not later than
16 7 days after the appropriate State or local election
17 official has approved or rejected an application sub-
18 mitted by an individual under this section, the offi-
19 cial shall send the individual a notice of the disposi-
20 tion of the application.

21 “(3) METHOD OF NOTIFICATION.—The appro-
22 priate State or local election official shall send the
23 notices required under this subsection by regular
24 mail, and, in the case of an individual who has pro-

1 vided the official with an electronic mail address, by
2 both electronic mail and regular mail.

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) USE OF ADDITIONAL TELEPHONE-BASED SYS-
2 TEM.—A State shall make the services made available on-
3 line under subsection (a) available through the use of an
4 automated telephone-based system, subject to the same
5 terms and conditions applicable under this section to the
6 services made available online, in addition to making the
7 services available online in accordance with the require-
8 ments of this section.

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

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

21 (1) TREATMENT AS INDIVIDUALS REGISTERING
22 TO VOTE BY MAIL FOR PURPOSES OF FIRST-TIME
23 VOTER IDENTIFICATION REQUIREMENTS.—Section
24 303(b)(1)(A) of the Help America Vote Act of 2002
25 (52 U.S.C. 21083(b)(1)(A)) is amended by striking

1 “by mail” and inserting “by mail or online under
2 section 6A of the National Voter Registration Act of
3 1993”.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

6 (c) CONFORMING AMENDMENTS.—

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

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

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

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

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

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

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

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

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

19 “(C) CONFIRMATION AND DISPOSITION.—

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

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

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

11 “(iii) METHOD OF NOTIFICATION.—
12 The appropriate State or local election offi-
13 cial shall send the notices required under
14 this subparagraph by regular mail, and, in
15 the case of an individual who has re-
16 quested that the State provide voter reg-
17 istration and voting information through
18 electronic mail, by both electronic mail and
19 regular mail.”.

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

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

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

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

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

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

22 (1) IN GENERAL.—Section 9(b) of the National
23 Voter Registration Act of 1993 (52 U.S.C.
24 20508(b)) is amended—

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

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

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

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

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

22 “(c) PROHIBITING USE OF ELECTRONIC MAIL AD-
23 DRESSES FOR OTHER THAN OFFICIAL PURPOSES.—The
24 chief State election official shall ensure that any electronic
25 mail address provided by an applicant under subsection

1 (b)(5) is used only for purposes of carrying out official
2 duties of election officials and is not transmitted by any
3 State or local election official (or any agent of such an
4 official, including a contractor) to any person who does
5 not require the address to carry out such official duties
6 and who is not under the direct supervision and control
7 of a State or local election official.”.

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

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

1 “(A) The name and address of the polling
2 place at which the individual is assigned to vote
3 in the election.

4 “(B) The hours of operation for the polling
5 place.

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

9 **SEC. 1004. CLARIFICATION OF REQUIREMENT REGARDING**
10 **NECESSARY INFORMATION TO SHOW ELIGI-**
11 **BILITY TO VOTE.**

12 Section 8 of the National Voter Registration Act of
13 1993 (52 U.S.C. 20507) is amended—

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

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

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

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

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

8 **SEC. 1005. EFFECTIVE DATE.**

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

13 (b) WAIVER.—Subject to the approval of the Election
14 Assistance Commission, if a State certifies to the Election
15 Assistance Commission that the State will not meet the
16 deadline referred to in subsection (a) because of extraor-
17 dinary circumstances and includes in the certification the
18 reasons for the failure to meet the deadline, subsection
19 (a) shall apply to the State as if the reference in such
20 subsection to “January 1, 2020” were a reference to
21 “January 1, 2022”.

22 **PART 2—AUTOMATIC VOTER REGISTRATION**

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

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

1 (b) FINDINGS AND PURPOSE.—

2 (1) FINDINGS.—Congress finds that—

3 (A) the right to vote is a fundamental
4 right of citizens of the United States;

5 (B) it is the responsibility of the State and
6 Federal Governments to ensure that every eligi-
7 ble citizen is registered to vote;

8 (C) existing voter registration systems can
9 be inaccurate, costly, inaccessible and con-
10 fusing, with damaging effects on voter partici-
11 pation in elections and disproportionate impacts
12 on young people, persons with disabilities, and
13 racial and ethnic minorities; and

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

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

18 (A) to establish that it is the responsibility
19 of government at every level to ensure that all
20 eligible citizens are registered to vote;

21 (B) to enable the State and Federal Gov-
22 ernments to register all eligible citizens to vote
23 with accurate, cost-efficient, and up-to-date pro-
24 cedures;

1 (C) to modernize voter registration and list
2 maintenance procedures with electronic and
3 Internet capabilities; and

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

7 **SEC. 1012. AUTOMATIC REGISTRATION OF ELIGIBLE INDI-**
8 **VIDUALS.**

9 (a) **REQUIRING STATES TO ESTABLISH AND OPER-**
10 **ATE AUTOMATIC REGISTRATION SYSTEM.—**

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

17 (2) **DEFINITION.—**The term “automatic reg-
18 istration” means a system that registers an indi-
19 vidual to vote in elections for Federal office in a
20 State, if eligible, by electronically transferring the
21 information necessary for registration from govern-
22 ment agencies to election officials of the State so
23 that, unless the individual affirmatively declines to
24 be registered, the individual will be registered to vote
25 in such elections.

1 (b) REGISTRATION OF VOTERS BASED ON NEW
2 AGENCY RECORDS.—The chief State election official
3 shall—

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

10 (2) not later than 120 days after a contributing
11 agency has transmitted such information with re-
12 spect to the individual, send written notice to the in-
13 dividual, in addition to other means of notice estab-
14 lished by this part, of the individual's voter registra-
15 tion status.

16 (c) ONE-TIME REGISTRATION OF VOTERS BASED ON
17 EXISTING CONTRIBUTING AGENCY RECORDS.—The chief
18 State election official shall—

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

23 (2) promptly send each such individual written
24 notice, in addition to other means of notice estab-
25 lished by this part, which shall not identify the con-

1 tributing agency that transmitted the information
2 but shall include—

3 (A) an explanation that voter registration
4 is voluntary, but if the individual does not de-
5 cline registration, the individual will be reg-
6 istered to vote;

7 (B) a statement offering the opportunity to
8 decline voter registration through means con-
9 sistent with the requirements of this part;

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

19 (D) the substantive qualifications of an
20 elector in the State as listed in the mail voter
21 registration application form for elections for
22 Federal office prescribed pursuant to section 9
23 of the National Voter Registration Act of 1993,
24 the consequences of false registration, and a
25 statement that the individual should decline to

1 register if the individual does not meet all those
2 qualifications;

3 (E) instructions for correcting any erro-
4 neous information; and

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

11 (3) ensure that each such individual who is eli-
12 gible to register to vote in elections for Federal of-
13 fice in the State is promptly registered to vote not
14 later than 45 days after the official sends the indi-
15 vidual the written notice under paragraph (2), un-
16 less, during the 30-day period which begins on the
17 date the election official sends the individual such
18 written notice, the individual declines registration in
19 writing, through a communication made over the
20 Internet, or by an officially-logged telephone commu-
21 nication; and

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

1 (d) TREATMENT OF INDIVIDUALS UNDER 18 YEARS
2 OF AGE.—A State may not refuse to treat an individual
3 as an eligible individual for purposes of this part on the
4 grounds that the individual is less than 18 years of age
5 at the time a contributing agency receives information
6 with respect to the individual, so long as the individual
7 is at least 16 years of age at such time.

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

11 **SEC. 1013. CONTRIBUTING AGENCY ASSISTANCE IN REG-**
12 **ISTRATION.**

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

17 (b) REQUIREMENTS FOR CONTRIBUTING AGEN-
18 CIES.—

19 (1) INSTRUCTIONS ON AUTOMATIC REGISTRA-
20 TION.—With each application for service or assist-
21 ance, and with each related recertification, renewal,
22 or change of address, or, in the case of an institu-
23 tion of higher education, with each registration of a
24 student for enrollment in a course of study, each
25 contributing agency that (in the normal course of its

1 operations) requests individuals to affirm United
2 States citizenship (either directly or as part of the
3 overall application for service or assistance) shall in-
4 form each such individual who is a citizen of the
5 United States of the following:

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

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

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

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

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

15 (3) INFORMATION TRANSMITTAL.—Upon the
16 expiration of the 30-day period which begins on the
17 date the contributing agency informs the individual
18 of the information described in paragraph (1), each
19 contributing agency shall electronically transmit to
20 the appropriate State election official, in a format
21 compatible with the statewide voter database main-
22 tained under section 303 of the Help America Vote
23 Act of 2002 (52 U.S.C. 21083), the following infor-
24 mation, unless during such 30-day period the indi-
25 vidual declined to be registered to vote:

1 (A) The individual's given name(s) and
2 surname(s).

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

4 (C) The individual's residential address.

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

7 (E) The date on which information per-
8 taining to that individual was collected or last
9 updated.

10 (F) If available, the individual's signature
11 in electronic form.

12 (G) Information regarding the individual's
13 affiliation or enrollment with a political party,
14 if the individual provides such information.

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

23 (c) ALTERNATE PROCEDURE FOR CERTAIN CON-
24 TRIBUTING AGENCIES.—With each application for service
25 or assistance, and with each related recertification, re-

1 newal, or change of address, any contributing agency that
2 in the normal course of its operations does not request
3 individuals applying for service or assistance to affirm
4 United States citizenship (either directly or as part of the
5 overall application for service or assistance) shall—

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

9 (2) ensure that each applicant's transaction
10 with the agency cannot be completed until the appli-
11 cant has indicated whether the applicant wishes to
12 register to vote or declines to register to vote in elec-
13 tions for Federal office held in the State; and

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

17 (d) REQUIRED AVAILABILITY OF AUTOMATIC REG-
18 ISTRATION OPPORTUNITY WITH EACH APPLICATION FOR
19 SERVICE OR ASSISTANCE.—Each contributing agency
20 shall offer each individual, with each application for serv-
21 ice or assistance, and with each related recertification, re-
22 newal, or change of address, or in the case of an institu-
23 tion of higher education, with each registration of a stu-
24 dent for enrollment in a course of study, the opportunity
25 to register to vote as prescribed by this section without

1 regard to whether the individual previously declined a reg-
2 istration opportunity.

3 (e) CONTRIBUTING AGENCIES.—

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

7 (A) Each agency in a State that is re-
8 quired by Federal law to provide voter registra-
9 tion services, including the State motor vehicle
10 authority and other voter registration agencies
11 under the National Voter Registration Act of
12 1993.

13 (B) Each agency in a State that admin-
14 isters a program pursuant to title III of the So-
15 cial Security Act (42 U.S.C. 501 et seq.), title
16 XIX of the Social Security Act (42 U.S.C. 1396
17 et seq.), or the Patient Protection and Afford-
18 able Care Act (Public Law 111–148).

19 (C) Each State agency primarily respon-
20 sible for regulating the private possession of
21 firearms.

22 (D) Each State agency primarily respon-
23 sible for maintaining identifying information for
24 students enrolled at public secondary schools,
25 including, where applicable, the State agency

1 responsible for maintaining the education data
2 system described in section 6201(e)(2) of the
3 America COMPETES Act (20 U.S.C.
4 9871(e)(2)).

5 (E) In the case of a State in which an in-
6 dividual disenfranchised by a criminal convic-
7 tion may become eligible to vote upon comple-
8 tion of a criminal sentence or any part thereof,
9 or upon formal restoration of rights, the State
10 agency responsible for administering that sen-
11 tence, or part thereof, or that restoration of
12 rights.

13 (F) Any other agency of the State which is
14 designated by the State as a contributing agen-
15 cy.

16 (2) FEDERAL AGENCIES.—In each State, each
17 of the following agencies of the Federal government
18 shall be treated as a contributing agency with re-
19 spect to individuals who are residents of that State
20 (except as provided in subparagraph (C)):

21 (A) The Social Security Administration,
22 the Department of Veterans Affairs, the De-
23 fense Manpower Data Center of the Depart-
24 ment of Defense, the Employee and Training
25 Administration of the Department of Labor,

1 and the Center for Medicare & Medicaid Serv-
2 ices of the Department of Health and Human
3 Services.

4 (B) The Bureau of Citizenship and Immi-
5 gration Services, but only with respect to indi-
6 viduals who have completed the naturalization
7 process.

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

21 (D) Any other agency of the Federal gov-
22 ernment which the State designates as a con-
23 tributing agency, but only if the State and the
24 head of the agency determine that the agency
25 collects information sufficient to carry out the

1 responsibilities of a contributing agency under
2 this section.

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

5 (A) SPECIAL RULE.—For purposes of this
6 part, each institution of higher education de-
7 scribed in subparagraph (B) shall be treated as
8 a contributing agency in the State in which it
9 is located, except that—

10 (i) the institution shall be treated as
11 a contributing agency only if, in its normal
12 course of operations, the institution re-
13 quests each student registering for enroll-
14 ment in a course of study, including enroll-
15 ment in a program of distance education,
16 as defined in section 103(7) of the Higher
17 Education Act of 1965 (20 U.S.C.
18 1003(7)), to affirm whether or not the stu-
19 dent is a United States citizen; and

20 (ii) if the institution is treated as a
21 contributing agency in a State pursuant to
22 clause (i), the institution shall serve as a
23 contributing agency only with respect to
24 students, including students enrolled in a
25 program of distance education, as defined

1 in section 103(7) of the Higher Education
2 Act of 1965 (20 U.S.C. 1003(7)), who re-
3 side in the State.

4 (B) INSTITUTIONS DESCRIBED.—An insti-
5 tution described in this subparagraph is an in-
6 stitution of higher education which has a pro-
7 gram participation agreement in effect with the
8 Secretary of Education under section 487 of the
9 Higher Education Act of 1965 (20 U.S.C.
10 1094) and which is located in a State to which
11 section 4(b) of the National Voter Registration
12 Act of 1993 (52 U.S.C. 20503(b)) does not
13 apply.

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

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

1 **SEC. 1014. ONE-TIME CONTRIBUTING AGENCY ASSISTANCE**
2 **IN REGISTRATION OF ELIGIBLE VOTERS IN**
3 **EXISTING RECORDS.**

4 (a) INITIAL TRANSMITTAL OF INFORMATION.—For
5 each individual already listed in a contributing agency’s
6 records as of the date of enactment of this Act, and for
7 whom the agency has the information listed in section
8 1013(b)(3), the agency shall promptly transmit that infor-
9 mation to the appropriate State election official in accord-
10 ance with section 1013(b)(3) not later than the effective
11 date described in section 1021(a).

12 (b) TRANSITION.—For each individual listed in a con-
13 tributing agency’s records as of the effective date de-
14 scribed in section 1021(a) (but who was not listed in a
15 contributing agency’s records as of the date of enactment
16 of this Act), and for whom the agency has the information
17 listed in section 1013(b)(3), the Agency shall promptly
18 transmit that information to the appropriate State election
19 official in accordance with section 1013(b)(3) not later
20 than 6 months after the effective date described in section
21 1021(a).

22 **SEC. 1015. VOTER PROTECTION AND SECURITY IN AUTO-**
23 **MATIC REGISTRATION.**

24 (a) PROTECTIONS FOR ERRORS IN REGISTRATION.—
25 An individual shall not be prosecuted under any Federal
26 or State law, adversely affected in any civil adjudication

1 concerning immigration status or naturalization, or sub-
2 ject to an allegation in any legal proceeding that the indi-
3 vidual is not a citizen of the United States on any of the
4 following grounds:

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

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

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

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

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

1 tion may be demonstrated by the individual's testimony
2 alone.

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

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

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

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

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

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

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

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

25 (1) PUBLIC DISCLOSURE PROHIBITED.—

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

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

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

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

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

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

20 (vi) The individual's signature.

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

23 (viii) The individual's email address.

24 (B) SPECIAL RULE FOR INDIVIDUALS REG-
25 ISTERED TO VOTE.—With respect to any indi-

1 vidual for whom any State election official re-
2 ceives information from a contributing agency
3 and who, on the basis of such information, is
4 registered to vote in the State under this part,
5 the State election officials shall not publicly dis-
6 close any of the following:

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

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

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

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

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

20 (vi) The individual's signature.

21 (2) VOTER RECORD CHANGES.—Each State
22 shall maintain for at least 2 years and shall make
23 available for public inspection (and, where available,
24 photocopying at a reasonable cost), including in elec-
25 tronic form and through electronic methods, all

1 records of changes to voter records, including remov-
2 als, the reasons for removals, and updates.

3 (3) DATABASE MANAGEMENT STANDARDS.—

4 The Director of the National Institute of Standards
5 and Technology shall, after providing the public with
6 notice and the opportunity to comment—

7 (A) establish standards governing the com-
8 parison of data for voter registration list main-
9 tenance purposes, identifying as part of such
10 standards the specific data elements, the
11 matching rules used, and how a State may use
12 the data to determine and deem that an indi-
13 vidual is ineligible under State law to vote in an
14 election, or to deem a record to be a duplicate
15 or outdated;

16 (B) ensure that the standards developed
17 pursuant to this paragraph are uniform and
18 nondiscriminatory and are applied in a uniform
19 and nondiscriminatory manner; and

20 (C) not later than 45 days after the dead-
21 line for public notice and comment, publish the
22 standards developed pursuant to this paragraph
23 on the Director's website and make those
24 standards available in written form upon re-
25 quest.

1 (4) SECURITY POLICY.—The Director of the
2 National Institute of Standards and Technology
3 shall, after providing the public with notice and the
4 opportunity to comment, publish privacy and secu-
5 rity standards for voter registration information not
6 later than 45 days after the deadline for public no-
7 tice and comment. The standards shall require the
8 chief State election official of each State to adopt a
9 policy that shall specify—

10 (A) each class of users who shall have au-
11 thorized access to the computerized statewide
12 voter registration list, specifying for each class
13 the permission and levels of access to be grant-
14 ed, and setting forth other safeguards to pro-
15 tect the privacy, security, and accuracy of the
16 information on the list; and

17 (B) security safeguards to protect personal
18 information transmitted through the informa-
19 tion transmittal processes of section 1013 or
20 section 1014, the online system used pursuant
21 to section 6A of the National Voter Registra-
22 tion Act of 1993 (as added by section 1001),
23 any telephone interface, the maintenance of the
24 voter registration database, and any audit pro-
25 cedure to track access to the system.

1 (5) STATE COMPLIANCE WITH NATIONAL
2 STANDARDS.—

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

18 (B) PUBLICATION OF POLICIES AND PRO-
19 CEDURES.—The chief State election official of a
20 State shall publish on the official’s website the
21 policies and procedures established under this
22 section, and shall make those policies and pro-
23 cedures available in written form upon public
24 request.

1 (C) FUNDING DEPENDENT ON CERTIFI-
2 CATION.—If a State does not timely file the cer-
3 tification required under this paragraph, it shall
4 not receive any payment under this part for the
5 upcoming fiscal year.

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

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

22 (1) Voter registration records.

23 (2) An individual's declination to register to
24 vote or complete an affirmation of citizenship under
25 section 1013(b).

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

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

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

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

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

23 (2) correct any incorrect information relating to
24 the individual, including the individual's name and

1 political party affiliation, in the records of the elec-
2 tion official; and

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

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

17 **SEC. 1017. PAYMENTS AND GRANTS.**

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

23 (b) **ELIGIBILITY; APPLICATION.**—A State is eligible
24 to receive a grant under this section if the State submits

1 to the Commission, at such time and in such form as the
2 Commission may require, an application containing—

3 (1) a description of the activities the State will
4 carry out with the grant;

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

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

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

21 (1) investments supporting electronic informa-
22 tion transfer, including electronic collection and
23 transfer of signatures, between contributing agencies
24 and the appropriate State election officials;

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

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

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

10 (d) **AUTHORIZATION OF APPROPRIATIONS.—**

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

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

14 (B) such sums as may be necessary for
15 each succeeding fiscal year.

16 (2) **CONTINUING AVAILABILITY OF FUNDS.—**

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

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

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

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

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

3 (2) section 1017 (relating to payments and
4 grants).

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

6 (4) Section 1019(f) (relating to relation to
7 other laws).

8 **SEC. 1019. MISCELLANEOUS PROVISIONS.**

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

14 (b) TRANSMISSION THROUGH SECURE THIRD PARTY
15 PERMITTED.—Nothing in this part shall be construed to
16 prevent a contributing agency from contracting with a
17 third party to assist the agency in meeting the information
18 transmittal requirements of this part, so long as the data
19 transmittal complies with the applicable requirements of
20 this part, including the privacy and security provisions of
21 section 1015.

22 (c) NONPARTISAN, NONDISCRIMINATORY PROVISION
23 OF SERVICES.—The services made available by contrib-
24 uting agencies under this part and by the State under sec-
25 tions 1015 and 1016 shall be made in a manner consistent

1 with paragraphs (4), (5), and (6)(C) of section 7(a) of
2 the National Voter Registration Act of 1993 (52 U.S.C.
3 20506(a)).

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

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

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

20 (1) The Voting Rights Act of 1965 (52 U.S.C.
21 10301 et seq.).

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

24 (3) The National Voter Registration Act of
25 1993 (52 U.S.C. 20501 et seq.).

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

3 **SEC. 1020. DEFINITIONS.**

4 In this part, the following definitions apply:

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

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

13 (3) The term “exempt State” means a State
14 which, under law which is in effect continuously on
15 and after the date of the enactment of this Act, op-
16 erates an automatic voter registration program
17 under which an individual is automatically registered
18 to vote in elections for Federal office in the State if
19 the individual provides the motor vehicle authority of
20 the State (or, in the case of a State in which an in-
21 dividual is automatically registered to vote at the
22 time the individual applies for benefits or services
23 with a Permanent Dividend Fund of the State, pro-
24 vides the appropriate official of such Fund) with

1 such identifying information as the State may re-
2 quire.

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

5 **SEC. 1021. EFFECTIVE DATE.**

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

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

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

18 **SEC. 1031. SAME DAY REGISTRATION.**

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

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

23 (2) by inserting after section 303 the following
24 new section:

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

2 “(a) IN GENERAL.—

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

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

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

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

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

25 “(c) EFFECTIVE DATE.—Each State shall be re-
26 quired to comply with the requirements of subsection (a)

1 for the regularly scheduled general election for Federal of-
2 fice occurring in November 2020 and for any subsequent
3 election for Federal office.”.

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

8 (c) CLERICAL AMENDMENT.—The table of contents
9 of such Act is amended—

10 (1) by redesignating the items relating to sec-
11 tions 304 and 305 as relating to sections 305 and
12 306; and

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

“Sec. 304. Same day registration.”.

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

17 **SEC. 1041. CONDITIONS ON REMOVAL OF REGISTRANTS**
18 **FROM OFFICIAL LIST OF ELIGIBLE VOTERS**
19 **ON BASIS OF INTERSTATE CROSS-CHECKS.**

20 (a) MINIMUM INFORMATION REQUIRED FOR RE-
21 MOVAL UNDER CROSS-CHECK.—Section 8(c)(2) of the
22 National Voter Registration Act of 1993 (52 U.S.C.
23 20507(c)(2)) is amended—

24 (1) by redesignating subparagraph (B) as sub-
25 paragraph (D); and

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

3 “(B) To the extent that the program carried out by
4 a State under subparagraph (A) to systematically remove
5 the names of ineligible voters from the official lists of eligi-
6 ble voters uses information obtained in an interstate cross-
7 check, in addition to any other conditions imposed under
8 this Act on the authority of the State to remove the name
9 of the voter from such a list, the State may not remove
10 the name of the voter from such a list unless—

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

15 “(ii) the State obtained documentation from the
16 ERIC system that the voter is no longer a resident
17 of the State.

18 “(C) In this paragraph—

19 “(i) the term ‘interstate cross-check’ means the
20 transmission of information from an election official
21 in one State to an election official of another State;
22 and

23 “(ii) the term ‘ERIC system’ means the system
24 operated by the Electronic Registration Information
25 Center to share voter registration information and

1 voter identification information among participating
2 States.”.

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

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

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

18 **PART 5—OTHER INITIATIVES TO PROMOTE**

19 **VOTER REGISTRATION**

20 **SEC. 1051. ANNUAL REPORTS ON VOTER REGISTRATION**

21 **STATISTICS.**

22 (a) **ANNUAL REPORT.**—Not later than 90 days after
23 the end of each year, each State shall submit to the Elec-
24 tion Assistance Commission and Congress a report con-

1 taining the following categories of information for the
2 year:

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

5 (2) The number of voter registration applica-
6 tion forms completed by individuals that were trans-
7 mitted by motor vehicle authorities in the State
8 (pursuant to section 5(d) of the National Voter Reg-
9 istration Act of 1993) and voter registration agen-
10 cies in the State (as designated under section 7 of
11 such Act) to the chief State election official of the
12 State, broken down by each such authority and
13 agency.

14 (3) The number of such individuals whose voter
15 registration application forms were accepted and
16 who were registered to vote in the State and the
17 number of such individuals whose forms were re-
18 jected and who were not registered to vote in the
19 State, broken down by each such authority and
20 agency.

21 (4) The number of change of address forms and
22 other forms of information indicating that an indi-
23 vidual's identifying information has been changed
24 that were transmitted by such motor vehicle authori-
25 ties and voter registration agencies to the chief State

1 election official of the State, broken down by each
2 such authority and agency and the type of form
3 transmitted.

4 (5) The number of individuals on the Statewide
5 computerized voter registration list (as established
6 and maintained under section 303 of the Help
7 America Vote Act of 2002) whose voter registration
8 information was revised by the chief State election
9 official as a result of the forms transmitted to the
10 official by such motor vehicle authorities and voter
11 registration agencies (as described in paragraph
12 (3)), broken down by each such authority and agen-
13 cy and the type of form transmitted.

14 (6) The number of individuals who requested
15 the chief State election official to revise voter reg-
16 istration information on such list, and the number of
17 individuals whose information was revised as a result
18 of such a request.

19 (b) BREAKDOWN OF INFORMATION.—In preparing
20 the report under this section, the State shall, for each cat-
21 egory of information described in subsection (a), include
22 a breakdown by race, ethnicity, age, and gender of the
23 individuals whose information is included in the category,
24 to the extent that information on the race, ethnicity, age,
25 and gender of such individuals is available to the State.

1 (c) CONFIDENTIALITY OF INFORMATION.—In pre-
2 paring and submitting a report under this section, the
3 chief State election official shall ensure that no informa-
4 tion regarding the identification of any individual is re-
5 vealed.

6 (d) STATE DEFINED.—In this section, a “State” in-
7 cludes the District of Columbia, the Commonwealth of
8 Puerto Rico, the United States Virgin Islands, Guam,
9 American Samoa, and the Commonwealth of the Northern
10 Mariana Islands, but does not include any State in which,
11 under a State law in effect continuously on and after the
12 date of the enactment of this Act, there is no voter reg-
13 istration requirement for individuals in the State with re-
14 spect to elections for Federal office.

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

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

22 (b) EFFECTIVE DATE.—The amendment made by
23 subsection (a) shall apply with respect to elections held
24 in 2020 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) by adding at the end the following new
2 paragraph:

3 “(4) CERTAIN VOTER REGISTRATION ACTIVITIES.—A State may use a requirements payment to
4 carry out any of the requirements of the Voter Reg-
5 istration Modernization Act of 2019, including the
6 requirements of the National Voter Registration Act
7 of 1993 which are imposed pursuant to the amend-
8 ments made to such Act by the Voter Registration
9 Modernization Act of 2019.”.

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

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

18 **PART 7—PROHIBITING INTERFERENCE WITH**

19 **VOTER REGISTRATION**

20 **SEC. 1071. PROHIBITING HINDERING, INTERFERING WITH,**

21 **OR PREVENTING VOTER REGISTRATION.**

22 (a) IN GENERAL.—Chapter 29 of title 18, United
23 States Code is amended by adding at the end the following
24 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 INDI-**
18 **CATE WHETHER STATE SERVES AS RESI-**
19 **DENCE FOR VOTER REGISTRATION PUR-**
20 **POSES.**

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
7 resides in another State or resided in an-
8 other State prior to applying for the li-
9 cense, and, if so, to identify the State in-
10 volved; and

11 “(ii) to indicate whether the individual
12 intends for the State to serve as the indi-
13 vidual’s residence for purposes of reg-
14 istering to vote in elections for Federal of-
15 fice.

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

1 longer intends for that State to serve as the in-
2 dividual’s residence for purposes of registering
3 to vote in elections for Federal office.”.

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

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

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

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

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

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

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

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

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

13 (d) DEFINITIONS.—In this part, the terms “local
14 educational agency” and “secondary school” have the
15 meanings given such terms in section 8101 of the Elemen-
16 tary and Secondary Education Act of 1965 (20 U.S.C.
17 7801).

18 **SEC. 1092. REPORTS.**

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

1 (b) REPORT BY COMMISSION.—Not later than the ex-
2 piration of the 60-day period which begins on the date
3 the Commission receives the final report submitted by a
4 local educational agency under subsection (a), the Com-
5 mission shall submit a report to Congress on the pilot pro-
6 gram under this part.

7 **SEC. 1093. AUTHORIZATION OF APPROPRIATIONS.**

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

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

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

14 (a) ACCEPTANCE OF APPLICATIONS.—Section 8 of
15 the National Voter Registration Act of 1993 (52 U.S.C.
16 20507) is amended—

17 (1) by redesignating subsection (k), as redesign-
18 dated by section 1004, as subsection (l); and

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

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

23 “(1) IN GENERAL.—A State may not refuse to
24 accept or process an individual’s application to reg-
25 ister to vote in elections for Federal office on the

1 grounds that the individual is under 18 years of age
2 at the time the individual submits the application, so
3 long as the individual is at least 16 years of age at
4 such time.

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

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

13 **Subtitle B—Access to Voting for**
14 **Individuals With Disabilities**

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

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

21 (1) by redesignating sections 305 and 306 as
22 sections 306 and 307; and

23 (2) by inserting after section 304 the following
24 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) permit individuals with disabilities to use
6 absentee registration procedures and to vote by ab-
7 sentee ballot in elections for Federal office;

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

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

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

23 “(B) for States to send by mail and elec-
24 tronically (in accordance with the preferred
25 method of transmission designated by the indi-
26 vidual under subparagraph (C)) voter registra-

1 “(ii) if practicable and as determined
2 appropriate by the State, in a manner that
3 expedites the transmission of such absen-
4 tee ballot; and

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

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

21 “(c) DESIGNATION OF MEANS OF ELECTRONIC COM-
22 MUNICATION FOR INDIVIDUALS WITH DISABILITIES TO
23 REQUEST AND FOR STATES TO SEND VOTER REGISTRA-
24 TION APPLICATIONS AND ABSENTEE BALLOT APPLICA-

1 TIONS, AND FOR OTHER PURPOSES RELATED TO VOTING
2 INFORMATION.—

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

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

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

15 “(C) for the purpose of providing related
16 voting, balloting, and election information to in-
17 dividuals with disabilities.

18 “(2) CLARIFICATION REGARDING PROVISION OF
19 MULTIPLE MEANS OF ELECTRONIC COMMUNICA-
20 TION.—A State may, in addition to the means of
21 electronic communication so designated, provide
22 multiple means of electronic communication to indi-
23 viduals with disabilities, including a means of elec-
24 tronic communication for the appropriate jurisdic-
25 tion of the State.

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

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

17 “(d) TRANSMISSION OF BLANK ABSENTEE BALLOTS
18 BY MAIL AND ELECTRONICALLY.—

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

21 “(A) to securely transmit blank absentee
22 ballots by mail and electronically (in accordance
23 with the preferred method of transmission des-
24 igned by the individual with a disability under

1 subparagraph (B)) to individuals with disabil-
2 ities for an election for Federal office; and

3 “(B) by which the individual with a dis-
4 ability can designate whether the individual pre-
5 fers that such blank absentee ballot be trans-
6 mitted by mail or electronically.

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

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

1 “(e) HARDSHIP EXEMPTION.—

2 “(1) IN GENERAL.—If the chief State election
3 official determines that the State is unable to meet
4 the requirement under subsection (a)(5)(A) with re-
5 spect to an election for Federal office due to an
6 undue hardship described in paragraph (2)(B), the
7 chief State election official shall request that the At-
8 torney General grant a waiver to the State of the
9 application of such subsection. Such request shall in-
10 clude—

11 “(A) a recognition that the purpose of
12 such subsection is to individuals with disabil-
13 ities enough time to vote in an election for Fed-
14 eral office;

15 “(B) an explanation of the hardship that
16 indicates why the State is unable to transmit
17 such individuals an absentee ballot in accord-
18 ance with such subsection;

19 “(C) the number of days prior to the elec-
20 tion for Federal office that the State requires
21 absentee ballots be transmitted to such individ-
22 uals; and

23 “(D) a comprehensive plan to ensure that
24 such individuals are able to receive absentee
25 ballots which they have requested and submit

1 marked absentee ballots to the appropriate
2 State election official in time to have that ballot
3 counted in the election for Federal office, which
4 includes—

5 “(i) the steps the State will undertake
6 to ensure that such individuals have time
7 to receive, mark, and submit their ballots
8 in time to have those ballots counted in the
9 election;

10 “(ii) why the plan provides such indi-
11 viduals sufficient time to vote as a sub-
12 stitute for the requirements under such
13 subsection; and

14 “(iii) the underlying factual informa-
15 tion which explains how the plan provides
16 such sufficient time to vote as a substitute
17 for such requirements.

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

22 “(A) The comprehensive plan under sub-
23 paragraph (D) of such paragraph provides indi-
24 viduals with disabilities sufficient time to re-
25 ceive absentee ballots they have requested and

1 submit marked absentee ballots to the appro-
2 priate State election official in time to have that
3 ballot counted in the election for Federal office.

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

6 “(i) The State’s primary election date
7 prohibits the State from complying with
8 subsection (a)(5)(A).

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

11 “(iii) The State Constitution prohibits
12 the State from complying with such sub-
13 section.

14 “(3) TIMING OF WAIVER.—

15 “(A) IN GENERAL.—Except as provided
16 under subparagraph (B), a State that requests
17 a waiver under paragraph (1) shall submit to
18 the Attorney General the written waiver request
19 not later than 90 days before the election for
20 Federal office with respect to which the request
21 is submitted. The Attorney General shall ap-
22 prove or deny the waiver request not later than
23 65 days before such election.

24 “(B) EXCEPTION.—If a State requests a
25 waiver under paragraph (1) as the result of an

1 undue hardship described in paragraph
2 (2)(B)(ii), the State shall submit to the Attor-
3 ney General the written waiver request as soon
4 as practicable. The Attorney General shall ap-
5 prove or deny the waiver request not later than
6 5 business days after the date on which the re-
7 quest is received.

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

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

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

1 **SEC. 1102. EXPANSION AND REAUTHORIZATION OF GRANT**
2 **PROGRAM TO ASSURE VOTING ACCESS FOR**
3 **INDIVIDUALS WITH DISABILITIES.**

4 (a) **PURPOSES OF PAYMENTS.**—Section 261(b) of the
5 Help America Vote Act of 2002 (52 U.S.C. 21021(b)) is
6 amended by striking paragraphs (1) and (2) and inserting
7 the following:

8 “(1) making absentee voting and voting at
9 home accessible to individuals with the full range of
10 disabilities (including impairments involving vision,
11 hearing, mobility, or dexterity) through the imple-
12 mentation of accessible absentee voting systems that
13 work in conjunction with assistive technologies for
14 which individuals have access at their homes, inde-
15 pendent living centers, or other facilities;

16 “(2) making polling places, including the path
17 of travel, entrances, exits, and voting areas of each
18 polling facility, accessible to individuals with disabili-
19 ties, including the blind and visually impaired, in a
20 manner that provides the same opportunity for ac-
21 cess and participation (including privacy and inde-
22 pendence) as for other voters; and

23 “(3) providing solutions to problems of access
24 to voting and elections for individuals with disabili-
25 ties that are universally designed and provide the

1 same opportunities for individuals with and without
2 disabilities.”.

3 (b) REAUTHORIZATION.—Section 264(a) of such Act
4 (52 U.S.C. 21024(a)) is amended by adding at the end
5 the following new paragraph:

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

9 (c) PERIOD OF AVAILABILITY OF FUNDS.—Section
10 264 of such Act (52 U.S.C. 21024) is amended—

11 (1) in subsection (b), by striking “Any
12 amounts” and inserting “Except as provided in sub-
13 section (b), any amounts”; and

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

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

17 “(1) DEADLINE FOR OBLIGATION AND EXPEND-
18 ITURE.—In the case of any amounts appropriated
19 pursuant to the authority of subsection (a) for a
20 payment to a State or unit of local government for
21 fiscal year 2020 or any succeeding fiscal year, any
22 portion of such amounts which have not been obli-
23 gated or expended by the State or unit of local gov-
24 ernment prior to the expiration of the 4-year period
25 which begins on the date the State or unit of local

1 government first received the amounts shall be
2 transferred to the Commission.

3 “(2) REALLOCATION OF TRANSFERRED
4 AMOUNTS.—

5 “(A) IN GENERAL.—The Commission shall
6 use the amounts transferred under paragraph
7 (1) to make payments on a pro rata basis to
8 each covered payment recipient described in
9 subparagraph (B), which may obligate and ex-
10 pend such payment for the purposes described
11 in section 261(b) during the 1-year period
12 which begins on the date of receipt.

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

17 “(i) amounts were appropriated pur-
18 suant to the authority of subsection (a);
19 and

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

1 **SEC. 1103. PILOT PROGRAMS FOR ENABLING INDIVIDUALS**
2 **WITH DISABILITIES TO REGISTER TO VOTE**
3 **PRIVATELY AND INDEPENDENTLY AT RESI-**
4 **DENCES.**

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

15 (b) **REPORTS.**—

16 (1) **IN GENERAL.**—A State receiving a grant for
17 a year under this section shall submit a report to the
18 Commission on the pilot programs the State carried
19 out with the grant with respect to elections for pub-
20 lic office held in the State during the year.

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

25 (c) **ELIGIBILITY.**—A State is eligible to receive a
26 grant under this section if the State submits to the Com-

1 mission, at such time and in such form as the Commission
2 may require, an application containing such information
3 and assurances as the Commission may require.

4 (d) **TIMING.**—The Commission shall make the first
5 grants under this section for pilot programs which will be
6 in effect with respect to elections for Federal office held
7 in 2020, or, at the option of a State, with respect to other
8 elections for public office held in the State in 2020.

9 (e) **STATE DEFINED.**—In this section, the term
10 “State” includes the District of Columbia, the Common-
11 wealth of Puerto Rico, Guam, American Samoa, the
12 United States Virgin Islands, and the Commonwealth of
13 the Northern Mariana Islands.

14 **SEC. 1104. GAO ANALYSIS AND REPORT ON VOTING ACCESS**
15 **FOR INDIVIDUALS WITH DISABILITIES.**

16 (a) **ANALYSIS.**—The Comptroller General of the
17 United States shall conduct an analysis after each regu-
18 larly scheduled general election for Federal office with re-
19 spect to the following:

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

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

1 (B) the extent to which such facilities are
2 used as polling places in elections for Federal
3 office.

4 (2) Assistance provided by the Election Assist-
5 ance Commission, Department of Justice, or other
6 Federal agencies to help State and local officials im-
7 prove voting access for individuals with disabilities
8 during elections for Federal office.

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

12 (A) are located in places that are difficult
13 to access;

14 (B) malfunction; or

15 (C) fail to provide sufficient privacy to en-
16 sure that the ballot of the individual cannot be
17 seen by another individual.

18 (4) The process by which Federal, State, and
19 local governments track compliance with accessibility
20 requirements related to voting access, including
21 methods to receive and address complaints.

22 (5) The extent to which poll workers receive
23 training on how to assist individuals with disabili-
24 ties, including the receipt by such poll workers of

1 information on legal requirements related to voting
2 rights for individuals with disabilities.

3 (6) The extent and effectiveness of training pro-
4 vided to poll workers on the operation of accessible
5 voting machines.

6 (7) The extent to which individuals with a de-
7 velopmental or psychiatric disability experience
8 greater barriers to voting, and whether poll worker
9 training adequately addresses the needs of such indi-
10 viduals.

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

14 (b) REPORT.—

15 (1) IN GENERAL.—Not later than 9 months
16 after the date of a regularly scheduled general elec-
17 tion for Federal office, the Comptroller General shall
18 submit to the appropriate congressional committees
19 a report with respect to the most recent regularly
20 scheduled general election for Federal office that
21 contains the following:

22 (A) The analysis required by subsection
23 (a).

24 (B) Recommendations, as appropriate, to
25 promote the use of best practices used by State

1 and local officials to address barriers to accessi-
2 bility and privacy concerns for individuals with
3 disabilities in elections for Federal office.

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

7 (A) the Committee on House Administra-
8 tion of the House of Representatives;

9 (B) the Committee on Rules and Adminis-
10 tration of the Senate;

11 (C) the Committee on Appropriations of
12 the House of Representatives; and

13 (D) the Committee on Appropriations of
14 the Senate.

15 **Subtitle C—Prohibiting Voter** 16 **Caging**

17 **SEC. 1201. VOTER CAGING AND OTHER QUESTIONABLE**
18 **CHALLENGES PROHIBITED.**

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

22 **“§ 613. Voter caging and other questionable chal-**
23 **lenges**

24 **“(a) DEFINITIONS.—In this section—**

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

1 “(A) a nonforwardable document that is
2 returned to the sender or a third party as unde-
3 livered or undeliverable despite an attempt to
4 deliver such document to the address of a reg-
5 istered voter or applicant; or

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

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

16 “(3) the term ‘unverified match list’ means a
17 list produced by matching the information of reg-
18 istered voters or applicants for voter registration to
19 a list of individuals who are ineligible to vote in the
20 registrar’s jurisdiction, by virtue of death, convic-
21 tion, change of address, or otherwise; unless one of
22 the pieces of information matched includes a signa-
23 ture, photograph, or unique identifying number en-
24 suring that the information from each source refers
25 to the same individual.

1 “(b) PROHIBITION AGAINST VOTER CAGING.—No
2 State or local election official shall prevent an individual
3 from registering or voting in any election for Federal of-
4 fice, or permit in connection with any election for Federal
5 office a formal challenge under State law to an individual’s
6 registration status or eligibility to vote, if the basis for
7 such decision is evidence consisting of—

8 “(1) a voter caging document or voter caging
9 list;

10 “(2) an unverified match list;

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

17 “(4) any other evidence so designated for pur-
18 poses of this section by the Election Assistance Com-
19 mission,

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

23 “(c) REQUIREMENTS FOR CHALLENGES BY PERSONS
24 OTHER THAN ELECTION OFFICIALS.—

1 “(1) REQUIREMENTS FOR CHALLENGES.—No
2 person, other than a State or local election official,
3 shall submit a formal challenge to an individual’s eli-
4 gibility to register to vote in an election for Federal
5 office or to vote in an election for Federal office un-
6 less that challenge is supported by personal knowl-
7 edge regarding the grounds for ineligibility which
8 is—

9 “(A) documented in writing; and

10 “(B) subject to an oath or attestation
11 under penalty of perjury that the challenger has
12 a good faith factual basis to believe that the in-
13 dividual who is the subject of the challenge is
14 ineligible to register to vote or vote in that elec-
15 tion, except a challenge which is based on the
16 race, ethnicity, or national origin of the indi-
17 vidual who is the subject of the challenge may
18 not be considered to have a good faith factual
19 basis for purposes of this paragraph.

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

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

1 “(B) to challenge an individual’s eligibility
2 to register to vote in an election for Federal of-
3 fice or to vote in an election for Federal office
4 less than 10 days before the election unless the
5 individual registered to vote less than 20 days
6 before the election.

7 “(d) PENALTIES FOR KNOWING MISCONDUCT.—
8 Whoever knowingly challenges the eligibility of one or
9 more individuals to register or vote or knowingly causes
10 the eligibility of such individuals to be challenged in viola-
11 tion of this section with the intent that one or more eligi-
12 ble voters be disqualified, shall be fined under this title
13 or imprisoned not more than 1 year, or both, for each such
14 violation. Each violation shall be a separate offense.

15 “(e) NO EFFECT ON RELATED LAWS.—Nothing in
16 this section is intended to override the protections of the
17 National Voter Registration Act of 1993 (52 U.S.C.
18 20501 et seq.) or to affect the Voting Rights Act of 1965
19 (52 U.S.C. 10301 et seq.).”.

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

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

1 **SEC. 1202. DEVELOPMENT AND ADOPTION OF BEST PRACTICES FOR PREVENTING VOTER CAGING.**
2

3 (a) BEST PRACTICES.—Not later than 180 days after
4 the date of the enactment of this Act, the Election Assist-
5 ance Commission shall develop and publish for the use of
6 States recommendations for best practices to deter and
7 prevent violations of section 613 of title 18, United States
8 Code, as added by section 1201(a), including practices to
9 provide for the posting of relevant information at polling
10 places and voter registration agencies, the training of poll
11 workers and election officials, and relevant educational
12 measures. For purposes of this subsection, the term
13 “State” includes the District of Columbia, the Common-
14 wealth of Puerto Rico, Guam, American Samoa, the
15 United States Virgin Islands, and the Commonwealth of
16 the Northern Mariana Islands.

17 (b) INCLUSION IN VOTING INFORMATION REQUIRE-
18 MENTS.—Section 302(b)(2) of the Help America Vote Act
19 of 2002 (52 U.S.C. 21082(b)(2)), as amended by section
20 1072(b), is amended—

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

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

25 (3) by adding at the end the following new sub-
26 paragraph:

1 within 60 days before an election described in
2 paragraph (5), by any means, including by
3 means of written, electronic, or telephonic com-
4 munications, communicate or cause to be com-
5 municated information described in subpara-
6 graph (B), or produce information described in
7 subparagraph (B) with the intent that such in-
8 formation be communicated, if such person—

9 “(i) knows such information to be ma-
10 terially false; and

11 “(ii) has the intent to impede or pre-
12 vent another person from exercising the
13 right to vote in an election described in
14 paragraph (5).

15 “(B) INFORMATION DESCRIBED.—Infor-
16 mation is described in this subparagraph if such
17 information is regarding—

18 “(i) the time, place, or manner of
19 holding any election described in para-
20 graph (5); or

21 “(ii) the qualifications for or restric-
22 tions on voter eligibility for any such elec-
23 tion, including—

1 “(I) any criminal penalties asso-
2 ciated with voting in any such elec-
3 tion; or

4 “(II) information regarding a
5 voter’s registration status or eligi-
6 bility.

7 “(3) FALSE STATEMENTS REGARDING PUBLIC
8 ENDORSEMENTS.—

9 “(A) PROHIBITION.—No person, whether
10 acting under color of law or otherwise, shall,
11 within 60 days before an election described in
12 paragraph (5), by any means, including by
13 means of written, electronic, or telephonic com-
14 munications, communicate, or cause to be com-
15 municated, a materially false statement about
16 an endorsement, if such person—

17 “(i) knows such statement to be false;
18 and

19 “(ii) has the intent to impede or pre-
20 vent another person from exercising the
21 right to vote in an election described in
22 paragraph (5).

23 “(B) DEFINITION OF ‘MATERIALLY
24 FALSE’.—For purposes of subparagraph (A), a
25 statement about an endorsement is ‘materially

1 false' if, with respect to an upcoming election
2 described in paragraph (5)—

3 “(i) the statement states that a spe-
4 cifically named person, political party, or
5 organization has endorsed the election of a
6 specific candidate for a Federal office de-
7 scribed in such paragraph; and

8 “(ii) such person, political party, or
9 organization has not endorsed the election
10 of such candidate.

11 “(4) HINDERING, INTERFERING WITH, OR PRE-
12 VENTING VOTING OR REGISTERING TO VOTE.—No
13 person, whether acting under color of law or other-
14 wise, shall intentionally hinder, interfere with, or
15 prevent another person from voting, registering to
16 vote, or aiding another person to vote or register to
17 vote in an election described in paragraph (5).

18 “(5) ELECTION DESCRIBED.—An election de-
19 scribed in this paragraph is any general, primary,
20 run-off, or special election held solely or in part for
21 the purpose of nominating or electing a candidate
22 for the office of President, Vice President, presi-
23 dential elector, Member of the Senate, Member of
24 the House of Representatives, or Delegate or Com-
25 missioner from a Territory or possession.”

1 (b) PRIVATE RIGHT OF ACTION.—

2 (1) IN GENERAL.—Subsection (c) of section
3 2004 of the Revised Statutes (52 U.S.C. 10101(e))
4 is amended—

5 (A) by striking “Whenever any person”
6 and inserting the following:

7 “(1) Whenever any person”; and

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

10 “(2) Any person aggrieved by a violation of
11 subsection (b)(2), (b)(3), or (b)(4) may institute a
12 civil action for preventive relief, including an appli-
13 cation in a United States district court for a perma-
14 nent or temporary injunction, restraining order, or
15 other order. In any such action, the court, in its dis-
16 cretion, may allow the prevailing party a reasonable
17 attorney’s fee as part of the costs.”.

18 (2) CONFORMING AMENDMENTS.—

19 (A) Subsection (e) of section 2004 of the
20 Revised Statutes (52 U.S.C. 10101(e)) is
21 amended by striking “subsection (e)” and in-
22 serting “subsection (e)(1)”.

23 (B) Subsection (g) of section 2004 of the
24 Revised Statutes (52 U.S.C. 10101(g)) is

1 amended by striking “subsection (e)” and in-
2 serting “subsection (e)(1)”.

3 (c) CRIMINAL PENALTIES.—

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

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

8 “(a) INTIMIDATION.—Whoever”;

9 (B) in subsection (a), as inserted by sub-
10 paragraph (A), by striking “at any election”
11 and inserting “at any general, primary, run-off,
12 or special election”; and

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

15 “(b) DECEPTIVE ACTS.—

16 “(1) FALSE STATEMENTS REGARDING FEDERAL
17 ELECTIONS.—

18 “(A) PROHIBITION.—It shall be unlawful
19 for any person, whether acting under color of
20 law or otherwise, within 60 days before an elec-
21 tion described in subsection (e), by any means,
22 including by means of written, electronic, or tel-
23 ephonic communications, to communicate or
24 cause to be communicated information de-
25 scribed in subparagraph (B), or produce infor-

1 mation described in subparagraph (B) with the
2 intent that such information be communicated,
3 if such person—

4 “(i) knows such information to be ma-
5 terially false; and

6 “(ii) has the intent to mislead voters,
7 or the intent to impede or prevent another
8 person from exercising the right to vote in
9 an election described in subsection (e).

10 “(B) INFORMATION DESCRIBED.—Infor-
11 mation is described in this subparagraph if such
12 information is regarding—

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

15 “(ii) the qualifications for or restric-
16 tions on voter eligibility for any such elec-
17 tion, including—

18 “(I) any criminal penalties asso-
19 ciated with voting in any such elec-
20 tion; or

21 “(II) information regarding a
22 voter’s registration status or eligi-
23 bility.

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

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

6 “(1) PROHIBITION.—It shall be unlawful for
7 any person, whether acting under color of law or
8 otherwise, to intentionally hinder, interfere with, or
9 prevent another person from voting, registering to
10 vote, or aiding another person to vote or register to
11 vote in an election described in subsection (e).

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

15 “(d) ATTEMPT.—Any person who attempts to commit
16 any offense described in subsection (a), (b)(1), or (c)(1)
17 shall be subject to the same penalties as those prescribed
18 for the offense that the person attempted to commit.

19 “(e) ELECTION DESCRIBED.—An election described
20 in this subsection is any general, primary, run-off, or spe-
21 cial election held solely or in part for the purpose of nomi-
22 nating or electing a candidate for the office of President,
23 Vice President, presidential elector, Member of the Senate,
24 Member of the House of Representatives, or Delegate or
25 Commissioner from a Territory or possession.”.

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

8 (3) SENTENCING GUIDELINES.—

9 (A) REVIEW AND AMENDMENT.—Not later
10 than 180 days after the date of enactment of
11 this Act, the United States Sentencing Commis-
12 sion, pursuant to its authority under section
13 994 of title 28, United States Code, and in ac-
14 cordance with this section, shall review and, if
15 appropriate, amend the Federal sentencing
16 guidelines and policy statements applicable to
17 persons convicted of any offense under section
18 594 of title 18, United States Code, as amend-
19 ed by this section.

20 (B) AUTHORIZATION.—The United States
21 Sentencing Commission may amend the Federal
22 Sentencing Guidelines in accordance with the
23 procedures set forth in section 21(a) of the Sen-
24 tencing Act of 1987 (28 U.S.C. 994 note) as

1 though the authority under that section had not
2 expired.

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

9 **SEC. 1303. CORRECTIVE ACTION.**

10 (a) CORRECTIVE ACTION.—

11 (1) IN GENERAL.—If the Attorney General re-
12 ceives a credible report that materially false informa-
13 tion has been or is being communicated in violation
14 of paragraphs (2) and (3) of section 2004(b) of the
15 Revised Statutes (52 U.S.C. 10101(b)), as added by
16 section 1302(a), and if the Attorney General deter-
17 mines that State and local election officials have not
18 taken adequate steps to promptly communicate accu-
19 rate information to correct the materially false infor-
20 mation, the Attorney General shall, pursuant to the
21 written procedures and standards under subsection
22 (b), communicate to the public, by any means, in-
23 cluding by means of written, electronic, or telephonic
24 communications, accurate information designed to
25 correct the materially false information.

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

4 (A) shall—

5 (i) be accurate and objective;

6 (ii) consist of only the information
7 necessary to correct the materially false in-
8 formation that has been or is being com-
9 municated; and

10 (iii) to the extent practicable, be by a
11 means that the Attorney General deter-
12 mines will reach the persons to whom the
13 materially false information has been or is
14 being communicated; and

15 (B) shall not be designed to favor or dis-
16 favor any particular candidate, organization, or
17 political party.

18 (b) WRITTEN PROCEDURES AND STANDARDS FOR
19 TAKING CORRECTIVE ACTION.—

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

1 (2) INCLUSION OF APPROPRIATE DEADLINES.—

2 The procedures and standards under paragraph (1)
3 shall include appropriate deadlines, based in part on
4 the number of days remaining before the upcoming
5 election.

6 (3) CONSULTATION.—In developing the proce-
7 dures and standards under paragraph (1), the Attor-
8 ney General shall consult with the Election Assist-
9 ance Commission, State and local election officials,
10 civil rights organizations, voting rights groups, voter
11 protection groups, and other interested community
12 organizations.

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

16 **SEC. 1304. REPORTS TO CONGRESS.**

17 (a) IN GENERAL.—Not later than 180 days after
18 each general election for Federal office, the Attorney Gen-
19 eral shall submit to Congress a report compiling all allega-
20 tions received by the Attorney General of deceptive prac-
21 tices described in paragraphs (2), (3), and (4) of section
22 2004(b) of the Revised Statutes (52 U.S.C. 10101(b)), as
23 added by section 1302(a), relating to the general election
24 for Federal office and any primary, run-off, or a special

1 election for Federal office held in the 2 years preceding
2 the general election.

3 (b) CONTENTS.—

4 (1) IN GENERAL.—Each report submitted
5 under subsection (a) shall include—

6 (A) a description of each allegation of a
7 deceptive practice described in subsection (a),
8 including the geographic location, racial and
9 ethnic composition, and language minority-
10 group membership of the persons toward whom
11 the alleged deceptive practice was directed;

12 (B) the status of the investigation of each
13 allegation described in subparagraph (A);

14 (C) a description of each corrective action
15 taken by the Attorney General under section
16 4(a) in response to an allegation described in
17 subparagraph (A);

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

21 (E) to the extent information is available,
22 a description of any civil action instituted under
23 section 2004(c)(2) of the Revised Statutes (52
24 U.S.C. 10101(c)(2)), as added by section

1 1302(b), in connection with an allegation de-
2 scribed in subparagraph (A); and

3 (F) a description of any criminal prosecu-
4 tion instituted under section 594 of title 18,
5 United States Code, as amended by section
6 1302(c), in connection with the receipt of an al-
7 legation described in subparagraph (A) by the
8 Attorney General.

9 (2) EXCLUSION OF CERTAIN INFORMATION.—

10 (A) IN GENERAL.—The Attorney General
11 shall not include in a report submitted under
12 subsection (a) any information protected from
13 disclosure by rule 6(e) of the Federal Rules of
14 Criminal Procedure or any Federal criminal
15 statute.

16 (B) EXCLUSION OF CERTAIN OTHER IN-
17 FORMATION.—The Attorney General may deter-
18 mine that the following information shall not be
19 included in a report submitted under subsection
20 (a):

21 (i) Any information that is privileged.

22 (ii) Any information concerning an
23 ongoing investigation.

1 (iii) Any information concerning a
2 criminal or civil proceeding conducted
3 under seal.

4 (iv) Any other nonpublic information
5 that the Attorney General determines the
6 disclosure of which could reasonably be ex-
7 pected to infringe on the rights of any in-
8 dividual or adversely affect the integrity of
9 a pending or future criminal investigation.

10 (c) REPORT MADE PUBLIC.—On the date that the
11 Attorney General submits the report under subsection (a),
12 the Attorney General shall also make the report publicly
13 available through the Internet and other appropriate
14 means.

15 **Subtitle E—Democracy Restoration**

16 **SEC. 1401. SHORT TITLE.**

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

19 **SEC. 1402. RIGHTS OF CITIZENS.**

20 The right of an individual who is a citizen of the
21 United States to vote in any election for Federal office
22 shall not be denied or abridged because that individual has
23 been convicted of a criminal offense unless such individual
24 is serving a felony sentence in a correctional institution
25 or facility at the time of the election.

1 **SEC. 1403. ENFORCEMENT.**

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

5 (b) PRIVATE RIGHT OF ACTION.—

6 (1) IN GENERAL.—A person who is aggrieved
7 by a violation of this subtitle may provide written
8 notice of the violation to the chief election official of
9 the State involved.

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

18 (3) EXCEPTION.—If the violation occurred
19 within 30 days before the date of an election for
20 Federal office, the aggrieved person need not provide
21 notice to the chief election official of the State under
22 paragraph (1) before bringing a civil action to obtain
23 declaratory or injunctive relief with respect to the
24 violation.

1 **SEC. 1404. NOTIFICATION OF RESTORATION OF VOTING**
2 **RIGHTS.**

3 (a) STATE NOTIFICATION.—

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

6 (A) notify in writing any individual who
7 has been convicted of a criminal offense under
8 the law of that State that such individual—

9 (i) has the right to vote in an election
10 for Federal office pursuant to the Democ-
11 racy Restoration Act of 2019; and

12 (ii) may register to vote in any such
13 election; and

14 (B) provide such individual with any mate-
15 rials that are necessary to register to vote in
16 any such election.

17 (2) DATE OF NOTIFICATION.—

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

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

25 (ii) is released from the custody of
26 that State (other than to the custody of

1 another State or the Federal Government
2 to serve a term of imprisonment for a fel-
3 ony conviction).

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

10 (b) FEDERAL NOTIFICATION.—

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

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

16 (i) has the right to vote in an election
17 for Federal office pursuant to the Democ-
18 racy Restoration Act of 2019; and

19 (ii) may register to vote in any such
20 election; and

21 (B) shall be provided with any materials
22 that are necessary to register to vote in any
23 such election.

24 (2) DATE OF NOTIFICATION.—

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

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

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

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

1 **SEC. 1405. DEFINITIONS.**

2 For purposes of this subtitle:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

20 (1) are in addition to all other rights and rem-
21 edies provided by law; and

22 (2) shall not shall supersede, restrict, or limit
23 the application of the Voting Rights Act of 1965 (52
24 U.S.C. 10301 et seq.) or the National Voter Reg-
25 istration Act of 1993 (52 U.S.C. 20501 et seq.).

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

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

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

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

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

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

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

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

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

26 “(2) PAPER BALLOT REQUIREMENT.—

1 “(A) VOTER-VERIFIED PAPER BALLOTS.—

2 “(i) PAPER BALLOT REQUIREMENT.—

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

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

23 “(III) The voting system shall not
24 preserve the voter-verified paper ballots in
25 any manner that makes it possible, at any

1 time after the ballot has been cast, to asso-
2 ciate a voter with the record of the voter's
3 vote without the voter's consent.

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

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

19 “(II) In the event of any inconsist-
20 encies or irregularities between any elec-
21 tronic vote tallies and the vote tallies de-
22 termined by counting by hand the ballots
23 used pursuant to clause (i), and subject to
24 subparagraph (B), the ballots used pursu-

1 ant to clause (i) shall be the true and cor-
2 rect record of the votes cast.

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

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

14 “(i) IN GENERAL.—In the event
15 that—

16 “(I) there is any inconsistency
17 between any electronic vote tallies and
18 the vote tallies determined by count-
19 ing by hand the ballots used pursuant
20 to subparagraph (A)(i) with respect to
21 any election for Federal office; 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 ballots used pursuant to subpara-
4 graph (A)(i) have been compromised
5 (by damage or mischief or otherwise)
6 and that a sufficient number of the
7 ballots have been so compromised that
8 the result of the election could be
9 changed,

10 the determination of the appropriate rem-
11 edy with respect to the election shall be
12 made in accordance with applicable State
13 law, except that the electronic tally shall
14 not be used as the exclusive basis for de-
15 termining the official certified result.

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

24 (b) CONFORMING AMENDMENT CLARIFYING APPLI-
25 CABILITY OF ALTERNATIVE LANGUAGE ACCESSIBILITY.—

1 Section 301(a)(4) of such Act (52 U.S.C. 21081(a)(4))
2 is amended by inserting “(including the paper ballots re-
3 quired to be used under paragraph (2))” after “voting sys-
4 tem”.

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

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

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

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

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

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

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

1 “(B)(i) ensure that individuals with dis-
2 abilities and others are given an equivalent op-
3 portunity to vote, including with privacy and
4 independence, in a manner that produces a
5 voter-verified paper ballot as for other voters;

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

14 “(iii) meet the requirements of subpara-
15 graph (A) and paragraph (2)(A) by using a sys-
16 tem that—

17 “(I) allows the voter to privately and
18 independently verify the permanent paper
19 ballot through the presentation, in acces-
20 sible form, of the printed or marked vote
21 selections from the same printed or
22 marked information that would be used for
23 any vote counting or auditing; and

24 “(II) allows the voter to privately and
25 independently verify and cast the perma-

1 nent paper ballot without requiring the
2 voter to manually handle the paper bal-
3 lot;”.

4 (b) SPECIFIC REQUIREMENT OF STUDY, TESTING,
5 AND DEVELOPMENT OF ACCESSIBLE PAPER BALLOT
6 VERIFICATION MECHANISMS.—

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

10 (A) by redesignating section 247 as section
11 248; and

12 (B) by inserting after section 246 the fol-
13 lowing new section:

14 **“SEC. 247. STUDY AND REPORT ON ACCESSIBLE PAPER**
15 **BALLOT VERIFICATION MECHANISMS.**

16 “(a) STUDY AND REPORT.—The Director of the Na-
17 tional Science Foundation shall make grants to not fewer
18 than 3 eligible entities to study, test, and develop acces-
19 sible paper ballot voting, verification, and casting mecha-
20 nisms and devices and best practices to enhance the acces-
21 sibility of paper ballot voting and verification mechanisms
22 for individuals with disabilities, for voters whose primary
23 language is not English, and for voters with difficulties
24 in literacy, including best practices for the mechanisms

1 themselves and the processes through which the mecha-
2 nisms are used.

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

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

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

17 “(3) such other information and certifications
18 as the Director may require.

19 “(c) AVAILABILITY OF TECHNOLOGY.—Any tech-
20 nology developed with the grants made under this section
21 shall be treated as non-proprietary and shall be made
22 available to the public, including to manufacturers of vot-
23 ing systems.

24 “(d) COORDINATION WITH GRANTS FOR TECH-
25 NOLOGY IMPROVEMENTS.—The Director shall carry out

1 this section so that the activities carried out with the
2 grants made under subsection (a) are coordinated with the
3 research conducted under the grant program carried out
4 by the Commission under section 271, to the extent that
5 the Director and Commission determine necessary to pro-
6 vide for the advancement of accessible voting technology.

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

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

12 (A) by redesignating the item relating to
13 section 247 as relating to section 248; and

14 (B) by inserting after the item relating to
15 section 246 the following new item:

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

16 (c) CLARIFICATION OF ACCESSIBILITY STANDARDS
17 UNDER VOLUNTARY VOTING SYSTEM GUIDANCE.—In
18 adopting any voluntary guidance under subtitle B of title
19 III of the Help America Vote Act with respect to the ac-
20 cessibility of the paper ballot verification requirements for
21 individuals with disabilities, the Election Assistance Com-
22 mission shall include and apply the same accessibility
23 standards applicable under the voluntary guidance adopt-
24 ed for accessible voting systems under such subtitle.

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

7 **SEC. 1504. DURABILITY AND READABILITY REQUIREMENTS**
8 **FOR BALLOTS.**

9 Section 301(a) of the Help America Vote Act of 2002
10 (52 U.S.C. 21081(a)) is amended by adding at the end
11 the following new paragraph:

12 “(7) DURABILITY AND READABILITY REQUIRE-
13 MENTS FOR BALLOTS.—

14 “(A) DURABILITY REQUIREMENTS FOR
15 PAPER BALLOTS.—

16 “(i) IN GENERAL.—All voter-verified
17 paper ballots required to be used under
18 this Act shall be marked or printed on du-
19 rable paper.

20 “(ii) DEFINITION.—For purposes of
21 this Act, paper is ‘durable’ if it is capable
22 of withstanding multiple counts and re-
23 counts by hand without compromising the
24 fundamental integrity of the ballots, and
25 capable of retaining the information

1 marked or printed on them for the full du-
2 ration of a retention and preservation pe-
3 riod of 22 months.

4 “(B) READABILITY REQUIREMENTS FOR
5 PAPER BALLOTS MARKED BY BALLOT MARKING
6 DEVICE.—All voter-verified paper ballots com-
7 pleted by the voter through the use of a ballot
8 marking device shall be clearly readable by the
9 voter without assistance (other than eyeglasses
10 or other personal vision enhancing devices) and
11 by an optical character recognition device or
12 other device equipped for individuals with dis-
13 abilities.”

14 **SEC. 1505. PAPER BALLOTS REQUIRED TO BE PRINTED ON**
15 **RECYCLED PAPER.**

16 (a) IN GENERAL.—Section 301(a) of the Help Amer-
17 ica Vote Act of 2002 (52 U.S.C. 21081(a)), as amended
18 by section 1504, is amended by adding at the end the fol-
19 lowing new paragraph:

20 “(8) USE OF RECYCLED PAPER.—All paper bal-
21 lots used in an election for Federal office shall be
22 printed on recycled paper.”

23 (b) EFFECTIVE DATE.—The amendments made by
24 this section shall apply with respect to elections occurring
25 on or after January 1, 2021.

1 **SEC. 1506. 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, 2020, the
9 Election Assistance Commission shall submit to Congress
10 a report on the study conducted under subsection (a).

11 **SEC. 1507. 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 sections 1504 and
14 1505, is amended by adding at the end the following new
15 paragraph:

16 “(9) 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. 1508. 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-

1 quired to comply with the requirements of this sec-
2 tion on and after January 1, 2006.

3 “(2) SPECIAL RULE FOR CERTAIN REQUIRE-
4 MENTS.—

5 “(A) IN GENERAL.—Except as provided in
6 section 1505(b) of the For the People Act of
7 2019 and subparagraphs (B) and (C), the re-
8 quirements of this section which are first im-
9 posed on a State and jurisdiction pursuant to
10 the amendments made by the Voter Confidence
11 and Increased Accessibility Act of 2019 shall
12 apply with respect to voting systems used for
13 any election for Federal office held in 2020 or
14 any succeeding year.

15 “(B) DELAY FOR JURISDICTIONS USING
16 CERTAIN PAPER RECORD PRINTERS OR CERTAIN
17 SYSTEMS USING OR PRODUCING VOTER-
18 VERIFIABLE PAPER RECORDS IN 2018.—

19 “(i) DELAY.—In the case of a juris-
20 diction described in clause (ii), subpara-
21 graph (A) shall apply to a voting system in
22 the jurisdiction as if the reference in such
23 subparagraph to ‘2020’ were a reference to
24 ‘2022’, but only with respect to the fol-
25 lowing 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 “(IV) Paragraph (8) of sub-
12 section (a) (relating to use of recycled
13 paper).

14 “(V) Paragraph (9) of subsection
15 (a) (relating to printing requirements
16 for ballots)

17 “(ii) JURISDICTIONS DESCRIBED.—A
18 jurisdiction described in this clause is a ju-
19 risdiction—

20 “(I) which used voter verifiable
21 paper record printers attached to di-
22 rect recording electronic voting ma-
23 chines, or which used other voting
24 systems that used or produced paper
25 records of the vote verifiable by voters

1 but that are not in compliance with
2 paragraphs (2)(A)(i)(I), (3)(B)(iii)(I)
3 and (II), (7), (8), and (9) of sub-
4 section (a) (as amended or added by
5 the Voter Confidence and Increased
6 Accessibility Act of 2019), for the ad-
7 ministration of the regularly sched-
8 uled general election for Federal office
9 held in November 2018; and

10 “(II) which will continue to use
11 such printers or systems for the ad-
12 ministration of elections for Federal
13 office held in years before 2022.

14 “(iii) MANDATORY AVAILABILITY OF
15 PAPER BALLOTS AT POLLING PLACES
16 USING GRANDFATHERED PRINTERS AND
17 SYSTEMS.—

18 “(I) REQUIRING BALLOTS TO BE
19 OFFERED AND PROVIDED.—The ap-
20 propriate election official at each poll-
21 ing place that uses a printer or sys-
22 tem described in clause (ii)(I) for the
23 administration of elections for Federal
24 office shall offer each individual who
25 is eligible to cast a vote in the election

1 at the polling place the opportunity to
2 cast the vote using a blank pre-print-
3 ed paper ballot which the individual
4 may mark by hand and which is not
5 produced by the direct recording elec-
6 tronic voting machine or other such
7 system. The official shall provide the
8 individual with the ballot and the sup-
9 plies necessary to mark the ballot, and
10 shall ensure (to the greatest extent
11 practicable) that the waiting period
12 for the individual to cast a vote is the
13 lesser of 30 minutes or the average
14 waiting period for an individual who
15 does not agree to cast the vote using
16 such a paper ballot under this clause.

17 “(II) TREATMENT OF BALLOT.—
18 Any paper ballot which is cast by an
19 individual under this clause shall be
20 counted and otherwise treated as a
21 regular ballot for all purposes (includ-
22 ing by incorporating it into the final
23 unofficial vote count (as defined by
24 the State) for the precinct) and not as
25 a provisional ballot, unless the indi-

1 vidual casting the ballot would have
2 otherwise been required to cast a pro-
3 visional ballot.

4 “(III) POSTING OF NOTICE.—
5 The appropriate election official shall
6 ensure there is prominently displayed
7 at each polling place a notice that de-
8 scribes the obligation of the official to
9 offer individuals the opportunity to
10 cast votes using a pre-printed blank
11 paper ballot.

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

24 “(V) PERIOD OF APPLICA-
25 BILITY.—The requirements of this

1 clause apply only during the period in
2 which the delay is in effect under
3 clause (i).

4 “(C) SPECIAL RULE FOR JURISDICTIONS
5 USING CERTAIN NONTABULATING BALLOT
6 MARKING DEVICES.—In the case of a jurisdic-
7 tion which uses a nontabulating ballot marking
8 device which automatically deposits the ballot
9 into a privacy sleeve, subparagraph (A) shall
10 apply to a voting system in the jurisdiction as
11 if the reference in such subparagraph to ‘any
12 election for Federal office held in 2020 or any
13 succeeding year’ were a reference to ‘elections
14 for Federal office occurring held in 2022 or
15 each succeeding year’, but only with respect to
16 paragraph (3)(B)(iii)(II) of subsection (a) (re-
17 lating to nonmanual casting of the durable
18 paper ballot).”.

19 **Subtitle G—Provisional Ballots**

20 **SEC. 1601. REQUIREMENTS FOR COUNTING PROVISIONAL** 21 **BALLOTS; ESTABLISHMENT OF UNIFORM AND** 22 **NONDISCRIMINATORY STANDARDS.**

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

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

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

5 “(d) STATEWIDE COUNTING OF PROVISIONAL BAL-
6 LOTS.—

7 “(1) IN GENERAL.—For purposes of subsection
8 (a)(4), notwithstanding the precinct or polling place
9 at which a provisional ballot is cast within the State,
10 the appropriate election official shall count each vote
11 on such ballot for each election in which the indi-
12 vidual who cast such ballot is eligible to vote.

13 “(2) EFFECTIVE DATE.—This subsection shall
14 apply with respect to elections held on or after Janu-
15 ary 1, 2020.

16 “(e) UNIFORM AND NONDISCRIMINATORY STAND-
17 ARDS.—

18 “(1) IN GENERAL.—Consistent with the re-
19 quirements of this section, each State shall establish
20 uniform and nondiscriminatory standards for the
21 issuance, handling, and counting of provisional bal-
22 lots.

23 “(2) EFFECTIVE DATE.—This subsection shall
24 apply with respect to elections held on or after Janu-
25 ary 1, 2020.”.

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

6 **Subtitle H—Early Voting**

7 **SEC. 1611. EARLY VOTING.**

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) and section 1101(a), is
11 amended—

12 (1) by redesignating sections 306 and 307 as
13 sections 307 and 308; and

14 (2) by inserting after section 305 the following
15 new section:

16 **“SEC. 306. EARLY VOTING.**

17 **“(a) REQUIRING VOTING PRIOR TO DATE OF ELEC-**
18 **TION.—**

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

24 **“(2) LENGTH OF PERIOD.—**The early voting
25 period required under this subsection with respect to

1 an election shall consist of a period of consecutive
2 days (including weekends) which begins on the 15th
3 day before the date of the election (or, at the option
4 of the State, on a day prior to the 15th day before
5 the date of the election) and ends on the date of the
6 election.

7 “(b) MINIMUM EARLY VOTING REQUIREMENTS.—
8 Each polling place which allows voting during an early vot-
9 ing period under subsection (a) shall—

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

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

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

17 “(c) LOCATION OF POLLING PLACES.—

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

24 “(2) AVAILABILITY IN RURAL AREAS.—The
25 State shall ensure that polling places which allow

1 voting during an early voting period under sub-
2 section (a) will be located in rural areas of the State,
3 and shall ensure that such polling places are located
4 in communities which will provide the greatest op-
5 portunity for residents of rural areas to vote during
6 the early voting period.

7 “(d) STANDARDS.—

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

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

20 “(e) EFFECTIVE DATE.—This section shall apply
21 with respect to elections held on or after January 1,
22 2020.”.

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

1 U.S.C. 21101(b)), as amended by section 1101(b), is
2 amended—

3 (1) by striking “and” at the end of paragraph
4 (3);

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

7 (3) by adding at the end the following new
8 paragraph:

9 “(5) in the case of the recommendations with
10 respect to section 306, June 30, 2020.”.

11 (c) CLERICAL AMENDMENT.—The table of contents
12 of such Act, as amended by section 1031(c) and section
13 1101(d), is amended—

14 (1) by redesignating the items relating to sec-
15 tions 306 and 307 as relating to sections 307 and
16 308; and

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

“Sec. 306. Early voting.”.

19 **Subtitle I—Voting by Mail**

20 **SEC. 1621. VOTING BY MAIL.**

21 (a) REQUIREMENTS.—Subtitle A of title III of the
22 Help America Vote Act of 2002 (52 U.S.C. 21081 et seq.),
23 as amended by section 1031(a), section 1101(a), and sec-
24 tion 1611(a), is amended—

1 (1) by redesignating sections 307 and 308 as
2 sections 308 and 309; and

3 (2) by inserting after section 306 the following
4 new section:

5 **“SEC. 307. PROMOTING ABILITY OF VOTERS TO VOTE BY**
6 **MAIL.**

7 “(a) IN GENERAL.—If an individual in a State is eli-
8 gible to cast a vote in an election for Federal office, the
9 State may not impose any additional conditions or require-
10 ments on the eligibility of the individual to cast the vote
11 in such election by absentee ballot by mail, except as re-
12 quired under subsection (b) and except to the extent that
13 the State imposes a deadline for requesting the ballot and
14 related voting materials from the appropriate State or
15 local election official and for returning the ballot to the
16 appropriate State or local election official.

17 “(b) REQUIRING SIGNATURE VERIFICATION.—

18 “(1) REQUIREMENT.—A State may not accept
19 and process an absentee ballot submitted by any in-
20 dividual with respect to an election for Federal office
21 unless the State verifies the identification of the in-
22 dividual by comparing the individual’s signature on
23 the absentee ballot with the individual’s signature on
24 the official list of registered voters in the State, in
25 accordance with such procedures as the State may

1 adopt (subject to the requirements of paragraph
2 (2)).

3 “(2) DUE PROCESS REQUIREMENTS.—

4 “(A) NOTICE AND OPPORTUNITY TO CURE
5 DISCREPANCY.—If an individual submits an ab-
6 sentee ballot and the appropriate State or local
7 election official determines that a discrepancy
8 exists between the signature on such ballot and
9 the signature of such individual on the official
10 list of registered voters in the State, such elec-
11 tion official, prior to making a final determina-
12 tion as to the validity of such ballot, shall make
13 a good faith effort to immediately notify such
14 individual by mail, telephone, and (if available)
15 electronic mail that—

16 “(i) a discrepancy exists between the
17 signature on such ballot and the signature
18 of such individual on the official list of reg-
19 istered voters in the State;

20 “(ii) such individual may provide the
21 official with information to cure such dis-
22 crepancy, either in person, by telephone, or
23 by electronic methods; and

24 “(iii) if such discrepancy is not cured
25 prior to the expiration of the 7-day period

1 which begins on the date of the election,
2 such ballot will not be counted.

3 “(B) 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 unless—

9 “(i) at least 2 election officials make
10 the determination; and

11 “(ii) each official who makes the de-
12 termination has received training in proce-
13 dures used to verify signatures.

14 “(3) REPORT.—

15 “(A) IN GENERAL.—Not later than 120
16 days after the end of a Federal election cycle,
17 each chief State election official shall submit to
18 Congress a report containing the following in-
19 formation for the applicable Federal election
20 cycle in the State:

21 “(i) The number of ballots invalidated
22 due to a discrepancy under this subsection.

23 “(ii) Description of attempts to con-
24 tact voters to provide notice as required by
25 this subsection.

1 “(iii) Description of the cure process
2 developed by such State pursuant to this
3 subsection, including the number of ballots
4 determined valid as a result of such pro-
5 cess.

6 “(B) FEDERAL ELECTION CYCLE DE-
7 FINED.—For purposes of this subsection, the
8 term ‘Federal election cycle’ means the period
9 beginning on January 1 of any odd numbered
10 year and ending on December 31 of the fol-
11 lowing year.

12 “(c) DEADLINE FOR PROVIDING BALLOTING MATE-
13 RIALS.—If an individual requests to vote by absentee bal-
14 lot in an election for Federal office, the appropriate State
15 or local election official shall ensure that the ballot and
16 relating voting materials are received by the individual—

17 “(1) not later than 2 weeks before the date of
18 the election; or

19 “(2) in the case of a State which imposes a
20 deadline for requesting an absentee ballot and re-
21 lated voting materials which is less than 2 weeks be-
22 fore the date of the election, as expeditiously as pos-
23 sible before the date of the election.

24 “(d) ACCESSIBILITY FOR INDIVIDUALS WITH DIS-
25 ABILITIES.—Consistent with section 305, the State shall

1 ensure that all absentee ballots and related voting mate-
2 rials in elections for Federal office are accessible to indi-
3 viduals with disabilities in a manner that provides the
4 same opportunity for access and participation (including
5 with privacy and independence) as for other voters.

6 “(e) PAYMENT OF POSTAGE ON BALLOTS.—Con-
7 sistent with regulations of the United States Postal Serv-
8 ice, the State or the unit of local government responsible
9 for the administration of an election for Federal office
10 shall prepay the postage on any ballot in the election which
11 is cast by mail.

12 “(f) UNIFORM DEADLINE FOR ACCEPTANCE OF
13 MAILED BALLOTS.—If a ballot submitted by an individual
14 by mail with respect to an election for Federal office in
15 a State is postmarked on or before the date of the election,
16 the State may not refuse to accept or process the ballot
17 on the grounds that the individual did not meet a deadline
18 for returning the ballot to the appropriate State or local
19 election official.

20 “(g) PERMITTING VOTERS TO RETURN BALLOT TO
21 POLLING PLACE ON DATE OF ELECTION.—The State
22 shall permit an individual to whom a ballot in an election
23 was provided under this section to cast the ballot on the
24 date of election by delivering the ballot on that date to
25 a polling place.

1 “(h) NO EFFECT ON BALLOTS SUBMITTED BY AB-
2 SENT MILITARY AND OVERSEAS VOTERS.—Nothing in
3 this section may be construed to affect the treatment of
4 any ballot submitted by an individual who is entitled to
5 vote by absentee ballot under the Uniformed and Overseas
6 Citizens Absentee Voting Act (52 U.S.C. 20301 et seq.).

7 “(i) EFFECTIVE DATE.—This section shall apply
8 with respect to elections held on or after January 1,
9 2020.”.

10 (b) CONFORMING AMENDMENT RELATING TO
11 ISSUANCE OF VOLUNTARY GUIDANCE BY ELECTION AS-
12 SISTANCE COMMISSION.—Section 311(b) of such Act (52
13 U.S.C. 21101(b)), as amended by section 1101(b) and sec-
14 tion 1611(b), is amended—

15 (1) by striking “and” at the end of paragraph
16 (4);

17 (2) by striking the period at the end of para-
18 graph (5) and inserting “; and”; and

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

21 “(6) in the case of the recommendations with
22 respect to section 307, June 30, 2020.”.

23 (c) CLERICAL AMENDMENT.—The table of contents
24 of such Act, as amended by section 1031(c), section
25 1101(d), and section 1611(c), is amended—

1 (1) by redesignating the items relating to sec-
2 tions 307 and 308 as relating to sections 308 and
3 309; and

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

“Sec. 307. Promoting ability of voters to vote by mail.”.

6 (d) DEVELOPMENT OF BIOMETRIC VERIFICATION.—

7 (1) DEVELOPMENT OF STANDARDS.—The Na-
8 tional Institute of Standards, in consultation with
9 the Election Assistance Commission, shall develop
10 standards for the use of biometric methods which
11 could be used voluntarily in place of the signature
12 verification requirements of section 307(b) of the
13 Help America Vote Act of 2002 (as added by sub-
14 section (a)) for purposes of verifying the identifica-
15 tion of an individual voting by absentee ballot in
16 elections for Federal office.

17 (2) PUBLIC NOTICE AND COMMENT.—The Na-
18 tional Institute of Standards shall solicit comments
19 from the public in the development of standards
20 under paragraph (1).

21 (3) DEADLINE.—Not later than one year after
22 the date of the enactment of this Act, the National
23 Institute of Standards shall publish the standards
24 developed under paragraph (1).

1 **Subtitle J—Absent Uniformed**
2 **Services Voters and Overseas**
3 **Voters**

4 **SEC. 1701. PRE-ELECTION REPORTS ON AVAILABILITY AND**
5 **TRANSMISSION OF ABSENTEE BALLOTS.**

6 Section 102(c) of the Uniformed and Overseas Citi-
7 zens Absentee Voting Act (52 U.S.C. 20302(c)) is amend-
8 ed to read as follows:

9 “(c) REPORTS ON AVAILABILITY, TRANSMISSION,
10 AND RECEIPT OF ABSENTEE BALLOTS.—

11 “(1) PRE-ELECTION REPORT ON ABSENTEE
12 BALLOT AVAILABILITY.—Not later than 55 days be-
13 fore any regularly scheduled general election for
14 Federal office, each State shall submit a report to
15 the Attorney General, the Election Assistance Com-
16 mission (hereafter in this subsection referred to as
17 the ‘Commission’), and the Presidential Designee,
18 and make that report publicly available that same
19 day, certifying that absentee ballots for the election
20 are or will be available for transmission to absent
21 uniformed services voters and overseas voters by not
22 later than 45 days before the election. The report
23 shall be in a form prescribed jointly by the Attorney
24 General and the Commission and shall require the
25 State to certify specific information about ballot

1 availability from each unit of local government which
2 will administer the election.

3 “(2) PRE-ELECTION REPORT ON ABSENTEE
4 BALLOT TRANSMISSION.—Not later than 43 days be-
5 fore any regularly scheduled general election for
6 Federal office, each State shall submit a report to
7 the Attorney General, the Commission, and the
8 Presidential Designee, and make that report publicly
9 available that same day, certifying whether all ab-
10 senteed ballots have been transmitted by not later
11 than 45 days before the election to all qualified ab-
12 sent uniformed services and overseas voters whose
13 requests were received at least 45 days before the
14 election. The report shall be in a form prescribed
15 jointly by the Attorney General and the Commission,
16 and shall require the State to certify specific infor-
17 mation about ballot transmission, including the total
18 numbers of ballot requests received and ballots
19 transmitted, from each unit of local government
20 which will administer the election.

21 “(3) POST-ELECTION REPORT ON NUMBER OF
22 ABSENTEE BALLOTS TRANSMITTED AND RE-
23 CEIVED.—Not later than 90 days after the date of
24 each regularly scheduled general election for Federal
25 office, each State and unit of local government

1 which administered the election shall (through the
2 State, in the case of a unit of local government) sub-
3 mit a report to the Attorney General, the Commis-
4 sion, and the Presidential Designee on the combined
5 number of absentee ballots transmitted to absent
6 uniformed services voters and overseas voters for the
7 election and the combined number of such ballots
8 which were returned by such voters and cast in the
9 election, and shall make such report available to the
10 general public that same day.”.

11 **SEC. 1702. ENFORCEMENT.**

12 (a) AVAILABILITY OF CIVIL PENALTIES AND PRI-
13 VATE RIGHTS OF ACTION.—Section 105 of the Uniformed
14 and Overseas Citizens Absentee Voting Act (52 U.S.C.
15 20307) is amended to read as follows:

16 **“SEC. 105. ENFORCEMENT.**

17 “(a) ACTION BY ATTORNEY GENERAL.—

18 “(1) IN GENERAL.—The Attorney General may
19 bring civil action in an appropriate district court for
20 such declaratory or injunctive relief as may be nec-
21 essary to carry out this title.

22 “(2) PENALTY.—In a civil action brought under
23 paragraph (1), if the court finds that the State vio-
24 lated any provision of this title, it may, to vindicate

1 the public interest, assess a civil penalty against the
2 State—

3 “(A) in an amount not to exceed \$110,000
4 for each such violation, in the case of a first
5 violation; or

6 “(B) in an amount not to exceed \$220,000
7 for each such violation, for any subsequent vio-
8 lation.

9 “(3) REPORT TO CONGRESS.—Not later than
10 December 31 of each year, the Attorney General
11 shall submit to Congress an annual report on any
12 civil action brought under paragraph (1) during the
13 preceding year.

14 “(b) PRIVATE RIGHT OF ACTION.—A person who is
15 aggrieved by a State’s violation of this title may bring a
16 civil action in an appropriate district court for such declar-
17 atory or injunctive relief as may be necessary to carry out
18 this title.

19 “(c) STATE AS ONLY NECESSARY DEFENDANT.—In
20 any action brought under this section, the only necessary
21 party defendant is the State, and it shall not be a defense
22 to any such action that a local election official or a unit
23 of local government is not named as a defendant, notwith-
24 standing that a State has exercised the authority described
25 in section 576 of the Military and Overseas Voter Em-

1 powerment Act to delegate to another jurisdiction in the
2 State any duty or responsibility which is the subject of
3 an action brought under this section.”.

4 (b) EFFECTIVE DATE.—The amendments made by
5 this section shall apply with respect to violations alleged
6 to have occurred on or after the date of the enactment
7 of this Act.

8 **SEC. 1703. REVISIONS TO 45-DAY ABSENTEE BALLOT**
9 **TRANSMISSION RULE.**

10 (a) REPEAL OF WAIVER AUTHORITY.—

11 (1) IN GENERAL.—Section 102 of the Uni-
12 formed and Overseas Citizens Absentee Voting Act
13 (52 U.S.C. 20302) is amended by striking sub-
14 section (g).

15 (2) CONFORMING AMENDMENT.—Section
16 102(a)(8)(A) of such Act (52 U.S.C.
17 20302(a)(8)(A)) is amended by striking “except as
18 provided in subsection (g),”.

19 (b) REQUIRING USE OF EXPRESS DELIVERY IN CASE
20 OF FAILURE TO MEET REQUIREMENT.—Section 102 of
21 such Act (52 U.S.C. 20302), as amended by subsection
22 (a), is amended by inserting after subsection (f) the fol-
23 lowing new subsection:

1 “(g) REQUIRING USE OF EXPRESS DELIVERY IN
2 CASE OF FAILURE TO TRANSMIT BALLOTS WITHIN
3 DEADLINES.—

4 “(1) TRANSMISSION OF BALLOT BY EXPRESS
5 DELIVERY.—If a State fails to meet the requirement
6 of subsection (a)(8)(A) to transmit a validly re-
7 quired absentee ballot to an absent uniformed serv-
8 ices voter or overseas voter not later than 45 days
9 before the election (in the case in which the request
10 is received at least 45 days before the election)—

11 “(A) the State shall transmit the ballot to
12 the voter by express delivery; or

13 “(B) in the case of a voter who has des-
14 igned that absentee ballots be transmitted
15 electronically in accordance with subsection
16 (f)(1), the State shall transmit the ballot to the
17 voter electronically.

18 “(2) SPECIAL RULE FOR TRANSMISSION FEWER
19 THAN 40 DAYS BEFORE THE ELECTION.—If, in car-
20 rying out paragraph (1), a State transmits an ab-
21 sentee ballot to an absent uniformed services voter
22 or overseas voter fewer than 40 days before the elec-
23 tion, the State shall enable the ballot to be returned
24 by the voter by express delivery, except that in the
25 case of an absentee ballot of an absent uniformed

1 services voter for a regularly scheduled general elec-
2 tion for Federal office, the State may satisfy the re-
3 quirement of this paragraph by notifying the voter
4 of the procedures for the collection and delivery of
5 such ballots under section 103A.

6 “(3) PAYMENT FOR USE OF EXPRESS DELIV-
7 ERY.—The State shall be responsible for the pay-
8 ment of the costs associated with the use of express
9 delivery for the transmittal of ballots under this sub-
10 section.”.

11 (c) CLARIFICATION OF TREATMENT OF WEEK-
12 ENDS.—Section 102(a)(8)(A) of such Act (52 U.S.C.
13 20302(a)(8)(A)) is amended by striking “the election;”
14 and inserting the following: “the election (or, if the 45th
15 day preceding the election is a weekend or legal public hol-
16 iday, not later than the most recent weekday which pre-
17 cedes such 45th day and which is not a legal public holi-
18 day, but only if the request is received by at least such
19 most recent weekday);”.

20 **SEC. 1704. USE OF SINGLE ABSENTEE BALLOT APPLICA-**
21 **TION FOR SUBSEQUENT ELECTIONS.**

22 (a) IN GENERAL.—Section 104 of the Uniformed and
23 Overseas Citizens Absentee Voting Act (52 U.S.C. 20306)
24 is amended to read as follows:

1 **“SEC. 104. USE OF SINGLE APPLICATION FOR SUBSEQUENT**
2 **ELECTIONS.**

3 “(a) IN GENERAL.—If a State accepts and processes
4 an official post card form (prescribed under section 101)
5 submitted by an absent uniformed services voter or over-
6 seas voter for simultaneous voter registration and absen-
7 tee ballot application (in accordance with section
8 102(a)(4)) and the voter requests that the application be
9 considered an application for an absentee ballot for each
10 subsequent election for Federal office held in the State
11 through the next regularly scheduled general election for
12 Federal office (including any runoff elections which may
13 occur as a result of the outcome of such general election),
14 the State shall provide an absentee ballot to the voter for
15 each such subsequent election.

16 “(b) EXCEPTION FOR VOTERS CHANGING REGISTRA-
17 TION.—Subsection (a) shall not apply with respect to a
18 voter registered to vote in a State for any election held
19 after the voter notifies the State that the voter no longer
20 wishes to be registered to vote in the State or after the
21 State determines that the voter has registered to vote in
22 another State or is otherwise no longer eligible to vote in
23 the State.

24 “(c) PROHIBITION OF REFUSAL OF APPLICATION ON
25 GROUNDS OF EARLY SUBMISSION.—A State may not
26 refuse to accept or to process, with respect to any election

1 for Federal office, any otherwise valid voter registration
2 application or absentee ballot application (including the
3 postcard form prescribed under section 101) submitted by
4 an absent uniformed services voter or overseas voter on
5 the grounds that the voter submitted the application be-
6 fore the first date on which the State otherwise accepts
7 or processes such applications for that election which are
8 submitted by absentee voters who are not members of the
9 uniformed services or overseas citizens.”.

10 (b) EFFECTIVE DATE.—The amendment made by
11 subsection (a) shall apply with respect to voter registration
12 and absentee ballot applications which are submitted to
13 a State or local election official on or after the date of
14 the enactment of this Act.

15 **SEC. 1705. EXTENDING GUARANTEE OF RESIDENCY FOR**
16 **VOTING PURPOSES TO FAMILY MEMBERS OF**
17 **ABSENT MILITARY PERSONNEL.**

18 Section 102 of the Uniformed and Overseas Citizens
19 Absentee Voting Act (52 U.S.C. 20302) is amended by
20 adding at the end the following new subsection:

21 “(j) GUARANTEE OF RESIDENCY FOR SPOUSES AND
22 DEPENDENTS OF ABSENT MEMBERS OF UNIFORMED
23 SERVICE.—For the purposes of voting for in any election
24 for any Federal office or any State or local office, a spouse
25 or dependent of an individual who is an absent uniformed

1 services voter described in subparagraph (A) or (B) of sec-
2 tion 107(1) shall not, solely by reason of that individual's
3 absence and without regard to whether or not such spouse
4 or dependent is accompanying that individual—

5 “(1) be deemed to have lost a residence or
6 domicile in that State, without regard to whether or
7 not that individual intends to return to that State;

8 “(2) be deemed to have acquired a residence or
9 domicile in any other State; or

10 “(3) be deemed to have become a resident in or
11 a resident of any other State.”.

12 **SEC. 1706. EFFECTIVE DATE.**

13 The amendments made by this subtitle shall apply
14 with respect to elections occurring on or after January 1,
15 2020.

16 **Subtitle K—Poll Worker**
17 **Recruitment and Training**

18 **SEC. 1801. GRANTS TO STATES FOR POLL WORKER RE-**
19 **CRUITMENT AND TRAINING.**

20 (a) GRANTS BY ELECTION ASSISTANCE COMMIS-
21 SION.—

22 (1) IN GENERAL.—The Election Assistance
23 Commission (hereafter referred to as the “Commis-
24 sion”) shall, subject to the availability of appropria-
25 tions provided to carry out this section, make a

1 grant to each eligible State for recruiting and train-
2 ing individuals to serve as poll workers on dates of
3 elections for public office.

4 (2) USE OF COMMISSION MATERIALS.—In car-
5 rying out activities with a grant provided under this
6 section, the recipient of the grant shall use the man-
7 ual prepared by the Commission on successful prac-
8 tices for poll worker recruiting, training, and reten-
9 tion as an interactive training tool, and shall develop
10 training programs with the participation and input
11 of experts in adult learning.

12 (3) ACCESS AND CULTURAL CONSIDER-
13 ATIONS.—The Commission shall ensure that the
14 manual described in paragraph (2) provides training
15 in methods that will enable poll workers to provide
16 access and delivery of services in a culturally com-
17 petent manner to all voters who use their services,
18 including those with limited English proficiency, di-
19 verse cultural and ethnic backgrounds, disabilities,
20 and regardless of gender, sexual orientation, or gen-
21 der identity. These methods must ensure that each
22 voter will have access to poll worker services that are
23 delivered in a manner that meets the unique needs
24 of the voter.

25 (b) REQUIREMENTS FOR ELIGIBILITY.—

1 (1) APPLICATION.—Each State that desires to
2 receive a payment under this section shall submit an
3 application for the payment to the Commission at
4 such time and in such manner and containing such
5 information as the Commission shall require.

6 (2) CONTENTS OF APPLICATION.—Each appli-
7 cation submitted under paragraph (1) shall—

8 (A) describe the activities for which assist-
9 ance under this section is sought;

10 (B) provide assurances that the funds pro-
11 vided under this section will be used to supple-
12 ment and not supplant other funds used to
13 carry out the activities;

14 (C) provide assurances that the State will
15 furnish the Commission with information on the
16 number of individuals who served as poll work-
17 ers after recruitment and training with the
18 funds provided under this section; and

19 (D) provide such additional information
20 and certifications as the Commission deter-
21 mines to be essential to ensure compliance with
22 the requirements of this section.

23 (e) AMOUNT OF GRANT.—

1 (1) IN GENERAL.—The amount of a grant
2 made to a State under this section shall be equal to
3 the product of—

4 (A) the aggregate amount made available
5 for grants to States under this section; and

6 (B) the voting age population percentage
7 for the State.

8 (2) VOTING AGE POPULATION PERCENTAGE DE-
9 FINED.—In paragraph (1), the “voting age popu-
10 lation percentage” for a State is the quotient of—

11 (A) the voting age population of the State
12 (as determined on the basis of the most recent
13 information available from the Bureau of the
14 Census); and

15 (B) the total voting age population of all
16 States (as determined on the basis of the most
17 recent information available from the Bureau of
18 the Census).

19 (d) REPORTS TO CONGRESS.—

20 (1) REPORTS BY RECIPIENTS OF GRANTS.—Not
21 later than 6 months after the date on which the
22 final grant is made under this section, each recipient
23 of a grant shall submit a report to the Commission
24 on the activities conducted with the funds provided
25 by the grant.

1 (2) REPORTS BY COMMISSION.—Not later than
2 1 year after the date on which the final grant is
3 made under this section, the Commission shall sub-
4 mit a report to Congress on the grants made under
5 this section and the activities carried out by recipi-
6 ents with the grants, and shall include in the report
7 such recommendations as the Commission considers
8 appropriate.

9 (e) FUNDING.—

10 (1) CONTINUING AVAILABILITY OF AMOUNT AP-
11 PROPRIATED.—Any amount appropriated to carry
12 out this section shall remain available without fiscal
13 year limitation until expended.

14 (2) ADMINISTRATIVE EXPENSES.—Of the
15 amount appropriated for any fiscal year to carry out
16 this section, not more than 3 percent shall be avail-
17 able for administrative expenses of the Commission.

18 **SEC. 1802. STATE DEFINED.**

19 In this subtitle, the term “State” includes the Dis-
20 trict of Columbia, the Commonwealth of Puerto Rico,
21 Guam, American Samoa, the United States Virgin Is-
22 lands, and the Commonwealth of the Northern Mariana
23 Islands.

1 **Subtitle L—Enhancement of**
2 **Enforcement**

3 **SEC. 1811. ENHANCEMENT OF ENFORCEMENT OF HELP**
4 **AMERICA VOTE ACT OF 2002.**

5 (a) COMPLAINTS; AVAILABILITY OF PRIVATE RIGHT
6 OF ACTION.—Section 401 of the Help America Vote Act
7 of 2002 (52 U.S.C. 21111) is amended—

8 (1) by striking “The Attorney General” and in-
9 serting “(a) IN GENERAL.—The Attorney General”;
10 and

11 (2) by adding at the end the following new sub-
12 sections:

13 “(b) FILING OF COMPLAINTS BY AGGRIEVED PER-
14 SONS.—

15 “(1) IN GENERAL.—A person who is aggrieved
16 by a violation of title III which has occurred, is oc-
17 curring, or is about to occur may file a written,
18 signed, notarized complaint with the Attorney Gen-
19 eral describing the violation and requesting the At-
20 torney General to take appropriate action under this
21 section. The Attorney General shall immediately pro-
22 vide a copy of a complaint filed under the previous
23 sentence to the entity responsible for administering
24 the State-based administrative complaint procedures
25 described in section 402(a) for the State involved.

1 “(2) RESPONSE BY ATTORNEY GENERAL.—The
2 Attorney General shall respond to each complaint
3 filed under paragraph (1), in accordance with proce-
4 dures established by the Attorney General that re-
5 quire responses and determinations to be made with-
6 in the same (or shorter) deadlines which apply to a
7 State under the State-based administrative com-
8 plaint procedures described in section 402(a)(2).
9 The Attorney General shall immediately provide a
10 copy of the response made under the previous sen-
11 tence to the entity responsible for administering the
12 State-based administrative complaint procedures de-
13 scribed in section 402(a) for the State involved.

14 “(c) AVAILABILITY OF PRIVATE RIGHT OF AC-
15 TION.—Any person who is authorized to file a complaint
16 under subsection (b)(1) (including any individual who
17 seeks to enforce the individual’s right to a voter-verified
18 paper ballot, the right to have the voter-verified paper bal-
19 lot counted in accordance with this Act, or any other right
20 under title III) may file an action under section 1979 of
21 the Revised Statutes of the United States (42 U.S.C.
22 1983) to enforce the uniform and nondiscriminatory elec-
23 tion technology and administration requirements under
24 subtitle A of title III.

1 “(d) NO EFFECT ON STATE PROCEDURES.—Nothing
2 in this section may be construed to affect the availability
3 of the State-based administrative complaint procedures re-
4 quired under section 402 to any person filing a complaint
5 under this subsection.”.

6 (b) EFFECTIVE DATE.—The amendments made by
7 this section shall apply with respect to violations occurring
8 with respect to elections for Federal office held in 2020
9 or any succeeding year.

10 **Subtitle M—Federal Election**
11 **Integrity**

12 **SEC. 1821. PROHIBITION ON CAMPAIGN ACTIVITIES BY**
13 **CHIEF STATE ELECTION ADMINISTRATION**
14 **OFFICIALS.**

15 (a) IN GENERAL.—Title III of the Federal Election
16 Campaign Act of 1971 (52 U.S.C. 30101 et seq.) is
17 amended by inserting after section 319 the following new
18 section:

19 “CAMPAIGN ACTIVITIES BY CHIEF STATE ELECTION
20 ADMINISTRATION OFFICIALS

21 “SEC. 319A. (a) PROHIBITION.—It shall be unlawful
22 for a chief State election administration official to take
23 an active part in political management or in a political
24 campaign with respect to any election for Federal office
25 over which such official has supervisory authority.

1 “(b) CHIEF STATE ELECTION ADMINISTRATION OF-
2 FICIAL.—The term ‘chief State election administration of-
3 ficial’ means the highest State official with responsibility
4 for the administration of Federal elections under State
5 law.

6 “(c) ACTIVE PART IN POLITICAL MANAGEMENT OR
7 IN A POLITICAL CAMPAIGN.—The term ‘active part in po-
8 litical management or in a political campaign’ means—

9 “(1) serving as a member of an authorized com-
10 mittee of a candidate for Federal office;

11 “(2) the use of official authority or influence
12 for the purpose of interfering with or affecting the
13 result of an election for Federal office;

14 “(3) the solicitation, acceptance, or receipt of a
15 contribution from any person on behalf of a can-
16 didate for Federal office; and

17 “(4) any other act which would be prohibited
18 under paragraph (2) or (3) of section 7323(b) of
19 title 5, United States Code, if taken by an individual
20 to whom such paragraph applies (other than any
21 prohibition on running for public office).

22 “(d) EXCEPTION IN CASE OF RECUSAL FROM AD-
23 MINISTRATION OF ELECTIONS INVOLVING OFFICIAL OR
24 IMMEDIATE FAMILY MEMBER.—

1 “(1) IN GENERAL.—This section does not apply
2 to a chief State election administration official with
3 respect to an election for Federal office in which the
4 official or an immediate family member of the offi-
5 cial is a candidate, but only if—

6 “(A) such official recuses himself or herself
7 from all of the official’s responsibilities for the
8 administration of such election; and

9 “(B) the official who assumes responsi-
10 bility for supervising the administration of the
11 election does not report directly to such official.

12 “(2) IMMEDIATE FAMILY MEMBER DEFINED.—
13 In paragraph (1), the term ‘immediate family mem-
14 ber’ means, with respect to a candidate, a father,
15 mother, son, daughter, brother, sister, husband,
16 wife, father-in-law, or mother-in-law.”.

17 (b) EFFECTIVE DATE.—The amendments made by
18 subsection (a) shall apply with respect to elections for
19 Federal office held after December 2019.

1 **Subtitle N—Promoting Voter Ac-**
2 **cess Through Election Adminis-**
3 **tration Improvements**

4 **PART 1—PROMOTING VOTER ACCESS**

5 **SEC. 1901. TREATMENT OF INSTITUTIONS OF HIGHER EDU-**
6 **CATION.**

7 (a) TREATMENT OF CERTAIN INSTITUTIONS AS
8 VOTER REGISTRATION AGENCIES UNDER NATIONAL
9 VOTER REGISTRATION ACT OF 1993.—Section 7(a) of the
10 National Voter Registration Act of 1993 (52 U.S.C.
11 20506(a)) is amended—

12 (1) in paragraph (2)—

13 (A) by striking “and” at the end of sub-
14 paragraph (A);

15 (B) by striking the period at the end of
16 subparagraph (B) and inserting “; and”; and

17 (C) by adding at the end the following new
18 subparagraph:

19 “(C) each institution of higher education
20 which has a program participation agreement in
21 effect with the Secretary of Education under
22 section 487 of the Higher Education Act of
23 1965 (20 U.S.C. 1094), other than an institu-
24 tion which is treated as a contributing agency

1 under the Automatic Voter Registration Act of
2 2019.”; and

3 (2) in paragraph (6)(A), by inserting “or, in
4 the case of an institution of higher education, with
5 each registration of a student for enrollment in a
6 course of study, including enrollment in a program
7 of distance education, as defined in section 103(7)
8 of the Higher Education Act of 1965 (20 U.S.C.
9 1003(7)),” after “assistance,”.

10 (b) RESPONSIBILITIES OF INSTITUTIONS UNDER
11 HIGHER EDUCATION ACT OF 1965.—

12 (1) IN GENERAL.—Section 487(a)(23) of the
13 Higher Education Act of 1965 (20 U.S.C.
14 1094(a)(23)) is amended to read as follows:

15 “(23)(A)(i) The institution will ensure that an
16 appropriate staff person or office is designated pub-
17 licly as a ‘Campus Vote Coordinator’ and will ensure
18 that such person’s or office’s contact information is
19 included on the institution’s website.

20 “(ii) Not fewer than twice during each calendar
21 year (beginning with 2020), the Campus Vote Coor-
22 dinator shall transmit electronically to each student
23 enrolled in the institution (including students en-
24 rolled in distance education programs) a message
25 containing the following information:

1 “(I) Information on the location of polling
2 places in the jurisdiction in which the institu-
3 tion is located, together with information on
4 available methods of transportation to and from
5 such polling places.

6 “(II) A referral to a government-affiliated
7 website or online platform which provides cen-
8 tralized voter registration information for all
9 States, including access to applicable voter reg-
10 istration forms and information to assist indi-
11 viduals who are not registered to vote in reg-
12 istering to vote.

13 “(III) Any additional voter registration
14 and voting information the Coordinator con-
15 siders appropriate, in consultation with the ap-
16 propriate State election official.

17 “(iii) In addition to transmitting the message
18 described in clause (ii) not fewer than twice during
19 each calendar year, the Campus Vote Coordinator
20 shall transmit the message under such clause not
21 fewer than 30 days prior to the deadline for reg-
22 istering to vote for any election for Federal, State,
23 or local office in the State.

24 “(B) If the institution in its normal course of
25 operations requests each student registering for en-

1 rollment in a course of study, including students
2 registering for enrollment in a program of distance
3 education, to affirm whether or not the student is a
4 United States citizen, the institution will comply
5 with the applicable requirements for a contributing
6 agency under the Automatic Voter Registration Act
7 of 2019.

8 “(C) If the institution is not described in sub-
9 paragraph (B), the institution will comply with the
10 requirements for a voter registration agency in the
11 State in which it is located in accordance with sec-
12 tion 7 of the National Voter Registration Act of
13 1993 (52 U.S.C. 20506).

14 “(D) This paragraph applies only with respect
15 to an institution which is located in a State to which
16 section 4(b) of the National Voter Registration Act
17 of 1993 (52 U.S.C. 20503(b)) does not apply.”.

18 (2) EFFECTIVE DATE.—The amendments made
19 by this subsection shall apply with respect to elec-
20 tions held on or after January 1, 2020.

21 (c) GRANTS TO INSTITUTIONS DEMONSTRATING EX-
22 CELLENCE IN STUDENT VOTER REGISTRATION.—

23 (1) GRANTS AUTHORIZED.—The Secretary of
24 Education may award competitive grants to public
25 and private nonprofit institutions of higher edu-

1 cation that are subject to the requirements of sec-
2 tion 487(a)(23) of the Higher Education Act of
3 1965 (20 U.S.C. 1094(a)(23)), as amended by sub-
4 section (a), and that the Secretary determines have
5 demonstrated excellence in registering students to
6 vote in elections for public office beyond meeting the
7 minimum requirements of such section.

8 (2) ELIGIBILITY.—An institution of higher edu-
9 cation is eligible to receive a grant under this sub-
10 section if the institution submits to the Secretary of
11 Education, at such time and in such form as the
12 Secretary may require, an application containing
13 such information and assurances as the Secretary
14 may require to make the determination described in
15 paragraph (1), including information and assurances
16 that the institution carried out activities to promote
17 voter registration by students, such as the following:

18 (A) Sponsoring large on-campus voter mo-
19 bilization efforts.

20 (B) Engaging the surrounding community
21 in nonpartisan voter registration and get out
22 the vote efforts.

23 (C) Creating a website for students with
24 centralized information about voter registration
25 and election dates.

1 (D) Inviting candidates to speak on cam-
2 pus.

3 (E) Offering rides to students to the polls
4 to increase voter education, registration, and
5 mobilization.

6 (3) AUTHORIZATION OF APPROPRIATIONS.—
7 There are authorized to be appropriated for fiscal
8 year 2020 and each succeeding fiscal year such sums
9 as may be necessary to award grants under this sub-
10 section.

11 (d) SENSE OF CONGRESS RELATING TO OPTION OF
12 STUDENTS TO REGISTER IN JURISDICTION OF INSTITU-
13 TION OF HIGHER EDUCATION OR JURISDICTION OF DOMI-
14 CILE.—It is the sense of Congress that, as provided under
15 existing law, students who attend an institution of higher
16 education and reside in the jurisdiction of the institution
17 while attending the institution should have the option of
18 registering to vote in elections for Federal office in that
19 jurisdiction or in the jurisdiction of their own domicile.

20 **SEC. 1902. MINIMUM NOTIFICATION REQUIREMENTS FOR**
21 **VOTERS AFFECTED BY POLLING PLACE**
22 **CHANGES.**

23 (a) REQUIREMENTS.—Section 302 of the Help Amer-
24 ica Vote Act of 2002 (52 U.S.C. 21082), as amended by
25 section 1601(a), is amended—

1 (1) by redesignating subsection (f) as sub-
2 section (g); and

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

5 “(f) MINIMUM NOTIFICATION REQUIREMENTS FOR
6 VOTERS AFFECTED BY POLLING PLACE CHANGES.—

7 “(1) IN GENERAL.—If a State assigns an indi-
8 vidual who is a registered voter in a State to a poll-
9 ing place with respect to an election for Federal of-
10 fice which is not the same polling place to which the
11 individual was previously assigned with respect to
12 the most recent election for Federal office in the
13 State in which the individual was eligible to vote—

14 “(A) the State shall notify the individual of
15 the location of the polling place not later than
16 7 days before the date of the election or the
17 first day of an early voting period (whichever
18 occurs first); or

19 “(B) if the State makes such an assign-
20 ment fewer than 7 days before the date of the
21 election and the individual appears on the date
22 of the election at the polling place to which the
23 individual was previously assigned, the State
24 shall make every reasonable effort to enable the
25 individual to vote on the date of the election.

1 “(2) EFFECTIVE DATE.—This subsection shall
2 apply with respect to elections held on or after Janu-
3 ary 1, 2020.”.

4 (b) CONFORMING AMENDMENT.—Section 302(g) of
5 such Act (52 U.S.C. 21082(g)), as redesignated by sub-
6 section (a) and as amended by section 1601(b), is amend-
7 ed by striking “(d)(2) and (e)(2)” and inserting “(d)(2),
8 (e)(2), and (f)(2)”.

9 **SEC. 1903. PERMITTING USE OF SWORN WRITTEN STATE-**
10 **MENT TO MEET IDENTIFICATION REQUIRE-**
11 **MENTS FOR VOTING.**

12 (a) PERMITTING USE OF STATEMENT.—Title III of
13 the Help America Vote Act of 2002 (52 U.S.C. 21081 et
14 seq.) is amended by inserting after section 303 the fol-
15 lowing new section:

16 **“SEC. 303A. PERMITTING USE OF SWORN WRITTEN STATE-**
17 **MENT TO MEET IDENTIFICATION REQUIRE-**
18 **MENTS.**

19 “(a) USE OF STATEMENT.—

20 “(1) IN GENERAL.—Except as provided in sub-
21 section (c), if a State has in effect a requirement
22 that an individual present identification as a condi-
23 tion of receiving and casting a ballot in an election
24 for Federal office, the State shall permit the indi-
25 vidual to meet the requirement—

1 “(A) in the case of an individual who de-
2 sires to vote in person, by presenting the appro-
3 priate State or local election official with a
4 sworn written statement, signed by the indi-
5 vidual under penalty of perjury, attesting to the
6 individual’s identity and attesting that the indi-
7 vidual is eligible to vote in the election; or

8 “(B) in the case of an individual who de-
9 sires to vote by mail, by submitting with the
10 ballot the statement described in subparagraph
11 (A).

12 “(2) DEVELOPMENT OF PRE-PRINTED VERSION
13 OF STATEMENT BY COMMISSION.—The Commission
14 shall develop a pre-printed version of the statement
15 described in paragraph (1)(A) which includes a
16 blank space for an individual to provide a name and
17 signature for use by election officials in States which
18 are subject to paragraph (1).

19 “(3) PROVIDING PRE-PRINTED COPY OF STATE-
20 MENT.—A State which is subject to paragraph (1)
21 shall—

22 “(A) make copies of the pre-printed
23 version of the statement described in paragraph
24 (1)(A) which is prepared by the Commission
25 available at polling places for election officials

1 to distribute to individuals who desire to vote in
2 person; and

3 “(B) include a copy of such pre-printed
4 version of the statement with each blank absen-
5 tee or other ballot transmitted to an individual
6 who desires to vote by mail.

7 “(b) REQUIRING USE OF BALLOT IN SAME MANNER
8 AS INDIVIDUALS PRESENTING IDENTIFICATION.—An in-
9 dividual who presents or submits a sworn written state-
10 ment in accordance with subsection (a)(1) shall be per-
11 mitted to cast a ballot in the election in the same manner
12 as an individual who presents identification.

13 “(c) EXCEPTION FOR FIRST-TIME VOTERS REG-
14 ISTERING BY MAIL.—Subsections (a) and (b) do not apply
15 with respect to any individual described in paragraph (1)
16 of section 303(b) who is required to meet the requirements
17 of paragraph (2) of such section.”.

18 (b) REQUIRING STATES TO INCLUDE INFORMATION
19 ON USE OF SWORN WRITTEN STATEMENT IN VOTING IN-
20 FORMATION MATERIAL POSTED AT POLLING PLACES.—
21 Section 302(b)(2) of such Act (52 U.S.C. 21082(b)(2)),
22 as amended by section 1072(b) and section 1202(b), is
23 amended—

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

1 by the State or unit of local government responsible for
2 the administration of the election.

3 “(b) As used in this section, the term ‘absentee ballot’
4 means any ballot transmitted by a voter by mail in an
5 election for Federal office, but does not include any ballot
6 covered by section 3406.”.

7 (b) CLERICAL AMENDMENT.—The table of sections
8 for chapter 34 of such title is amended by inserting after
9 the item relating to section 3406 the following:

“3407. Absentee ballots.”.

10 **SEC. 1905. REIMBURSEMENT FOR COSTS INCURRED BY**
11 **STATES IN ESTABLISHING PROGRAM TO**
12 **TRACK AND CONFIRM RECEIPT OF ABSENTEE**
13 **BALLOTS.**

14 (a) REIMBURSEMENT.—Subtitle D of title II of the
15 Help America Vote Act of 2002 (42 U.S.C. 15401 et seq.)
16 is amended by adding at the end the following new part:

17 **“PART 7—PAYMENTS TO REIMBURSE STATES**
18 **FOR COSTS INCURRED IN ESTABLISHING**
19 **PROGRAM TO TRACK AND CONFIRM RE-**
20 **CEIPT OF ABSENTEE BALLOTS**

21 **“SEC. 297. PAYMENTS TO STATES.**

22 “(a) PAYMENTS FOR COSTS OF ESTABLISHING PRO-
23 GRAM.—In accordance with this section, the Commission
24 shall make a payment to a State to reimburse the State
25 for the costs incurred in establishing, if the State so choos-

1 es to establish, an absentee ballot tracking program with
2 respect to elections for Federal office held in the State
3 (including costs incurred prior to the date of the enact-
4 ment of this part).

5 “(b) ABSENTEE BALLOT TRACKING PROGRAM DE-
6 SCRIBED.—

7 “(1) PROGRAM DESCRIBED.—

8 “(A) IN GENERAL.—In this part, an ‘ab-
9 sentee ballot tracking program’ is a program to
10 track and confirm the receipt of absentee bal-
11 lots in an election for Federal office under
12 which the State or local election official respon-
13 sible for the receipt of voted absentee ballots in
14 the election carries out procedures to track and
15 confirm the receipt of such ballots, and makes
16 information on the receipt of such ballots avail-
17 able to the individual who cast the ballot, by
18 means of online access using the Internet site
19 of the official’s office.

20 “(B) INFORMATION ON WHETHER VOTE
21 WAS COUNTED.—The information referred to
22 under subparagraph (A) with respect to the re-
23 ceipt of an absentee ballot shall include infor-
24 mation regarding whether the vote cast on the

1 ballot was counted, and, in the case of a vote
2 which was not counted, the reasons therefor.

3 “(2) USE OF TOLL-FREE TELEPHONE NUMBER
4 BY OFFICIALS WITHOUT INTERNET SITE.—A pro-
5 gram established by a State or local election official
6 whose office does not have an Internet site may
7 meet the description of a program under paragraph
8 (1) if the official has established a toll-free telephone
9 number that may be used by an individual who cast
10 an absentee ballot to obtain the information on the
11 receipt of the voted absentee ballot as provided
12 under such paragraph.

13 “(c) CERTIFICATION OF COMPLIANCE AND COSTS.—

14 “(1) CERTIFICATION REQUIRED.—In order to
15 receive a payment under this section, a State shall
16 submit to the Commission a statement containing—

17 “(A) a certification that the State has es-
18 tablished an absentee ballot tracking program
19 with respect to elections for Federal office held
20 in the State; and

21 “(B) a statement of the costs incurred by
22 the State in establishing the program.

23 “(2) AMOUNT OF PAYMENT.—The amount of a
24 payment made to a State under this section shall be
25 equal to the costs incurred by the State in estab-

1 lishing the absentee ballot tracking program, as set
2 forth in the statement submitted under paragraph
3 (1), except that such amount may not exceed the
4 product of—

5 “(A) the number of jurisdictions in the
6 State which are responsible for operating the
7 program; and

8 “(B) \$3,000.

9 “(3) LIMIT ON NUMBER OF PAYMENTS RE-
10 CEIVED.—A State may not receive more than one
11 payment under this part.

12 **“SEC. 297A. AUTHORIZATION OF APPROPRIATIONS.**

13 “(a) AUTHORIZATION.—There are authorized to be
14 appropriated to the Commission for fiscal year 2020 and
15 each succeeding fiscal year such sums as may be necessary
16 for payments under this part.

17 “(b) CONTINUING AVAILABILITY OF FUNDS.—Any
18 amounts appropriated pursuant to the authorization under
19 this section shall remain available until expended.”.

20 (b) CLERICAL AMENDMENT.—The table of contents
21 of such Act is amended by adding at the end of the items
22 relating to subtitle D of title II the following:

“PART 7—PAYMENTS TO REIMBURSE STATES FOR COSTS INCURRED IN ES-
TABLISHING PROGRAM TO TRACK AND CONFIRM RECEIPT OF ABSENTEE
BALLOTS

“Sec. 297. Payments to States.

“Sec. 297A. Authorization of appropriations.”.

1 **SEC. 1906. VOTER INFORMATION RESPONSE SYSTEMS AND**
2 **HOTLINE.**

3 (a) ESTABLISHMENT AND OPERATION OF SYSTEMS
4 AND SERVICES.—

5 (1) STATE-BASED RESPONSE SYSTEMS.—The
6 Attorney General shall coordinate the establishment
7 of a State-based response system for responding to
8 questions and complaints from individuals voting or
9 seeking to vote, or registering to vote or seeking to
10 register to vote, in elections for Federal office. Such
11 system shall provide—

12 (A) State-specific, same-day, and imme-
13 diate assistance to such individuals, including
14 information on how to register to vote, the loca-
15 tion and hours of operation of polling places,
16 and how to obtain absentee ballots; and

17 (B) State-specific, same-day, and imme-
18 diate assistance to individuals encountering
19 problems with registering to vote or voting, in-
20 cluding individuals encountering intimidation or
21 deceptive practices.

22 (2) HOTLINE.—The Attorney General, in con-
23 sultation with State election officials, shall establish
24 and operate a toll-free telephone service, using a
25 telephone number that is accessible throughout the
26 United States and that uses easily identifiable nu-

1 merals, through which individuals throughout the
2 United States—

3 (A) may connect directly to the State-
4 based response system described in paragraph
5 (1) with respect to the State involved;

6 (B) may obtain information on voting in
7 elections for Federal office, including informa-
8 tion on how to register to vote in such elections,
9 the locations and hours of operation of polling
10 places, and how to obtain absentee ballots; and

11 (C) may report information to the Attor-
12 ney General on problems encountered in reg-
13 istering to vote or voting, including incidences
14 of voter intimidation or suppression.

15 (3) COLLABORATION WITH STATE AND LOCAL
16 ELECTION OFFICIALS.—

17 (A) COLLECTION OF INFORMATION FROM
18 STATES.—The Attorney General shall coordi-
19 nate the collection of information on State and
20 local election laws and policies, including infor-
21 mation on the Statewide computerized voter
22 registration lists maintained under title III of
23 the Help America Vote Act of 2002, so that in-
24 dividuals who contact the free telephone service
25 established under paragraph (2) on the date of

1 an election for Federal office may receive an
2 immediate response on that day.

3 (B) FORWARDING QUESTIONS AND COM-
4 PLAINTS TO STATES.—If an individual contacts
5 the free telephone service established under
6 paragraph (2) on the date of an election for
7 Federal office with a question or complaint with
8 respect to a particular State or jurisdiction
9 within a State, the Attorney General shall for-
10 ward the question or complaint immediately to
11 the appropriate election official of the State or
12 jurisdiction so that the official may answer the
13 question or remedy the complaint on that date.

14 (4) CONSULTATION REQUIREMENTS FOR DE-
15 VELOPMENT OF SYSTEMS AND SERVICES.—The At-
16 torney General shall ensure that the State-based re-
17 sponse system under paragraph (1) and the free
18 telephone service under paragraph (2) are each de-
19 veloped in consultation with civil rights organiza-
20 tions, voting rights groups, State and local election
21 officials, voter protection groups, and other inter-
22 ested community organizations, especially those that
23 have experience in the operation of similar systems
24 and services.

1 (b) USE OF SERVICE BY INDIVIDUALS WITH DIS-
2 ABILITIES AND INDIVIDUALS WITH LIMITED ENGLISH
3 LANGUAGE PROFICIENCY.—The Attorney General shall
4 design and operate the telephone service established under
5 this section in a manner that ensures that individuals with
6 disabilities are fully able to use the service, and that as-
7 sistance is provided in any language in which the State
8 (or any jurisdiction in the State) is required to provide
9 election materials under section 203 of the Voting Rights
10 Act of 1965.

11 (c) VOTER HOTLINE TASK FORCE.—

12 (1) APPOINTMENT BY ATTORNEY GENERAL.—
13 The Attorney General shall appoint individuals (in
14 such number as the Attorney General considers ap-
15 propriate but in no event fewer than 3) to serve on
16 a Voter Hotline Task Force to provide ongoing anal-
17 ysis and assessment of the operation of the tele-
18 phone service established under this section, and
19 shall give special consideration in making appoint-
20 ments to the Task Force to individuals who rep-
21 resent civil rights organizations. At least one mem-
22 ber of the Task Force shall be a representative of
23 an organization promoting voting rights or civil
24 rights which has experience in the operation of simi-
25 lar telephone services or in protecting the rights of

1 individuals to vote, especially individuals who are
2 members of racial, ethnic, or linguistic minorities or
3 of communities who have been adversely affected by
4 efforts to suppress voting rights.

5 (2) ELIGIBILITY.—An individual shall be eligi-
6 ble to serve on the Task Force under this subsection
7 if the individual meets such criteria as the Attorney
8 General may establish, except that an individual may
9 not serve on the task force if the individual has been
10 convicted of any criminal offense relating to voter in-
11 timidation or voter suppression.

12 (3) TERM OF SERVICE.—An individual ap-
13 pointed to the Task Force shall serve a single term
14 of 2 years, except that the initial terms of the mem-
15 bers first appointed to the Task Force shall be stag-
16 gered so that there are at least 3 individuals serving
17 on the Task Force during each year. A vacancy in
18 the membership of the Task Force shall be filled in
19 the same manner as the original appointment.

20 (4) NO COMPENSATION FOR SERVICE.—Mem-
21 bers of the Task Force shall serve without pay, but
22 shall receive travel expenses, including per diem in
23 lieu of subsistence, in accordance with applicable
24 provisions under subchapter I of chapter 57 of title
25 5, United States Code.

1 (d) BI-ANNUAL REPORT TO CONGRESS.—Not later
2 than March 1 of each odd-numbered year, the Attorney
3 General shall submit a report to Congress on the operation
4 of the telephone service established under this section dur-
5 ing the previous 2 years, and shall include in the report—

6 (1) an enumeration of the number and type of
7 calls that were received by the service;

8 (2) a compilation and description of the reports
9 made to the service by individuals citing instances of
10 voter intimidation or suppression, together with a
11 description of any actions taken in response to such
12 instances of voter intimidation or suppression;

13 (3) an assessment of the effectiveness of the
14 service in making information available to all house-
15 holds in the United States with telephone service;

16 (4) any recommendations developed by the
17 Task Force established under subsection (c) with re-
18 spect to how voting systems may be maintained or
19 upgraded to better accommodate voters and better
20 ensure the integrity of elections, including but not
21 limited to identifying how to eliminate coordinated
22 voter suppression efforts and how to establish effec-
23 tive mechanisms for distributing updates on changes
24 to voting requirements; and

1 (5) any recommendations on best practices for
2 the State-based response systems established under
3 subsection (a)(1).

4 (e) AUTHORIZATION OF APPROPRIATIONS.—

5 (1) AUTHORIZATION.—There are authorized to
6 be appropriated to the Attorney General for fiscal
7 year 2019 and each succeeding fiscal year such sums
8 as may be necessary to carry out this section.

9 (2) SET-ASIDE FOR OUTREACH.—Of the
10 amounts appropriated to carry out this section for a
11 fiscal year pursuant to the authorization under para-
12 graph (1), not less than 15 percent shall be used for
13 outreach activities to make the public aware of the
14 availability of the telephone service established under
15 this section, with an emphasis on outreach to indi-
16 viduals with disabilities and individuals with limited
17 proficiency in the English language.

18 **SEC. 1907. LIMITING VARIATIONS ON NUMBER OF HOURS**
19 **OF OPERATION FOR POLLING PLACES WITH-**
20 **IN A STATE.**

21 (a) LIMITING VARIATIONS.—Subtitle A of title III of
22 the Help America Vote Act of 2002 (52 U.S.C. 21081 et
23 seq.), as amended by section 1031(a), section 1101(a),
24 section 1611(a), and section 1621(a), is amended—

1 (1) by redesignating sections 308 and 309 as
2 sections 309 and 310; and

3 (2) by inserting after section 307 the following
4 new section:

5 **“SEC. 308. LIMITING VARIATIONS ON NUMBER OF HOURS**
6 **OF OPERATION OF POLLING PLACES WITH A**
7 **STATE.**

8 “(a) LIMITATION.—

9 “(1) IN GENERAL.—Except as provided in para-
10 graph (2) and subsection (b), each State shall estab-
11 lish hours of operation for all polling places in the
12 State on the date of any election for Federal office
13 held in the State such that the polling place with the
14 greatest number of hours of operation on such date
15 is not in operation for more than 2 hours longer
16 than the polling place with the fewest number of
17 hours of operation on such date.

18 “(2) PERMITTING VARIANCE ON BASIS OF POP-
19 ULATION.—Paragraph (1) does not apply to the ex-
20 tent that the State establishes variations in the
21 hours of operation of polling places on the basis of
22 the overall population or the voting age population
23 (as the State may select) of the unit of local govern-
24 ment in which such polling places are located.

1 “(b) EXCEPTIONS FOR POLLING PLACES WITH
2 HOURS ESTABLISHED BY UNITS OF LOCAL GOVERN-
3 MENT.—Subsection (a) does not apply in the case of a
4 polling place—

5 “(1) whose hours of operation are established,
6 in accordance with State law, by the unit of local
7 government in which the polling place is located; or

8 “(2) which is required pursuant to an order by
9 a court to extend its hours of operation beyond the
10 hours otherwise established.”.

11 (b) CLERICAL AMENDMENT.—The table of contents
12 of such Act, as amended by section 1031(c), section
13 1101(d), section 1611(c), and section 1621(c), is amend-
14 ed—

15 (1) by redesignating the items relating to sec-
16 tions 308 and 309 as relating to sections 309 and
17 310; and

18 (2) by inserting after the item relating to sec-
19 tion 307 the following new item:

“Sec. 308. Limiting variations on number of hours of operation of polling
places with a State.”.

1 **PART 2—IMPROVEMENTS IN OPERATION OF**
2 **ELECTION ASSISTANCE COMMISSION**

3 **SEC. 1911. REAUTHORIZATION OF ELECTION ASSISTANCE**
4 **COMMISSION.**

5 Section 210 of the Help America Vote Act of 2002
6 (52 U.S.C. 20930) is amended—

7 (1) by striking “for each of the fiscal years
8 2003 through 2005” and inserting “for fiscal year
9 2019 and each succeeding fiscal year”; and

10 (2) by striking “(but not to exceed \$10,000,000
11 for each such year)”.

12 **SEC. 1912. REQUIRING STATES TO PARTICIPATE IN POST-**
13 **GENERAL ELECTION SURVEYS.**

14 (a) REQUIREMENT.—Title III of the Help America
15 Vote Act of 2002 (52 U.S.C. 21081 et seq.), as amended
16 by section 1903(a), is further amended by inserting after
17 section 303A the following new section:

18 **“SEC. 303B. REQUIRING PARTICIPATION IN POST-GENERAL**
19 **ELECTION SURVEYS.**

20 “(a) REQUIREMENT.—Each State shall furnish to the
21 Commission such information as the Commission may re-
22 quest for purposes of conducting any post-election survey
23 of the States with respect to the administration of a regu-
24 larly scheduled general election for Federal office.

25 “(b) EFFECTIVE DATE.—This section shall apply
26 with respect to the regularly scheduled general election for

1 Federal office held in November 2020 and any succeeding
2 election.”.

3 (b) CLERICAL AMENDMENT.—The table of contents
4 of such Act, as amended by section 1903(c), is further
5 amended by inserting after the item relating to section
6 303A the following new item:

“Sec. 303B. Requiring participation in post-general election surveys.”.

7 **SEC. 1913. REPORTS BY NATIONAL INSTITUTE OF STAND-**
8 **ARDS AND TECHNOLOGY ON USE OF FUNDS**
9 **TRANSFERRED FROM ELECTION ASSISTANCE**
10 **COMMISSION.**

11 (a) REQUIRING REPORTS ON USE FUNDS AS CONDI-
12 TION OF RECEIPT.—Section 231 of the Help America
13 Vote Act of 2002 (52 U.S.C. 20971) is amended by adding
14 at the end the following new subsection:

15 “(e) REPORT ON USE OF FUNDS TRANSFERRED
16 FROM COMMISSION.—To the extent that funds are trans-
17 ferred from the Commission to the Director of the Na-
18 tional Institute of Standards and Technology for purposes
19 of carrying out this section during any fiscal year, the Di-
20 rector may not use such funds unless the Director certifies
21 at the time of transfer that the Director will submit a re-
22 port to the Commission not later than 90 days after the
23 end of the fiscal year detailing how the Director used such
24 funds during the year.”.

1 (b) EFFECTIVE DATE.—The amendment made by
2 subsection (a) shall apply with respect to fiscal year 2020
3 and each succeeding fiscal year.

4 **SEC. 1914. RECOMMENDATIONS TO IMPROVE OPERATIONS**
5 **OF ELECTION ASSISTANCE COMMISSION.**

6 (a) ASSESSMENT OF INFORMATION TECHNOLOGY
7 AND CYBERSECURITY.—Not later than December 31,
8 2019, the Election Assistance Commission shall carry out
9 an assessment of the security and effectiveness of the
10 Commission’s information technology systems, including
11 the cybersecurity of such systems.

12 (b) IMPROVEMENTS TO ADMINISTRATIVE COMPLAINT
13 PROCEDURES.—

14 (1) REVIEW OF PROCEDURES.—The Election
15 Assistance Commission shall carry out a review of
16 the effectiveness and efficiency of the State-based
17 administrative complaint procedures established and
18 maintained under section 402 of the Help America
19 Vote Act of 2002 (52 U.S.C. 21112) for the inves-
20 tigation and resolution of allegations of violations of
21 title III of such Act.

22 (2) RECOMMENDATIONS TO STREAMLINE PRO-
23 CEDURES.—Not later than December 31, 2019, the
24 Commission shall submit to Congress a report on
25 the review carried out under paragraph (1), and

1 shall include in the report such recommendations as
2 the Commission considers appropriate to streamline
3 and improve the procedures which are the subject of
4 the review.

5 **SEC. 1915. REPEAL OF EXEMPTION OF ELECTION ASSIST-**
6 **ANCE COMMISSION FROM CERTAIN GOVERN-**
7 **MENT CONTRACTING REQUIREMENTS.**

8 (a) IN GENERAL.—Section 205 of the Help America
9 Vote Act of 2002 (52 U.S.C. 20925) is amended by strik-
10 ing subsection (e).

11 (b) EFFECTIVE DATE.—The amendment made by
12 subsection (a) shall apply with respect to contracts entered
13 into by the Election Assistance Commission on or after
14 the date of the enactment of this Act.

15 **PART 3—MISCELLANEOUS PROVISIONS**

16 **SEC. 1921. APPLICATION OF LAWS TO COMMONWEALTH OF**
17 **NORTHERN MARIANA ISLANDS.**

18 (a) NATIONAL VOTER REGISTRATION ACT OF
19 1993.—Section 3(4) of the National Voter Registration
20 Act of 1993 (52 U.S.C. 20502(4)) is amended by striking
21 “States and the District of Columbia” and inserting
22 “States, the District of Columbia, and the Commonwealth
23 of the Northern Mariana Islands”.

24 (b) HELP AMERICA VOTE ACT OF 2002.—

1 (1) COVERAGE OF COMMONWEALTH OF THE
2 NORTHERN MARIANA ISLANDS.—Section 901 of the
3 Help America Vote Act of 2002 (52 U.S.C. 21141)
4 is amended by striking “and the United States Vir-
5 gin Islands” and inserting “the United States Virgin
6 Islands, and the Commonwealth of the Northern
7 Mariana Islands”.

8 (2) CONFORMING AMENDMENTS TO HELP
9 AMERICA VOTE ACT OF 2002.—Such Act is further
10 amended as follows:

11 (A) The second sentence of section
12 213(a)(2) (52 U.S.C. 20943(a)(2)) is amended
13 by striking “and American Samoa” and insert-
14 ing “American Samoa, and the Commonwealth
15 of the Northern Mariana Islands”.

16 (B) Section 252(c)(2) (52 U.S.C.
17 21002(c)(2)) is amended by striking “or the
18 United States Virgin Islands” and inserting
19 “the United States Virgin Islands, or the Com-
20 monwealth of the Northern Mariana Islands”.

21 (3) CONFORMING AMENDMENT RELATING TO
22 CONSULTATION OF HELP AMERICA VOTE FOUNDA-
23 TION WITH LOCAL ELECTION OFFICIALS.—Section
24 90102(c) of title 36, United States Code, is amend-
25 ed by striking “and the United States Virgin Is-

1 lands” and inserting “the United States Virgin Is-
2 lands, and the Commonwealth of the Northern Mar-
3 iana Islands”.

4 (4) EFFECTIVE DATE.—The amendments made
5 by this subsection shall apply with respect to fiscal
6 years beginning with the first fiscal year which be-
7 gins after funds are appropriated to the Common-
8 wealth of the Northern Mariana Islands pursuant to
9 the payment under section 2.

10 **SEC. 1922. NO EFFECT ON OTHER LAWS.**

11 (a) IN GENERAL.—Except as specifically provided,
12 nothing in this title may be construed to authorize or re-
13 quire conduct prohibited under any of the following laws,
14 or to supersede, restrict, or limit the application of such
15 laws:

16 (1) The Voting Rights Act of 1965 (52 U.S.C.
17 10301 et seq.).

18 (2) The Voting Accessibility for the Elderly and
19 Handicapped Act (52 U.S.C. 20101 et seq.).

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

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

24 (5) The Americans with Disabilities Act of
25 1990 (42 U.S.C. 12101 et seq.).

1 (6) The Rehabilitation Act of 1973 (29 U.S.C.
2 701 et seq.).

3 (b) NO EFFECT ON PRECLEARANCE OR OTHER RE-
4 QUIREMENTS UNDER VOTING RIGHTS ACT.—The ap-
5 proval by any person of a payment or grant application
6 under this title, or any other action taken by any person
7 under this title, shall not be considered to have any effect
8 on requirements for preclearance under section 5 of the
9 Voting Rights Act of 1965 (52 U.S.C. 10304) or any other
10 requirements of such Act.

11 (c) NO EFFECT ON AUTHORITY OF STATES TO PRO-
12 VIDE GREATER OPPORTUNITIES FOR VOTING.—Nothing
13 in this title or the amendments made by this title may
14 be construed to prohibit any State from enacting any law
15 which provides greater opportunities for individuals to reg-
16 ister to vote and to vote in elections for Federal office than
17 are provided by this title and the amendments made by
18 this title.

19 **Subtitle O—Severability**

20 **SEC. 1931. SEVERABILITY.**

21 If any provision of this title or amendment made by
22 this title, or the application of a provision or amendment
23 to any person or circumstance, is held to be unconstitu-
24 tional, the remainder of this title and amendments made
25 by this title, and the application of the provisions and

1 amendment to any person or circumstance, shall not be
2 affected by the holding.

3 **TITLE II—ELECTION INTEGRITY**
4 **Subtitle A—Findings Reaffirming**
5 **the Commitment of Congress to**
6 **Restore the Voting Rights Act of**
7 **1965**

8 **SEC. 2001. FINDINGS REAFFIRMING THE COMMITMENT OF**
9 **CONGRESS TO RESTORE THE VOTING RIGHTS**
10 **ACT OF 1965.**

11 Congress finds the following:

12 (1) The right to vote for all Americans is sac-
13 rosanct and rules for voting and election administra-
14 tion should protect the right to vote and promote
15 voter participation.

16 (2) The Voting Rights Act of 1965 (52 U.S.C.
17 10301 et seq.) has empowered the Department of
18 Justice and Federal courts for nearly a half a cen-
19 tury to block discriminatory voting practices before
20 their implementation in States and localities with
21 the most troubling histories and ongoing records of
22 racial discrimination.

23 (3) 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 erect barriers to
3 voting for communities of color, which have faced
4 historic and continuing discrimination, as well as
5 disabled, young, elderly, and low-income Americans.

6 (4) The Supreme Court's 2013 decision in
7 *Shelby County v. Holder*, 570 U.S. 529 (2013), gut-
8 ted decades-long Federal protections for commu-
9 nities of color that face historic and continuing dis-
10 crimination, emboldening States and local jurisdic-
11 tions to pass voter suppression laws and implement
12 procedures that restrict voting, such as those requir-
13 ing photo identification, limiting early voting hours,
14 eliminating same-day registration, purging voters
15 from the rolls, and reducing the number of polling
16 places. Congress is committed to reversing the dev-
17 astating impact of this decision.

18 (5) Racial discrimination in voting is a clear
19 and persistent problem. The actions of States and
20 localities around the country after the decision in
21 *Shelby County v. Holder*, including at least 10 find-
22 ings by Federal courts of intentional discrimination,
23 underscore the need for Congress to conduct inves-
24 tigatory and evidentiary hearings to determine the
25 legislation necessary to restore the Voting Rights

1 Act of 1965 and combat continuing efforts in the
2 United States that suppress the free exercise of the
3 franchise in communities of color.

4 (6) The 2018 midterm election provides further
5 evidence that systemic voter discrimination and in-
6 timidation continues to occur in communities of
7 color across the country, making it clear that democ-
8 racy reform cannot be achieved until Congress re-
9 stores key provisions of the Voting Rights Act of
10 1965.

11 (7) Congress must remain vigilant in protecting
12 every eligible citizen's right to vote. Congress should
13 respond by modernizing the electoral system to—

14 (A) improve access to the ballot;

15 (B) enhance the integrity and security of
16 our voting systems;

17 (C) ensure greater accountability for the
18 administration of elections;

19 (D) restore protections for voters against
20 practices in States and localities plagued by the
21 persistence of voter disenfranchisement; and

22 (E) ensure that Federal civil rights laws
23 protect the rights of voters against discrimina-
24 tory and deceptive practices.

1 **Subtitle B—Findings Relating to**
2 **Native American Voting Rights**

3 **SEC. 2101. FINDINGS RELATING TO NATIVE AMERICAN VOT-**
4 **ING RIGHTS.**

5 Congress finds the following:

6 (1) The right to vote for all Americans is sa-
7 cred. Congress must fulfill the Federal Government’s
8 trust responsibility to protect and promote Native
9 Americans’ exercise of their fundamental right to
10 vote, including equal access to voter registration vot-
11 ing mechanisms and locations, and the ability to
12 serve as election officials.

13 (2) The Native American Voting Rights Coaliti-
14 on’s four-State survey of voter discrimination (
15 2016) and 9 field hearings in Indian Country (2017
16 and 2018) revealed obstacles that Native Americans
17 must overcome, including a lack of accessible and
18 proximate registration and polling sites, nontradi-
19 tional addresses for residents on Indian reservations,
20 inadequate language assistance for Tribal members,
21 and voter identification laws that discriminate
22 against Native Americans. The Department of Jus-
23 tice and courts have recognized that some jurisdic-
24 tions have been unresponsive to reasonable requests
25 from federally recognized Indian Tribes for more ac-

1 cessible and proximate voter registration sites and
2 in-person voting locations.

3 (3) The 2018 elections provide further evidence
4 that systemic voter discrimination and intimidation
5 continues to occur in communities of color and Trib-
6 al lands across the country, making it clear that de-
7 mocracy reform cannot be achieved until Congress
8 restores key provisions of the Voting Rights Act of
9 1965 and passes additional protections.

10 (4) Congress has broad, plenary authority to
11 enact legislation to safeguard the voting rights of
12 Native American voters.

13 (5) Congress must conduct investigatory and
14 evidentiary hearings to determine the necessary leg-
15 islation to restore the Voting Rights Act of 1965
16 and combat continuous efforts that suppress the
17 voter franchise within Tribal lands, to include, but
18 not to be limited to, the Native American Voting
19 Rights Act and the Voting Rights Advancement Act.

20 **Subtitle C—Findings Relating to**
21 **District of Columbia Statehood**

22 **SEC. 2201. FINDINGS RELATING TO DISTRICT OF COLUMBIA**
23 **STATEHOOD.**

24 Congress finds the following:

1 (1) District of Columbia residents deserve full
2 congressional voting rights and self-government,
3 which only statehood can provide.

4 (2) The 700,000 residents of the District of Co-
5 lumbia pay more Federal taxes per capita than resi-
6 dents of any State in the country, yet do not have
7 full and equal representation in Congress and self-
8 government.

9 (3) Since the founding of the United States, the
10 residents of the District of Columbia have always
11 carried all the obligations of citizenship, including
12 serving in all of the Nation's wars and paying Fed-
13 eral taxes, all without voting representation on the
14 floor in either Chamber of Congress or freedom from
15 congressional interference in purely local matters.

16 (4) There are no constitutional, historical, fi-
17 nancial, or economic reason why the 700,000 Ameri-
18 cans who live in the District of Columbia should not
19 be granted statehood.

20 (5) The District of Columbia has a larger popu-
21 lation than 2 States, Wyoming and Vermont, and is
22 close to the population of the 7 States that have a
23 population of under 1,000,000 fully represented resi-
24 dents.

1 (6) The District of Columbia government has
2 one of the strongest fiscal positions of any jurisdic-
3 tion in the United States, with a \$14,600,000,000
4 budget for fiscal year 2019 and a \$2,800,000,000
5 general fund balance as of September 30, 2018.

6 (7) The District of Columbia's total personal
7 income is higher than that of 7 States, its per capita
8 personal consumption expenditures is higher than
9 those of any State, and its total personal consump-
10 tion expenditures is greater than those of 7 States.

11 (8) Congress has authority under article IV,
12 section 3, clause 1 of the Constitution, which gives
13 Congress power to admit new States to the Union,
14 and article I, section 8, clause 17 of the Constitu-
15 tion, which grants Congress power over the seat of
16 the Federal Government, to admit the new State
17 carved out of the residential areas of the Federal
18 seat of Government, while maintaining as the Fed-
19 eral seat of Government the United States Capitol
20 Complex, the principal Federal monuments, Federal
21 buildings and grounds, the National Mall, the White
22 House, and other Federal property.

1 **Subtitle D—Territorial Voting**
2 **Rights**

3 **SEC. 2301. FINDINGS RELATING TO TERRITORIAL VOTING**
4 **RIGHTS.**

5 Congress finds the following:

6 (1) The right to vote is one of the most power-
7 ful instruments residents of the territories of the
8 United States have to ensure that their voices are
9 heard.

10 (2) These Americans have played an important
11 part in the American democracy for more than 120
12 years.

13 (3) Political participation and the right to vote
14 are among the highest concerns of territorial resi-
15 dents in part because they were not always afforded
16 these rights.

17 (4) Voter participation in the territories consist-
18 ently ranks higher than many communities on the
19 mainland.

20 (5) Territorial residents serve and die, on a per
21 capita basis, at a higher rate in every United States
22 war and conflict since World War I, as an expression
23 of their commitment to American democratic prin-
24 ciples and patriotism.

1 **SEC. 2302. CONGRESSIONAL TASK FORCE ON VOTING**
2 **RIGHTS OF UNITED STATES CITIZEN RESI-**
3 **DENTS OF TERRITORIES OF THE UNITED**
4 **STATES.**

5 (a) **ESTABLISHMENT.**—There is established within
6 the legislative branch a Congressional Task Force on Vot-
7 ing Rights of United States Citizen Residents of Terri-
8 tories of the United States (in this section referred to as
9 the “Task Force”).

10 (b) **MEMBERSHIP.**—The Task Force shall be com-
11 posed of 12 members as follows:

12 (1) One Member of the House of Representa-
13 tives, who shall be appointed by the Speaker of the
14 House of Representatives, in coordination with the
15 Chairman of the Committee on Natural Resources of
16 the House of Representatives.

17 (2) One Member of the House of Representa-
18 tives, who shall be appointed by the Speaker of the
19 House of Representatives, in coordination with the
20 Chairman of the Committee on the Judiciary of the
21 House of Representatives.

22 (3) One Member of the House of Representa-
23 tives, who shall be appointed by the Speaker of the
24 House of Representatives, in coordination with the
25 Chairman of the Committee on House Administra-
26 tion of the House of Representatives.

1 (4) One Member of the House of Representa-
2 tives, who shall be appointed by the Minority Leader
3 of the House of Representatives, in coordination
4 with the ranking minority member of the Committee
5 on Natural Resources of the House of Representa-
6 tives.

7 (5) One Member of the House of Representa-
8 tives, who shall be appointed by the Minority Leader
9 of the House of Representatives, in coordination
10 with the ranking minority member of the Committee
11 on the Judiciary of the House of Representatives.

12 (6) One Member of the House of Representa-
13 tives, who shall be appointed by the Minority Leader
14 of the House of Representatives, in coordination
15 with the ranking minority member of the Committee
16 on House Administration of the House of Represent-
17 atives.

18 (7) One Member of the Senate, who shall be ap-
19 pointed by the Majority Leader of the Senate, in co-
20 ordination with the Chairman of the Committee on
21 Energy and Natural Resources of the Senate.

22 (8) One Member of the Senate, who shall be ap-
23 pointed by the Majority Leader of the Senate, in co-
24 ordination with the Chairman of the Committee on
25 the Judiciary of the Senate.

1 (9) 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 Rules and Administration of the Senate.

5 (10) One Member of the Senate, who shall be
6 appointed by the Minority Leader of the Senate, in
7 coordination with the ranking minority member of
8 the Committee on Energy and Natural Resources of
9 the Senate.

10 (11) One Member of the Senate, who shall be
11 appointed by the Minority Leader of the Senate, in
12 coordination with the ranking minority member of
13 the Committee on the Judiciary of the Senate.

14 (12) 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 Rules and Administration of the
18 Senate.

19 (c) DEADLINE FOR APPOINTMENT.—All appoint-
20 ments to the Task Force shall be made not later than 30
21 days after the date of enactment of this Act.

22 (d) CHAIR.—The Speaker shall designate one Mem-
23 ber to serve as chair of the Task Force.

1 (e) VACANCIES.—Any vacancy in the Task Force
2 shall be filled in the same manner as the original appoint-
3 ment.

4 (f) STATUS UPDATE.—After September 1, 2019, and
5 before September 30, 2019, the Task Force shall provide
6 a status update to the House of Representatives and the
7 Senate that includes—

8 (1) information the Task Force has collected;
9 and

10 (2) a discussion on matters that the chairman
11 of the Task Force determines are urgent for consid-
12 eration by Congress.

13 (g) REPORT.—Not later than December 31, 2019,
14 the Task Force shall issue a report of its findings to the
15 House of Representatives and the Senate regarding—

16 (1) the economic and societal consequences
17 (demonstrated through statistical data and other
18 metrics) that come with political disenfranchisement
19 of United States citizens in territories of the United
20 States;

21 (2) impediments to full and equal voting rights
22 for United States citizens who are residents of terri-
23 tories of the United States in Federal elections, in-
24 cluding the election of the President and Vice Presi-
25 dent of the United States;

1 (3) impediments to full and equal voting rep-
2 resentation in the House of Representatives for
3 United States citizens who are residents of terri-
4 tories of the United States;

5 (4) recommended changes that, if adopted,
6 would allow for full and equal voting rights for
7 United States citizens who are residents of terri-
8 tories of the United States in Federal elections, in-
9 cluding the election of the President and Vice Presi-
10 dent of the United States;

11 (5) recommended changes that, if adopted,
12 would allow for full and equal voting representation
13 in the House of Representatives for United States
14 citizens who are residents of territories of the United
15 States; and

16 (6) additional information the Task Force de-
17 termines is appropriate.

18 (h) CONSENSUS VIEWS.—To the greatest extent
19 practicable, the report issued under subsection (g) shall
20 reflect the shared views of all 12 Members of the Task
21 Force, except that the report may contain dissenting
22 views.

23 (i) HEARINGS AND SESSIONS.—The Task Force may,
24 for the purpose of carrying out this section, hold hearings,

1 sit and act at times and places, take testimony, and re-
2 ceive evidence as the Task Force considers appropriate.

3 (j) **STAKEHOLDER PARTICIPATION.**—In carrying out
4 its duties, the Task Force shall consult with the govern-
5 ments of American Samoa, Guam, the Commonwealth of
6 the Northern Mariana Islands, the Commonwealth of
7 Puerto Rico, and the United States Virgin Islands.

8 (k) **RESOURCES.**—The Task Force shall carry out its
9 duties by utilizing existing facilities, services, and staff of
10 the House of Representatives and the Senate.

11 (l) **TERMINATION.**—The Task Force shall terminate
12 upon issuing the report required under subsection (g).

13 **Subtitle E—Redistricting Reform**

14 **SEC. 2400. SHORT TITLE; FINDING OF CONSTITUTIONAL AU-** 15 **THORITY.**

16 (a) **SHORT TITLE.**—This subtitle may be cited as the
17 “Redistricting Reform Act of 2019”.

18 (b) **FINDING OF CONSTITUTIONAL AUTHORITY.**—
19 Congress finds that it has the authority to establish the
20 terms and conditions States must follow in carrying out
21 congressional redistricting after an apportionment of
22 Members of the House of Representatives because—

23 (1) the authority granted to Congress under ar-
24 ticle I, section 4 of the Constitution of the United
25 States gives Congress the power to enact laws gov-

1 erning the time, place, and manner of elections for
2 Members of the House of Representatives; and

3 (2) the authority granted to Congress under
4 section 5 of the 14th Amendment to the Constitu-
5 tion gives Congress the power to enact laws to en-
6 force section 2 of such amendment, which requires
7 Representatives to be apportioned among the several
8 States according to their number.

9 **PART 1—REQUIREMENTS FOR CONGRESSIONAL**
10 **REDISTRICTING**

11 **SEC. 2401. REQUIRING CONGRESSIONAL REDISTRICTING**
12 **TO BE CONDUCTED THROUGH PLAN OF INDE-**
13 **PENDENT STATE COMMISSION.**

14 (a) **USE OF PLAN REQUIRED.**—Notwithstanding any
15 other provision of law, and except as provided in sub-
16 section (c), any congressional redistricting conducted by
17 a State shall be conducted in accordance with—

18 (1) the redistricting plan developed and enacted
19 into law by the independent redistricting commission
20 established in the State, in accordance with part 2;
21 or

22 (2) if a plan developed by such commission is
23 not enacted into law, the redistricting plan developed
24 and enacted into law by a 3-judge court, in accord-
25 ance with section 2421.

1 (b) CONFORMING AMENDMENT.—Section 22(c) of
2 the Act entitled “An Act to provide for the fifteenth and
3 subsequent decennial censuses and to provide for appor-
4 tionment of Representatives in Congress”, approved June
5 18, 1929 (2 U.S.C. 2a(c)), is amended by striking “in the
6 manner provided by the law thereof” and inserting “in the
7 manner provided by the Redistricting Reform Act of
8 2019”.

9 (c) SPECIAL RULE FOR EXISTING COMMISSIONS.—
10 Subsection (a) does not apply to any State in which, under
11 law in effect continuously on and after the date of the
12 enactment of this Act, congressional redistricting is car-
13 ried out in accordance with a plan developed and approved
14 by an independent redistricting commission that is in com-
15 pliance with each of the following requirements:

16 (1) PUBLICLY AVAILABLE APPLICATION PROC-
17 ESS.—Membership on the commission is open to citi-
18 zens of the State through a publicly available appli-
19 cation process.

20 (2) DISQUALIFICATIONS FOR GOVERNMENT
21 SERVICE AND POLITICAL APPOINTMENT.—Individ-
22 uals who, for a covered period of time as established
23 by the State, hold or have held public office, individ-
24 uals who are or have been candidates for elected
25 public office, and individuals who serve or have

1 served as an officer, employee, or paid consultant of
2 a campaign committee of a candidate for public of-
3 fice are disqualified from serving on the commission.

4 (3) SCREENING FOR CONFLICTS.—Individuals
5 who apply to serve on the commission are screened
6 through a process that excludes persons with con-
7 flicts of interest from the pool of potential commis-
8 sioners.

9 (4) MULTI-PARTISAN COMPOSITION.—Member-
10 ship on the commission represents those who are af-
11 filiated with the 2 political parties whose candidates
12 received the most votes in the most recent statewide
13 election for Federal office held in the State, as well
14 as those who are unaffiliated with any party or who
15 are affiliated with political parties other than the 2
16 political parties whose candidates received the most
17 votes in the most recent statewide election for Fed-
18 eral office held in the State.

19 (5) CRITERIA FOR REDISTRICTING.—Members
20 of the commission are required to meet certain cri-
21 teria in the map drawing process, including mini-
22 mizing the division of communities of interest and a
23 ban on drawing maps to favor a political party.

1 (6) PUBLIC INPUT.—Public hearings are held
2 and comments from the public are accepted before
3 a final map is approved.

4 (7) BROAD-BASED SUPPORT FOR APPROVAL OF
5 FINAL PLAN.—The approval of the final redistricting
6 plan requires a majority vote of the members of the
7 commission, including the support of at least one
8 member of each of the following:

9 (A) Members who are affiliated with the
10 political party whose candidate received the
11 most votes in the most recent statewide election
12 for Federal office held in the State.

13 (B) Members who are affiliated with the
14 political party whose candidate received the sec-
15 ond most votes in the most recent statewide
16 election for Federal office held in the State.

17 (C) Members who not affiliated with any
18 political party or who are affiliated with polit-
19 ical parties other than the political parties de-
20 scribed in subparagraphs (A) and (B).

21 **SEC. 2402. BAN ON MID-DECADE REDISTRICTING.**

22 A State that has been redistricted in accordance with
23 this subtitle and a State described in section 2401(c) may
24 not be redistricted again until after the next apporportion-
25 ment of Representatives under section 22(a) of the Act

1 entitled “An Act to provide for the fifteenth and subse-
2 quent decennial censuses and to provide for an apportion-
3 ment of Representatives in Congress”, approved June 18,
4 1929 (2 U.S.C. 2a), unless a court requires the State to
5 conduct such subsequent redistricting to comply with the
6 Constitution of the United States, the Voting Rights Act
7 of 1965 (52 U.S.C. 10301 et seq.), the Constitution of
8 the State, or the terms or conditions of this subtitle.

9 **PART 2—INDEPENDENT REDISTRICTING**

10 **COMMISSIONS**

11 **SEC. 2411. INDEPENDENT REDISTRICTING COMMISSION.**

12 (a) APPOINTMENT OF MEMBERS.—

13 (1) IN GENERAL.—The nonpartisan agency es-
14 tablished or designated by a State under section
15 2414(a) shall establish an independent redistricting
16 commission for the State, which shall consist of 15
17 members appointed by the agency as follows:

18 (A) Not later than October 1 of a year
19 ending in the numeral zero, the agency shall, at
20 a public meeting held not earlier than 15 days
21 after notice of the meeting has been given to
22 the public, first appoint 6 members as follows:

23 (i) The agency shall appoint 2 mem-
24 bers on a random basis from the majority

1 category of the approved selection pool (as
2 described in section 2412(b)(1)(A)).

3 (ii) The agency shall appoint 2 mem-
4 bers on a random basis from the minority
5 category of the approved selection pool (as
6 described in section 2412(b)(1)(B)).

7 (iii) The agency shall appoint 2 mem-
8 bers on a random basis from the inde-
9 pendent category of the approved selection
10 pool (as described in section
11 2412(b)(1)(C)).

12 (B) Not later than November 15 of a year
13 ending in the numeral zero, the members ap-
14 pointed by the agency under subparagraph (A)
15 shall, at a public meeting held not earlier than
16 15 days after notice of the meeting has been
17 given to the public, then appoint 9 members as
18 follows:

19 (i) The members shall appoint 3 mem-
20 bers from the majority category of the ap-
21 proved selection pool (as described in sec-
22 tion 2412(b)(1)(A)).

23 (ii) The members shall appoint 3
24 members from the minority category of the

1 approved selection pool (as described in
2 section 2412(b)(1)(B)).

3 (iii) The members shall appoint 3
4 members from the independent category of
5 the approved selection pool (as described in
6 section 2412(b)(1)(C)).

7 (2) RULES FOR APPOINTMENT OF MEMBERS
8 APPOINTED BY FIRST MEMBERS.—

9 (A) AFFIRMATIVE VOTE OF AT LEAST 4
10 MEMBERS.—The appointment of any of the 9
11 members of the independent redistricting com-
12 mission who are appointed by the first members
13 of the commission pursuant to subparagraph
14 (B) of paragraph (1), as well as the designation
15 of alternates for such members pursuant to
16 subparagraph (B) of paragraph (3) and the ap-
17 pointment of alternates to fill vacancies pursu-
18 ant to subparagraph (B) of paragraph (4), shall
19 require the affirmative vote of at least 4 of the
20 members appointed by the nonpartisan agency
21 under subparagraph (A) of paragraph (1), in-
22 cluding at least one member from each of the
23 categories referred to in such subparagraph.

24 (B) ENSURING DIVERSITY.—In appointing
25 the 9 members pursuant to subparagraph (B)

1 of paragraph (1), as well as in designating al-
2 ternates pursuant to subparagraph (B) of para-
3 graph (3) and in appointing alternates to fill
4 vacancies pursuant to subparagraph (B) of
5 paragraph (4), the first members of the inde-
6 pendent redistricting commission shall ensure
7 that the membership is representative of the de-
8 mographic groups (including racial, ethnic, eco-
9 nomic, and gender) and geographic regions of
10 the State, and provides racial, ethnic, and lan-
11 guage minorities protected under the Voting
12 Rights Act of 1965 with a meaningful oppor-
13 tunity to participate in the development of the
14 State's redistricting plan.

15 (3) DESIGNATION OF ALTERNATES TO SERVE
16 IN CASE OF VACANCIES.—

17 (A) MEMBERS APPOINTED BY AGENCY.—

18 At the time the agency appoints the members
19 of the independent redistricting commission
20 under subparagraph (A) of paragraph (1) from
21 each of the categories referred to in such sub-
22 paragraph, the agency shall, on a random basis,
23 designate 2 other individuals from such cat-
24 egory to serve as alternate members who may

1 be appointed to fill vacancies in the commission
2 in accordance with paragraph (4).

3 (B) MEMBERS APPOINTED BY FIRST MEM-
4 BERS.—At the time the members appointed by
5 the agency appoint the other members of the
6 independent redistricting commission under
7 subparagraph (B) of paragraph (1) from each
8 of the categories referred to in such subpara-
9 graph, the members shall, in accordance with
10 the special rules described in paragraph (2),
11 designate 2 other individuals from such cat-
12 egory to serve as alternate members who may
13 be appointed to fill vacancies in the commission
14 in accordance with paragraph (4).

15 (4) APPOINTMENT OF ALTERNATES TO SERVE
16 IN CASE OF VACANCIES.—

17 (A) MEMBERS APPOINTED BY AGENCY.—If
18 a vacancy occurs in the commission with respect
19 to a member who was appointed by the non-
20 partisan agency under subparagraph (A) of
21 paragraph (1) from one of the categories re-
22 ferred to in such subparagraph, the agency
23 shall fill the vacancy by appointing, on a ran-
24 dom basis, one of the 2 alternates from such
25 category who was designated under subpara-

1 graph (A) of paragraph (3). At the time the
2 agency appoints an alternate to fill a vacancy
3 under the previous sentence, the agency shall
4 designate, on a random basis, another indi-
5 vidual from the same category to serve as an al-
6 ternate member, in accordance with subpara-
7 graph (A) of paragraph (3).

8 (B) MEMBERS APPOINTED BY FIRST MEM-
9 BERS.—If a vacancy occurs in the commission
10 with respect to a member who was appointed by
11 the first members of the commission under sub-
12 paragraph (B) of paragraph (1) from one of the
13 categories referred to in such subparagraph, the
14 first members shall, in accordance with the spe-
15 cial rules described in paragraph (2), fill the va-
16 cancy by appointing one of the 2 alternates
17 from such category who was designated under
18 subparagraph (B) of paragraph (3). At the time
19 the first members appoint an alternate to fill a
20 vacancy under the previous sentence, the first
21 members shall, in accordance with the special
22 rules described in paragraph (2), designate an-
23 other individual from the same category to
24 serve as an alternate member, in accordance
25 with subparagraph (B) of paragraph (3).

1 (5) REMOVAL.—A member of the independent
2 redistricting commission may be removed by a ma-
3 jority vote of the remaining members of the commis-
4 sion if it is shown by a preponderance of the evi-
5 dence that the member is not eligible to serve on the
6 commission under section 2412(a).

7 (b) PROCEDURES FOR CONDUCTING COMMISSION
8 BUSINESS.—

9 (1) CHAIR.—Members of an independent redis-
10 tricting commission established under this section
11 shall select by majority vote one member who was
12 appointed from the independent category of the ap-
13 proved selection pool described in section
14 2412(b)(1)(C) to serve as chair of the commission.
15 The commission may not take any action to develop
16 a redistricting plan for the State under section 2413
17 until the appointment of the commission's chair.

18 (2) REQUIRING MAJORITY APPROVAL FOR AC-
19 TIONS.—The independent redistricting commission
20 of a State may not publish and disseminate any
21 draft or final redistricting plan, or take any other
22 action, without the approval of at least—

23 (A) a majority of the whole membership of
24 the commission; 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).

5 (3) QUORUM.—A majority of the members of
6 the commission shall constitute a quorum.

7 (c) STAFF; CONTRACTORS.—

8 (1) STAFF.—Under a public application process
9 in which all application materials are available for
10 public inspection, the independent redistricting com-
11 mission of a State shall appoint and set the pay of
12 technical experts, legal counsel, consultants, and
13 such other staff as it considers appropriate, subject
14 to State law.

15 (2) CONTRACTORS.—The independent redis-
16 tricting commission of a State may enter into such
17 contracts with vendors as it considers appropriate,
18 subject to State law, except that any such contract
19 shall be valid only if approved by the vote of a ma-
20 jority of the members of the commission, including
21 at least one member appointed from each of the cat-
22 egories of the approved selection pool described in
23 section 2412(b)(1).

24 (3) REPORTS ON EXPENDITURES FOR POLIT-
25 ICAL ACTIVITY.—

1 (A) REPORT BY APPLICANTS.—Each indi-
2 vidual who applies for a position as an employee
3 of the independent redistricting commission and
4 each vendor who applies for a contract with the
5 commission shall, at the time of applying, file
6 with the commission a report summarizing—

7 (i) any expenditure for political activ-
8 ity made by such individual or vendor dur-
9 ing the 10 most recent calendar years; and

10 (ii) any income received by such indi-
11 vidual or vendor during the 10 most recent
12 calendar years which is attributable to an
13 expenditure for political activity.

14 (B) ANNUAL REPORTS BY EMPLOYEES
15 AND VENDORS.—Each person who is an em-
16 ployee or vendor of the independent redis-
17 tricting commission shall, not later than one
18 year after the person is appointed as an em-
19 ployee or enters into a contract as a vendor (as
20 the case may be) and annually thereafter for
21 each year during which the person serves as an
22 employee or a vendor, file with the commission
23 a report summarizing the expenditures and in-
24 come described in subparagraph (A) during the
25 10 most recent calendar years.

1 (C) EXPENDITURE FOR POLITICAL ACTIV-
2 ITY DEFINED.—In this paragraph, the term
3 “expenditure for political activity” means a dis-
4 bursement for any of the following:

5 (i) An independent expenditure, as de-
6 fined in section 301(17) of the Federal
7 Election Campaign Act of 1971 (52 U.S.C.
8 30101(17)).

9 (ii) An electioneering communication,
10 as defined in section 304(f)(3) of such Act
11 (52 U.S.C. 30104(f)(3)) or any other pub-
12 lic communication, as defined in section
13 301(22) of such Act (52 U.S.C.
14 30101(22)) that would be an electioneering
15 communication if it were a broadcast,
16 cable, or satellite communication.

17 (iii) Any dues or other payments to
18 trade associations or organizations de-
19 scribed in section 501(c) of the Internal
20 Revenue Code of 1986 and exempt from
21 tax under section 501(a) of such Code that
22 are, or could reasonably be anticipated to
23 be, used or transferred to another associa-
24 tion or organization for a use described in

1 paragraph (1), (2), or (4) of section 501(c)
2 of such Code.

3 (4) GOAL OF IMPARTIALITY.—The commission
4 shall take such steps as it considers appropriate to
5 ensure that any staff appointed under this sub-
6 section, and any vendor with whom the commission
7 enters into a contract under this subsection, will
8 work in an impartial manner, and may require any
9 person who applies for an appointment to a staff po-
10 sition or for a vendor's contract with the commission
11 to provide information on the person's history of po-
12 litical activity beyond the information on the per-
13 son's expenditures for political activity provided in
14 the reports required under paragraph (3) (including
15 donations to candidates, political committees, and
16 political parties) as a condition of the appointment
17 or the contract.

18 (5) DISQUALIFICATION; WAIVER.—

19 (A) IN GENERAL.—The independent redis-
20 tricting commission may not appoint an indi-
21 vidual as an employee, and may not enter into
22 a contract with a vendor, if the individual or
23 vendor meets any of the criteria for the dis-
24 qualification of an individual from serving as a

1 member of the commission which are set forth
2 in section 2412(a)(2).

3 (B) WAIVER.—The commission may by
4 unanimous vote of its members waive the appli-
5 cation of subparagraph (A) to an individual or
6 a vendor after receiving and reviewing the re-
7 port filed by the individual or vendor under
8 paragraph (3).

9 (d) TERMINATION.—

10 (1) IN GENERAL.—The independent redis-
11 tricting commission of a State shall terminate on the
12 earlier of—

13 (A) June 14 of the next year ending in the
14 numeral zero; or

15 (B) the day on which the nonpartisan
16 agency established or designated by a State
17 under section 2414(a) has, in accordance with
18 section 2412(b)(1), submitted a selection pool
19 to the Select Committee on Redistricting for the
20 State established under section 2414(b).

21 (2) PRESERVATION OF RECORDS.—The State
22 shall ensure that the records of the independent re-
23 districting commission are retained in the appro-
24 priate State archive in such manner as may be nec-
25 essary to enable the State to respond to any civil ac-

1 tion brought with respect to congressional redistricting in the State.

3 **SEC. 2412. ESTABLISHMENT OF SELECTION POOL OF INDIVIDUALS ELIGIBLE TO SERVE AS MEMBERS OF COMMISSION.**

6 (a) CRITERIA FOR ELIGIBILITY.—

7 (1) IN GENERAL.—An individual is eligible to
8 serve as a member of an independent redistricting
9 commission if the individual meets each of the following criteria:

11 (A) As of the date of appointment, the individual is registered to vote in elections for Federal office held in the State.

14 (B) During the 3-year period ending on the date of the individual's appointment, the individual has been continuously registered to vote with the same political party, or has not been registered to vote with any political party.

19 (C) The individual submits to the non-partisan agency established or designated by a State under section 2414, at such time and in such form as the agency may require, an application for inclusion in the selection pool under this section, and includes with the application a written statement, with an attestation under

1 penalty of perjury, containing the following in-
2 formation and assurances:

3 (i) The full current name and any
4 former names of, and the contact informa-
5 tion for, the individual, including an elec-
6 tronic mail address, the address of the in-
7 dividual's residence, mailing address, and
8 telephone numbers.

9 (ii) The individual's race, ethnicity,
10 gender, age, date of birth, and household
11 income for the most recent taxable year.

12 (iii) The political party with which the
13 individual is affiliated, if any.

14 (iv) The reason or reasons the indi-
15 vidual desires to serve on the independent
16 redistricting commission, the individual's
17 qualifications, and information relevant to
18 the ability of the individual to be fair and
19 impartial, including—

20 (I) any involvement with, or fi-
21 nancial support of, professional, so-
22 cial, political, religious, or community
23 organizations or causes; and

24 (II) the individual's employment
25 and educational history.

1 (v) An assurance that the individual
2 shall commit to carrying out the individ-
3 ual's duties under this subtitle in an hon-
4 est, independent, and impartial fashion,
5 and to upholding public confidence in the
6 integrity of the redistricting process.

7 (vi) An assurance that, during the
8 covered periods described in paragraph (3),
9 the individual has not taken and will not
10 take any action which would disqualify the
11 individual from serving as a member of the
12 commission under paragraph (2).

13 (2) DISQUALIFICATIONS.—An individual is not
14 eligible to serve as a member of the commission if
15 any of the following applies during any of the cov-
16 ered periods described in paragraph (3):

17 (A) The individual or (in the case of the
18 covered periods described in subparagraphs (A)
19 and (B) of paragraph (3)) an immediate family
20 member of the individual holds public office or
21 is a candidate for election for public office.

22 (B) The individual or (in the case of the
23 covered periods described in subparagraphs (A)
24 and (B) of paragraph (3)) an immediate family
25 member of the individual 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 (in the case of the
7 covered periods described in subparagraphs (A)
8 and (B) of paragraph (3)) an immediate family
9 member of the individual holds a position as a
10 registered lobbyist under the Lobbying Disclo-
11 sure Act of 1995 (2 U.S.C. 1601 et seq.) or an
12 equivalent State or local law.

13 (D) The individual or (in the case of the
14 covered periods described in subparagraphs (A)
15 and (B) of paragraph (3)) an immediate family
16 member of the individual is an employee of an
17 elected public official, a contractor with the gov-
18 ernment of the State, or a donor to the cam-
19 paign of any candidate for public office or to
20 any political action committee (other than a
21 donor who, during any of such covered periods,
22 gives an aggregate amount of \$1,000 or less to
23 the campaigns of all candidates for all public
24 offices and to all political action committees).

1 (E) The individual or (in the case of the
2 covered periods described in subparagraphs (A)
3 and (B) of paragraph (3)) an immediate family
4 member of the individual paid a civil money
5 penalty or criminal fine, or was sentenced to a
6 term of imprisonment, for violating any provi-
7 sion of the Federal Election Campaign Act of
8 1971 (52 U.S.C. 30101 et seq.).

9 (F) The individual or (in the case of the
10 covered periods described in subparagraphs (A)
11 and (B) of paragraph (3)) an immediate family
12 member of the individual is an agent of a for-
13 eign principal under the Foreign Agents Reg-
14 istration Act of 1938, as amended (22 U.S.C.
15 611 et seq.).

16 (3) COVERED PERIODS DESCRIBED.—In this
17 subsection, the term “covered period” means, with
18 respect to the appointment of an individual to the
19 commission, any of the following:

20 (A) The 10-year period ending on the date
21 of the individual’s appointment.

22 (B) The period beginning on the date of
23 the individual’s appointment and ending on Au-
24 gust 14 of the next year ending in the numeral
25 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—

17 (i) approve the pool as submitted by
18 the nonpartisan agency, in which case the
19 pool shall be considered the approved selec-
20 tion pool for purposes of section
21 2411(a)(1); or

22 (ii) reject the pool, in which case the
23 nonpartisan agency shall develop and sub-
24 mit a replacement selection pool in accord-
25 ance with subsection (c).

1 (B) INACTION DEEMED REJECTION.—If
2 the Select Committee on Redistricting fails to
3 approve or reject the pool within the deadline
4 set forth in subparagraph (A), the Select Com-
5 mittee shall be deemed to have rejected the pool
6 for purposes of such subparagraph.

7 (c) DEVELOPMENT OF REPLACEMENT SELECTION
8 POOL.—

9 (1) IN GENERAL.—If the Select Committee on
10 Redistricting rejects the selection pool submitted by
11 the nonpartisan agency under subsection (b), not
12 later than 14 days after the rejection, the non-
13 partisan agency shall develop and submit to the Se-
14 lect Committee a replacement selection pool, under
15 the same terms and conditions that applied to the
16 development and submission of the selection pool
17 under paragraphs (1) through (7) of subsection (b).
18 The replacement pool submitted under this para-
19 graph may include individuals who were included in
20 the rejected selection pool submitted under sub-
21 section (b), so long as at least one of the individuals
22 in the replacement pool was not included in such re-
23 jected pool.

24 (2) ACTION BY SELECT COMMITTEE.—

1 (A) IN GENERAL.—Not later than 21 days
2 after receiving the replacement selection pool
3 from the nonpartisan agency under paragraph
4 (1), the Select Committee on Redistricting
5 shall—

6 (i) approve the pool as submitted by
7 the nonpartisan agency, in which case the
8 pool shall be considered the approved selec-
9 tion pool for purposes of section
10 2411(a)(1); or

11 (ii) reject the pool, in which case the
12 nonpartisan agency shall develop and sub-
13 mit a second replacement selection pool in
14 accordance with subsection (d).

15 (B) INACTION DEEMED REJECTION.—If
16 the Select Committee on Redistricting fails to
17 approve or reject the pool within the deadline
18 set forth in subparagraph (A), the Select Com-
19 mittee shall be deemed to have rejected the pool
20 for purposes of such subparagraph.

21 (d) DEVELOPMENT OF SECOND REPLACEMENT SE-
22 LECTION POOL.—

23 (1) IN GENERAL.—If the Select Committee on
24 Redistricting rejects the replacement selection pool
25 submitted by the nonpartisan agency under sub-

1 section (c), not later than 14 days after the rejec-
2 tion, the nonpartisan agency shall develop and sub-
3 mit to the Select Committee a second replacement
4 selection pool, under the same terms and conditions
5 that applied to the development and submission of
6 the selection pool under paragraphs (1) through (7)
7 of subsection (b). The second replacement selection
8 pool submitted under this paragraph may include in-
9 dividuals who were included in the rejected selection
10 pool submitted under subsection (b) or the rejected
11 replacement selection pool submitted under sub-
12 section (c), so long as at least one of the individuals
13 in the replacement pool was not included in either
14 such rejected pool.

15 (2) ACTION BY SELECT COMMITTEE.—

16 (A) IN GENERAL.—Not earlier than 15
17 days and not later than 14 days after receiving
18 the second replacement selection pool from the
19 nonpartisan agency under paragraph (1), the
20 Select Committee on Redistricting shall—

21 (i) approve the pool as submitted by
22 the nonpartisan agency, in which case the
23 pool shall be considered the approved selec-
24 tion pool for purposes of section
25 2411(a)(1); or

1 (ii) reject the pool.

2 (B) INACTION DEEMED REJECTION.—If
3 the Select Committee on Redistricting fails to
4 approve or reject the pool within the deadline
5 set forth in subparagraph (A), the Select Com-
6 mittee shall be deemed to have rejected the pool
7 for purposes of such subparagraph.

8 (C) EFFECT OF REJECTION.—If the Select
9 Committee on Redistricting rejects the second
10 replacement pool from the nonpartisan agency
11 under paragraph (1), the redistricting plan for
12 the State shall be developed and enacted in ac-
13 cordance with part 3.

14 **SEC. 2413. CRITERIA FOR REDISTRICTING PLAN BY INDE-**
15 **PENDENT COMMISSION; PUBLIC NOTICE AND**
16 **INPUT.**

17 (a) DEVELOPMENT OF REDISTRICTING PLAN.—

18 (1) CRITERIA.—In developing a redistricting
19 plan of a State, the independent redistricting com-
20 mission of a State shall establish single-member con-
21 gressional districts using the following criteria as set
22 forth in the following order of priority:

23 (A) Districts shall comply with the United
24 States Constitution, including the requirement
25 that they equalize total population.

1 (B) Districts shall comply with the Voting
2 Rights Act of 1965 (52 U.S.C. 10301 et seq.)
3 and all applicable Federal laws.

4 (C) Districts shall provide racial, ethnic,
5 and language minorities with an equal oppor-
6 tunity to participate in the political process and
7 to elect candidates of choice and shall not dilute
8 or diminish their ability to elect candidates of
9 choice whether alone or in coalition with others.

10 (D) Districts shall respect communities of
11 interest, neighborhoods, and political subdivi-
12 sions to the extent practicable and after compli-
13 ance with the requirements of subparagraphs
14 (A) through (C). A community of interest is de-
15 fined as an area with recognized similarities of
16 interests, including ethnic, racial, economic, so-
17 cial, cultural, geographic or historic identities.
18 The term communities of interest may, in cer-
19 tain circumstances, include political subdivisions
20 such as counties, municipalities, or school dis-
21 tricts, but shall not include common relation-
22 ships with political parties or political can-
23 didates.

24 (2) NO FAVORING OR DISFAVORING OF POLIT-
25 ICAL PARTIES.—Except as may be required to meet

1 the criteria described in paragraph (1), the redistricting
2 plan developed by the independent redistricting
3 commission shall not, when considered on a
4 statewide basis, unduly favor or disfavor any political
5 party.

6 (3) FACTORS PROHIBITED FROM CONSIDERATION.—In developing the redistricting plan for the
7 State, the independent redistricting commission may
8 not take into consideration any of the following factors,
9 except to the extent necessary to comply with
10 the criteria described in subparagraphs (A) through
11 (C) of paragraph (1), paragraph (2), and to enable
12 the redistricting plan to be measured against the external
13 metrics described in subsection (e):
14

15 (A) The residence of any Member of the
16 House of Representatives or candidate.

17 (B) The political party affiliation or voting
18 history of the population of a district.

19 (b) PUBLIC NOTICE AND INPUT.—

20 (1) USE OF OPEN AND TRANSPARENT PROCESS.—The independent redistricting commission of a
21 State shall hold each of its meetings in public, shall
22 solicit and take into consideration comments from
23 the public, including proposed maps, throughout the
24 process of developing the redistricting plan for the
25

1 State, and shall carry out its duties in an open and
2 transparent manner which provides for the widest
3 public dissemination reasonably possible of its pro-
4 posed and final redistricting plans.

5 (2) WEBSITE.—

6 (A) FEATURES.—The commission shall
7 maintain a public Internet site which is not af-
8 filiated with or maintained by the office of any
9 elected official and which includes the following
10 features:

11 (i) General information on the com-
12 mission, its role in the redistricting proc-
13 ess, and its members, including contact in-
14 formation.

15 (ii) An updated schedule of commis-
16 sion hearings and activities, including
17 deadlines for the submission of comments.

18 (iii) All draft redistricting plans devel-
19 oped by the commission under subsection
20 (c) and the final redistricting plan devel-
21 oped under subsection (d), including the
22 accompanying written evaluation under
23 subsection (e).

24 (iv) All comments received from the
25 public on the commission's activities, in-

1 cluding any proposed maps submitted
2 under paragraph (1).

3 (v) Live streaming of commission
4 hearings and an archive of previous meet-
5 ings, including any documents considered
6 at any such meeting, which the commission
7 shall post not later than 24 hours after the
8 conclusion of the meeting.

9 (vi) Access in an easily useable format
10 to the demographic and other data used by
11 the commission to develop and analyze the
12 proposed redistricting plans, together with
13 access to any software used to draw maps
14 of proposed districts and to any reports
15 analyzing and evaluating any such maps.

16 (vii) A method by which members of
17 the public may submit comments and pro-
18 posed maps directly to the commission.

19 (viii) All records of the commission,
20 including all communications to or from
21 members, employees, and contractors re-
22 garding the work of the commission.

23 (ix) A list of all contractors receiving
24 payment from the commission, together

1 with the annual disclosures submitted by
2 the contractors under section 2411(c)(3).

3 (x) A list of the names of all individ-
4 uals who submitted applications to serve
5 on the commission, together with the appli-
6 cations submitted by individuals included
7 in any selection pool, except that the com-
8 mission may redact from such applications
9 any financial or other personally sensitive
10 information.

11 (B) SEARCHABLE FORMAT.—The commis-
12 sion shall ensure that all information posted
13 and maintained on the site under this para-
14 graph, including information and proposed
15 maps submitted by the public, shall be main-
16 tained in an easily searchable format.

17 (C) DEADLINE.—The commission shall en-
18 sure that the public internet site under this
19 paragraph is operational (in at least a prelimi-
20 nary format) not later than January 1 of the
21 year ending in the numeral one.

22 (3) PUBLIC COMMENT PERIOD.—The commis-
23 sion shall solicit, accept, and consider comments
24 from the public with respect to its duties, activities,
25 and procedures at any time during the period—

1 (A) which begins on January 1 of the year
2 ending in the numeral one; and

3 (B) which ends 7 days before the date of
4 the meeting at which the commission shall vote
5 on approving the final redistricting plan for en-
6 actment into law under subsection (d)(2).

7 (4) MEETINGS AND HEARINGS IN VARIOUS GEO-
8 GRAPHIC LOCATIONS.—To the greatest extent prac-
9 ticable, the commission shall hold its meetings and
10 hearings in various geographic regions and locations
11 throughout the State.

12 (5) MULTIPLE LANGUAGE REQUIREMENTS FOR
13 ALL NOTICES.—The commission shall make each no-
14 tice which is required to be posted and published
15 under this section available in any language in which
16 the State (or any jurisdiction in the State) is re-
17 quired to provide election materials under section
18 203 of the Voting Rights Act of 1965 (52 U.S.C.
19 10503).

20 (c) DEVELOPMENT AND PUBLICATION OF PRELIMI-
21 NARY REDISTRICTING PLAN.—

22 (1) IN GENERAL.—Prior to developing and pub-
23 lishing a final redistricting plan under subsection
24 (d), the independent redistricting commission of a

1 State shall develop and publish a preliminary redistricting plan.
2

3 (2) MINIMUM PUBLIC HEARINGS AND OPPORTUNITY FOR COMMENT PRIOR TO DEVELOPMENT.—
4

5 (A) 3 HEARINGS REQUIRED.—Prior to developing a preliminary redistricting plan under
6 this subsection, the commission shall hold not
7 fewer than 3 public hearings at which members
8 of the public may provide input and comments
9 regarding the potential contents of redistricting
10 plans for the State and the process by which
11 the commission will develop the preliminary
12 plan under this subsection.
13

14 (B) MINIMUM PERIOD FOR NOTICE PRIOR TO HEARINGS.—Not fewer than 14 days prior
15 to the date of each hearing held under this
16 paragraph, the commission shall post notices of
17 the hearing in on the website maintained under
18 subsection (b)(2), and shall provide for the publication of such notices in newspapers of general
19 circulation throughout the State. Each such notice shall specify the date, time, and location of
20 the hearing.
21

22 (C) SUBMISSION OF PLANS AND MAPS BY MEMBERS OF THE PUBLIC.—Any member of
23
24
25

1 the public may submit maps or portions of
2 maps for consideration by the commission. As
3 provided under subsection (b)(2)(A), any such
4 map shall be made publicly available on the
5 commission's website and open to comment.

6 (3) PUBLICATION OF PRELIMINARY PLAN.—

7 (A) IN GENERAL.—The commission shall
8 post the preliminary redistricting plan devel-
9 oped under this subsection, together with a re-
10 port that includes the commission's responses
11 to any public comments received under sub-
12 section (b)(3), on the website maintained under
13 subsection (b)(2), and shall provide for the pub-
14 lication of each such plan in newspapers of gen-
15 eral circulation throughout the State.

16 (B) MINIMUM PERIOD FOR NOTICE PRIOR
17 TO PUBLICATION.—Not fewer than 14 days
18 prior to the date on which the commission posts
19 and publishes the preliminary plan under this
20 paragraph, the commission shall notify the pub-
21 lic through the website maintained under sub-
22 section (b)(2), as well as through publication of
23 notice in newspapers of general circulation
24 throughout the State, of the pending publica-
25 tion of the plan.

1 (4) MINIMUM POST-PUBLICATION PERIOD FOR
2 PUBLIC COMMENT.—The commission shall accept
3 and consider comments from the public (including
4 through the website maintained under subsection
5 (b)(2)) with respect to the preliminary redistricting
6 plan published under paragraph (3), including pro-
7 posed revisions to maps, for not fewer than 30 days
8 after the date on which the plan is published.

9 (5) POST-PUBLICATION HEARINGS.—

10 (A) 3 HEARINGS REQUIRED.—After post-
11 ing and publishing the preliminary redistricting
12 plan under paragraph (3), the commission shall
13 hold not fewer than 3 public hearings in dif-
14 ferent geographic areas of the State at which
15 members of the public may provide input and
16 comments regarding the preliminary plan.

17 (B) MINIMUM PERIOD FOR NOTICE PRIOR
18 TO HEARINGS.—Not fewer than 14 days prior
19 to the date of each hearing held under this
20 paragraph, the commission shall post notices of
21 the hearing in on the website maintained under
22 subsection (b)(2), and shall provide for the pub-
23 lication of such notices in newspapers of general
24 circulation throughout the State. Each such no-

1 tice shall specify the date, time, and location of
2 the hearing.

3 (6) PERMITTING MULTIPLE PRELIMINARY
4 PLANS.—At the option of the commission, after de-
5 veloping and publishing the preliminary redistricting
6 plan under this subsection, the commission may de-
7 velop and publish subsequent preliminary redis-
8 tricting plans, so long as the process for the develop-
9 ment and publication of each such subsequent plan
10 meets the requirements set forth in this subsection
11 for the development and publication of the first pre-
12 liminary redistricting plan.

13 (d) PROCESS FOR ENACTMENT OF FINAL REDIS-
14 TRICTING PLAN.—

15 (1) IN GENERAL.—After taking into consider-
16 ation comments from the public on any preliminary
17 redistricting plan developed and published under
18 subsection (c), the independent redistricting commis-
19 sion of a State shall develop and publish a final re-
20 districting plan for the State.

21 (2) MEETING; FINAL VOTE.—Not later than the
22 deadline specified in subsection (f), the commission
23 shall hold a public hearing at which the members of
24 the commission shall vote on approving the final
25 plan for enactment into law.

1 (3) PUBLICATION OF PLAN AND ACCOMPANYING
2 MATERIALS.—Not fewer than 14 days before the
3 date of the meeting under paragraph (2), the com-
4 mission shall provide the following information to
5 the public through the website maintained under
6 subsection (b)(2), as well as through newspapers of
7 general circulation throughout the State:

8 (A) The final redistricting plan, including
9 all relevant maps.

10 (B) A report by the commission to accom-
11 pany the plan which provides the background
12 for the plan and the commission's reasons for
13 selecting the plan as the final redistricting plan,
14 including responses to the public comments re-
15 ceived on any preliminary redistricting plan de-
16 veloped and published under subsection (c).

17 (C) Any dissenting or additional views with
18 respect to the plan of individual members of the
19 commission.

20 (4) ENACTMENT.—The final redistricting plan
21 developed and published under this subsection shall
22 be deemed to be enacted into law if—

23 (A) the plan is approved by a majority of
24 the whole membership of the commission; 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 the plan.

5 (e) WRITTEN EVALUATION OF PLAN AGAINST EX-
6 TERNAL METRICS.—The independent redistricting com-
7 mission shall include with each redistricting plan devel-
8 oped and published under this section a written evaluation
9 that measures each such plan against external metrics
10 which cover the criteria set forth in paragraph (1) of sub-
11 section (a), including the impact of the plan on the ability
12 of communities of color to elect candidates of choice,
13 measures of partisan fairness using multiple accepted
14 methodologies, and the degree to which the plan preserves
15 or divides communities of interest.

16 (f) TIMING.—The independent redistricting commis-
17 sion of a State may begin its work on the redistricting
18 plan of the State upon receipt of relevant population infor-
19 mation from the Bureau of the Census, and shall approve
20 a final redistricting plan for the State in each year ending
21 in the numeral one not later than 8 months after the date
22 on which the State receives the State apportionment notice
23 or October 1, whichever occurs later.

1 **SEC. 2414. ESTABLISHMENT OF RELATED ENTITIES.**

2 (a) ESTABLISHMENT OR DESIGNATION OF NON-
3 PARTISAN AGENCY OF STATE LEGISLATURE.—

4 (1) IN GENERAL.—Each State shall establish a
5 nonpartisan agency in the legislative branch of the
6 State government to appoint the members of the
7 independent redistricting commission for the State
8 in accordance with section 2411.

9 (2) NONPARTISANSHIP DESCRIBED.—For pur-
10 poses of this subsection, an agency shall be consid-
11 ered to be nonpartisan if under law the agency—

12 (A) is required to provide services on a
13 nonpartisan basis;

14 (B) is required to maintain impartiality;
15 and

16 (C) is prohibited from advocating for the
17 adoption or rejection of any legislative proposal.

18 (3) TRAINING OF MEMBERS APPOINTED TO
19 COMMISSION.—Not later than January 15 of a year
20 ending in the numeral one, the nonpartisan agency
21 established or designated under this subsection shall
22 provide the members of the independent redistricting
23 commission with initial training on their obligations
24 as members of the commission, including obligations
25 under the Voting Rights Act of 1965 (52 U.S.C.
26 10301 et seq.) and other applicable laws.

1 (4) REGULATIONS.—The nonpartisan agency
2 established or designated under this subsection shall
3 adopt and publish regulations, after notice and op-
4 portunity for comment, establishing the procedures
5 that the agency will follow in fulfilling its duties
6 under this subtitle, including the procedures to be
7 used in vetting the qualifications and political affili-
8 ation of applicants and in creating the selection
9 pools, the randomized process to be used in selecting
10 the initial members of the independent redistricting
11 commission, and the rules that the agency will apply
12 to ensure that the agency carries out its duties
13 under this subtitle in a maximally transparent, pub-
14 licly accessible, and impartial manner.

15 (5) DESIGNATION OF EXISTING AGENCY.—At
16 its option, a State may designate an existing agency
17 in the legislative branch of its government to appoint
18 the members of the independent redistricting com-
19 mission plan for the State under this subtitle, so
20 long as the agency meets the requirements for non-
21 partisanship under this subsection.

22 (6) TERMINATION OF AGENCY SPECIFICALLY
23 ESTABLISHED FOR REDISTRICTING.—If a State does
24 not designate an existing agency under paragraph
25 (5) but instead establishes a new agency to serve as

1 the nonpartisan agency under this section, the new
2 agency shall terminate upon the enactment into law
3 of the redistricting plan for the State.

4 (7) PRESERVATION OF RECORDS.—The State
5 shall ensure that the records of the nonpartisan
6 agency are retained in the appropriate State archive
7 in such manner as may be necessary to enable the
8 State to respond to any civil action brought with re-
9 spect to congressional redistricting in the State.

10 (8) DEADLINE.—The State shall meet the re-
11 quirements of this subsection not later than each
12 October 15 of a year ending in the numeral nine.

13 (b) ESTABLISHMENT OF SELECT COMMITTEE ON RE-
14 DISTRICTING.—

15 (1) IN GENERAL.—Each State shall appoint a
16 Select Committee on Redistricting to approve or dis-
17 approve a selection pool developed for the State by
18 the nonpartisan agency pursuant to section 2412(b).

19 (2) APPOINTMENT.—The Select Committee on
20 Redistricting for a State under this subsection shall
21 consist of the following members:

22 (A) One member of the upper house of the
23 State legislature, who shall be appointed by the
24 leader of the party with the greatest number of
25 seats in the upper house.

1 (B) One member of the upper house of the
2 State legislature, who shall be appointed by the
3 leader of the party with the second greatest
4 number of seats in the upper house.

5 (C) One member of the lower house of the
6 State legislature, who shall be appointed by the
7 leader of the party with the greatest number of
8 seats in the lower house.

9 (D) One member of the lower house of the
10 State legislature, who shall be appointed by the
11 leader of the party with the second greatest
12 number of seats in the lower house.

13 (3) SPECIAL RULE FOR STATES WITH UNICAM-
14 ERAL LEGISLATURE.—In the case of a State with a
15 unicameral legislature, the Select Committee on Re-
16 districting for the State under this subsection shall
17 consist of the following members:

18 (A) Two members of the State legislature
19 appointed by the chair of the political party of
20 the State whose candidate received the highest
21 percentage of votes in the most recent statewide
22 election for Federal office held in the State.

23 (B) Two members of the State legislature
24 appointed by the chair of the political party
25 whose candidate received the second highest

1 percentage of votes in the most recent statewide
2 election for Federal office held in the State.

3 (4) DEADLINE.—The State shall meet the re-
4 quirements of this subsection not later than each
5 January 15 of a year ending in the numeral zero.

6 **SEC. 2415. REPORT ON DIVERSITY OF MEMBERSHIPS OF**
7 **INDEPENDENT REDISTRICTING COMMIS-**
8 **SIONS.**

9 Not later than May 15 of a year ending in the nu-
10 meral one, the Comptroller General of the United States
11 shall submit to Congress a report on the extent to which
12 the memberships of independent redistricting commissions
13 for States established under this part with respect to the
14 immediately preceding year ending in the numeral zero
15 meet the diversity requirements as provided for in sections
16 2411(a)(2)(B) and 2412(b)(2).

17 **PART 3—ROLE OF COURTS IN DEVELOPMENT OF**
18 **REDISTRICTING PLANS**

19 **SEC. 2421. ENACTMENT OF PLAN DEVELOPED BY 3-JUDGE**
20 **COURT.**

21 (a) DEVELOPMENT OF PLAN.—If any of the trig-
22 gering events described in subsection (f) occur with re-
23 spect to a State—

24 (1) not later than December 15 of the year in
25 which the triggering event occurs, the United States

1 district court for the applicable venue, acting
2 through a 3-judge Court convened pursuant to sec-
3 tion 2284 of title 28, United States Code, shall de-
4 velop and publish the congressional redistricting
5 plan for the State; and

6 (2) the final plan developed and published by
7 the Court under this section shall be deemed to be
8 enacted on the date on which the Court publishes
9 the final plan, as described in subsection (d).

10 (b) APPLICABLE VENUE DESCRIBED.—For purposes
11 of this section, the “applicable venue” with respect to a
12 State is the District of Columbia or the judicial district
13 in which the capital of the State is located, as selected
14 by the first party to file with the court sufficient evidence
15 of the occurrence of a triggering event described in sub-
16 section (f).

17 (c) PROCEDURES FOR DEVELOPMENT OF PLAN.—

18 (1) CRITERIA.—In developing a redistricting
19 plan for a State under this section, the Court shall
20 adhere to the same terms and conditions that ap-
21 plied (or that would have applied, as the case may
22 be) to the development of a plan by the independent
23 redistricting commission of the State under section
24 2413(a).

1 (2) ACCESS TO INFORMATION AND RECORDS OF
2 COMMISSION.—The Court shall have access to any
3 information, data, software, or other records and
4 material that was used (or that would have been
5 used, as the case may be) by the independent redistricting
6 commission of the State in carrying out its
7 duties under this subtitle.

8 (3) HEARING; PUBLIC PARTICIPATION.—In developing a redistricting plan for a State, the Court
9 shall—
10 shall—

11 (A) hold one or more evidentiary hearings
12 at which interested members of the public may
13 appear and be heard and present testimony, including expert testimony, in accordance with
14 the rules of the Court; and

15 (B) consider other submissions and comments by the public, including proposals for redistricting plans to cover the entire State or
16 any portion of the State.

17 (4) USE OF SPECIAL MASTER.—To assist in the
18 development and publication of a redistricting plan
19 for a State under this section, the Court may appoint a special master to make recommendations to
20 the Court on possible plans for the State.

21 (d) PUBLICATION OF PLAN.—
22
23
24
25

1 (1) PUBLIC AVAILABILITY OF INITIAL PLAN.—

2 Upon completing the development of one or more
3 initial redistricting plans, the Court shall make the
4 plans available to the public at no cost, and shall
5 also make available the underlying data used by the
6 Court to develop the plans and a written evaluation
7 of the plans against external metrics (as described in
8 section 2413(e)).

9 (2) PUBLICATION OF FINAL PLAN.—At any
10 time after the expiration of the 14-day period which
11 begins on the date the Court makes the plans avail-
12 able to the public under paragraph (1), and taking
13 into consideration any submissions and comments by
14 the public which are received during such period, the
15 Court shall develop and publish the final redis-
16 tricting plan for the State.

17 (e) USE OF INTERIM PLAN.—In the event that the
18 Court is not able to develop and publish a final redis-
19 tricting plan for the State with sufficient time for an up-
20 coming election to proceed, the Court may develop and
21 publish an interim redistricting plan which shall serve as
22 the redistricting plan for the State until the Court devel-
23 ops and publishes a final plan in accordance with this sec-
24 tion. Nothing in this subsection may be construed to limit
25 or otherwise affect the authority or discretion of the Court

1 to develop and publish the final redistricting plan, includ-
2 ing the discretion to make any changes the Court deems
3 necessary to an interim redistricting plan.

4 (f) TRIGGERING EVENTS DESCRIBED.—The “trig-
5 gering events” described in this subsection are as follows:

6 (1) The failure of the State to establish or des-
7 ignate a nonpartisan agency of the State legislature
8 under section 2414(a) prior to the expiration of the
9 deadline set forth in section 2414(a)(8).

10 (2) The failure of the State to appoint a Select
11 Committee on Redistricting under section 2414(b)
12 prior to the expiration of the deadline set forth in
13 section 2414(b)(4).

14 (3) The failure of the Select Committee on Re-
15 districting to approve any selection pool under sec-
16 tion 2412 prior to the expiration of the deadline set
17 forth for the approval of the second replacement se-
18 lection pool in section 2412(d)(2).

19 (4) The failure of the independent redistricting
20 commission of the State to approve a final redis-
21 tricting plan for the State prior to the expiration of
22 the deadline set forth in section 2413(f).

1 **SEC. 2422. SPECIAL RULE FOR REDISTRICTING CON-**
2 **DUCTED UNDER ORDER OF FEDERAL COURT.**

3 If a Federal court requires a State to conduct redis-
4 tricting subsequent to an apportionment of Representa-
5 tives in the State in order to comply with the Constitution
6 or to enforce the Voting Rights Act of 1965 (52 U.S.C.
7 10301 et seq.), section 2413 shall apply with respect to
8 the redistricting, except that the court may revise any of
9 the deadlines set forth in such section if the court deter-
10 mines that a revision is appropriate in order to provide
11 for a timely enactment of a new redistricting plan for the
12 State.

13 **PART 4—ADMINISTRATIVE AND MISCELLANEOUS**
14 **PROVISIONS**

15 **SEC. 2431. PAYMENTS TO STATES FOR CARRYING OUT RE-**
16 **DISTRICTING.**

17 (a) **AUTHORIZATION OF PAYMENTS.**—Subject to sub-
18 section (d), not later than 30 days after a State receives
19 a State apportionment notice, the Election Assistance
20 Commission shall, subject to the availability of appropria-
21 tions provided pursuant to subsection (e), make a payment
22 to the State in an amount equal to the product of—

- 23 (1) the number of Representatives to which the
24 State is entitled, as provided under the notice; and
25 (2) \$150,000.

1 (b) USE OF FUNDS.—A State shall use the payment
2 made under this section to establish and operate the
3 State’s independent redistricting commission, to imple-
4 ment the State redistricting plan, and to otherwise carry
5 out congressional redistricting in the State.

6 (c) NO PAYMENT TO STATES WITH SINGLE MEM-
7 BER.—The Election Assistance Commission shall not
8 make a payment under this section to any State which
9 is not entitled to more than one Representative under its
10 State apportionment notice.

11 (d) REQUIRING SUBMISSION OF SELECTION POOL AS
12 CONDITION OF PAYMENT.—

13 (1) REQUIREMENT.—Except as provided in
14 paragraph (2), the Election Assistance Commission
15 may not make a payment to a State under this sec-
16 tion until the State certifies to the Commission that
17 the nonpartisan agency established or designated by
18 a State under section 2414(a) has, in accordance
19 with section 2412(b)(1), submitted a selection pool
20 to the Select Committee on Redistricting for the
21 State established under section 2414(b).

22 (2) EXCEPTION FOR STATES WITH EXISTING
23 COMMISSIONS.—In the case of a State which, pursu-
24 ant to section 2401(c), is exempt from the require-
25 ments of section 2401(a), the Commission may not

1 make a payment to the State under this section until
2 the State certifies to the Commission that its redis-
3 tricting commission meets the requirements of sec-
4 tion 2401(c).

5 (e) AUTHORIZATION OF APPROPRIATIONS.—There
6 are authorized to be appropriated such sums as may be
7 necessary for payments under this section.

8 **SEC. 2432. CIVIL ENFORCEMENT.**

9 (a) CIVIL ENFORCEMENT.—

10 (1) ACTIONS BY ATTORNEY GENERAL.—The At-
11 torney General may bring a civil action in an appro-
12 priate district court for such relief as may be appro-
13 priate to carry out this subtitle.

14 (2) AVAILABILITY OF PRIVATE RIGHT OF AC-
15 TION.—Any citizen of a State who is aggrieved by
16 the failure of the State to meet the requirements of
17 this subtitle may bring a civil action in the United
18 States district court for the applicable venue for
19 such relief as may be appropriate to remedy the fail-
20 ure. For purposes of this section, the “applicable
21 venue” is the District of Columbia or the judicial
22 district in which the capital of the State is located,
23 as selected by the person who brings the civil action.

1 (b) EXPEDITED CONSIDERATION.—In any action
2 brought forth under this section, the following rules shall
3 apply:

4 (1) The action shall be filed in the district court
5 of the United States for the District of Columbia or
6 for the judicial district in which the capital of the
7 State is located, as selected by the person bringing
8 the action.

9 (2) The action shall be heard by a 3-judge
10 court convened pursuant to section 2284 of title 28,
11 United States Code.

12 (3) The 3-judge court shall consolidate actions
13 brought for relief under subsection (b)(1) with re-
14 spect to the same State redistricting plan.

15 (4) A copy of the complaint shall be delivered
16 promptly to the Clerk of the House of Representa-
17 tives and the Secretary of the Senate.

18 (5) A final decision in the action shall be re-
19 viewable only by appeal directly to the Supreme
20 Court of the United States. Such appeal shall be
21 taken by the filing of a notice of appeal within 10
22 days, and the filing of a jurisdictional statement
23 within 30 days, of the entry of the final decision.

24 (6) It shall be the duty of the district court and
25 the Supreme Court of the United States to advance

1 on the docket and to expedite to the greatest possible extent the disposition of the action and appeal.

2
3 (c) ATTORNEY'S FEES.—In a civil action under this
4 section, the court may allow the prevailing party (other
5 than the United States) reasonable attorney fees, including litigation expenses, and costs.

6
7 (d) RELATION TO OTHER LAWS.—

8 (1) RIGHTS AND REMEDIES ADDITIONAL TO
9 OTHER RIGHTS AND REMEDIES.—The rights and
10 remedies established by this section are in addition
11 to all other rights and remedies provided by law, and
12 neither the rights and remedies established by this
13 section nor any other provision of this subtitle shall
14 supersede, restrict, or limit the application of the
15 Voting Rights Act of 1965 (52 U.S.C. 10301 et
16 seq.).

17 (2) VOTING RIGHTS ACT OF 1965.—Nothing in
18 this subtitle authorizes or requires conduct that is
19 prohibited by the Voting Rights Act of 1965 (52
20 U.S.C. 10301 et seq.).

21 **SEC. 2433. STATE APPORTIONMENT NOTICE DEFINED.**

22 In this subtitle, the “State apportionment notice”
23 means, with respect to a State, the notice sent to the State
24 from the Clerk of the House of Representatives under section
25 22(b) of the Act entitled “An Act to provide for the

1 fifteenth and subsequent decennial censuses and to pro-
2 vide for an apportionment of Representatives in Con-
3 gress”, approved June 18, 1929 (2 U.S.C. 2a), of the
4 number of Representatives to which the State is entitled.

5 **SEC. 2434. NO EFFECT ON ELECTIONS FOR STATE AND**
6 **LOCAL OFFICE.**

7 Nothing in this subtitle or in any amendment made
8 by this subtitle may be construed to affect the manner
9 in which a State carries out elections for State or local
10 office, including the process by which a State establishes
11 the districts used in such elections.

12 **SEC. 2435. EFFECTIVE DATE.**

13 This subtitle and the amendments made by this sub-
14 title shall apply with respect to redistricting carried out
15 pursuant to the decennial census conducted during 2020
16 or any succeeding decennial census.

17 **Subtitle F—Saving Eligible Voters**
18 **From Voter Purging**

19 **SEC. 2501. SHORT TITLE.**

20 This subtitle may be cited as the “Stop Automatically
21 Voiding Eligible Voters Off Their Enlisted Rolls in States
22 Act” or the “Save Voters Act”.

1 **SEC. 2502. CONDITIONS FOR REMOVAL OF VOTERS FROM**
2 **LIST OF REGISTERED VOTERS.**

3 (a) CONDITIONS DESCRIBED.—The National Voter
4 Registration Act of 1993 (52 U.S.C. 20501 et seq.) is
5 amended by inserting after section 8 the following new
6 section:

7 **“SEC. 8A. CONDITIONS FOR REMOVAL OF VOTERS FROM**
8 **OFFICIAL LIST OF REGISTERED VOTERS.**

9 “(a) VERIFICATION ON BASIS OF OBJECTIVE AND
10 RELIABLE EVIDENCE OF INELIGIBILITY.—

11 “(1) REQUIRING VERIFICATION.—Notwith-
12 standing any other provision of this Act, a State
13 may not remove the name of any registrant from the
14 official list of voters eligible to vote in elections for
15 Federal office in the State unless the State verifies,
16 on the basis of objective and reliable evidence, that
17 the registrant is ineligible to vote in such elections.

18 “(2) FACTORS NOT CONSIDERED AS OBJECTIVE
19 AND RELIABLE EVIDENCE OF INELIGIBILITY.—For
20 purposes of paragraph (1), the following factors, or
21 any combination thereof, shall not be treated as ob-
22 jective and reliable evidence of a registrant’s ineligi-
23 bility to vote:

24 “(A) The failure of the registrant to vote
25 in any election.

1 “(B) The failure of the registrant to re-
2 spond to any notice sent under section 8(d), un-
3 less the notice has been returned as undeliver-
4 able.

5 “(C) The failure of the registrant to take
6 any other action with respect to voting in any
7 election or with respect to the registrant’s sta-
8 tus as a registrant.

9 “(b) NOTICE AFTER REMOVAL.—

10 “(1) NOTICE TO INDIVIDUAL REMOVED.—

11 “(A) IN GENERAL.—Not later than 48
12 hours after a State removes the name of a reg-
13 istrant from the official list of eligible voters for
14 any reason (other than the death of the reg-
15 istrant), the State shall send notice of the re-
16 moval to the former registrant, and shall in-
17 clude in the notice the grounds for the removal
18 and information on how the former registrant
19 may contest the removal or be reinstated, in-
20 cluding a telephone number for the appropriate
21 election official.

22 “(B) EXCEPTIONS.—Subparagraph (A)
23 does not apply in the case of a registrant—

24 “(i) who sends written confirmation to
25 the State that the registrant is no longer

1 eligible to vote in the registrar's jurisdic-
2 tion in which the registrant was registered;
3 or

4 “(ii) who is removed from the official
5 list of eligible voters by reason of the death
6 of the registrant.

7 “(2) PUBLIC NOTICE.—Not later than 48 hours
8 after conducting any general program to remove the
9 names of ineligible voters from the official list of eli-
10 gible voters (as described in section 8(a)(4)), the
11 State shall disseminate a public notice through such
12 methods as may be reasonable to reach the general
13 public (including by publishing the notice in a news-
14 paper of wide circulation or posting the notice on the
15 websites of the appropriate election officials) that
16 list maintenance is taking place and that registrants
17 should check their registration status to ensure no
18 errors or mistakes have been made. The State shall
19 ensure that the public notice disseminated under this
20 paragraph is in a format that is reasonably conven-
21 ient and accessible to voters with disabilities, includ-
22 ing voters who have low vision or are blind.”.

23 (b) CONDITIONS FOR TRANSMISSION OF NOTICES OF
24 REMOVAL.—Section 8(d) of such Act (52 U.S.C.

1 20507(d)) is amended by adding at the end the following
2 new paragraph:

3 “(4) A State may not transmit a notice to a
4 registrant under this subsection unless the State ob-
5 tains objective and reliable evidence (in accordance
6 with the standards for such evidence which are de-
7 scribed in section 8A(a)(2)) that the registrant has
8 changed residence to a place outside the registrar’s
9 jurisdiction in which the registrant is registered.”.

10 (c) CONFORMING AMENDMENTS.—

11 (1) NATIONAL VOTER REGISTRATION ACT OF
12 1993.—Section 8(a) of such Act (52 U.S.C.
13 20507(a)) is amended—

14 (A) in paragraph (3), by striking “pro-
15 vide” and inserting “subject to section 8A, pro-
16 vide”; and

17 (B) in paragraph (4), by striking “con-
18 duct” and inserting “subject to section 8A, con-
19 duct”.

20 (2) HELP AMERICA VOTE ACT OF 2002.—Section
21 303(a)(4)(A) of the Help America Vote Act of 2002
22 (52 U.S.C. 21083(a)(4)(A)) is amended by striking
23 “, registrants” and inserting “, and subject to sec-
24 tion 8A of such Act, registrants”.

1 (d) EFFECTIVE DATE.—The amendments made by
2 this section shall take effect on the date of the enactment
3 of this Act.

4 **Subtitle G—No Effect on Authority**
5 **of States to Provide Greater Op-**
6 **portunities for Voting**

7 **SEC. 2601. NO EFFECT ON AUTHORITY OF STATES TO PRO-**
8 **VIDE GREATER OPPORTUNITIES FOR VOT-**
9 **ING.**

10 Nothing in this title or the amendments made by this
11 title may be construed to prohibit any State from enacting
12 any law which provides greater opportunities for individ-
13 uals to register to vote and to vote in elections for Federal
14 office than are provided by this title and the amendments
15 made by this title.

16 **Subtitle H—Residence of**
17 **Incarcerated Individuals**

18 **SEC. 2701. RESIDENCE OF INCARCERATED INDIVIDUALS.**

19 Section 141 of title 13, United States Code, is
20 amended—

21 (1) by redesignating subsection (g) as sub-
22 section (h); and

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

1 “(g)(1) Effective beginning with the 2020 decennial
2 census of population, in taking any tabulation of total pop-
3 ulation by States under subsection (a) for purposes of the
4 apportionment of Representatives in Congress among the
5 several States, the Secretary shall, with respect to an indi-
6 vidual incarcerated in a State, Federal, county, or munic-
7 ipal correctional center as of the date on which such cen-
8 sus is taken, attribute such individual to such individual’s
9 last place of residence before incarceration.

10 “(2) In carrying out this subsection, the Secretary
11 shall consult with each State department of corrections to
12 collect the information necessary to make the determina-
13 tion required under paragraph (1).”.

14 **Subtitle I—Severability**

15 **SEC. 2801. SEVERABILITY.**

16 If any provision of this title or amendment made by
17 this title, or the application of a provision or amendment
18 to any person or circumstance, is held to be unconstitu-
19 tional, the remainder of this title and amendments made
20 by this title, and the application of the provisions and
21 amendment to any person or circumstance, shall not be
22 affected by the holding.

1 **TITLE III—ELECTION SECURITY**

2 **SEC. 3000. SHORT TITLE; SENSE OF CONGRESS.**

3 (a) **SHORT TITLE.**—This title may be cited as the
4 “Election Security Act”.

5 (b) **SENSE OF CONGRESS ON NEED TO IMPROVE**
6 **ELECTION INFRASTRUCTURE SECURITY.**—It is the sense
7 of Congress that, in light of the lessons learned from Rus-
8 sian interference in the 2016 Presidential election, the
9 Federal Government should intensify its efforts to improve
10 the security of election infrastructure in the United States,
11 including through the use of individual, durable, paper
12 ballots marked by the voter by hand.

13 **Subtitle A—Financial Support for**
14 **Election Infrastructure**

15 **PART 1—VOTING SYSTEM SECURITY**

16 **IMPROVEMENT GRANTS**

17 **SEC. 3001. GRANTS FOR OBTAINING COMPLIANT PAPER**
18 **BALLOT VOTING SYSTEMS AND CARRYING**
19 **OUT VOTING SYSTEM SECURITY IMPROVE-**
20 **MENTS.**

21 (a) **AVAILABILITY OF GRANTS.**—Subtitle D of title
22 II of the Help America Vote Act of 2002 (52 U.S.C.
23 21001 et seq.), as amended by section 1905(a), is amend-
24 ed by adding at the end the following new part:

1 **“PART 8—GRANTS FOR OBTAINING COMPLIANT**
2 **PAPER BALLOT VOTING SYSTEMS AND CAR-**
3 **RYING OUT VOTING SYSTEM SECURITY IM-**
4 **PROVEMENTS**

5 **“SEC. 298. GRANTS FOR OBTAINING COMPLIANT PAPER**
6 **BALLOT VOTING SYSTEMS AND CARRYING**
7 **OUT VOTING SYSTEM SECURITY IMPROVE-**
8 **MENTS.**

9 “(a) AVAILABILITY AND USE OF GRANT.—The Com-
10 mission shall make a grant to each eligible State—

11 “(1) to replace a voting system—

12 “(A) which does not meet the requirements
13 which are first imposed on the State pursuant
14 to the amendments made by the Voter Con-
15 fidence and Increased Accessibility Act of 2019
16 with a voting system which does meet such re-
17 quirements, for use in the regularly scheduled
18 general elections for Federal office held in No-
19 vember 2020, or

20 “(B) which does meet such requirements
21 but which is not in compliance with the most
22 recent voluntary voting system guidelines issued
23 by the Commission prior to the regularly sched-
24 uled general election for Federal office held in
25 November 2020 with another system which does

1 meet such requirements and is in compliance
2 with such guidelines;

3 “(2) to carry out voting system security im-
4 provements described in section 298A with respect
5 to the regularly scheduled general elections for Fed-
6 eral office held in November 2020 and each suc-
7 ceeding election for Federal office; and

8 “(3) to implement and model best practices for
9 ballot design, ballot instructions, and the testing of
10 ballots.

11 “(b) AMOUNT OF GRANT.—The amount of a grant
12 made to a State under this section shall be such amount
13 as the Commission determines to be appropriate, except
14 that such amount may not be less than the product of
15 \$1 and the average of the number of individuals who cast
16 votes in any of the two most recent regularly scheduled
17 general elections for Federal office held in the State.

18 “(c) PRO RATA REDUCTIONS.—If the amount of
19 funds appropriated for grants under this part is insuffi-
20 cient to ensure that each State receives the amount of the
21 grant calculated under subsection (b), the Commission
22 shall make such pro rata reductions in such amounts as
23 may be necessary to ensure that the entire amount appro-
24 priated under this part is distributed to the States.

1 “(d) SURPLUS APPROPRIATIONS.—If the amount of
2 funds appropriated for grants authorized under section
3 298D(a)(2) exceed the amount necessary to meet the re-
4 quirements of subsection (b), the Commission shall con-
5 sider the following in making a determination to award
6 remaining funds to a State:

7 “(1) The record of the State in carrying out the
8 following with respect to the administration of elec-
9 tions for Federal office:

10 “(A) Providing voting machines that are
11 less than 10 years old.

12 “(B) Implementing strong chain of custody
13 procedures for the physical security of voting
14 equipment and paper records at all stages of
15 the process.

16 “(C) Conducting pre-election testing on
17 every voting machine and ensuring that paper
18 ballots are available wherever electronic ma-
19 chines are used.

20 “(D) Maintaining offline backups of voter
21 registration lists.

22 “(E) Providing a secure voter registration
23 database that logs requests submitted to the
24 database.

1 “(F) Publishing and enforcing a policy de-
2 tailing use limitations and security safeguards
3 to protect the personal information of voters in
4 the voter registration process.

5 “(G) Providing secure processes and proce-
6 dures for reporting vote tallies.

7 “(H) Providing a secure platform for dis-
8 seminating vote totals.

9 “(2) Evidence of established conditions of inno-
10 vation and reform in providing voting system secu-
11 rity and the proposed plan of the State for imple-
12 menting additional conditions.

13 “(3) Evidence of collaboration between relevant
14 stakeholders, including local election officials, in de-
15 veloping the grant implementation plan described in
16 section 298B.

17 “(4) The plan of the State to conduct a rig-
18 orous evaluation of the effectiveness of the activities
19 carried out with the grant.

20 “(e) ABILITY OF REPLACEMENT SYSTEMS TO AD-
21 MINISTER RANKED CHOICE ELECTIONS.—To the greatest
22 extent practicable, an eligible State which receives a grant
23 to replace a voting system under this section shall ensure
24 that the replacement system is capable of administering
25 a system of ranked choice voting under which each voter

1 shall rank the candidates for the office in the order of
2 the voter's preference.

3 **“SEC. 298A. VOTING SYSTEM SECURITY IMPROVEMENTS**
4 **DESCRIBED.**

5 “(a) PERMITTED USES.—A voting system security
6 improvement described in this section is any of the fol-
7 lowing:

8 “(1) The acquisition of goods and services from
9 qualified election infrastructure vendors by purchase,
10 lease, or such other arrangements as may be appro-
11 priate.

12 “(2) Cyber and risk mitigation training.

13 “(3) A security risk and vulnerability assess-
14 ment of the State's election infrastructure which is
15 carried out by a provider of cybersecurity services
16 under a contract entered into between the chief
17 State election official and the provider.

18 “(4) The maintenance of election infrastruc-
19 ture, including addressing risks and vulnerabilities
20 which are identified under either of the security risk
21 and vulnerability assessments described in para-
22 graph (3), except that none of the funds provided
23 under this part may be used to renovate or replace
24 a building or facility which is used primarily for pur-

1 poses other than the administration of elections for
2 public office.

3 “(5) Providing increased technical support for
4 any information technology infrastructure that the
5 chief State election official deems to be part of the
6 State’s election infrastructure or designates as crit-
7 ical to the operation of the State’s election infra-
8 structure.

9 “(6) Enhancing the cybersecurity and oper-
10 ations of the information technology infrastructure
11 described in paragraph (4).

12 “(7) Enhancing the cybersecurity of voter reg-
13 istration systems.

14 “(b) QUALIFIED ELECTION INFRASTRUCTURE VEN-
15 DORS DESCRIBED.—

16 “(1) IN GENERAL.—For purposes of this part,
17 a ‘qualified election infrastructure vendor’ is any
18 person who provides, supports, or maintains, or who
19 seeks to provide, support, or maintain, election in-
20 frastructure on behalf of a State, unit of local gov-
21 ernment, or election agency (as defined in section
22 3601 of the Election Security Act) who meets the
23 criteria described in paragraph (2).

24 “(2) CRITERIA.—The criteria described in this
25 paragraph are such criteria as the Chairman, in co-

1 ordination with the Secretary of Homeland Security,
2 shall establish and publish, and shall include each of
3 the following requirements:

4 “(A) The vendor must be owned and con-
5 trolled by a citizen or permanent resident of the
6 United States.

7 “(B) The vendor must disclose to the
8 Chairman and the Secretary, and to the chief
9 State election official of any State to which the
10 vendor provides any goods and services with
11 funds provided under this part, of any sourcing
12 outside the United States for parts of the elec-
13 tion infrastructure.

14 “(C) The vendor agrees to ensure that the
15 election infrastructure will be developed and
16 maintained in a manner that is consistent with
17 the cybersecurity best practices issued by the
18 Technical Guidelines Development Committee.

19 “(D) The vendor agrees to maintain its in-
20 formation technology infrastructure in a man-
21 ner that is consistent with the cybersecurity
22 best practices issued by the Technical Guide-
23 lines Development Committee.

24 “(E) The vendor agrees to meet the re-
25 quirements of paragraph (3) with respect to

1 any known or suspected cybersecurity incidents
2 involving any of the goods and services provided
3 by the vendor pursuant to a grant under this
4 part.

5 “(F) The vendor agrees to permit inde-
6 pendent security testing by the Commission (in
7 accordance with section 231(a)) and by the Sec-
8 retary of the goods and services provided by the
9 vendor pursuant to a grant under this part.

10 “(3) CYBERSECURITY INCIDENT REPORTING
11 REQUIREMENTS.—

12 “(A) IN GENERAL.—A vendor meets the
13 requirements of this paragraph if, upon becom-
14 ing aware of the possibility that an election cy-
15 bersecurity incident has occurred involving any
16 of the goods and services provided by the ven-
17 dor pursuant to a grant under this part—

18 “(i) the vendor promptly assesses
19 whether or not such an incident occurred,
20 and submits a notification meeting the re-
21 quirements of subparagraph (B) to the
22 Secretary and the Chairman of the assess-
23 ment as soon as practicable (but in no case
24 later than 3 days after the vendor first be-

1 comes aware of the possibility that the in-
2 cident occurred);

3 “(ii) if the incident involves goods or
4 services provided to an election agency, the
5 vendor submits a notification meeting the
6 requirements of subparagraph (B) to the
7 agency as soon as practicable (but in no
8 case later than 3 days after the vendor
9 first becomes aware of the possibility that
10 the incident occurred), and cooperates with
11 the agency in providing any other nec-
12 essary notifications relating to the inci-
13 dent; and

14 “(iii) the vendor provides all necessary
15 updates to any notification submitted
16 under clause (i) or clause (ii).

17 “(B) CONTENTS OF NOTIFICATIONS.—
18 Each notification submitted under clause (i) or
19 clause (ii) of subparagraph (A) shall contain
20 the following information with respect to any
21 election cybersecurity incident covered by the
22 notification:

23 “(i) The date, time, and time zone
24 when the election cybersecurity incident
25 began, if known.

1 “(ii) The date, time, and time zone
2 when the election cybersecurity incident
3 was detected.

4 “(iii) The date, time, and duration of
5 the election cybersecurity incident.

6 “(iv) The circumstances of the elec-
7 tion cybersecurity incident, including the
8 specific election infrastructure systems be-
9 lieved to have been accessed and informa-
10 tion acquired, if any.

11 “(v) Any planned and implemented
12 technical measures to respond to and re-
13 cover from the incident.

14 “(vi) In the case of any notification
15 which is an update to a prior notification,
16 any additional material information relat-
17 ing to the incident, including technical
18 data, as it becomes available.

19 **“SEC. 298B. ELIGIBILITY OF STATES.**

20 “A State is eligible to receive a grant under this part
21 if the State submits to the Commission, at such time and
22 in such form as the Commission may require, an applica-
23 tion containing—

1 “(1) a description of how the State will use the
2 grant to carry out the activities authorized under
3 this part;

4 “(2) a certification and assurance that, not
5 later than 5 years after receiving the grant, the
6 State will carry out risk-limiting audits and will
7 carry out voting system security improvements, as
8 described in section 298A; and

9 “(3) such other information and assurances as
10 the Commission may require.

11 **“SEC. 298C. REPORTS TO CONGRESS.**

12 “Not later than 90 days after the end of each fiscal
13 year, the Commission shall submit a report to the appro-
14 priate congressional committees, including the Committees
15 on Homeland Security, House Administration, and the Ju-
16 diciary of the House of Representatives and the Commit-
17 tees on Homeland Security and Governmental Affairs, the
18 Judiciary, and Rules and Administration of the Senate,
19 on the activities carried out with the funds provided under
20 this part.

21 **“SEC. 298D. AUTHORIZATION OF APPROPRIATIONS.**

22 “(a) AUTHORIZATION.—There are authorized to be
23 appropriated for grants under this part—

24 “(1) \$1,000,000,000 for fiscal year 2019; and

1 ANCE COMMISSION.—Section 214(a) of such Act (52
2 U.S.C. 20944(a)) is amended—

3 (1) by striking “37 members” and inserting
4 “38 members”; and

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

7 “(17) The Secretary of Homeland Security or
8 the Secretary’s designee.”.

9 (c) REPRESENTATIVE OF DEPARTMENT OF HOME-
10 LAND SECURITY ON TECHNICAL GUIDELINES DEVELOP-
11 MENT COMMITTEE.—Section 221(c)(1) of such Act (52
12 U.S.C. 20961(c)(1)) is amended—

13 (1) in the matter preceding subparagraph (A),
14 by striking “14” and inserting “15”;

15 (2) by redesignating subparagraph (E) as sub-
16 paragraph (F); and

17 (3) by inserting after subparagraph (D) the fol-
18 lowing new subparagraph:

19 “(E) A representative of the Department
20 of Homeland Security.”.

21 (d) GOALS OF PERIODIC STUDIES OF ELECTION AD-
22 MINISTRATION ISSUES; CONSULTATION WITH SECRETARY
23 OF HOMELAND SECURITY.—Section 241(a) of such Act
24 (52 U.S.C. 20981(a)) is amended—

1 (1) in the matter preceding paragraph (1), by
2 striking “the Commission shall” and inserting “the
3 Commission, in consultation with the Secretary of
4 Homeland Security (as appropriate), shall”;

5 (2) by striking “and” at the end of paragraph
6 (3);

7 (3) by redesignating paragraph (4) as para-
8 graph (5); and

9 (4) by inserting after paragraph (3) the fol-
10 lowing new paragraph:

11 “(4) will be secure against attempts to under-
12 mine the integrity of election systems by cyber or
13 other means; and”.

14 (e) REQUIREMENTS PAYMENTS.—

15 (1) USE OF PAYMENTS FOR VOTING SYSTEM
16 SECURITY IMPROVEMENTS.—Section 251(b) of such
17 Act (52 U.S.C. 21001(b)), as amended by section
18 1061(a)(2), is further amended by adding at the end
19 the following new paragraph:

20 “(5) PERMITTING USE OF PAYMENTS FOR VOT-
21 ING SYSTEM SECURITY IMPROVEMENTS.—A State
22 may use a requirements payment to carry out any
23 of the following activities:

24 “(A) Cyber and risk mitigation training.

1 “(B) Providing increased technical support
2 for any information technology infrastructure
3 that the chief State election official deems to be
4 part of the State’s election infrastructure or
5 designates as critical to the operation of the
6 State’s election infrastructure.

7 “(C) Enhancing the cybersecurity and op-
8 erations of the information technology infra-
9 structure described in subparagraph (B).

10 “(D) Enhancing the security of voter reg-
11 istration databases.”.

12 (2) INCORPORATION OF ELECTION INFRA-
13 STRUCTURE PROTECTION IN STATE PLANS FOR USE
14 OF PAYMENTS.—Section 254(a)(1) of such Act (52
15 U.S.C. 21004(a)(1)) is amended by striking the pe-
16 riod at the end and inserting “, including the protec-
17 tion of election infrastructure.”.

18 (3) COMPOSITION OF COMMITTEE RESPONSIBLE
19 FOR DEVELOPING STATE PLAN FOR USE OF PAY-
20 MENTS.—Section 255 of such Act (52 U.S.C.
21 21005) is amended—

22 (A) by redesignating subsection (b) as sub-
23 section (c); and

24 (B) by inserting after subsection (a) the
25 following new subsection:

1 “(b) GEOGRAPHIC REPRESENTATION.—The mem-
2 bers of the committee shall be a representative group of
3 individuals from the State’s counties, cities, towns, and
4 Indian tribes, and shall represent the needs of rural as
5 well as urban areas of the State, as the case may be.”.

6 (f) ENSURING PROTECTION OF COMPUTERIZED
7 STATEWIDE VOTER REGISTRATION LIST.—Section
8 303(a)(3) of such Act (52 U.S.C. 21083(a)(3)) is amend-
9 ed by striking the period at the end and inserting “, as
10 well as other measures to prevent and deter cybersecurity
11 incidents, as identified by the Commission, the Secretary
12 of Homeland Security, and the Technical Guidelines De-
13 velopment Committee.”.

14 **SEC. 3003. INCORPORATION OF DEFINITIONS.**

15 (a) IN GENERAL.—Section 901 of the Help America
16 Vote Act of 2002 (52 U.S.C. 21141), as amended by sec-
17 tion 1921(b)(1), is amended to read as follows:

18 **“SEC. 901. DEFINITIONS.**

19 “In this Act, the following definitions apply:

20 “(1) The term ‘cybersecurity incident’ has the
21 meaning given the term ‘incident’ in section 227 of
22 the Homeland Security Act of 2002 (6 U.S.C. 659).

23 “(2) The term ‘election infrastructure’ has the
24 meaning given such term in section 3601 of the
25 Election Security Act.

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

6 (b) CLERICAL AMENDMENT.—The table of contents
7 of such Act is amended by amending the item relating to
8 section 901 to read as follows:

“Sec. 901. Definitions.”.

9 **PART 2—GRANTS FOR RISK-LIMITING AUDITS OF**
10 **RESULTS OF ELECTIONS**

11 **SEC. 3011. GRANTS TO STATES FOR CONDUCTING RISK-LIM-**
12 **ITING AUDITS OF RESULTS OF ELECTIONS.**

13 (a) AVAILABILITY OF GRANTS.—Subtitle D of title
14 II of the Help America Vote Act of 2002 (52 U.S.C.
15 21001 et seq.), as amended by sections 1905(a) and
16 3001(a), is amended by adding at the end the following
17 new part:

18 **“PART 9—GRANTS FOR CONDUCTING RISK-**
19 **LIMITING AUDITS OF RESULTS OF ELECTIONS**
20 **“SEC. 299. GRANTS FOR CONDUCTING RISK-LIMITING AU-**
21 **DITS OF RESULTS OF ELECTIONS.**

22 “(a) AVAILABILITY OF GRANTS.—The Commission
23 shall make a grant to each eligible State to conduct risk-
24 limiting audits as described in subsection (b) with respect
25 to the regularly scheduled general elections for Federal of-

1 fice held in November 2020 and each succeeding election
2 for Federal office.

3 “(b) RISK-LIMITING AUDITS DESCRIBED.—In this
4 part, a ‘risk-limiting audit’ is a post-election process—

5 “(1) which is conducted in accordance with
6 rules and procedures established by the chief State
7 election official of the State which meet the require-
8 ments of subsection (c); and

9 “(2) under which, if the reported outcome of
10 the election is incorrect, there is at least a predeter-
11 mined percentage chance that the audit will replace
12 the incorrect outcome with the correct outcome as
13 determined by a full, hand-to-eye tabulation of all
14 votes validly cast in that election that ascertains
15 voter intent manually and directly from voter-
16 verifiable paper records.

17 “(c) REQUIREMENTS FOR RULES AND PROCE-
18 DURES.—The rules and procedures established for con-
19 ducting a risk-limiting audit shall include the following
20 elements:

21 “(1) Rules for ensuring the security of ballots
22 and documenting that prescribed procedures were
23 followed.

1 “(2) Rules and procedures for ensuring the ac-
2 curacy of ballot manifests produced by election agen-
3 cies.

4 “(3) Rules and procedures for governing the
5 format of ballot manifests, cast vote records, and
6 other data involved in the audit.

7 “(4) Methods to ensure that any cast vote
8 records used in the audit are those used by the vot-
9 ing system to tally the election results sent to the
10 chief State election official and made public.

11 “(5) Procedures for the random selection of
12 ballots to be inspected manually during each audit.

13 “(6) Rules for the calculations and other meth-
14 ods to be used in the audit and to determine wheth-
15 er and when the audit of an election is complete.

16 “(7) Procedures and requirements for testing
17 any software used to conduct risk-limiting audits.

18 “(d) DEFINITIONS.—In this part, the following defi-
19 nitions apply:

20 “(1) The term ‘ballot manifest’ means a record
21 maintained by each election agency that meets each
22 of the following requirements:

23 “(A) The record is created without reliance
24 on any part of the voting system used to tab-
25 ulate votes.

1 “(B) The record functions as a sampling
2 frame for conducting a risk-limiting audit.

3 “(C) The record contains the following in-
4 formation with respect to the ballots cast and
5 counted in the election:

6 “(i) The total number of ballots cast
7 and counted by the agency (including
8 undervotes, overvotes, and other invalid
9 votes).

10 “(ii) The total number of ballots cast
11 in each election administered by the agency
12 (including undervotes, overvotes, and other
13 invalid votes).

14 “(iii) A precise description of the
15 manner in which the ballots are physically
16 stored, including the total number of phys-
17 ical groups of ballots, the numbering sys-
18 tem for each group, a unique label for each
19 group, and the number of ballots in each
20 such group.

21 “(2) The term ‘incorrect outcome’ means an
22 outcome that differs from the outcome that would be
23 determined by a full tabulation of all votes validly
24 cast in the election, determining voter intent manu-
25 ally, directly from voter-verifiable paper records.

1 “(3) The term ‘outcome’ means the winner of
2 an election, whether a candidate or a position.

3 “(4) The term ‘reported outcome’ means the
4 outcome of an election which is determined accord-
5 ing to the canvass and which will become the official,
6 certified outcome unless it is revised by an audit, re-
7 count, or other legal process.

8 **“SEC. 299A. ELIGIBILITY OF STATES.**

9 “A State is eligible to receive a grant under this part
10 if the State submits to the Commission, at such time and
11 in such form as the Commission may require, an applica-
12 tion containing—

13 “(1) a certification that, not later than 5 years
14 after receiving the grant, the State will conduct risk-
15 limiting audits of the results of elections for Federal
16 office held in the State as described in section 299;

17 “(2) a certification that, not later than one year
18 after the date of the enactment of this section, the
19 chief State election official of the State has estab-
20 lished or will establish the rules and procedures for
21 conducting the audits which meet the requirements
22 of section 299(c);

23 “(3) a certification that the audit shall be com-
24 pleted not later than the date on which the State
25 certifies the results of the election;

1 “(4) a certification that, after completing the
2 audit, the State shall publish a report on the results
3 of the audit, together with such information as nec-
4 essary to confirm that the audit was conducted prop-
5 erly;

6 “(5) a certification that, if a risk-limiting audit
7 conducted under this part leads to a full manual
8 tally of an election, State law requires that the State
9 or election agency shall use the results of the full
10 manual tally as the official results of the election;
11 and

12 “(6) such other information and assurances as
13 the Commission may require.

14 **“SEC. 299B. AUTHORIZATION OF APPROPRIATIONS.**

15 “There are authorized to be appropriated for grants
16 under this part \$20,000,000 for fiscal year 2019, to re-
17 main available until expended.”.

18 (b) CLERICAL AMENDMENT.—The table of contents
19 of such Act, as amended by sections 1905(b) and 3001(b),
20 is further amended by adding at the end of the items relat-
21 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.

1 **SEC. 3012. GAO ANALYSIS OF EFFECTS OF AUDITS.**

2 (a) ANALYSIS.—Not later than 6 months after the
3 first election for Federal office is held after grants are
4 first awarded to States for conducting risk-limiting audits
5 under part 9 of subtitle D of title II of the Help America
6 Vote Act of 2002 (as added by section 3011) for con-
7 ducting risk-limiting audits of elections for Federal office,
8 the Comptroller General of the United States shall con-
9 duct an analysis of the extent to which such audits have
10 improved the administration of such elections and the se-
11 curity of election infrastructure in the States receiving
12 such grants.

13 (b) REPORT.—The Comptroller General of the
14 United States shall submit a report on the analysis con-
15 ducted under subsection (a) to the appropriate congres-
16 sional committees.

17 **PART 3—ELECTION INFRASTRUCTURE**

18 **INNOVATION GRANT PROGRAM**

19 **SEC. 3021. ELECTION INFRASTRUCTURE INNOVATION**
20 **GRANT PROGRAM.**

21 (a) IN GENERAL.—Title III of the Homeland Secu-
22 rity Act of 2002 (6 U.S.C. 181 et seq.) is amended by
23 adding at the end the following new section:

1 **“SEC. 321. ELECTION INFRASTRUCTURE INNOVATION**
2 **GRANT PROGRAM.**

3 “(a) ESTABLISHMENT.—The Secretary, acting
4 through the Under Secretary for Science and Technology,
5 in coordination with the Chairman of the Election Assist-
6 ance Commission (established pursuant to the Help Amer-
7 ica Vote Act of 2002) and in consultation with the Direc-
8 tor of the National Science Foundation and the Director
9 of the National Institute of Standards and Technology,
10 shall establish a competitive grant program to award
11 grants to eligible entities, on a competitive basis, for pur-
12 poses of research and development that are determined to
13 have the potential to significantly improve the security (in-
14 cluding cybersecurity), quality, reliability, accuracy, acces-
15 sibility, and affordability of election infrastructure, and in-
16 crease voter participation.

17 “(b) REPORT TO CONGRESS.—Not later than 90 days
18 after the conclusion of each fiscal year for which grants
19 are awarded under this section, the Secretary shall submit
20 to the Committee on Homeland Security and the Com-
21 mittee on House Administration of the House of Rep-
22 resentatives and the Committee on Homeland Security
23 and Governmental Affairs and the Committee on Rules
24 and Administration of the Senate a report describing such
25 grants and analyzing the impact, if any, of such grants

1 on the security and operation of election infrastructure,
2 and on voter participation.

3 “(c) AUTHORIZATION OF APPROPRIATIONS.—There
4 are authorized to be appropriated to the Secretary
5 \$20,000,000 for each of fiscal years 2019 through 2027
6 for purposes of carrying out this section.

7 “(d) ELIGIBLE ENTITY DEFINED.—In this section,
8 the term ‘eligible entity’ means—

9 “(1) an institution of higher education (as de-
10 fined in section 101(a) of the Higher Education Act
11 of 1965 (20 U.S.C. 1001(a)), including an institu-
12 tion of higher education that is a historically Black
13 college or university (which has the meaning given
14 the term “part B institution” in section 322 of such
15 Act (20 U.S.C. 1061)) or other minority-serving in-
16 stitution listed in section 371(a) of such Act (20
17 U.S.C. 1067q(a));

18 “(2) an organization described in section
19 501(c)(3) of the Internal Revenue Code of 1986 and
20 exempt from tax under section 501(a) of such Code;
21 or

22 “(3) an organization, association, or a for-profit
23 company, including a small business concern (as
24 such term is defined under section 3 of the Small
25 Business Act (15 U.S.C. 632)), including a small

1 business concern owned and controlled by socially
2 and economically disadvantaged individuals as de-
3 fined under section 8(d)(3)(C) of the Small Business
4 Act (15 U.S.C. 637(d)(3)(C)).”.

5 (b) DEFINITION.—Section 2 of the Homeland Secu-
6 rity Act of 2002 (6 U.S.C. 101) is amended—

7 (1) by redesignating paragraphs (6) through
8 (20) as paragraphs (7) through (21), respectively;
9 and

10 (2) by inserting after paragraph (5) the fol-
11 lowing:

12 “(6) ELECTION INFRASTRUCTURE.—The term
13 ‘election infrastructure’ means storage facilities,
14 polling places, and centralized vote tabulation loca-
15 tions used to support the administration of elections
16 for public office, as well as related information and
17 communications technology, including voter registra-
18 tion databases, voting machines, electronic mail and
19 other communications systems (including electronic
20 mail and other systems of vendors who have entered
21 into contracts with election agencies to support the
22 administration of elections, manage the election
23 process, and report and display election results), and
24 other systems used to manage the election process

1 and to report and display election results on behalf
2 of an election agency.”.

3 (c) CLERICAL AMENDMENT.—The table of contents
4 in section 1(b) of the Homeland Security Act of 2002
5 (Public Law 107–296; 116 Stat. 2135) is amended by in-
6 serting after the item relating to section 320 the following:

“Sec. 321. Election infrastructure innovation grant program.”.

7 **Subtitle B—Security Measures**

8 **SEC. 3101. ELECTION INFRASTRUCTURE DESIGNATION.**

9 Section 2001(3)(J) of the Homeland Security Act of
10 2002 (6 U.S.C. 601(3)(J)) is amended by inserting “, in-
11 cluding election infrastructure” before the period at the
12 end.

13 **SEC. 3102. TIMELY THREAT INFORMATION.**

14 Section 201(d) of the Homeland Security Act of 2002
15 (6 U.S.C. 121(d)) is amended by adding at the end the
16 following new paragraph:

17 “(24) To provide timely threat information re-
18 garding election infrastructure to the chief State
19 election official (as defined in section 3601 of the
20 For the People Act of 2019)of the State with re-
21 spect to which such information pertains.”.

22 **SEC. 3103. SECURITY CLEARANCE ASSISTANCE FOR ELEC-** 23 **TION OFFICIALS.**

24 In order to promote the timely sharing of information
25 on threats to election infrastructure, the Secretary may—

1 (1) help expedite a security clearance for the
2 chief State election official and other appropriate
3 State personnel involved in the administration of
4 elections, as designated by the chief State election
5 official;

6 (2) sponsor a security clearance for the chief
7 State election official and other appropriate State
8 personnel involved in the administration of elections,
9 as designated by the chief State election official; and

10 (3) facilitate the issuance of a temporary clear-
11 ance to the chief State election official and other ap-
12 propriate State personnel involved in the administra-
13 tion of elections, as designated by the chief State
14 election official, if the Secretary determines classi-
15 fied information to be timely and relevant to the
16 election infrastructure of the State at issue.

17 **SEC. 3104. SECURITY RISK AND VULNERABILITY ASSESS-**
18 **MENTS.**

19 (a) IN GENERAL.—Section 2209(c)(6) of the Home-
20 land Security Act of 2002 (6 U.S.C. 659(c)(6)) is amend-
21 ed by inserting “(including by carrying out a security risk
22 and vulnerability assessment)” after “risk management
23 support”.

24 (b) PRIORITIZATION TO ENHANCE ELECTION SECU-
25 RITY.—

1 (1) IN GENERAL.—Not later than 90 days after
2 receiving a written request from a chief State elec-
3 tion official, the Secretary shall, to the extent prac-
4 ticable, commence a security risk and vulnerability
5 assessment (pursuant to section 2209(c)(6) of the
6 Homeland Security Act of 2002, as amended by sub-
7 section (a)) on election infrastructure in the State at
8 issue.

9 (2) NOTIFICATION.—If the Secretary, upon re-
10 ceipt of a request described in paragraph (1), deter-
11 mines that a security risk and vulnerability assess-
12 ment cannot be commenced within 90 days, the Sec-
13 retary shall expeditiously notify the chief State elec-
14 tion official who submitted such request.

15 **SEC. 3105. ANNUAL REPORTS.**

16 (a) REPORTS ON ASSISTANCE AND ASSESSMENTS.—
17 Not later than 1 year after the date of enactment of this
18 Act and annually thereafter through 2026, the Secretary
19 shall submit to the appropriate congressional commit-
20 tees—

21 (1) efforts to carry out section 3103 during the
22 prior year, including specific information on which
23 States were helped, how many officials have been
24 helped in each State, how many security clearances
25 have been sponsored in each State, and how many

1 temporary clearances have been issued in each State;
2 and

3 (2) efforts to carry out section 3104 during the
4 prior year, including specific information on which
5 States were helped, the dates on which the Secretary
6 received a request for a security risk and vulner-
7 ability assessment pursuant to such section, the
8 dates on which the Secretary commenced each such
9 request, and the dates on which the Secretary trans-
10 mitted a notification in accordance with subsection
11 (b)(2) of such section.

12 (b) REPORTS ON FOREIGN THREATS.—Beginning
13 with fiscal year 2019, not later than 90 days after the
14 end of each fiscal year, the Secretary and the Director
15 of National Intelligence, in coordination with the heads of
16 appropriate offices of the Federal government, shall sub-
17 mit a joint report to the appropriate congressional com-
18 mittees on foreign threats to elections in the United
19 States, including physical and cybersecurity threats.

20 (c) INFORMATION FROM STATES.—For purposes of
21 preparing the reports required under this section, the Sec-
22 retary shall solicit and consider information and comments
23 from States and election agencies, except that the provi-
24 sion of such information and comments by a State or elec-

1 tion agency shall be voluntary and at the discretion of the
2 State or agency.

3 **SEC. 3106. PRE-ELECTION THREAT ASSESSMENTS.**

4 (a) SUBMISSION OF ASSESSMENT BY DNI.—Not
5 later than 180 days before the date of each regularly
6 scheduled general election for Federal office, the Director
7 of National Intelligence shall submit an assessment of the
8 full scope of threats to election infrastructure, including
9 cybersecurity threats posed by state actors and terrorist
10 groups, and recommendations to address or mitigate the
11 threats, as developed by the Secretary and Chairman, to—

12 (1) the chief State election official of each
13 State;

14 (2) the Committees on Homeland Security and
15 House Administration of the House of Representa-
16 tives and the Committees on Homeland Security and
17 Governmental Affairs and Rules and Administration
18 of the Senate; and

19 (3) any other appropriate congressional com-
20 mittees.

21 (b) UPDATES TO INITIAL ASSESSMENTS.—If, at any
22 time after submitting an assessment with respect to an
23 election under subsection (a), the Director of National In-
24 telligence determines that the assessment should be up-
25 dated to reflect new information regarding the threats in-

1 volved, the Director shall submit a revised assessment
2 under such subsection.

3 (c) DEFINITIONS.—In this section, the following defi-
4 nitions apply:

5 (1) CHAIRMAN.—The term “Chairman” means
6 the chair of the Election Assistance Commission.

7 (2) CHIEF STATE ELECTION OFFICIAL.—The
8 term “chief State election official” means, with re-
9 spect to a State, the individual designated by the
10 State under section 10 of the National Voter Reg-
11 istration Act of 1993 (52 U.S.C. 20509) to be re-
12 sponsible for coordination of the State’s responsibil-
13 ities under such Act.

14 (3) ELECTION INFRASTRUCTURE.—The term
15 “election infrastructure” means storage facilities,
16 polling places, and centralized vote tabulation loca-
17 tions used to support the administration of elections
18 for public office, as well as related information and
19 communications technology, including voter registra-
20 tion databases, voting machines, electronic mail and
21 other communications systems (including electronic
22 mail and other systems of vendors who have entered
23 into contracts with election agencies to support the
24 administration of elections, manage the election
25 process, and report and display election results), and

1 other systems used to manage the election process
2 and to report and display election results on behalf
3 of an election agency.

4 (4) SECRETARY.—The term “Secretary” means
5 the Secretary of Homeland Security.

6 (5) STATE.—The term “State” has the mean-
7 ing given such term in section 901 of the Help
8 America Vote Act of 2002 (52 U.S.C. 21141).

9 (d) EFFECTIVE DATE.—This Act shall apply with re-
10 spect to the regularly scheduled general election for Fed-
11 eral office held in November 2020 and each succeeding
12 regularly scheduled general election for Federal office.

13 **Subtitle C—Enhancing Protections**
14 **for United States Democratic In-**
15 **stitutions**

16 **SEC. 3201. NATIONAL STRATEGY TO PROTECT UNITED**
17 **STATES DEMOCRATIC INSTITUTIONS.**

18 (a) IN GENERAL.—Not later than 1 year after the
19 date of enactment of this Act, the President, acting
20 through the Secretary, in consultation with the Chairman,
21 the Secretary of Defense, the Secretary of State, the At-
22 torney General, the Secretary of Education, the Director
23 of National Intelligence, the Chairman, and the heads of
24 any other appropriate Federal agencies, shall issue a na-
25 tional strategy to protect against cyber attacks, influence

1 operations, disinformation campaigns, and other activities
2 that could undermine the security and integrity of United
3 States democratic institutions.

4 (b) CONSIDERATIONS.—The national strategy re-
5 quired under subsection (a) shall include consideration of
6 the following:

7 (1) The threat of a foreign state actor, foreign
8 terrorist organization (as designated pursuant to
9 section 219 of the Immigration and Nationality Act
10 (8 U.S.C. 1189)), or a domestic actor carrying out
11 a cyber attack, influence operation, disinformation
12 campaign, or other activity aimed at undermining
13 the security and integrity of United States demo-
14 cratic institutions.

15 (2) The extent to which United States demo-
16 cratic institutions are vulnerable to a cyber attack,
17 influence operation, disinformation campaign, or
18 other activity aimed at undermining the security and
19 integrity of such democratic institutions.

20 (3) Potential consequences, such as an erosion
21 of public trust or an undermining of the rule of law,
22 that could result from a successful cyber attack, in-
23 fluence operation, disinformation campaign, or other
24 activity aimed at undermining the security and in-
25 tegrity of United States democratic institutions.

1 (4) Lessons learned from other Western govern-
2 ments the institutions of which were subject to a
3 cyber attack, influence operation, disinformation
4 campaign, or other activity aimed at undermining
5 the security and integrity of such institutions, as
6 well as actions that could be taken by the United
7 States Government to bolster collaboration with for-
8 eign partners to detect, deter, prevent, and counter
9 such activities.

10 (5) Potential impacts such as an erosion of
11 public trust in democratic institutions as could be
12 associated with a successful cyber breach or other
13 activity negatively-affecting election infrastructure.

14 (6) Roles and responsibilities of the Secretary,
15 the Chairman, and the heads of other Federal enti-
16 ties and non-Federal entities, including chief State
17 election officials and representatives of multi-state
18 information sharing and analysis center.

19 (7) Any findings, conclusions, and recommenda-
20 tions to strengthen protections for United States
21 democratic institutions that have been agreed to by
22 a majority of Commission members on the National
23 Commission to Protect United States Democratic
24 Institutions, authorized pursuant to section 3202.

1 (c) IMPLEMENTATION PLAN.—Not later than 90
2 days after date on which the national strategy required
3 under subsection (a) is issued, the President, acting
4 through the Secretary, in coordination with the Chairman,
5 shall issue an implementation plan for Federal efforts to
6 implement such strategy that includes the following:

7 (1) Strategic objectives and corresponding
8 tasks.

9 (2) Projected timelines and costs for the tasks
10 referred to in paragraph (1).

11 (3) Metrics to evaluate performance of such
12 tasks.

13 (d) CLASSIFICATION.—The national strategy re-
14 quired under subsection (a) shall be in unclassified form.

15 (e) CIVIL RIGHTS REVIEW.—Not later than 60 days
16 after the date on which the national strategy required
17 under subsection (a) is issued, and not later than 60 days
18 after the date on which the implementation plan required
19 under subsection (c) is issued, the Privacy and Civil Lib-
20 erties Oversight Board (established under section 1061 of
21 the Intelligence Reform and Terrorism Prevention Act of
22 2004 (42 U.S.C. 2000ee)) shall submit a report to Con-
23 gress on any potential privacy and civil liberties impacts
24 of such strategy and implementation plan, respectively.

1 **SEC. 3202. NATIONAL COMMISSION TO PROTECT UNITED**
2 **STATES DEMOCRATIC INSTITUTIONS.**

3 (a) ESTABLISHMENT.—There is established within
4 the legislative branch the National Commission to Protect
5 United States Democratic Institutions (hereafter in this
6 section referred to as the “Commission”).

7 (b) PURPOSE.—The purpose of the Commission is to
8 counter efforts to undermine democratic institutions with-
9 in the United States.

10 (c) COMPOSITION.—

11 (1) MEMBERSHIP.—The Commission shall be
12 composed of 10 members appointed for the life of
13 the Commission as follows:

14 (A) One member shall be appointed by the
15 Secretary.

16 (B) One member shall be appointed by the
17 Chairman.

18 (C) Two members shall be appointed by
19 the majority leader of the Senate, in consulta-
20 tion with the Chairman of the Committee on
21 Homeland Security and Governmental Affairs
22 of the Senate, the Chairman of the Committee
23 on the Judiciary of the Senate, and the Chair-
24 man of the Committee on Rules and Adminis-
25 tration of the Senate.

1 (D) Two members shall be appointed by
2 the minority leader of the Senate, in consulta-
3 tion with the ranking minority member of the
4 Committee on Homeland Security and Govern-
5 mental Affairs of the Senate, the ranking mi-
6 nority member of the Committee on the Judici-
7 ary of the Senate, and the ranking minority
8 member of the Committee on Rules and Admin-
9 istration of the Senate.

10 (E) Two members shall be appointed by
11 the Speaker of the House of Representatives, in
12 consultation with the Chairman of the Com-
13 mittee on Homeland Security of the House of
14 Representatives, the Chairman of the Com-
15 mittee on House Administration of the House
16 of Representatives, and the Chairman of the
17 Committee on the Judiciary of the House of
18 Representatives.

19 (F) Two members shall be appointed by
20 the minority leader of the House of Representa-
21 tives, in consultation with the ranking minority
22 member of the Committee on Homeland Secu-
23 rity of the House of Representatives, the rank-
24 ing minority member of the Committee on the
25 Judiciary of the House of Representatives, and

1 the ranking minority member of the Committee
2 on House Administration of the House of Rep-
3 resentatives.

4 (2) QUALIFICATIONS.—Individuals shall be se-
5 lected for appointment to the Commission solely on
6 the basis of their professional qualifications, achieve-
7 ments, public stature, experience, and expertise in
8 relevant fields, including, but not limited to cyberse-
9 curity, national security, and the Constitution of the
10 United States.

11 (3) NO COMPENSATION FOR SERVICE.—Mem-
12 bers shall not receive compensation for service on
13 the Commission, but shall receive travel expenses,
14 including per diem in lieu of subsistence, in accord-
15 ance with chapter 57 of title 5, United States Code.

16 (4) DEADLINE FOR APPOINTMENT.—All mem-
17 bers of the Commission shall be appointed not later
18 than 60 days after the date of enactment of this
19 Act.

20 (5) VACANCIES.—A vacancy on the Commission
21 shall not affect its powers and shall be filled in the
22 manner in which the original appointment was
23 made. The appointment of the replacement member
24 shall be made not later than 60 days after the date
25 on which the vacancy occurs.

1 (d) CHAIR AND VICE CHAIR.—The Commission shall
2 elect a Chair and Vice Chair from among its members.

3 (e) QUORUM AND MEETINGS.—

4 (1) QUORUM.—The Commission shall meet and
5 begin the operations of the Commission not later
6 than 30 days after the date on which all members
7 have been appointed or, if such meeting cannot be
8 mutually agreed upon, on a date designated by the
9 Speaker of the House of Representatives and the
10 President pro Tempore of the Senate. Each subse-
11 quent meeting shall occur upon the call of the Chair
12 or a majority of its members. A majority of the
13 members of the Commission shall constitute a
14 quorum, but a lesser number may hold meetings.

15 (2) AUTHORITY OF INDIVIDUALS TO ACT FOR
16 COMMISSION.—Any member of the Commission may,
17 if authorized by the Commission, take any action
18 that the Commission is authorized to take under this
19 section.

20 (f) POWERS.—

21 (1) HEARINGS AND EVIDENCE.—The Commis-
22 sion (or, on the authority of the Commission, any
23 subcommittee or member thereof) may, for the pur-
24 pose of carrying out this section, hold hearings and
25 sit and act at such times and places, take such testi-

1 mony, receive such evidence, and administer such
2 oaths as the Commission considers advisable to
3 carry out its duties.

4 (2) CONTRACTING.—The Commission may, to
5 such extent and in such amounts as are provided in
6 appropriation Acts, enter into contracts to enable
7 the Commission to discharge its duties under this
8 section.

9 (g) ASSISTANCE FROM FEDERAL AGENCIES.—

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

15 (2) OTHER DEPARTMENTS AND AGENCIES.—In
16 addition to the assistance provided under paragraph
17 (1), the Department of Homeland Security, the
18 Election Assistance Commission, and other appro-
19 priate departments and agencies of the United
20 States shall provide to the Commission such serv-
21 ices, funds, facilities, and staff as they may deter-
22 mine advisable and as may be authorized by law.

23 (h) PUBLIC MEETINGS.—Any public meetings of the
24 Commission shall be conducted in a manner consistent
25 with the protection of information provided to or developed

1 for or by the Commission as required by any applicable
2 statute, regulation, or Executive order.

3 (i) SECURITY CLEARANCES.—

4 (1) IN GENERAL.—The heads of appropriate
5 departments and agencies of the executive branch
6 shall cooperate with the Commission to expeditiously
7 provide Commission members and staff with appro-
8 priate security clearances to the extent possible
9 under applicable procedures and requirements.

10 (2) PREFERENCES.—In appointing staff, ob-
11 taining detailees, and entering into contracts for the
12 provision of services for the Commission, the Com-
13 mission shall give preference to individuals otherwise
14 who have active security clearances.

15 (j) REPORTS.—

16 (1) INTERIM REPORTS.—At any time prior to
17 the submission of the final report under paragraph
18 (2), the Commission may submit interim reports to
19 the President and Congress such findings, conclu-
20 sions, and recommendations to strengthen protec-
21 tions for democratic institutions in the United
22 States as have been agreed to by a majority of the
23 members of the Commission.

24 (2) FINAL REPORT.—Not later than 18 months
25 after the date of the first meeting of the Commis-

1 sion, the Commission shall submit to the President
2 and Congress a final report containing such find-
3 ings, conclusions, and recommendations to strength-
4 en protections for democratic institutions in the
5 United States as have been agreed to by a majority
6 of the members of the Commission.

7 (k) TERMINATION.—

8 (1) IN GENERAL.—The Commission shall termi-
9 nate upon the expiration of the 60-day period which
10 begins on the date on which the Commission submits
11 the final report required under subsection (j)(2).

12 (2) ADMINISTRATIVE ACTIVITIES PRIOR TO
13 TERMINATION.—During the 60-day period described
14 in paragraph (2), the Commission may carry out
15 such administrative activities as may be required to
16 conclude its work, including providing testimony to
17 committees of Congress concerning the final report
18 and disseminating the final report.

1 **Subtitle D—Promoting Cybersecu-**
2 **rity Through Improvements in**
3 **Election Administration**

4 **SEC. 3301. TESTING OF EXISTING VOTING SYSTEMS TO EN-**
5 **SURE COMPLIANCE WITH ELECTION CYBER-**
6 **SECURITY GUIDELINES AND OTHER GUIDE-**
7 **LINES.**

8 (a) REQUIRING TESTING OF EXISTING VOTING SYS-
9 TEMS.—

10 (1) IN GENERAL.—Section 231(a) of the Help
11 America Vote Act of 2002 (52 U.S.C. 20971(a)) is
12 amended by adding at the end the following new
13 paragraph:

14 “(3) TESTING TO ENSURE COMPLIANCE WITH
15 GUIDELINES.—

16 “(A) TESTING.—Not later than 9 months
17 before the date of each regularly scheduled gen-
18 eral election for Federal office, the Commission
19 shall provide for the testing by accredited lab-
20 oratories under this section of the voting system
21 hardware and software which was certified for
22 use in the most recent such election, on the
23 basis of the most recent voting system guide-
24 lines applicable to such hardware or software

1 (including election cybersecurity guidelines)
2 issued under this Act.

3 “(B) DECERTIFICATION OF HARDWARE OR
4 SOFTWARE FAILING TO MEET GUIDELINES.—If,
5 on the basis of the testing described in subpara-
6 graph (A), the Commission determines that any
7 voting system hardware or software does not
8 meet the most recent guidelines applicable to
9 such hardware or software issued under this
10 Act, the Commission shall decertify such hard-
11 ware or software.”.

12 (2) EFFECTIVE DATE.—The amendment made
13 by paragraph (1) shall apply with respect to the reg-
14 ularly scheduled general election for Federal office
15 held in November 2020 and each succeeding regu-
16 larly scheduled general election for Federal office.

17 (b) ISSUANCE OF CYBERSECURITY GUIDELINES BY
18 TECHNICAL GUIDELINES DEVELOPMENT COMMITTEE.—
19 Section 221(b) of the Help America Vote Act of 2002 (52
20 U.S.C. 20961(b)) is amended by adding at the end the
21 following new paragraph:

22 “(3) ELECTION CYBERSECURITY GUIDE-
23 LINES.—Not later than 6 months after the date of
24 the enactment of this paragraph, the Development
25 Committee shall issue election cybersecurity guide-

1 lines, including standards and best practices for pro-
2 curing, maintaining, testing, operating, and updat-
3 ing election systems to prevent and deter cybersecu-
4 rity incidents.”.

5 **SEC. 3302. TREATMENT OF ELECTRONIC POLL BOOKS AS**
6 **PART OF VOTING SYSTEMS.**

7 (a) INCLUSION IN DEFINITION OF VOTING SYS-
8 TEM.—Section 301(b) of the Help America Vote Act of
9 2002 (52 U.S.C. 21081(b)) is amended—

10 (1) in the matter preceding paragraph (1), by
11 striking “this section” and inserting “this Act”;

12 (2) by striking “and” at the end of paragraph
13 (1);

14 (3) by redesignating paragraph (2) as para-
15 graph (3); and

16 (4) by inserting after paragraph (1) the fol-
17 lowing new paragraph:

18 “(2) any electronic poll book used with respect
19 to the election; and”.

20 (b) DEFINITION.—Section 301 of such Act (52
21 U.S.C. 21081), as amended by section 1508, is amend-
22 ed—

23 (1) by redesignating subsections (c) and (d) as
24 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)(1) of such
16 Act (52 U.S.C. 21081(e)), as redesignated by subsection
17 (b), is amended by striking the period at the end and in-
18 serting the following: “, or, with respect to any require-
19 ments relating to electronic poll books, on and after Janu-
20 ary 1, 2020.”.

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.**—Not
6 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 2020 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 2019”.

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 subpara-
23 graph (A) and establish criteria for individuals, or-
24 ganizations, and companies to be considered eligible

1 for such compensation in compliance with Federal
2 laws;

3 (4) consult with the Attorney General on how
4 to ensure that approved individuals, organizations,
5 or companies that comply with the requirements of
6 the Program are protected from prosecution under
7 section 1030 of title 18, United States Code, and
8 similar provisions of law, and from liability under
9 civil actions for specific activities authorized under
10 the Program;

11 (5) consult with the Secretary of Defense and
12 the heads of other departments and agencies that
13 have implemented programs to provide compensation
14 for reports of previously undisclosed vulnerabilities
15 in information systems, regarding lessons that may
16 be applied from such programs;

17 (6) develop an expeditious process by which an
18 individual, organization, or company can register
19 with the Department, submit to a background check
20 as determined by the Department, and receive a de-
21 termination as to eligibility for participation in the
22 Program; and

23 (7) engage qualified interested persons, includ-
24 ing representatives of private entities, about the
25 structure of the Program and, to the extent prac-

1 ticable, establish a recurring competition for inde-
2 pendent technical experts to assess election systems
3 for the purpose of identifying and reporting election
4 cybersecurity vulnerabilities.

5 (d) USE OF SERVICE PROVIDERS.—The Secretary
6 may award competitive contracts as necessary to manage
7 the Program.

8 **SEC. 3403. DEFINITIONS.**

9 In this subtitle, the following definitions apply:

10 (1) ELECTION; FEDERAL OFFICE.—The terms
11 “election” and “Federal office” have the meanings
12 given such terms in section 301 of the Federal Elec-
13 tion Campaign Act of 1971 (52 U.S.C. 30101).

14 (2) ELECTION CYBERSECURITY VULNER-
15 ABILITY.—The term “election cybersecurity vulner-
16 ability” means any security vulnerability (as defined
17 in section 102 of the Cybersecurity Information
18 Sharing Act of 2015 (6 U.S.C. 1501)) that affects
19 an election system.

20 (3) ELECTION SERVICE PROVIDER.—The term
21 “election service provider” means any person pro-
22 viding, supporting, or maintaining an election sys-
23 tem on behalf of a State or local election official,
24 such as a contractor or vendor.

1 (4) ELECTION SYSTEM.—The term “election
2 system” means any information system (as defined
3 in section 3502 of title 44, United States Code) that
4 is part of an election infrastructure.

5 (5) SECRETARY.—The term “Secretary” means
6 the Secretary of Homeland Security, or, upon des-
7 ignation by the Secretary of Homeland Security, the
8 Deputy Secretary of Homeland Security, the Direc-
9 tor of Cybersecurity and Infrastructure Security of
10 the Department of Homeland Security, or a Senate-
11 confirmed official that reports to the Director.

12 (6) STATE.—The term “State” means each of
13 the several States, the District of Columbia, the
14 Commonwealth of Puerto Rico, Guam, American
15 Samoa, the Commonwealth of Northern Mariana Is-
16 lands, and the United States Virgin Islands.

17 (7) VOTING SYSTEM.—The term “voting sys-
18 tem” has the meaning given such term in section
19 301(b) of the Help America Vote Act of 2002 (52
20 U.S.C. 21081(b)).

1 **Subtitle F—Election Security**
2 **Grants Advisory Committee**

3 **SEC. 3501. ESTABLISHMENT OF ADVISORY COMMITTEE.**

4 (a) IN GENERAL.—Subtitle A of title II of the Help
5 America Vote Act of 2002 (52 U.S.C. 20921 et seq.) is
6 amended by adding at the end the following:

7 **“PART 4—ELECTION SECURITY GRANTS**
8 **ADVISORY COMMITTEE**

9 **“SEC. 225. ELECTION SECURITY GRANTS ADVISORY COM-**
10 **MITTEE.**

11 “(a) ESTABLISHMENT.—There is hereby established
12 an advisory committee (hereinafter in this part referred
13 to as the ‘Committee’) to assist the Commission with re-
14 spect to the award of grants to States under this Act for
15 the purpose of election security.

16 “(b) DUTIES.—

17 “(1) IN GENERAL.—The Committee shall, with
18 respect to an application for a grant received by the
19 Commission—

20 “(A) review such application; and

21 “(B) recommend to the Commission
22 whether to award the grant to the applicant.

23 “(2) CONSIDERATIONS.—In reviewing an appli-
24 cation pursuant to paragraph (1)(A), the Committee
25 shall consider—

1 “(A) the record of the applicant with re-
2 spect to—

3 “(i) compliance of the applicant with
4 the requirements under subtitle A of title
5 III; and

6 “(ii) adoption of voluntary guidelines
7 issued by the Commission under subtitle B
8 of title III; and

9 “(B) the goals and requirements of elec-
10 tion security as described in title III of the For
11 the People Act of 2019.

12 “(c) MEMBERSHIP.—The Committee shall be com-
13 posed of 15 individuals appointed by the Executive Direc-
14 tor of the Commission with experience and expertise in
15 election security.

16 “(d) NO COMPENSATION FOR SERVICE.—Members of
17 the Committee shall not receive any compensation for
18 their service, but shall be paid travel expenses, including
19 per diem in lieu of subsistence, at rates authorized for em-
20 ployees of agencies under subchapter I of chapter 57 of
21 title 5, United States Code, while away from their homes
22 or regular places of business in the performance of services
23 for the Committee.”.

1 (b) EFFECTIVE DATE.—The amendments made by
2 this section shall take effect 1 year after the date of enact-
3 ment of this Act.

4 **Subtitle G—Miscellaneous** 5 **Provisions**

6 **SEC. 3601. DEFINITIONS.**

7 Except as provided in sections 3106 and 3403, in this
8 title, the following definitions shall apply:

9 (1) APPROPRIATE CONGRESSIONAL COMMIT-
10 TEES.—The term “appropriate congressional com-
11 mittees” means the Committees on Homeland Secu-
12 rity and House Administration of the House of Rep-
13 resentatives and the Committees on Homeland Secu-
14 rity and Governmental Affairs and Rules and Ad-
15 ministration of the Senate.

16 (2) CHAIRMAN.—The term “Chairman” means
17 the chair of the Election Assistance Commission.

18 (3) CHIEF STATE ELECTION OFFICIAL.—The
19 term “chief State election official” means, with re-
20 spect to a State, the individual designated by the
21 State under section 10 of the National Voter Reg-
22 istration Act of 1993 (52 U.S.C. 20509) to be re-
23 sponsible for coordination of the State’s responsibil-
24 ities under such Act.

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

3 (5) DEMOCRATIC INSTITUTIONS.—The term
4 “democratic institutions” means the diverse range of
5 institutions that are essential to ensuring an inde-
6 pendent judiciary, free and fair elections, and rule of
7 law.

8 (6) ELECTION AGENCY.—The term “election
9 agency” means any component of a State, or any
10 component of a unit of local government in a State,
11 which is responsible for the administration of elec-
12 tions for Federal office in the State.

13 (7) ELECTION INFRASTRUCTURE.—The term
14 “election infrastructure” means storage facilities,
15 polling places, and centralized vote tabulation loca-
16 tions used to support the administration of elections
17 for public office, as well as related information and
18 communications technology, including voter registra-
19 tion databases, voting machines, electronic mail and
20 other communications systems (including electronic
21 mail and other systems of vendors who have entered
22 into contracts with election agencies to support the
23 administration of elections, manage the election
24 process, and report and display election results), and
25 other systems used to manage the election process

1 and to report and display election results on behalf
2 of an election agency.

3 (8) SECRETARY.—The term “Secretary” means
4 the Secretary of Homeland Security.

5 (9) STATE.—The term “State” has the mean-
6 ing given such term in section 901 of the Help
7 America Vote Act of 2002 (52 U.S.C. 21141).

8 **SEC. 3602. INITIAL REPORT ON ADEQUACY OF RESOURCES**
9 **AVAILABLE FOR IMPLEMENTATION.**

10 Not later than 120 days after the date of enactment
11 of this Act, the Chairman and the Secretary shall submit
12 a report to the appropriate committees of Congress ana-
13 lyzing the adequacy of the funding, resources, and per-
14 sonnel available to carry out this title and the amendments
15 made by this title.

16 **Subtitle H—Use of Voting Machines**
17 **Manufactured in the United States**

18 **SEC. 3701. USE OF VOTING MACHINES MANUFACTURED IN**
19 **THE UNITED STATES.**

20 Section 301(a) of the Help America Vote Act of 2002
21 (52 U.S.C. 21081(a)), as amended by sections 1504,
22 1505, and 1507, is amended by adding at the end the fol-
23 lowing new paragraph:

24 “(10) VOTING MACHINE REQUIREMENTS.—By
25 not later than the date of the regularly scheduled

1 general election for Federal office occurring in No-
2 vember 2022, each State shall seek to ensure that
3 any voting machine used in such election and in any
4 subsequent election for Federal office is manufac-
5 tured in the United States.”.

6 **Subtitle I—Severability**

7 **SEC. 3801. SEVERABILITY.**

8 If any provision of this title or amendment made by
9 this title, or the application of a provision or amendment
10 to any person or circumstance, is held to be unconstitu-
11 tional, the remainder of this title and amendments made
12 by this title, and the application of the provisions and
13 amendment to any person or circumstance, shall not be
14 affected by the holding.

15 **DIVISION B—CAMPAIGN**

16 **FINANCE**

17 **TITLE IV—CAMPAIGN FINANCE**

18 **TRANSPARENCY**

19 **Subtitle A—Findings Relating to Il-** 20 **licit Money Undermining Our** 21 **Democracy**

22 **SEC. 4001. FINDINGS RELATING TO ILLICIT MONEY UNDER-** 23 **MINING OUR DEMOCRACY.**

24 Congress finds the following:

1 (1) Criminals, terrorists, and corrupt govern-
2 ment officials frequently abuse anonymously held
3 Limited Liability Companies (LLCs), also known as
4 “shell companies,” to hide, move, and launder the
5 dirty money derived from illicit activities such as
6 trafficking, bribery, exploitation, and embezzlement.
7 Ownership and control of the finances that run
8 through shell companies are obscured to regulators
9 and law enforcement because little information is re-
10 quired and collected when establishing these entities.

11 (2) The public release of the “Panama Papers”
12 in 2016 and the “Paradise Papers” in 2017 revealed
13 that these shell companies often purchase and sell
14 United States real estate. United States anti-money
15 laundering laws do not apply to cash transactions in-
16 volving real estate effectively concealing the bene-
17 ficiaries and transactions from regulators and law
18 enforcement.

19 (3) Congress should curb the use of anonymous
20 shell companies for illicit purposes by requiring
21 United States companies to disclose their beneficial
22 owners, strengthening anti-money laundering and
23 counter-terrorism finance laws.

24 (4) Congress should examine the money laun-
25 dering and terrorist financing risks in the real estate

1 market, including the role of anonymous parties, and
2 review legislation to address any vulnerabilities iden-
3 tified in this sector.

4 (5) Congress should examine the methods by
5 which corruption flourishes and the means to detect
6 and deter the financial misconduct that fuels this
7 driver of global instability. Congress should monitor
8 government efforts to enforce United States anti-
9 corruption laws and regulations.

10 **Subtitle B—DISCLOSE Act**

11 **SEC. 4100. SHORT TITLE.**

12 This subtitle may be cited as the “Democracy Is
13 Strengthened by Casting Light On Spending in Elections
14 Act of 2019” or the “DISCLOSE Act of 2019”.

15 **PART 1—REGULATION OF CERTAIN POLITICAL** 16 **SPENDING**

17 **SEC. 4101. CLARIFICATION OF PROHIBITION ON PARTICI-** 18 **PATION BY FOREIGN NATIONALS IN ELEC-** 19 **TION-RELATED ACTIVITIES.**

20 (a) CLARIFICATION OF PROHIBITION.—Section
21 319(a) of the Federal Election Campaign Act of 1971 (52
22 U.S.C. 30121(a)) is amended—

23 (1) by striking “or” at the end of paragraph
24 (1);

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

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

5 “(3) a foreign national to direct, dictate, con-
6 trol, or directly or indirectly participate in the deci-
7 sion making process of any person (including a cor-
8 poration, labor organization, political committee, or
9 political organization) with regard to such person’s
10 Federal or non-Federal election-related activity, in-
11 cluding any decision concerning the making of con-
12 tributions, donations, expenditures, or disbursements
13 in connection with an election for any Federal,
14 State, or local office or any decision concerning the
15 administration of a political committee.”.

16 (b) CERTIFICATION OF COMPLIANCE.—Section 319
17 of such Act (52 U.S.C. 30121) is amended by adding at
18 the end the following new subsection:

19 “(c) CERTIFICATION OF COMPLIANCE REQUIRED
20 PRIOR TO CARRYING OUT ACTIVITY.—Prior to the mak-
21 ing in connection with an election for Federal office of any
22 contribution, donation, expenditure, independent expendi-
23 ture, or disbursement for an electioneering communication
24 by a corporation, limited liability corporation, or partner-
25 ship during a year, the chief executive officer of the cor-

1 poration, limited liability corporation, or partnership (or,
2 if the corporation, limited liability corporation, or partner-
3 ship does not have a chief executive officer, the highest
4 ranking official of the corporation, limited liability cor-
5 poration, or partnership), shall file a certification with the
6 Commission, under penalty of perjury, that a foreign na-
7 tional did not direct, dictate, control, or directly or indi-
8 rectly participate in the decision making process relating
9 to such activity in violation of subsection (a)(3), unless
10 the chief executive officer has previously filed such a cer-
11 tification during that calendar year.”.

12 (c) EFFECTIVE DATE.—The amendments made by
13 this section shall take effect upon the expiration of the
14 180-day period which begins on the date of the enactment
15 of this Act, and shall take effect without regard to whether
16 or not the Federal Election Commission has promulgated
17 regulations to carry out such amendments.

18 **SEC. 4102. CLARIFICATION OF APPLICATION OF FOREIGN**
19 **MONEY BAN TO CERTAIN DISBURSEMENTS**
20 **AND ACTIVITIES.**

21 (a) APPLICATION TO DISBURSEMENTS TO SUPER
22 PACs.—Section 319(a)(1)(A) of the Federal Election
23 Campaign Act of 1971 (52 U.S.C. 30121(a)(1)(A)) is
24 amended by striking the semicolon and inserting the fol-
25 lowing: “, including any disbursement to a political com-

1 mittee which accepts donations or contributions that do
2 not comply with the limitations, prohibitions, and report-
3 ing requirements of this Act (or any disbursement to or
4 on behalf of any account of a political committee which
5 is established for the purpose of accepting such donations
6 or contributions);”.

7 (b) CONDITIONS UNDER WHICH CORPORATE PACS
8 MAY MAKE CONTRIBUTIONS AND EXPENDITURES.—Sec-
9 tion 316(b) of such Act (52 U.S.C. 30118(b)) is amended
10 by adding at the end the following new paragraph:

11 “(8) A separate segregated fund established by a cor-
12 poration may not make a contribution or expenditure dur-
13 ing a year unless the fund has certified to the Commission
14 the following during the year:

15 “(A) Each individual who manages the fund,
16 and who is responsible for exercising decisionmaking
17 authority for the fund, is a citizen of the United
18 States or is lawfully admitted for permanent resi-
19 dence in the United States.

20 “(B) No foreign national under section 319
21 participates in any way in the decisionmaking proc-
22 esses of the fund with regard to contributions or ex-
23 penditures under this Act.

24 “(C) The fund does not solicit or accept rec-
25 ommendations from any foreign national under sec-

1 tion 319 with respect to the contributions or expend-
2 itures made by the fund.

3 “(D) Any member of the board of directors of
4 the corporation who is a foreign national under sec-
5 tion 319 abstains from voting on matters concerning
6 the fund or its activities.”.

7 **SEC. 4103. AUDIT AND REPORT ON ILLICIT FOREIGN**
8 **MONEY IN FEDERAL ELECTIONS.**

9 (a) IN GENERAL.—Title III of the Federal Election
10 Campaign Act of 1971 (52 U.S.C. 30101 et seq.), as
11 amended by section 1821, is further amended by inserting
12 after section 319A the following new section:

13 **“SEC. 319B. AUDIT AND REPORT ON DISBURSEMENTS BY**
14 **FOREIGN NATIONALS.**

15 “(a) AUDIT.—

16 “(1) IN GENERAL.—The Commission shall con-
17 duct an audit after each Federal election cycle to de-
18 termine the incidence of illicit foreign money in such
19 Federal election cycle.

20 “(2) PROCEDURES.—In carrying out paragraph
21 (1), the Commission shall conduct random audits of
22 any disbursements required to be reported under
23 this Act, in accordance with procedures established
24 by the Commission.

1 “(b) REPORT.—Not later than 180 days after the end
2 of each Federal election cycle, the Commission shall sub-
3 mit to Congress a report containing—

4 “(1) results of the audit required by subsection
5 (a)(1); and

6 “(2) recommendations to address the presence
7 of illicit foreign money in elections, as appropriate.

8 “(c) DEFINITIONS.—As used in this section:

9 “(1) The term ‘Federal election cycle’ means
10 the period which begins on the day after the date of
11 a regularly scheduled general election for Federal of-
12 fice and which ends on the date of the first regularly
13 scheduled general election for Federal office held
14 after such date.

15 “(2) The term ‘illicit foreign money’ means any
16 disbursement by a foreign national (as defined in
17 section 319(b)) prohibited under such section.”.

18 (b) EFFECTIVE DATE.—The amendment made by
19 subsection (a) shall apply with respect to the Federal elec-
20 tion cycle that began during November 2018, and each
21 succeeding Federal election cycle.

1 **SEC. 4104. PROHIBITION ON CONTRIBUTIONS AND DONA-**
2 **TIONS BY FOREIGN NATIONALS IN CONNEC-**
3 **TIONS WITH BALLOT INITIATIVES AND**
4 **REFERENDA.**

5 (a) IN GENERAL.—Section 319(a)(1)(A) of the Fed-
6 eral Election Campaign Act of 1971 (52 U.S.C.
7 30121(a)(1)(A)) is amended by striking “election;” and
8 inserting the following: “election, including a State or local
9 ballot initiative or referendum;”.

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

13 **SEC. 4105. DISBURSEMENTS AND ACTIVITIES SUBJECT TO**
14 **FOREIGN MONEY BAN.**

15 (a) DISBURSEMENTS DESCRIBED.—Section
16 319(a)(1) of the Federal Election Campaign Act of 1971
17 (52 U.S.C. 30121(a)(1)) is amended—

18 (1) by striking “or” at the end of subparagraph
19 (B); and

20 (2) by striking subparagraph (C) and inserting
21 the following:

22 “(C) an expenditure;

23 “(D) an independent expenditure;

24 “(E) a disbursement for an electioneering
25 communication (within the meaning of section
26 304(f)(3));

1 “(F) a disbursement for a paid internet or
2 paid digital communication that refers to a
3 clearly identified candidate for election for Fed-
4 eral office and is disseminated within 60 days
5 before a general, special or runoff election for
6 the office sought by the candidate or 30 days
7 before a primary or preference election, or a
8 convention or caucus of a political party that
9 has authority to nominate a candidate for the
10 office sought by the candidate;

11 “(G) a disbursement for a broadcast, cable
12 or satellite communication, or for a paid inter-
13 net or paid digital communication, that pro-
14 motes, supports, attacks or opposes the election
15 of a clearly identified candidate for Federal,
16 State, or local office (regardless of whether the
17 communication contains express advocacy or the
18 functional equivalent of express advocacy) and
19 is for the purpose of influencing an election; or

20 “(H) a disbursement for a broadcast,
21 cable, or satellite communication, or for any
22 communication which is placed or promoted for
23 a fee on an online platform, that discusses a
24 national legislative issue of public importance in
25 a year in which a regularly scheduled general

1 election for Federal office is held, but only if
2 the disbursement is made by a foreign principal
3 who is a government of a foreign country or a
4 foreign political party or an agent of such a for-
5 eign principal under the Foreign Agents Reg-
6 istration Act of 1938, as amended.”.

7 (b) EFFECTIVE DATE.—The amendments made by
8 subsection (a) shall apply with respect to disbursements
9 made on or after the date of the enactment of this Act.

10 **PART 2—REPORTING OF CAMPAIGN-RELATED**
11 **DISBURSEMENTS**

12 **SEC. 4111. REPORTING OF CAMPAIGN-RELATED DISBURSE-**
13 **MENTS.**

14 (a) DISCLOSURE REQUIREMENTS FOR CORPORA-
15 TIONS, LABOR ORGANIZATIONS, AND CERTAIN OTHER
16 ENTITIES.—

17 (1) IN GENERAL.—Section 324 of the Federal
18 Election Campaign Act of 1971 (52 U.S.C. 30126)
19 is amended to read as follows:

20 **“SEC. 324. DISCLOSURE OF CAMPAIGN-RELATED DISBURSE-**
21 **MENTS BY COVERED ORGANIZATIONS.**

22 **“(a) DISCLOSURE STATEMENT.—**

23 **“(1) IN GENERAL.—**Any covered organization
24 that makes campaign-related disbursements aggre-
25 gating more than \$10,000 in an election reporting

1 cycle shall, not later than 24 hours after each disclo-
2 sure date, file a statement with the Commission
3 made under penalty of perjury that contains the in-
4 formation described in paragraph (2)—

5 “(A) in the case of the first statement filed
6 under this subsection, for the period beginning
7 on the first day of the election reporting cycle
8 (or, if earlier, the period beginning one year be-
9 fore the first such disclosure date) and ending
10 on the first such disclosure date; and

11 “(B) in the case of any subsequent state-
12 ment filed under this subsection, for the period
13 beginning on the previous disclosure date and
14 ending on such disclosure date.

15 “(2) INFORMATION DESCRIBED.—The informa-
16 tion described in this paragraph is as follows:

17 “(A) The name of the covered organization
18 and the principal place of business of such or-
19 ganization and, in the case of a covered organi-
20 zation that is a corporation (other than a busi-
21 ness concern that is an issuer of a class of secu-
22 rities registered under section 12 of the Securi-
23 ties Exchange Act of 1934 (15 U.S.C. 78l) or
24 that is required to file reports under section
25 15(d) of that Act (15 U.S.C. 78o(d))) or an en-

1 tity described in subsection (e)(2), a list of the
2 beneficial owners (as defined in paragraph
3 (4)(A)) of the entity that—

4 “(i) identifies each beneficial owner by
5 name and current residential or business
6 street address; and

7 “(ii) if any beneficial owner exercises
8 control over the entity through another
9 legal entity, such as a corporation, partner-
10 ship, limited liability company, or trust,
11 identifies each such other legal entity and
12 each such beneficial owner who will use
13 that other entity to exercise control over
14 the entity.

15 “(B) The amount of each campaign-related
16 disbursement made by such organization during
17 the period covered by the statement of more
18 than \$1,000, and the name and address of the
19 person to whom the disbursement was made.

20 “(C) In the case of a campaign-related dis-
21 bursement that is not a covered transfer, the
22 election to which the campaign-related disburse-
23 ment pertains and if the disbursement is made
24 for a public communication, the name of any
25 candidate identified in such communication and

1 whether such communication is in support of or
2 in opposition to a candidate.

3 “(D) A certification by the chief executive
4 officer or person who is the head of the covered
5 organization that the campaign-related dis-
6 bursement is not made in cooperation, consulta-
7 tion, or concert with or at the request or sug-
8 gestion of a candidate, authorized committee, or
9 agent of a candidate, political party, or agent of
10 a political party.

11 “(E)(i) If the covered organization makes
12 campaign-related disbursements using exclu-
13 sively funds in a segregated bank account con-
14 sisting of funds that were paid directly to such
15 account by persons other than the covered orga-
16 nization that controls the account, for each
17 such payment to the account—

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 account in an aggre-
7 gate amount of \$10,000 or more during the pe-
8 riod beginning on the first day of the election
9 reporting cycle (or, if earlier, the period begin-
10 ning one year before the disclosure date) and
11 ending on the disclosure date.

12 “(ii) In any calendar year after 2020, sec-
13 tion 315(e)(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 2020.

21 “(F)(i) If the covered organization makes
22 campaign-related disbursements using funds
23 other than funds in a segregated bank account
24 described in subparagraph (E), for each pay-
25 ment to the covered organization—

1 “(I) the name and address of each
2 person who made such payment during the
3 period covered by the statement;

4 “(II) the date and amount of such
5 payment; and

6 “(III) the aggregate amount of all
7 such payments made by the person during
8 the period beginning on the first day of the
9 election reporting cycle (or, if earlier, the
10 period beginning one year before the dis-
11 closure date) and ending on the disclosure
12 date,

13 but only if such payment was made by a person
14 who made payments to the covered organization
15 in an aggregate amount of \$10,000 or more
16 during the period beginning on the first day of
17 the election reporting cycle (or, if earlier, the
18 period beginning one year before the disclosure
19 date) and ending on the disclosure date.

20 “(ii) In any calendar year after 2020, sec-
21 tion 315(c)(1)(B) shall apply to the amount de-
22 scribed in clause (i) in the same manner as
23 such section applies to the limitations estab-
24 lished under subsections (a)(1)(A), (a)(1)(B),
25 (a)(3), and (h) of such section, except that for

1 purposes of applying such section to the
2 amounts described in subsection (b), the ‘base
3 period’ shall be 2020.

4 “(G) Such other information as required in
5 rules established by the Commission to promote
6 the purposes of this section.

7 “(3) EXCEPTIONS.—

8 “(A) AMOUNTS RECEIVED IN ORDINARY
9 COURSE OF BUSINESS.—The requirement to in-
10 clude in a statement filed under paragraph (1)
11 the information described in paragraph (2)
12 shall not apply to amounts received by the cov-
13 ered organization in commercial transactions in
14 the ordinary course of any trade or business
15 conducted by the covered organization or in the
16 form of investments (other than investments by
17 the principal shareholder in a limited liability
18 corporation) in the covered organization. For
19 purposes of this subparagraph, amounts re-
20 ceived by a covered organization as remittances
21 from an employee to the employee’s collective
22 bargaining representative shall be treated as
23 amounts received in commercial transactions in
24 the ordinary course of the business conducted
25 by the covered organization.

1 “(B) DONOR RESTRICTION ON USE OF
2 FUNDS.—The requirement to include in a state-
3 ment submitted under paragraph (1) the infor-
4 mation described in subparagraph (F) of para-
5 graph (2) shall not apply if—

6 “(i) the person described in such sub-
7 paragraph prohibited, in writing, the use of
8 the payment made by such person for cam-
9 paign-related disbursements; and

10 “(ii) the covered organization agreed
11 to follow the prohibition and deposited the
12 payment in an account which is segregated
13 from any account used to make campaign-
14 related disbursements.

15 “(C) THREAT OF HARASSMENT OR RE-
16 PRISAL.—The requirement to include any infor-
17 mation relating to the name or address of any
18 person (other than a candidate) in a statement
19 submitted under paragraph (1) shall not apply
20 if the inclusion of the information would subject
21 the person to serious threats, harassment, or
22 reprisals.

23 “(4) OTHER DEFINITIONS.—For purposes of
24 this section:

25 “(A) BENEFICIAL OWNER DEFINED.—

1 meets the requirements of clause (i);

2 or

3 “(V) a creditor of an entity, un-
4 less the creditor also meets the re-
5 quirements of clause (i).

6 “(iii) ANTI-ABUSE RULE.—The excep-
7 tions under clause (ii) shall not apply if
8 used for the purpose of evading, circum-
9 venting, or abusing the provisions of clause
10 (i) or paragraph (2)(A).

11 “(B) DISCLOSURE DATE.—The term ‘dis-
12 closure date’ means—

13 “(i) the first date during any election
14 reporting cycle by which a person has
15 made campaign-related disbursements ag-
16 gregating more than \$10,000; and

17 “(ii) any other date during such elec-
18 tion reporting cycle by which a person has
19 made campaign-related disbursements ag-
20 gregating more than \$10,000 since the
21 most recent disclosure date for such elec-
22 tion reporting cycle.

23 “(C) ELECTION REPORTING CYCLE.—The
24 term ‘election reporting cycle’ means the 2-year

1 period beginning on the date of the most recent
2 general election for Federal office.

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) Any public communication which re-
12 fers to a clearly identified candidate for election
13 for Federal office and which promotes or sup-
14 ports the election of a candidate for that office,
15 or attacks or opposes the election of a candidate
16 for that office, without regard to whether the
17 communication expressly advocates a vote for or
18 against a candidate for that office.

19 “(C) An electioneering communication, as
20 defined in section 304(f)(3).

21 “(D) A covered transfer.

22 “(2) INTENT NOT REQUIRED.—A disbursement
23 for an item described in subparagraph (A), (B), (C),
24 or (D) of paragraph (1) shall be treated as a cam-

1 paign-related disbursement regardless of the intent
2 of the person making the disbursement.

3 “(e) COVERED ORGANIZATION DEFINED.—In this
4 section, the term ‘covered organization’ means any of the
5 following:

6 “(1) A corporation (other than an organization
7 described in section 501(c)(3) of the Internal Rev-
8 enue Code of 1986).

9 “(2) A limited liability corporation that is not
10 otherwise treated as a corporation for purposes of
11 this Act (other than an organization described in
12 section 501(c)(3) of the Internal Revenue Code of
13 1986).

14 “(3) An organization described in section
15 501(c) of such Code and exempt from taxation
16 under section 501(a) of such Code (other than an
17 organization described in section 501(c)(3) of such
18 Code).

19 “(4) A labor organization (as defined in section
20 316(b)).

21 “(5) Any political organization under section
22 527 of the Internal Revenue Code of 1986, other
23 than a political committee under this Act (except as
24 provided in paragraph (6)).

1 “(6) A political committee with an account that
2 accepts donations or contributions that do not com-
3 ply with the contribution limits or source prohibi-
4 tions under this Act, but only with respect to such
5 accounts.

6 “(f) COVERED TRANSFER DEFINED.—

7 “(1) IN GENERAL.—In this section, the term
8 ‘covered transfer’ means any transfer or payment of
9 funds by a covered organization to another person if
10 the covered organization—

11 “(A) designates, requests, or suggests that
12 the amounts be used for—

13 “(i) campaign-related disbursements
14 (other than 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 “(B) made such transfer or payment in re-
20 sponse to a solicitation or other request for a
21 donation or payment for—

22 “(i) the making of or paying for cam-
23 paign-related disbursements (other than
24 covered transfers); or

1 “(ii) making a transfer to another
2 person for the purpose of making or pay-
3 ing for such campaign-related disburse-
4 ments;

5 “(C) engaged in discussions with the re-
6 cipient of the transfer or payment regarding—

7 “(i) the making of or paying for cam-
8 paign-related disbursements (other than
9 covered transfers); or

10 “(ii) donating or transferring any
11 amount of such transfer or payment to an-
12 other person for the purpose of making or
13 paying for such campaign-related disburse-
14 ments;

15 “(D) made campaign-related disburse-
16 ments (other than a covered transfer) in an ag-
17 gregate amount of \$50,000 or more during the
18 2-year period ending on the date of the transfer
19 or payment, or knew or had reason to know
20 that the person receiving the transfer or pay-
21 ment made such disbursements in such an ag-
22 gregate amount during that 2-year period; or

23 “(E) knew or had reason to know that the
24 person receiving the transfer or payment would
25 make campaign-related disbursements in an ag-

1 gregate amount of \$50,000 or more during the
2 2-year period beginning on the date of the
3 transfer or payment.

4 “(2) EXCLUSIONS.—The term ‘covered transfer’
5 does not include any of the following:

6 “(A) A disbursement made by a covered
7 organization in a commercial transaction in the
8 ordinary course of any trade or business con-
9 ducted by the covered organization or in the
10 form of investments made by the covered orga-
11 nization.

12 “(B) A disbursement made by a covered
13 organization if—

14 “(i) the covered organization prohib-
15 ited, in writing, the use of such disburse-
16 ment for campaign-related disbursements;
17 and

18 “(ii) the recipient of the disbursement
19 agreed to follow the prohibition and depos-
20 ited the disbursement in an account which
21 is segregated from any account used to
22 make campaign-related disbursements.

23 “(3) SPECIAL RULE REGARDING TRANSFERS
24 AMONG AFFILIATES.—

1 “(A) SPECIAL RULE.—A transfer of an
2 amount by one covered organization to another
3 covered organization which is treated as a
4 transfer between affiliates under subparagraph
5 (C) shall be considered a covered transfer by
6 the covered organization which transfers the
7 amount only if the aggregate amount trans-
8 ferred during the year by such covered organi-
9 zation to that same covered organization is
10 equal to or greater than \$50,000.

11 “(B) DETERMINATION OF AMOUNT OF
12 CERTAIN PAYMENTS AMONG AFFILIATES.—In
13 determining the amount of a transfer between
14 affiliates for purposes of subparagraph (A), to
15 the extent that the transfer consists of funds
16 attributable to dues, fees, or assessments which
17 are paid by individuals on a regular, periodic
18 basis in accordance with a per-individual cal-
19 culation which is made on a regular basis, the
20 transfer shall be attributed to the individuals
21 paying the dues, fees, or assessments and shall
22 not be attributed to the covered organization.

23 “(C) DESCRIPTION OF TRANSFERS BE-
24 TWEEN AFFILIATES.—A transfer of amounts
25 from one covered organization to another cov-

1 contingent upon the approval of the other
2 organization; or

3 “(iii) the organization is chartered by
4 the other organization.

5 “(E) COVERAGE OF TRANSFERS TO AF-
6 FILATED SECTION 501(c)(3) ORGANIZA-
7 TIONS.—This paragraph shall apply with re-
8 spect to an amount transferred by a covered or-
9 ganization to an organization described in para-
10 graph (3) of section 501(c) of the Internal Rev-
11 enue Code of 1986 and exempt from tax under
12 section 501(a) of such Code in the same man-
13 ner as this paragraph applies to an amount
14 transferred by a covered organization to an-
15 other covered organization.

16 “(g) NO EFFECT ON OTHER REPORTING REQUIRE-
17 MENTS.—Nothing in this section shall be construed to
18 waive or otherwise affect any other requirement of this
19 Act which relates to the reporting of campaign-related dis-
20 bursements.”.

21 (2) CONFORMING AMENDMENT.—Section
22 304(f)(6) of such Act (52 U.S.C. 30104) is amended
23 by striking “Any requirement” and inserting “Ex-
24 cept as provided in section 324(b), any require-
25 ment”.

1 (b) COORDINATION WITH FINCEN.—

2 (1) IN GENERAL.—The Director of the Finan-
3 cial Crimes Enforcement Network of the Depart-
4 ment of the Treasury shall provide the Federal Elec-
5 tion Commission with such information as necessary
6 to assist in administering and enforcing section 324
7 of the Federal Election Campaign Act of 1971, as
8 added by this section.

9 (2) REPORT.—Not later than 6 months after
10 the date of the enactment of this Act, the Chairman
11 of the Federal Election Commission, in consultation
12 with the Director of the Financial Crimes Enforce-
13 ment Network of the Department of the Treasury,
14 shall submit to Congress a report with recommenda-
15 tions for providing further legislative authority to as-
16 sist in the administration and enforcement of such
17 section 324.

18 **SEC. 4112. APPLICATION OF FOREIGN MONEY BAN TO DIS-**
19 **BURSEMENTS FOR CAMPAIGN-RELATED DIS-**
20 **BURSEMENTS CONSISTING OF COVERED**
21 **TRANSFERS.**

22 Section 319(a)(1)(A) of the Federal Election Cam-
23 paign Act of 1971 (52 U.S.C. 30121(a)(1)(A)), as amend-
24 ed by section 4102, is amended by striking the semicolon
25 and inserting the following: “, and any disbursement,

1 other than a disbursement described in section
2 324(a)(3)(A), to another person who made a campaign-
3 related disbursement consisting of a covered transfer (as
4 described in section 324) during the 2-year period ending
5 on the date of the disbursement;”.

6 **SEC. 4113. EFFECTIVE DATE.**

7 The amendments made by this part shall apply with
8 respect to disbursements made on or after January 1,
9 2020, and shall take effect without regard to whether or
10 not the Federal Election Commission has promulgated
11 regulations to carry out such amendments.

12 **PART 3—OTHER ADMINISTRATIVE REFORMS**

13 **SEC. 4121. PETITION FOR CERTIORARI.**

14 Section 307(a)(6) of the Federal Election Campaign
15 Act of 1971 (52 U.S.C. 30107(a)(6)) is amended by in-
16 serting “(including a proceeding before the Supreme
17 Court on certiorari)” after “appeal”.

18 **SEC. 4122. JUDICIAL REVIEW OF ACTIONS RELATED TO**

19 **CAMPAIGN FINANCE LAWS.**

20 (a) IN GENERAL.—Title IV of the Federal Election
21 Campaign Act of 1971 (52 U.S.C. 30141 et seq.) is
22 amended by inserting after section 406 the following new
23 section:

1 **“SEC. 407. JUDICIAL REVIEW.**

2 “(a) IN GENERAL.—Notwithstanding section 373(f),
3 if any action is brought for declaratory or injunctive relief
4 to challenge the constitutionality of any provision of this
5 Act or of chapter 95 or 96 of the Internal Revenue Code
6 of 1986, or is brought to with respect to any action of
7 the Commission under chapter 95 or 96 of the Internal
8 Revenue Code of 1986, the following rules shall apply:

9 “(1) The action shall be filed in the United
10 States District Court for the District of Columbia
11 and an appeal from the decision of the district court
12 may be taken to the Court of Appeals for the Dis-
13 trict of Columbia Circuit.

14 “(2) In the case of an action relating to declar-
15 atory or injunctive relief to challenge the constitu-
16 tionality of a provision—

17 “(A) a copy of the complaint shall be deliv-
18 ered promptly to the Clerk of the House of
19 Representatives and the Secretary of the Sen-
20 ate; and

21 “(B) it shall be the duty of the United
22 States District Court for the District of Colum-
23 bia, the Court of Appeals for the District of Co-
24 lumbia, and the Supreme Court of the United
25 States to advance on the docket and to expedite

1 to the greatest possible extent the disposition of
2 the action and appeal.

3 “(b) INTERVENTION BY MEMBERS OF CONGRESS.—

4 In any action in which the constitutionality of any provi-
5 sion of this Act or chapter 95 or 96 of the Internal Rev-
6 enue Code of 1986 is raised, any Member of the House
7 of Representatives (including a Delegate or Resident Com-
8 missioner to the Congress) or Senate shall have the right
9 to intervene either in support of or opposition to the posi-
10 tion of a party to the case regarding the constitutionality
11 of the provision. To avoid duplication of efforts and reduce
12 the burdens placed on the parties to the action, the court
13 in any such action may make such orders as it considers
14 necessary, including orders to require interveners taking
15 similar positions to file joint papers or to be represented
16 by a single attorney at oral argument.

17 “(c) CHALLENGE BY MEMBERS OF CONGRESS.—Any
18 Member of Congress may bring an action, subject to the
19 special rules described in subsection (a), for declaratory
20 or injunctive relief to challenge the constitutionality of any
21 provision of this Act or chapter 95 or 96 of the Internal
22 Revenue Code of 1986.”.

23 (b) CONFORMING AMENDMENTS.—

24 (1) IN GENERAL.—

1 (A) Section 9011 of the Internal Revenue
2 Code of 1986 is amended to read as follows:

3 **“SEC. 9011. JUDICIAL REVIEW.**

4 “For provisions relating to judicial review of certifi-
5 cations, determinations, and actions by the Commission
6 under this chapter, see section 407 of the Federal Election
7 Campaign Act of 1971.”.

8 (B) Section 9041 of the Internal Revenue
9 Code of 1986 is amended to read as follows:

10 **“SEC. 9041. JUDICIAL REVIEW.**

11 “For provisions relating to judicial review of actions
12 by the Commission under this chapter, see section 407 of
13 the Federal Election Campaign Act of 1971.”.

14 (C) Section 403 of the Bipartisan Cam-
15 paign Reform Act of 2002 (52 U.S.C. 30110
16 note) is repealed.

17 (c) EFFECTIVE DATE.—The amendments made by
18 this section shall apply to actions brought on or after Jan-
19 uary 1, 2019.

20 **Subtitle C—Honest Ads**

21 **SEC. 4201. SHORT TITLE.**

22 This subtitle may be cited as the “Honest Ads Act”.

23 **SEC. 4202. PURPOSE.**

24 The purpose of this subtitle is to enhance the integ-
25 rity of American democracy and national security by im-

1 proving disclosure requirements for online political adver-
2 tisements in order to uphold the Supreme Court’s well-
3 established standard that the electorate bears the right to
4 be fully informed.

5 **SEC. 4203. FINDINGS.**

6 Congress makes the following findings:

7 (1) On January 6, 2017, the Office of the Di-
8 rector of National Intelligence published a report ti-
9 tled “Assessing Russian Activities and Intentions in
10 Recent U.S. Elections”, noting that “Russian Presi-
11 dent Vladimir Putin ordered an influence campaign
12 in 2016 aimed at the US presidential election * *
13 *”. Moscow’s influence campaign followed a Russian
14 messaging strategy that blends covert intelligence
15 operation—such as cyber activity—with overt efforts
16 by Russian Government agencies, state-funded
17 media, third-party intermediaries, and paid social
18 media users or “trolls”.

19 (2) On November 24, 2016, The Washington
20 Post reported findings from 2 teams of independent
21 researchers that concluded Russians “exploited
22 American-made technology platforms to attack U.S.
23 democracy at a particularly vulnerable moment * *
24 * as part of a broadly effective strategy of sowing
25 distrust in U.S. democracy and its leaders.”.

1 (3) Findings from a 2017 study on the manipu-
2 lation of public opinion through social media con-
3 ducted by the Computational Propaganda Research
4 Project at the Oxford Internet Institute found that
5 the Kremlin is using pro-Russian bots to manipulate
6 public discourse to a highly targeted audience. With
7 a sample of nearly 1,300,000 tweets, researchers
8 found that in the 2016 election’s 3 decisive States,
9 propaganda constituted 40 percent of the sampled
10 election-related tweets that went to Pennsylvanians,
11 34 percent to Michigan voters, and 30 percent to
12 those in Wisconsin. In other swing States, the figure
13 reached 42 percent in Missouri, 41 percent in Flor-
14 ida, 40 percent in North Carolina, 38 percent in
15 Colorado, and 35 percent in Ohio.

16 (4) On September 6, 2017, the nation’s largest
17 social media platform disclosed that between June
18 2015 and May 2017, Russian entities purchased
19 \$100,000 in political advertisements, publishing
20 roughly 3,000 ads linked to fake accounts associated
21 with the Internet Research Agency, a pro-Kremlin
22 organization. According to the company, the ads
23 purchased focused “on amplifying divisive social and
24 political messages * * *”.

1 (5) In 2002, the Bipartisan Campaign Reform
2 Act became law, establishing disclosure requirements
3 for political advertisements distributed from a tele-
4 vision or radio broadcast station or provider of cable
5 or satellite television. In 2003, the Supreme Court
6 upheld regulations on electioneering communications
7 established under the Act, noting that such require-
8 ments “provide the electorate with information and
9 insure that the voters are fully informed about the
10 person or group who is speaking.”

11 (6) According to a study from Borrell Associ-
12 ates, in 2016, \$1,415,000,000 was spent on online
13 advertising, more than quadruple the amount in
14 2012.

15 (7) The reach of a few large internet plat-
16 forms—larger than any broadcast, satellite, or cable
17 provider—has greatly facilitated the scope and effec-
18 tiveness of disinformation campaigns. For instance,
19 the largest platform has over 210,000,000 Ameri-
20 cans users—over 160,000,000 of them on a daily
21 basis. By contrast, the largest cable television pro-
22 vider has 22,430,000 subscribers, while the largest
23 satellite television provider has 21,000,000 sub-
24 scribers. And the most-watched television broadcast
25 in United States history had 118,000,000 viewers.

1 (8) The public nature of broadcast television,
2 radio, and satellite ensures a level of publicity for
3 any political advertisement. These communications
4 are accessible to the press, fact-checkers, and polit-
5 ical opponents; this creates strong disincentives for
6 a candidate to disseminate materially false, inflam-
7 matory, or contradictory messages to the public. So-
8 cial media platforms, in contrast, can target portions
9 of the electorate with direct, ephemeral advertise-
10 ments often on the basis of private information the
11 platform has on individuals, enabling political adver-
12 tisements that are contradictory, racially or socially
13 inflammatory, or materially false.

14 (9) According to comScore, 2 companies own 8
15 of the 10 most popular smartphone applications as
16 of June 2017, including the most popular social
17 media and email services—which deliver information
18 and news to users without requiring proactivity by
19 the user. Those same 2 companies accounted for 99
20 percent of revenue growth from digital advertising in
21 2016, including 77 percent of gross spending. 79
22 percent of online Americans—representing 68 per-
23 cent of all Americans—use the single largest social
24 network, while 66 percent of these users are most
25 likely to get their news from that site.

1 (10) In its 2006 rulemaking, the Federal Elec-
2 tion Commission noted that only 18 percent of all
3 Americans cited the internet as their leading source
4 of news about the 2004 Presidential election; by con-
5 trast, the Pew Research Center found that 65 per-
6 cent of Americans identified an internet-based
7 source as their leading source of information for the
8 2016 election.

9 (11) The Federal Election Commission, the
10 independent Federal agency charged with protecting
11 the integrity of the Federal campaign finance proc-
12 ess by providing transparency and administering
13 campaign finance laws, has failed to take action to
14 address online political advertisements.

15 (12) In testimony before the Senate Select
16 Committee on Intelligence titled, “Disinformation: A
17 Primer in Russian Active Measures and Influence
18 Campaigns”, multiple expert witnesses testified that
19 while the disinformation tactics of foreign adver-
20 saries have not necessarily changed, social media
21 services now provide “platform[s] practically pur-
22 pose-built for active measures[.]” Similarly, as Gen.
23 Keith B. Alexander (RET.), the former Director of
24 the National Security Agency, testified, during the
25 Cold War “if the Soviet Union sought to manipulate

1 information flow, it would have to do so principally
2 through its own propaganda outlets or through ac-
3 tive measures that would generate specific news:
4 planting of leaflets, inciting of violence, creation of
5 other false materials and narratives. But the news
6 itself was hard to manipulate because it would have
7 required actual control of the organs of media, which
8 took long-term efforts to penetrate. Today, however,
9 because the clear majority of the information on so-
10 cial media sites is uncurated and there is a rapid
11 proliferation of information sources and other sites
12 that can reinforce information, there is an increasing
13 likelihood that the information available to average
14 consumers may be inaccurate (whether intentionally
15 or otherwise) and may be more easily manipulable
16 than in prior eras.”.

17 (13) Current regulations on political advertise-
18 ments do not provide sufficient transparency to up-
19 hold the public’s right to be fully informed about po-
20 litical advertisements made online.

21 **SEC. 4204. SENSE OF CONGRESS.**

22 It is the sense of Congress that—

23 (1) the dramatic increase in digital political ad-
24 vertisements, and the growing centrality of online
25 platforms in the lives of Americans, requires the

1 Congress and the Federal Election Commission to
2 take meaningful action to ensure that laws and reg-
3 ulations provide the accountability and transparency
4 that is fundamental to our democracy;

5 (2) free and fair elections require both trans-
6 parency and accountability which give the public a
7 right to know the true sources of funding for polit-
8 ical advertisements in order to make informed polit-
9 ical choices and hold elected officials accountable;
10 and

11 (3) transparency of funding for political adver-
12 tisements is essential to enforce other campaign fi-
13 nance laws, including the prohibition on campaign
14 spending by foreign nationals.

15 **SEC. 4205. EXPANSION OF DEFINITION OF PUBLIC COMMU-**
16 **NICATION.**

17 (a) IN GENERAL.—Paragraph (22) of section 301 of
18 the Federal Election Campaign Act of 1971 (52 U.S.C.
19 30101(22)) is amended by striking “or satellite commu-
20 nication” and inserting “satellite, paid internet, or paid
21 digital communication”.

22 (b) TREATMENT OF CONTRIBUTIONS AND EXPENDI-
23 TURES.—Section 301 of such Act (52 U.S.C. 30101) is
24 amended—

1 (1) in paragraph (8)(B)(v), by striking “on
2 broadcasting stations, or in newspapers, magazines,
3 or similar types of general public political adver-
4 tising” and inserting “in any public communica-
5 tion”; and

6 (2) in paragraph (9)(B)—

7 (A) by amending clause (i) to read as fol-
8 lows:

9 “(i) any news story, commentary, or
10 editorial distributed through the facilities
11 of any broadcasting station or any print,
12 online, or digital newspaper, magazine,
13 blog, publication, or periodical, unless such
14 broadcasting, print, online, or digital facili-
15 ties are owned or controlled by any polit-
16 ical party, political committee, or can-
17 didate;” and

18 (B) in clause (iv), by striking “on broad-
19 casting stations, or in newspapers, magazines,
20 or similar types of general public political ad-
21 vertising” and inserting “in any public commu-
22 nication”.

23 (c) DISCLOSURE AND DISCLAIMER STATEMENTS.—
24 Subsection (a) of section 318 of such Act (52 U.S.C.
25 30120) is amended—

1 (1) by striking “financing any communication
2 through any broadcasting station, newspaper, maga-
3 zine, outdoor advertising facility, mailing, or any
4 other type of general public political advertising”
5 and inserting “financing any public communication”;
6 and

7 (2) by striking “solicits any contribution
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 “solicits any contribution through any
12 public communication”.

13 **SEC. 4206. EXPANSION OF DEFINITION OF ELECTION-**
14 **EERING COMMUNICATION.**

15 (a) EXPANSION TO ONLINE COMMUNICATIONS.—

16 (1) APPLICATION TO QUALIFIED INTERNET AND
17 DIGITAL COMMUNICATIONS.—

18 (A) IN GENERAL.—Subparagraph (A) of
19 section 304(f)(3) of the Federal Election Cam-
20 paign Act of 1971 (52 U.S.C. 30104(f)(3)(A))
21 is amended by striking “or satellite communica-
22 tion” each place it appears in clauses (i) and
23 (ii) and inserting “satellite, or qualified internet
24 or digital communication”.

1 (B) QUALIFIED INTERNET OR DIGITAL
2 COMMUNICATION.—Paragraph (3) of section
3 304(f) of such Act (52 U.S.C. 30104(f)) is
4 amended by adding at the end the following
5 new subparagraph:

6 “(D) QUALIFIED INTERNET OR DIGITAL
7 COMMUNICATION.—The term ‘qualified internet
8 or digital communication’ means any commu-
9 nication which is placed or promoted for a fee
10 on an online platform (as defined in subsection
11 (j)(3)).”.

12 (2) NONAPPLICATION OF RELEVANT ELEC-
13 TORATE TO ONLINE COMMUNICATIONS.—Section
14 304(f)(3)(A)(i)(III) of such Act (52 U.S.C.
15 30104(f)(3)(A)(i)(III)) is amended by inserting “any
16 broadcast, cable, or satellite” before “communica-
17 tion”.

18 (3) NEWS EXEMPTION.—Section
19 304(f)(3)(B)(i) of such Act (52 U.S.C.
20 30104(f)(3)(B)(i)) is amended to read as follows:

21 “(i) a communication appearing in a
22 news story, commentary, or editorial dis-
23 tributed through the facilities of any
24 broadcasting station or any online or dig-
25 ital newspaper, magazine, blog, publica-

1 tion, or periodical, unless such broad-
2 casting, online, or digital facilities are
3 owned or controlled by any political party,
4 political committee, or candidate;”.

5 (b) **EFFECTIVE DATE.**—The amendments made by
6 this section shall apply with respect to communications
7 made on or after January 1, 2020.

8 **SEC. 4207. APPLICATION OF DISCLAIMER STATEMENTS TO**
9 **ONLINE COMMUNICATIONS.**

10 (a) **CLEAR AND CONSPICUOUS MANNER REQUIRE-**
11 **MENT.**—Subsection (a) of section 318 of the Federal Elec-
12 tion Campaign Act of 1971 (52 U.S.C. 30120(a)) is
13 amended—

14 (1) by striking “shall clearly state” each place
15 it appears in paragraphs (1), (2), and (3) and in-
16 serting “shall state in a clear and conspicuous man-
17 ner”; and

18 (2) by adding at the end the following flush
19 sentence: “For purposes of this section, a commu-
20 nication does not make a statement in a clear and
21 conspicuous manner if it is difficult to read or hear
22 or if the placement is easily overlooked.”.

23 (b) **SPECIAL RULES FOR QUALIFIED INTERNET OR**
24 **DIGITAL COMMUNICATIONS.**—

1 (1) IN GENERAL.—Section 318 of such Act (52
2 U.S.C. 30120) is amended by adding at the end the
3 following new subsection:

4 “(e) SPECIAL RULES FOR QUALIFIED INTERNET OR
5 DIGITAL COMMUNICATIONS.—

6 “(1) SPECIAL RULES WITH RESPECT TO STATE-
7 MENTS.—In the case of any qualified internet or
8 digital communication (as defined in section
9 304(f)(3)(D)) which is disseminated through a me-
10 dium in which the provision of all of the information
11 specified in this section is not possible, the commu-
12 nication shall, in a clear and conspicuous manner—

13 “(A) state the name of the person who
14 paid for the communication; and

15 “(B) provide a means for the recipient of
16 the communication to obtain the remainder of
17 the information required under this section with
18 minimal effort and without receiving or viewing
19 any additional material other than such re-
20 quired information.

21 “(2) SAFE HARBOR FOR DETERMINING CLEAR
22 AND CONSPICUOUS MANNER.—A statement in quali-
23 fied internet or digital communication (as defined in
24 section 304(f)(3)(D)) shall be considered to be made
25 in a clear and conspicuous manner as provided in

1 subsection (a) if the communication meets the fol-
2 lowing requirements:

3 “(A) TEXT OR GRAPHIC COMMUNICA-
4 TIONS.—In the case of a text or graphic com-
5 munication, the statement—

6 “(i) appears in letters at least as large
7 as the majority of the text in the commu-
8 nication; and

9 “(ii) meets the requirements of para-
10 graphs (2) and (3) of subsection (c).

11 “(B) AUDIO COMMUNICATIONS.—In the
12 case of an audio communication, the statement
13 is spoken in a clearly audible and intelligible
14 manner at the beginning or end of the commu-
15 nication and lasts at least 3 seconds.

16 “(C) VIDEO COMMUNICATIONS.—In the
17 case of a video communication which also in-
18 cludes audio, the statement—

19 “(i) is included at either the beginning
20 or the end of the communication; and

21 “(ii) is made both in—

22 “(I) a written format that meets
23 the requirements of subparagraph (A)
24 and appears for at least 4 seconds;
25 and

1 “(II) an audible format that
2 meets the requirements of subpara-
3 graph (B).

4 “(D) OTHER COMMUNICATIONS.—In the
5 case of any other type of communication, the
6 statement is at least as clear and conspicuous
7 as the statement specified in subparagraph (A),
8 (B), or (C).”.

9 (2) NONAPPLICATION OF CERTAIN EXCEP-
10 TIONS.—The exceptions provided in section
11 110.11(f)(1)(i) and (ii) of title 11, Code of Federal
12 Regulations, or any successor to such rules, shall
13 have no application to qualified internet or digital
14 communications (as defined in section 304(f)(3)(D)
15 of the Federal Election Campaign Act of 1971).

16 (c) MODIFICATION OF ADDITIONAL REQUIREMENTS
17 FOR CERTAIN COMMUNICATIONS.—Section 318(d) of such
18 Act (52 U.S.C. 30120(d)) is amended—

19 (1) in paragraph (1)(A)—

20 (A) by striking “which is transmitted
21 through radio” and inserting “which is in an
22 audio format”; and

23 (B) by striking “BY RADIO” in the heading
24 and inserting “AUDIO FORMAT”;

25 (2) in paragraph (1)(B)—

1 (A) by striking “which is transmitted
2 through television” and inserting “which is in
3 video format”; and

4 (B) by striking “BY TELEVISION” in the
5 heading and inserting “VIDEO FORMAT”; and

6 (3) in paragraph (2)—

7 (A) by striking “transmitted through radio
8 or television” and inserting “made in audio or
9 video format”; and

10 (B) by striking “through television” in the
11 second sentence and inserting “in video for-
12 mat”.

13 **SEC. 4208. POLITICAL RECORD REQUIREMENTS FOR ON-**
14 **LINE PLATFORMS.**

15 (a) IN GENERAL.—Section 304 of the Federal Elec-
16 tion Campaign Act of 1971 (52 U.S.C. 30104) is amended
17 by adding at the end the following new subsection:

18 “(j) DISCLOSURE OF CERTAIN ONLINE ADVERTISE-
19 MENTS.—

20 “(1) IN GENERAL.—

21 “(A) REQUIREMENTS FOR ONLINE PLAT-
22 FORMS.—An online platform shall maintain,
23 and make available for online public inspection
24 in machine readable format, a complete record
25 of any request to purchase on such online plat-

1 form a qualified political advertisement which is
2 made by a person whose aggregate requests to
3 purchase qualified political advertisements on
4 such online platform during the calendar year
5 exceeds \$500.

6 “(B) REQUIREMENTS FOR ADVER-
7 TISERS.—Any person who requests to purchase
8 a qualified political advertisement on an online
9 platform shall provide the online platform with
10 such information as is necessary for the online
11 platform to comply with the requirements of
12 subparagraph (A).

13 “(2) CONTENTS OF RECORD.—A record main-
14 tained under paragraph (1)(A) shall contain—

15 “(A) a digital copy of the qualified political
16 advertisement;

17 “(B) a description of the audience targeted
18 by the advertisement, the number of views gen-
19 erated from the advertisement, and the date
20 and time that the advertisement is first dis-
21 played and last displayed; and

22 “(C) information regarding—

23 “(i) the average rate charged for the
24 advertisement;

1 “(ii) the name of the candidate to
2 which the advertisement refers and the of-
3 fice to which the candidate is seeking elec-
4 tion, the election to which the advertise-
5 ment refers, or the national legislative
6 issue to which the advertisement refers (as
7 applicable);

8 “(iii) in the case of a request made
9 by, or on behalf of, a candidate, the name
10 of the candidate, the authorized committee
11 of the candidate, and the treasurer of such
12 committee; and

13 “(iv) in the case of any request not
14 described in clause (iii), the name of the
15 person purchasing the advertisement, the
16 name and address of a contact person for
17 such person, and a list of the chief execu-
18 tive officers or members of the executive
19 committee or of the board of directors of
20 such person.

21 “(3) ONLINE PLATFORM.—For purposes of this
22 subsection, the term ‘online platform’ means any
23 public-facing website, web application, or digital ap-
24 plication (including a social network, ad network, or
25 search engine) which—

1 “(A) sells qualified political advertise-
2 ments; and

3 “(B) has 50,000,000 or more unique
4 monthly United States visitors or users for a
5 majority of months during the preceding 12
6 months.

7 “(4) QUALIFIED POLITICAL ADVERTISEMENT.—
8 For purposes of this subsection, the term ‘qualified
9 political advertisement’ means any advertisement
10 (including search engine marketing, display adver-
11 tisements, video advertisements, native advertise-
12 ments, and sponsorships) that—

13 “(A) is made by or on behalf of a can-
14 didate; or

15 “(B) communicates a message relating to
16 any political matter of national importance, in-
17 cluding—

18 “(i) a candidate;

19 “(ii) any election to Federal office; or

20 “(iii) a national legislative issue of
21 public importance.

22 “(5) TIME TO MAINTAIN FILE.—The informa-
23 tion required under this subsection shall be made
24 available as soon as possible and shall be retained by

1 the online platform for a period of not less than 4
2 years.

3 “(6) PENALTIES.—For penalties for failure by
4 online platforms, and persons requesting to purchase
5 a qualified political advertisement on online plat-
6 forms, to comply with the requirements of this sub-
7 section, see section 309.”.

8 (b) RULEMAKING.—Not later than 120 days after the
9 date of the enactment of this Act, the Federal Election
10 Commission shall establish rules—

11 (1) requiring common data formats for the
12 record required to be maintained under section
13 304(j) of the Federal Election Campaign Act of
14 1971 (as added by subsection (a)) so that all online
15 platforms submit and maintain data online in a com-
16 mon, machine-readable and publicly accessible for-
17 mat; and

18 (2) establishing search interface requirements
19 relating to such record, including searches by can-
20 didate name, issue, purchaser, and date.

21 (c) REPORTING.—Not later than 2 years after the
22 date of the enactment of this Act, and biannually there-
23 after, the Chairman of the Federal Election Commission
24 shall submit a report to Congress on—

1 (1) matters relating to compliance with and the
2 enforcement of the requirements of section 304(j) of
3 the Federal Election Campaign Act of 1971, as
4 added by subsection (a);

5 (2) recommendations for any modifications to
6 such section to assist in carrying out its purposes;
7 and

8 (3) identifying ways to bring transparency and
9 accountability to political advertisements distributed
10 online for free.

11 **SEC. 4209. PREVENTING CONTRIBUTIONS, EXPENDITURES,**
12 **INDEPENDENT EXPENDITURES, AND DIS-**
13 **BURSEMENTS FOR ELECTIONEERING COM-**
14 **MUNICATIONS BY FOREIGN NATIONALS IN**
15 **THE FORM OF ONLINE ADVERTISING.**

16 Section 319 of the Federal Election Campaign Act
17 of 1971 (52 U.S.C. 30121), as amended by section
18 4101(b), is further amended by adding at the end the fol-
19 lowing new subsection:

20 “(d) RESPONSIBILITIES OF BROADCAST STATIONS,
21 PROVIDERS OF CABLE AND SATELLITE TELEVISION, AND
22 ONLINE PLATFORMS.—Each television or radio broadcast
23 station, provider of cable or satellite television, or online
24 platform (as defined in section 304(j)(3)) shall make rea-
25 sonable efforts to ensure that communications described

1 in section 318(a) and made available by such station, pro-
2 vider, or platform are not purchased by a foreign national,
3 directly or indirectly.”.

4 **Subtitle D—Stand By Every Ad**

5 **SEC. 4301. SHORT TITLE.**

6 This subtitle may be cited as the “Stand By Every
7 Ad Act”.

8 **SEC. 4302. STAND BY EVERY AD.**

9 (a) **EXPANDED DISCLAIMER REQUIREMENTS FOR**
10 **CERTAIN COMMUNICATIONS.**—Section 318 of the Federal
11 Election Campaign Act of 1971 (52 U.S.C. 30120), as
12 amended by section 4207(b)(1), is further amended—

13 (1) by redesignating subsection (e) as sub-
14 section (f); and

15 (2) by inserting after subsection (d) the fol-
16 lowing new subsection:

17 “(e) **EXPANDED DISCLAIMER REQUIREMENTS FOR**
18 **COMMUNICATIONS NOT AUTHORIZED BY CANDIDATES OR**
19 **COMMITTEES.**—

20 “(1) **IN GENERAL.**—Except as provided in para-
21 graph (6), any communication described in para-
22 graph (3) of subsection (a) which is transmitted in
23 an audio or video format (including an Internet or
24 digital communication), or which is an Internet or
25 digital communication transmitted in a text or

1 graphic format, shall include, in addition to the re-
2 quirements of paragraph (3) of subsection (a), the
3 following:

4 “(A) The individual disclosure statement
5 described in paragraph (2)(A) (if the person
6 paying for the communication is an individual)
7 or the organizational disclosure statement de-
8 scribed in paragraph (2)(B) (if the person pay-
9 ing for the communication is not an individual).

10 “(B) If the communication is transmitted
11 in a video format, or is an Internet or digital
12 communication which is transmitted in a text or
13 graphic format, and is paid for in whole or in
14 part with a payment which is treated as a cam-
15 paign-related disbursement under section 324—

16 “(i) the Top Five Funders list (if ap-
17 plicable); or

18 “(ii) in the case of a communication
19 which, as determined on the basis of cri-
20 teria established in regulations issued by
21 the Commission, is of such short duration
22 that including the Top Five Funders list in
23 the communication would constitute a
24 hardship to the person paying for the com-
25 munication by requiring a disproportionate

1 amount of the content of the communica-
2 tion to consist of the Top Five Funders
3 list, the name of a website which contains
4 the Top Five Funders list (if applicable)
5 or, in the case of an Internet or digital
6 communication, a hyperlink to such
7 website.

8 “(C) If the communication is transmitted
9 in an audio format and is paid for in whole or
10 in part with a payment which is treated as a
11 campaign-related disbursement under section
12 324—

13 “(i) the Top Two Funders list (if ap-
14 plicable); or

15 “(ii) in the case of a communication
16 which, as determined on the basis of cri-
17 teria established in regulations issued by
18 the Commission, is of such short duration
19 that including the Top Two Funders list in
20 the communication would constitute a
21 hardship to the person paying for the com-
22 munication by requiring a disproportionate
23 amount of the content of the communica-
24 tion to consist of the Top Two Funders

1 list, the name of a website which contains
2 the Top Two Funders list (if applicable).

3 “(2) DISCLOSURE STATEMENTS DESCRIBED.—

4 “(A) INDIVIDUAL DISCLOSURE STATE-
5 MENTS.—The individual disclosure statement
6 described in this subparagraph is the following:
7 ‘I am _____, and I approve this
8 message.’, with the blank filled in with the
9 name of the applicable individual.

10 “(B) ORGANIZATIONAL DISCLOSURE
11 STATEMENTS.—The organizational disclosure
12 statement described in this subparagraph is the
13 following: ‘I am _____, the
14 _____ of _____, and
15 _____ approves this message.’,
16 with—

17 “(i) the first blank to be filled in with
18 the name of the applicable individual;

19 “(ii) the second blank to be filled in
20 with the title of the applicable individual;
21 and

22 “(iii) the third and fourth blank each
23 to be filled in with the name of the organi-
24 zation or other person paying for the com-
25 munication.

1 “(3) METHOD OF CONVEYANCE OF STATE-
2 MENT.—

3 “(A) COMMUNICATIONS IN TEXT OR
4 GRAPHIC FORMAT.—In the case of a commu-
5 nication to which this subsection applies which
6 is transmitted in a text or graphic format, the
7 disclosure statements required under paragraph
8 (1) shall appear in letters at least as large as
9 the majority of the text in the communication.

10 “(B) COMMUNICATIONS TRANSMITTED IN
11 AUDIO FORMAT.—In the case of a communica-
12 tion to which this subsection applies which is
13 transmitted in an audio format, the disclosure
14 statements required under paragraph (1) shall
15 be made by audio by the applicable individual
16 in a clear and conspicuous manner.

17 “(C) COMMUNICATIONS TRANSMITTED IN
18 VIDEO FORMAT.—In the case of a communica-
19 tion to which this subsection applies which is
20 transmitted in a video format, the information
21 required under paragraph (1)—

22 “(i) shall appear in writing at the end
23 of the communication or in a crawl along
24 the bottom of the communication in a clear
25 and conspicuous manner, with a reasonable

1 degree of color contrast between the back-
2 ground and the printed statement, for a
3 period of at least 6 seconds; and

4 “(ii) shall also be conveyed by an
5 unobscured, full-screen view of the applica-
6 ble individual or by the applicable indi-
7 vidual making the statement in voice-over
8 accompanied by a clearly identifiable pho-
9 tograph or similar image of the individual,
10 except in the case of a Top Five Funders
11 list.

12 “(4) APPLICABLE INDIVIDUAL DEFINED.—The
13 term ‘applicable individual’ means, with respect to a
14 communication to which this subsection applies—

15 “(A) if the communication is paid for by
16 an individual, the individual involved;

17 “(B) if the communication is paid for by a
18 corporation, the chief executive officer of the
19 corporation (or, if the corporation does not have
20 a chief executive officer, the highest ranking of-
21 ficial of the corporation);

22 “(C) if the communication is paid for by a
23 labor organization, the highest ranking officer
24 of the labor organization; and

1 “(D) if the communication is paid for by
2 any other person, the highest ranking official of
3 such person.

4 “(5) TOP FIVE FUNDERS LIST AND TOP TWO
5 FUNDERS LIST DEFINED.—

6 “(A) TOP FIVE FUNDERS LIST.—The term
7 ‘Top Five Funders list’ means, with respect to
8 a communication which is paid for in whole or
9 in part with a campaign-related disbursement
10 (as defined in section 324), a list of the five
11 persons who, during the 12-month period end-
12 ing on the date of the disbursement, provided
13 the largest payments of any type in an aggre-
14 gate amount equal to or exceeding \$10,000 to
15 the person who is paying for the communication
16 and the amount of the payments each such per-
17 son provided. If two or more people provided
18 the fifth largest of such payments, the person
19 paying for the communication shall select one of
20 those persons to be included on the Top Five
21 Funders list.

22 “(B) TOP TWO FUNDERS LIST.—The term
23 ‘Top Two Funders list’ means, with respect to
24 a communication which is paid for in whole or
25 in part with a campaign-related disbursement

1 (as defined in section 324), a list of the persons
2 who, during the 12-month period ending on the
3 date of the disbursement, provided the largest
4 and the second largest payments of any type in
5 an aggregate amount equal to or exceeding
6 \$10,000 to the person who is paying for the
7 communication and the amount of the pay-
8 ments each such person provided. If two or
9 more persons provided the second largest of
10 such payments, the person paying for the com-
11 munication shall select one of those persons to
12 be included on the Top Two Funders list.

13 “(C) EXCLUSION OF CERTAIN PAY-
14 MENTS.—For purposes of subparagraphs (A)
15 and (B), in determining the amount of pay-
16 ments made by a person to a person paying for
17 a communication, there shall be excluded the
18 following:

19 “(i) Any amounts provided in the or-
20 dinary course of any trade or business con-
21 ducted by the person paying for the com-
22 munication or in the form of investments
23 in the person paying for the communica-
24 tion.

1 “(ii) Any payment which the person
2 prohibited, in writing, from being used for
3 campaign-related disbursements, but only
4 if the person paying for the communication
5 agreed to follow the prohibition and depos-
6 ited the payment in an account which is
7 segregated from any account used to make
8 campaign-related disbursements.

9 “(6) SPECIAL RULES FOR CERTAIN COMMU-
10 NICATIONS.—

11 “(A) EXCEPTION FOR COMMUNICATIONS
12 PAID FOR BY POLITICAL PARTIES AND CERTAIN
13 POLITICAL COMMITTEES.—This subsection does
14 not apply to any communication to which sub-
15 section (d)(2) applies.

16 “(B) TREATMENT OF VIDEO COMMUNICA-
17 TIONS LASTING 10 SECONDS OR LESS.—In the
18 case of a communication to which this sub-
19 section applies which is transmitted in a video
20 format, or is an Internet or digital communica-
21 tion which is transmitted in a text or graphic
22 format, the communication shall meet the fol-
23 lowing requirements:

24 “(i) The communication shall include
25 the individual disclosure statement de-

1 scribed in paragraph (2)(A) (if the person
2 paying for the communication is an indi-
3 vidual) or the organizational disclosure
4 statement described in paragraph (2)(B)
5 (if the person paying for the communica-
6 tion is not an individual).

7 “(ii) The statement described in
8 clause (i) shall appear in writing at the
9 end of the communication, or in a crawl
10 along the bottom of the communication, in
11 a clear and conspicuous manner, with a
12 reasonable degree of color contrast between
13 the background and the printed statement,
14 for a period of at least 4 seconds.

15 “(iii) The communication shall in-
16 clude, in a clear and conspicuous manner,
17 a website address with a landing page
18 which will provide all of the information
19 described in paragraph (1) with respect to
20 the communication. Such address shall ap-
21 pear for the full duration of the commu-
22 nication.

23 “(iv) To the extent that the format in
24 which the communication is made permits
25 the use of a hyperlink, the communication

1 shall include a hyperlink to the website ad-
2 dress described in clause (iii).”.

3 (b) APPLICATION OF EXPANDED REQUIREMENTS TO
4 PUBLIC COMMUNICATIONS CONSISTING OF CAMPAIGN-
5 RELATED DISBURSEMENTS.—Section 318(a) of such Act
6 (52 U.S.C. 30120(a)) is amended by striking “for the pur-
7 pose of financing communications expressly advocating the
8 election or defeat of a clearly identified candidate” and
9 inserting “for a campaign-related disbursement, as de-
10 fined in section 324, consisting of a public communica-
11 tion”.

12 (c) EXCEPTION FOR COMMUNICATIONS PAID FOR BY
13 POLITICAL PARTIES AND CERTAIN POLITICAL COMMIT-
14 TEES.—Section 318(d)(2) of such Act (52 U.S.C.
15 30120(d)(2)) is amended—

16 (1) in the heading, by striking “OTHERS” and
17 inserting “CERTAIN POLITICAL COMMITTEES”;

18 (2) by striking “Any communication” and in-
19 serting “(A) Any communication”;

20 (3) by inserting “which (except to the extent
21 provided in subparagraph (B)) is paid for by a polit-
22 ical committee (including a political committee of a
23 political party) and” after “subsection (a)”;

24 (4) by striking “or other person” each place it
25 appears; and

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

3 “(B)(i) This paragraph does not apply to a
4 communication paid for in whole or in part during
5 a calendar year with a campaign-related disburse-
6 ment, but only if the covered organization making
7 the campaign-related disbursement made campaign-
8 related disbursements (as defined in section 324) ag-
9 gregating more than \$10,000 during such calendar
10 year.

11 “(ii) For purposes of clause (i), in determining
12 the amount of campaign-related disbursements made
13 by a covered organization during a year, there shall
14 be excluded the following:

15 “(I) Any amounts received by the covered
16 organization in the ordinary course of any trade
17 or business conducted by the covered organiza-
18 tion or in the form of investments in the cov-
19 ered organization.

20 “(II) Any amounts received by the covered
21 organization from a person who prohibited, in
22 writing, the organization from using such
23 amounts for campaign-related disbursements,
24 but only if the covered organization agreed to
25 follow the prohibition and deposited the

1 amounts in an account which is segregated
2 from any account used to make campaign-re-
3 lated disbursements.”.

4 **SEC. 4303. DISCLAIMER REQUIREMENTS FOR COMMUNICA-**
5 **TIONS MADE THROUGH PRERECORDED TELE-**
6 **PHONE CALLS.**

7 (a) APPLICATION OF REQUIREMENTS.—

8 (1) IN GENERAL.—Section 318(a) of the Fed-
9 eral Election Campaign Act of 1971 (52 U.S.C.
10 30120(a)), as amended by section 4205(c), is
11 amended by inserting after “public communication”
12 each place it appears the following: “(including a
13 telephone call consisting in substantial part of a
14 prerecorded audio message)”.

15 (2) APPLICATION TO COMMUNICATIONS SUB-
16 JECT TO EXPANDED DISCLAIMER REQUIREMENTS.—
17 Section 318(e)(1) of such Act (52 U.S.C.
18 30120(e)(1)), as added by section 4302(a), is
19 amended in the matter preceding subparagraph (A)
20 by striking “which is transmitted in an audio or
21 video format” and inserting “which is transmitted in
22 an audio or video format or which consists of a tele-
23 phone call consisting in substantial part of a
24 prerecorded audio message”.

1 (b) TREATMENT AS COMMUNICATION TRANSMITTED
2 IN AUDIO FORMAT.—

3 (1) COMMUNICATIONS BY CANDIDATES OR AU-
4 THORIZED PERSONS.—Section 318(d) of such Act
5 (52 U.S.C. 30120(d)) is amended by adding at the
6 end the following new paragraph:

7 “(3) PRERECORDED TELEPHONE CALLS.—Any
8 communication described in paragraph (1), (2), or
9 (3) of subsection (a) (other than a communication
10 which is subject to subsection (e)) which is a tele-
11 phone call consisting in substantial part of a
12 prerecorded audio message shall include, in addition
13 to the requirements of such paragraph, the audio
14 statement required under subparagraph (A) of para-
15 graph (1) or the audio statement required under
16 paragraph (2) (whichever is applicable), except that
17 the statement shall be made at the beginning of the
18 telephone call.”.

19 (2) COMMUNICATIONS SUBJECT TO EXPANDED
20 DISCLAIMER REQUIREMENTS.—Section 318(e)(3) of
21 such Act (52 U.S.C. 30120(e)(3)), as added by sec-
22 tion 4302(a), is amended by adding at the end the
23 following new subparagraph:

24 “(D) PRERECORDED TELEPHONE
25 CALLS.—In the case of a communication to

1 which this subsection applies which is a tele-
2 phone call consisting in substantial part of a
3 prerecorded audio message, the communication
4 shall be considered to be transmitted in an
5 audio format.”.

6 **SEC. 4304. NO EXPANSION OF PERSONS SUBJECT TO DIS-**
7 **CLAIMER REQUIREMENTS ON INTERNET**
8 **COMMUNICATIONS.**

9 Nothing in this subtitle or the amendments made by
10 this subtitle may be construed to require any person who
11 is not required under section 318 of the Federal Election
12 Campaign Act of 1971 (as provided under section 110.11
13 of title 11 of the Code of Federal Regulations) to include
14 a disclaimer on communications made by the person
15 through the internet to include any disclaimer on any such
16 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, 2020, and shall take effect without regard to whether
21 or not the Federal Election Commission has promulgated
22 regulations to carry out such amendments.

1 **Subtitle E—Secret Money**
2 **Transparency**

3 **SEC. 4401. REPEAL OF RESTRICTION OF USE OF FUNDS BY**
4 **INTERNAL REVENUE SERVICE TO BRING**
5 **TRANSPARENCY TO POLITICAL ACTIVITY OF**
6 **CERTAIN NONPROFIT ORGANIZATIONS.**

7 Section 124 of the Financial Services and General
8 Government Appropriations Act, 2019 (division D of Pub-
9 lic Law 116–6) is hereby repealed.

10 **SEC. 4402. REPEAL OF REVENUE PROCEDURE THAT ELIMI-**
11 **NATED REQUIREMENT TO REPORT INFORMA-**
12 **TION REGARDING CONTRIBUTORS TO CER-**
13 **TAIN TAX-EXEMPT ORGANIZATIONS.**

14 Revenue Procedure 2018–38 shall have no force and
15 effect.

16 **Subtitle F—Shareholder Right-to-**
17 **Know**

18 **SEC. 4501. REPEAL OF RESTRICTION ON USE OF FUNDS BY**
19 **SECURITIES AND EXCHANGE COMMISSION TO**
20 **ENSURE SHAREHOLDERS OF CORPORATIONS**
21 **HAVE KNOWLEDGE OF CORPORATION POLIT-**
22 **ICAL ACTIVITY.**

23 Section 629 of the Financial Services and General
24 Government Appropriations Act, 2019 (division D of Pub-
25 lic Law 116–6) is hereby repealed.

1 **SEC. 4502. SHAREHOLDER APPROVAL OF CORPORATE PO-**
2 **LITICAL ACTIVITY.**

3 (a) IN GENERAL.—The Securities Exchange Act of
4 1934 (15 U.S.C. 78a et seq.) is amended by inserting after
5 section 14B (15 U.S.C. 78n–2) the following:

6 **“SEC. 14C. SHAREHOLDER APPROVAL OF CERTAIN POLIT-**
7 **ICAL EXPENDITURES AND DISCLOSURE OF**
8 **VOTES OF INSTITUTIONAL INVESTORS.**

9 “(a) DEFINITIONS.—In this section—

10 “(1) the term ‘expenditure for political activi-

11 ties’—

12 “(A) means—

13 “(i) an independent expenditure (as
14 defined in section 301(17) of the Federal
15 Election Campaign Act of 1971 (52 U.S.C.
16 30101(17)));

17 “(ii) an electioneering communication
18 (as defined in section 304(f)(3) of that Act
19 (52 U.S.C. 30104(f)(3))) and any other
20 public communication (as defined in sec-
21 tion 301(22) of that Act (52 U.S.C.
22 30101(22))) that would be an election-
23 eering communication if it were a broad-
24 cast, cable, or satellite communication; or

25 “(iii) dues or other payments to trade
26 associations or organizations described in

1 section 501(c) of the Internal Revenue
2 Code of 1986 and exempt from tax under
3 section 501(a) of that Code that are, or
4 could reasonably be anticipated to be, used
5 or transferred to another association or or-
6 ganization for the purposes described in
7 clauses (i) or (ii); and

8 “(B) does not include—

9 “(i) direct lobbying efforts through
10 registered lobbyists employed or hired by
11 the issuer;

12 “(ii) communications by an issuer to
13 its shareholders and executive or adminis-
14 trative personnel and their families; or

15 “(iii) the establishment and adminis-
16 tration of contributions to a separate seg-
17 regated fund to be utilized for political
18 purposes by a corporation; and

19 “(2) the term ‘issuer’ does not include an in-
20 vestment company registered under section 8 of the
21 Investment Company Act of 1940 (15 U.S.C. 80a-
22 8).

23 “(b) SHAREHOLDER AUTHORIZATION FOR POLIT-
24 ICAL EXPENDITURES.—Each solicitation of proxy, con-

1 sent, or authorization by an issuer with a class of equity
2 securities registered under section 12 shall—

3 “(1) contain—

4 “(A) a description of the specific nature of
5 any expenditure for political activities proposed
6 to be made by the issuer for the forthcoming
7 fiscal year that has not been authorized by a
8 vote of the shareholders of the issuer, to the ex-
9 tent the specific nature is known to the issuer;
10 and

11 “(B) the total amount of expenditures for
12 political activities proposed to be made by the
13 issuer for the forthcoming fiscal year; and

14 “(2) provide for a separate vote of the share-
15 holders of the issuer to authorize such expenditures
16 for political activities in the total amount described
17 in paragraph (1).

18 “(c) VOTE REQUIRED TO MAKE EXPENDITURES.—
19 No issuer shall make an expenditure for political activities
20 in any fiscal year unless such expenditure—

21 “(1) is of the nature of those proposed by the
22 issuer in subsection (b)(1); and

23 “(2) has been authorized by a vote of the ma-
24 jority of the outstanding shares of the issuer in ac-
25 cordance with subsection (b)(2).

1 “(d) FIDUCIARY DUTY; LIABILITY.—

2 “(1) FIDUCIARY DUTY.—A violation of sub-
3 section (c) shall be considered a breach of a fidu-
4 ciary duty of the officers and directors who author-
5 ized the expenditure for political activities.

6 “(2) LIABILITY.—An officer or director of an
7 issuer who authorizes an expenditure for political ac-
8 tivities in violation of subsection (c) shall be jointly
9 and severally liable in any action brought in a court
10 of competent jurisdiction to any person or class of
11 persons who held shares at the time the expenditure
12 for political activities was made for an amount equal
13 to 3 times the amount of the expenditure for polit-
14 ical activities.

15 “(e) DISCLOSURE OF VOTES.—

16 “(1) DISCLOSURE REQUIRED.—Each institu-
17 tional investment manager subject to section 13(f)
18 shall disclose not less frequently than annually how
19 the institutional investment manager voted on any
20 shareholder vote under subsection (a), unless the
21 vote is otherwise required by rule of the Commission
22 to be reported publicly.

23 “(2) RULES.—Not later than 6 months after
24 the date of enactment of this section, the Commis-
25 sion shall issue rules to carry out this subsection

1 that require that a disclosure required under para-
2 graph (1)—

3 “(A) be made not later than 30 days after
4 a vote described in paragraph (1); and

5 “(B) be made available to the public
6 through the EDGAR system as soon as prac-
7 ticable.

8 “(f) SAFE HARBOR FOR CERTAIN DIVESTMENT DE-
9 CISIONS.—Notwithstanding any other provision of Federal
10 or State law, if an institutional investment manager makes
11 the disclosures required under subsection (e), no person
12 may bring any civil, criminal, or administrative action
13 against the institutional investment manager, or any em-
14 ployee, officer, or director thereof, based solely upon a de-
15 cision of the investment manager to divest from, or not
16 to invest in, securities of an issuer due to an expenditure
17 for political activities made by the issuer.”.

18 (b) REQUIRED BOARD VOTE ON CORPORATE EX-
19 PENDITURES FOR POLITICAL ACTIVITIES.—The Securi-
20 ties Exchange Act of 1934 (15 U.S.C. 78 et seq.) is
21 amended by adding after section 16 (15 U.S.C. 78p) the
22 following:

1 **“SEC. 16A. REQUIRED BOARD VOTE ON CORPORATE EX-**
2 **PENDITURES FOR POLITICAL ACTIVITIES.**

3 “(a) DEFINITIONS.—In this section, the terms ‘ex-
4 penditure for political activities’ and ‘issuer’ have the
5 meanings given the terms in section 14C.

6 “(b) LISTING ON EXCHANGES.—Not later than 180
7 days after the date of enactment of this section, the Com-
8 mission shall, by rule, direct the national securities ex-
9 changes and national securities associations to prohibit the
10 listing of any class of equity security of an issuer that
11 is not in compliance with the requirements of any portion
12 of subsection (c).

13 “(c) REQUIREMENT FOR VOTE IN CORPORATE BY-
14 LAWS.—

15 “(1) VOTE REQUIRED.—The bylaws of an
16 issuer shall expressly provide for a vote of the board
17 of directors of the issuer on—

18 “(A) any expenditure for political activities
19 in excess of \$50,000; and

20 “(B) any expenditure for political activities
21 that would result in the total amount spent by
22 the issuer for a particular election (as defined
23 in section 301(1) of the Federal Election Cam-
24 paign Act of 1971 (52 U.S.C. 30101(1))) in ex-
25 cess of \$50,000.

1 “(2) PUBLIC AVAILABILITY.—An issuer shall
2 make the votes of each member of the board of di-
3 rectors for a vote required under paragraph (1) pub-
4 licly available not later than 48 hours after the vote,
5 including in a clear and conspicuous location on the
6 Internet web site of the issuer.

7 “(d) NO EFFECT ON DETERMINATION OF COORDINA-
8 TION WITH CANDIDATES OR CAMPAIGNS.—For purposes
9 of the Federal Election Campaign Act of 1971 (52 U.S.C.
10 30101 et seq.), an expenditure for political activities by
11 an issuer shall not be treated as made in concert or co-
12 operation with, or at the request or suggestion of, any can-
13 didate or committee solely because a member of the board
14 of directors of the issuer voted on the expenditure as re-
15 quired under this section.”.

16 (c) REPORTING REQUIREMENTS.—Section 13 of the
17 Securities Exchange Act of 1934 (15 U.S.C. 78m) is
18 amended by adding at the end the following:

19 “(s) REPORTING REQUIREMENTS RELATING TO CER-
20 TAIN POLITICAL EXPENDITURES.—

21 “(1) DEFINITIONS.—In this subsection, the
22 terms ‘expenditure for political activities’ and
23 ‘issuer’ have the meanings given the terms in section
24 14C.

25 “(2) QUARTERLY REPORTS.—

1 “(vi) the name or identity of trade as-
2 sociations or organizations described in
3 section 501(c) of the Internal Revenue
4 Code of 1986 and exempt from tax under
5 section 501(a) of such Code which receive
6 dues or other payments as described in
7 section 14C(a)(1)(A)(iii).

8 “(B) PUBLIC AVAILABILITY.—The Com-
9 mission shall ensure that, to the greatest extent
10 practicable, the quarterly reports required
11 under this paragraph are publicly available
12 through the Internet web site of the Commis-
13 sion and through the EDGAR system in a man-
14 ner that is searchable, sortable, and
15 downloadable, consistent with the requirements
16 under section 24.

17 “(3) ANNUAL REPORTS.—Not later than 180
18 days after the date of enactment of this subsection,
19 the Commission shall, by rule, require each issuer to
20 include in the annual report of the issuer to share-
21 holders a summary of each expenditure for political
22 activities made during the preceding year in excess
23 of \$10,000, and each expenditure for political activi-
24 ties for a particular election if the total amount of

1 such expenditures for that election is in excess of
2 \$10,000.”.

3 (d) REPORTS.—

4 (1) SECURITIES AND EXCHANGE COMMISS-
5 SION.—The Securities and Exchange Commission
6 shall—

7 (A) conduct an annual assessment of the
8 compliance of issuers and officers and members
9 of the boards of directors of issuers with sec-
10 tions 13(s), 14C, and 16A of the Securities Ex-
11 change Act of 1934, as added by this section;
12 and

13 (B) submit to Congress an annual report
14 containing the results of the assessment under
15 paragraph (1).

16 (2) GOVERNMENT ACCOUNTABILITY OFFICE.—
17 The Comptroller General of the United States shall
18 periodically evaluate and report to Congress on the
19 effectiveness of the oversight by the Securities and
20 Exchange Commission of the reporting and disclo-
21 sure requirements under sections 13(s), 14C, and
22 16A of the Securities Exchange Act of 1934, as
23 added by this section.

1 **Subtitle G—Disclosure of Political**
2 **Spending by Government Con-**
3 **tractors**

4 **SEC. 4601. REPEAL OF RESTRICTION ON USE OF FUNDS TO**
5 **REQUIRE DISCLOSURE OF POLITICAL SPEND-**
6 **ING BY GOVERNMENT CONTRACTORS.**

7 Section 735 of the Financial Services and General
8 Government Appropriations Act, 2019 (division D of Pub-
9 lic Law 116–6) is hereby repealed.

10 **Subtitle H—Limitation and Disclo-**
11 **sure Requirements for Presi-**
12 **dential Inaugural Committees**

13 **SEC. 4701. SHORT TITLE.**

14 This subtitle may be cited as the “Presidential Inau-
15 gural Committee Oversight Act”.

16 **SEC. 4702. LIMITATIONS AND DISCLOSURE OF CERTAIN DO-**
17 **NATIONS TO, AND DISBURSEMENTS BY, INAU-**
18 **GURAL COMMITTEES.**

19 (a) REQUIREMENTS FOR INAUGURAL COMMIT-
20 TEES.—Title III of the Federal Election Campaign Act
21 of 1971 (52 U.S.C. 30101 et seq.) is amended by adding
22 at the end the following new section:

23 **“SEC. 325. INAUGURAL COMMITTEES.**

24 **“(a) PROHIBITED DONATIONS.—**

25 **“(1) IN GENERAL.—It shall be unlawful—**

1 “(A) for an Inaugural Committee—

2 “(i) to solicit, accept, or receive a do-
3 nation from a person that is not an indi-
4 vidual; or

5 “(ii) to solicit, accept, or receive a do-
6 nation from a foreign national;

7 “(B) for a person—

8 “(i) to make a donation to an Inau-
9 gural Committee in the name of another
10 person, or to knowingly authorize his or
11 her name to be used to effect such a dona-
12 tion;

13 “(ii) to knowingly accept a donation
14 to an Inaugural Committee made by a per-
15 son in the name of another person; or

16 “(iii) to convert a donation to an In-
17 augural Committee to personal use as de-
18 scribed in paragraph (2); and

19 “(C) for a foreign national to, directly or
20 indirectly, make a donation, or make an express
21 or implied promise to make a donation, to an
22 Inaugural Committee.

23 “(2) CONVERSION OF DONATION TO PERSONAL
24 USE.—For purposes of paragraph (1)(B)(iii), a do-
25 nation shall be considered to be converted to per-

1 sonal use if any part of the donated amount is used
2 to fulfill a commitment, obligation, or expense of a
3 person that would exist irrespective of the respon-
4 sibilities of the Inaugural Committee under chapter
5 5 of title 36, United States Code.

6 “(3) NO EFFECT ON DISBURSEMENT OF UN-
7 USED FUNDS TO NONPROFIT ORGANIZATIONS.—
8 Nothing in this subsection may be construed to pro-
9 hibit an Inaugural Committee from disbursing un-
10 used funds to an organization which is described in
11 section 501(c)(3) of the Internal Revenue Code of
12 1986 and is exempt from taxation under section
13 501(a) of such Code.

14 “(b) LIMITATION ON DONATIONS.—

15 “(1) IN GENERAL.—It shall be unlawful for an
16 individual to make donations to an Inaugural Com-
17 mittee which, in the aggregate, exceed \$50,000.

18 “(2) INDEXING.—At the beginning of each
19 Presidential election year (beginning with 2024), the
20 amount described in paragraph (1) shall be in-
21 creased by the cumulative percent difference deter-
22 mined in section 315(c)(1)(A) since the previous
23 Presidential election year. If any amount after such
24 increase is not a multiple of \$1,000, such amount
25 shall be rounded to the nearest multiple of \$1,000.

1 “(c) DISCLOSURE OF CERTAIN DONATIONS AND DIS-
2 BURSEMENTS.—

3 “(1) DONATIONS OVER \$1,000.—

4 “(A) IN GENERAL.—An Inaugural Com-
5 mittee shall file with the Commission a report
6 disclosing any donation by an individual to the
7 committee in an amount of \$1,000 or more not
8 later than 24 hours after the receipt of such do-
9 nation.

10 “(B) CONTENTS OF REPORT.—A report
11 filed under subparagraph (A) shall contain—

12 “(i) the amount of the donation;

13 “(ii) the date the donation is received;

14 and

15 “(iii) the name and address of the in-
16 dividual making the donation.

17 “(2) FINAL REPORT.—Not later than the date
18 that is 90 days after the date of the Presidential in-
19 augural ceremony, the Inaugural Committee shall
20 file with the Commission a report containing the fol-
21 lowing information:

22 “(A) For each donation of money or any-
23 thing of value made to the committee in an ag-
24 gregate amount equal to or greater than
25 \$200—

1 “(i) the amount of the donation;

2 “(ii) the date the donation is received;

3 and

4 “(iii) the name and address of the in-
5 dividual making the donation.

6 “(B) The total amount of all disburse-
7 ments, and all disbursements in the following
8 categories:

9 “(i) Disbursements made to meet
10 committee operating expenses.

11 “(ii) Repayment of all loans.

12 “(iii) Donation refunds and other off-
13 sets to donations.

14 “(iv) Any other disbursements.

15 “(C) The name and address of each per-
16 son—

17 “(i) to whom a disbursement in an ag-
18 gregate amount or value in excess of \$200
19 is made by the committee to meet a com-
20 mittee operating expense, together with
21 date, amount, and purpose of such oper-
22 ating expense;

23 “(ii) who receives a loan repayment
24 from the committee, together with the date
25 and amount of such loan repayment;

1 “(iii) who receives a donation refund
2 or other offset to donations from the com-
3 mittee, together with the date and amount
4 of such disbursement; and

5 “(iv) to whom any other disbursement
6 in an aggregate amount or value in excess
7 of \$200 is made by the committee, to-
8 gether with the date and amount of such
9 disbursement.

10 “(d) DEFINITIONS.—For purposes of this section:

11 “(1)(A) The term ‘donation’ includes—

12 “(i) any gift, subscription, loan, ad-
13 vance, or deposit of money or anything of
14 value made by any person to the com-
15 mittee; or

16 “(ii) the payment by any person of
17 compensation for the personal services of
18 another person which are rendered to the
19 committee without charge for any purpose.

20 “(B) The term ‘donation’ does not include
21 the value of services provided without com-
22 pensation by any individual who volunteers on
23 behalf of the committee.

24 “(2) The term ‘foreign national’ has the mean-
25 ing given that term by section 319(b).

1 **Subtitle I—Severability**

2 **SEC. 4801. SEVERABILITY.**

3 If any provision of this title or amendment made by
4 this title, or the application of a provision or amendment
5 to any person or circumstance, is held to be unconstitu-
6 tional, the remainder of this title and amendments made
7 by this title, and the application of the provisions and
8 amendment to any person or circumstance, shall not be
9 affected by the holding.

10 **TITLE V—CAMPAIGN FINANCE**
11 **EMPOWERMENT**

12 **Subtitle A—Findings Relating to**
13 ***Citizens United* Decision**

14 **SEC. 5001. FINDINGS RELATING TO *CITIZENS UNITED* DECI-**
15 **SION.**

16 Congress finds the following:

17 (1) The American Republic was founded on the
18 principle that all people are created equal, with
19 rights and responsibilities as citizens to vote, be rep-
20 resented, speak, debate, and participate in self-gov-
21 ernment on equal terms regardless of wealth. To se-
22 cure these rights and responsibilities, our Constitu-
23 tion not only protects the equal rights of all Ameri-
24 cans but also provides checks and balances to pre-

1 vent corruption and prevent concentrated power and
2 wealth from undermining effective self-government.

3 (2) The Supreme Court's decisions in *Citizens*
4 *United v. Federal Election Commission*, 558 U.S.
5 310 (2010) and *McCutcheon v. FEC*, 572 U.S. 185
6 (2014), as well as other court decisions, erroneously
7 invalidated even-handed rules about the spending of
8 money in local, State, and Federal elections. These
9 flawed decisions have empowered large corporations,
10 extremely wealthy individuals, and special interests
11 to dominate election spending, corrupt our politics,
12 and degrade our democracy through tidal waves of
13 unlimited and anonymous spending. These decisions
14 also stand in contrast to a long history of efforts by
15 Congress and the States to regulate money in poli-
16 tics to protect democracy, and they illustrate a trou-
17 bling deregulatory trend in campaign finance-related
18 court decisions. Additionally, an unknown amount of
19 foreign money continues to be spent in our political
20 system as subsidiaries of foreign-based corporations
21 and hostile foreign actors sometimes connected to
22 nation-States work to influence our elections.

23 (3) The Supreme Court's misinterpretation of
24 the Constitution to empower monied interests at the
25 expense of the American people in elections has seri-

1 ously eroded over 100 years of congressional action
2 to promote fairness and protect elections from the
3 toxic influence of money.

4 (4) In 1907, Congress passed the Tillman Act
5 in response to the concentration of corporate power
6 in the post-Civil War Gilded Age. The Act prohibited
7 corporations from making contributions in connec-
8 tion with Federal elections, aiming “not merely to
9 prevent the subversion of the integrity of the elec-
10 toral process [but] * * * to sustain the active, alert
11 responsibility of the individual citizen in a democ-
12 racy for the wise conduct of government”.

13 (5) By 1910, Congress began passing disclosure
14 requirements and campaign expenditure limits, and
15 dozens of States passed corrupt practices Acts to
16 prohibit corporate spending in elections. States also
17 enacted campaign spending limits, and some States
18 limited the amount that people could contribute to
19 campaigns.

20 (6) In 1947, the Taft-Hartley Act prohibited
21 corporations and unions from making campaign con-
22 tributions or other expenditures to influence elec-
23 tions. In 1962, a Presidential commission on election
24 spending recommended spending limits and incen-

1 tives to increase small contributions from more peo-
2 ple.

3 (7) The Federal Election Campaign Act of
4 1971 (FECA), as amended in 1974, required disclo-
5 sure of contributions and expenditures, imposed con-
6 tribution and expenditure limits for individuals and
7 groups, set spending limits for campaigns, can-
8 didates, and groups, implemented a public funding
9 system for Presidential campaigns, and created the
10 Federal Election Commission to oversee and enforce
11 the new rules.

12 (8) In the wake of *Citizens United* and other
13 damaging Federal court decisions, Americans have
14 witnessed an explosion of outside spending in elec-
15 tions. Outside spending increased nearly 900 percent
16 between the 2008 and 2016 Presidential election
17 years. Indeed, the 2018 elections once again made
18 clear the overwhelming political power of wealthy
19 special interests, to the tune of over \$5,000,000,000.
20 And as political entities adapt to a post- *Citizens*
21 *United*, post-*McCutcheon* landscape, these trends are
22 getting worse, as evidenced by the experience in the
23 2018 midterm congressional elections, where outside
24 spending more than doubled from the previous mid-
25 term cycle.

1 (9) The torrent of money flowing into our polit-
2 ical system has a profound effect on the democratic
3 process for everyday Americans, whose voices and
4 policy preferences are increasingly being drowned
5 out by those of wealthy special interests. The more
6 campaign cash from wealthy special interests can
7 flood our elections, the more policies that favor those
8 interests are reflected in the national political agen-
9 da. When it comes to policy preferences, our Na-
10 tion's wealthiest tend to have fundamentally dif-
11 ferent views than do average Americans when it
12 comes to issues ranging from unemployment benefits
13 to the minimum wage to health care coverage.

14 (10) The Court has tied the hands of Congress
15 and the States, severely restricting them from set-
16 ting reasonable limits on campaign spending. For
17 example, the Court has held that only the Govern-
18 ment's interest in preventing quid pro quo corrup-
19 tion, like bribery, or the appearance of such corrup-
20 tion, can justify limits on campaign contributions.
21 More broadly, the Court has severely curtailed at-
22 tempts to reduce the ability of the Nation's wealthi-
23 est and most powerful to skew our democracy in
24 their favor by buying outsized influence in our elec-
25 tions. Because this distortion of the Constitution has

1 prevented truly meaningful regulation or reform of
2 the way we finance elections in America, a constitu-
3 tional amendment is needed to achieve a democracy
4 for all the people.

5 (11) Since the landmark *Citizens United* deci-
6 sion, 19 States and nearly 800 municipalities, in-
7 cluding large cities like New York, Los Angeles, Chi-
8 cago, and Philadelphia, have gone on record sup-
9 porting a constitutional amendment. Transcending
10 political leanings and geographic location, voters in
11 States and municipalities across the country that
12 have placed amendment questions on the ballot have
13 routinely supported these initiatives by considerably
14 large margins.

15 (12) At the same time millions of Americans
16 have signed petitions, marched, called their Members
17 of Congress, written letters to the editor, and other-
18 wise demonstrated their public support for a con-
19 stitutional amendment to overturn *Citizens United*
20 that will allow Congress to reign in the outsized in-
21 fluence of unchecked money in politics. Dozens of
22 organizations, representing tens of millions of indi-
23 viduals, have come together in a shared strategy of
24 supporting such an amendment.

1 **PART 2—SMALL DOLLAR FINANCING OF SENATE**
2 **ELECTION CAMPAIGNS**
3 **SEC. 5111. ELIGIBILITY REQUIREMENTS AND BENEFITS OF**
4 **FAIR ELECTIONS FINANCING OF SENATE**
5 **ELECTION CAMPAIGNS.**

6 The Federal Election Campaign Act of 1971 (52
7 U.S.C. 30101 et seq.) is amended by adding at the end
8 the following:

9 **“TITLE V—FAIR ELECTIONS FI-**
10 **NANCING OF SENATE ELEC-**
11 **TION CAMPAIGNS**

12 **“Subtitle A—General Provisions**

13 **“SEC. 501. DEFINITIONS.**

14 “In this title:

15 “(1) **ALLOCATION FROM THE FUND.**—The term
16 ‘allocation from the Fund’ means an allocation of
17 money from the Freedom From Influence Fund to
18 a participating candidate pursuant to section 522.

19 “(2) **COMMISSION.**—The term ‘Commission’
20 means the Federal Election Commission.

21 “(3) **ENHANCED MATCHING CONTRIBUTION.**—
22 The term ‘enhanced matching contribution’ means
23 an enhanced matching payment provided to a par-
24 ticipating candidate for qualified small dollar con-
25 tributions, as provided under section 524.

1 “(4) ENHANCED SUPPORT QUALIFYING PE-
2 RIOD.—The term ‘enhanced support qualifying pe-
3 riod’ means, with respect to a general election, the
4 period which begins 60 days before the date of the
5 election and ends 14 days before the date of the
6 election.

7 “(5) FAIR ELECTIONS QUALIFYING PERIOD.—
8 The term ‘Fair Elections qualifying period’ means,
9 with respect to any candidate for Senator, the pe-
10 riod—

11 “(A) beginning on the date on which the
12 candidate files a statement of intent under sec-
13 tion 511(a)(1); and

14 “(B) ending on the date that is 30 days
15 before—

16 “(i) the date of the primary election;
17 or

18 “(ii) in the case of a State that does
19 not hold a primary election, the date pre-
20 scribed by State law as the last day to
21 qualify for a position on the general elec-
22 tion ballot.

23 “(6) FAIR ELECTIONS START DATE.—The term
24 ‘Fair Elections start date’ means, with respect to
25 any candidate, the date that is 180 days before—

1 “(A) the date of the primary election; or

2 “(B) in the case of a State that does not
3 hold a primary election, the date prescribed by
4 State law as the last day to qualify for a posi-
5 tion on the general election ballot.

6 “(7) FUND.—The term ‘Fund’ means the Free-
7 dom From Influence Fund established by section
8 502.

9 “(8) IMMEDIATE FAMILY.—The term ‘imme-
10 diate family’ means, with respect to any candidate—

11 “(A) the candidate’s spouse;

12 “(B) a child, stepchild, parent, grand-
13 parent, brother, half-brother, sister, or half-sis-
14 ter of the candidate or the candidate’s spouse;
15 and

16 “(C) the spouse of any person described in
17 subparagraph (B).

18 “(9) MATCHING CONTRIBUTION.—The term
19 ‘matching contribution’ means a matching payment
20 provided to a participating candidate for qualified
21 small dollar contributions, as provided under section
22 523.

23 “(10) NONPARTICIPATING CANDIDATE.—The
24 term ‘nonparticipating candidate’ means a candidate
25 for Senator who is not a participating candidate.

1 “(11) PARTICIPATING CANDIDATE.—The term
2 ‘participating candidate’ means a candidate for Sen-
3 ator who is certified under section 514 as being eli-
4 gible to receive an allocation from the Fund.

5 “(12) QUALIFYING CONTRIBUTION.—The term
6 ‘qualifying contribution’ means, with respect to a
7 candidate, a contribution that—

8 “(A) is in an amount that is—

9 “(i) not less than the greater of \$5 or
10 the amount determined by the Commission
11 under section 531; and

12 “(ii) not more than the greater of
13 \$200 or the amount determined by the
14 Commission under section 531;

15 “(B) is made by an individual—

16 “(i) who is a resident of the State in
17 which such candidate is seeking election;
18 and

19 “(ii) who is not otherwise prohibited
20 from making a contribution under this Act;

21 “(C) is made during the Fair Elections
22 qualifying period; and

23 “(D) meets the requirements of section
24 512(b).

1 “(13) QUALIFIED SMALL DOLLAR CONTRIBU-
2 TION.—The term ‘qualified small dollar contribution’
3 means, with respect to a candidate, any contribution
4 (or series of contributions)—

5 “(A) which is not a qualifying contribution
6 (or does not include a qualifying contribution);

7 “(B) which is made by an individual who
8 is not prohibited from making a contribution
9 under this Act; and

10 “(C) the aggregate amount of which does
11 not exceed the greater of—

12 “(i) \$200 per election; or

13 “(ii) the amount per election deter-
14 mined by the Commission under section
15 531.

16 “(14) QUALIFYING MULTICANDIDATE POLIT-
17 ICAL COMMITTEE CONTRIBUTION.—

18 “(A) IN GENERAL.—The term ‘qualifying
19 multicandidate political committee contribution’
20 means any contribution to a candidate that is
21 made from a qualified account of a multi-
22 candidate political committee (within the mean-
23 ing of section 315(a)(2)).

24 “(B) QUALIFIED ACCOUNT.—For purposes
25 of subparagraph (A), the term ‘qualified ac-

1 count' means, with respect to a multicandidate
2 political committee, a separate, segregated ac-
3 count of the committee that consists solely of
4 contributions which meet the following require-
5 ments:

6 “(i) All contributions to such account
7 are made by individuals who are not pro-
8 hibited from making contributions under
9 this Act.

10 “(ii) The aggregate amount of con-
11 tributions from each individual to such ac-
12 count and all other accounts of the polit-
13 ical committee do not exceed the amount
14 described in paragraph (13)(C).

15 **“SEC. 502. FREEDOM FROM INFLUENCE FUND.**

16 “(a) ESTABLISHMENT.—There is established in the
17 Treasury a fund to be known as the ‘Freedom From Infl-
18 uence Fund’.

19 “(b) AMOUNTS HELD BY FUND.—The Fund shall
20 consist of the following amounts:

21 “(1) ASSESSMENTS AGAINST FINES, SETTLE-
22 MENTS, AND PENALTIES.—Amounts transferred
23 under section 3015 of title 18, United States Code,
24 section 9707 of title 31, United States Code, and
25 section 6761 of the Internal Revenue Code of 1986.

1 “(2) DEPOSITS.—Amounts deposited into the
2 Fund under—

3 “(A) section 513(c) (relating to exceptions
4 to contribution requirements);

5 “(B) section 521(c) (relating to remittance
6 of unused payments from the Fund); and

7 “(C) section 532 (relating to violations).

8 “(3) INVESTMENT RETURNS.—Interest on, and
9 the proceeds from, the sale or redemption of any ob-
10 ligations held by the Fund under subsection (c).

11 “(c) INVESTMENT.—The Commission shall invest
12 portions of the Fund in obligations of the United States
13 in the same manner as provided under section 9602(b)
14 of the Internal Revenue Code of 1986.

15 “(d) USE OF FUND TO MAKE PAYMENTS TO PAR-
16 TICIPATING CANDIDATES.—

17 “(1) PAYMENTS TO PARTICIPATING CAN-
18 DIDATES.—Amounts in the Fund shall be available
19 without further appropriation or fiscal year limita-
20 tion to make payments to participating candidates
21 as provided in this title.

22 “(2) MANDATORY REDUCTION OF PAYMENTS IN
23 CASE OF INSUFFICIENT AMOUNTS IN FUND.—

24 “(A) ADVANCE AUDITS BY COMMISSION.—

25 Not later than 90 days before the first day of

1 each election cycle (beginning with the first
2 election cycle that begins after the date of the
3 enactment of this title), the Commission shall—

4 “(i) audit the Fund to determine
5 whether the amounts in the Fund will be
6 sufficient to make payments to partici-
7 pating candidates in the amounts provided
8 in this title during such election cycle; and

9 “(ii) submit a report to Congress de-
10 scribing the results of the audit.

11 “(B) REDUCTIONS IN AMOUNT OF PAY-
12 MENTS.—

13 “(i) AUTOMATIC REDUCTION ON PRO
14 RATA BASIS.—If, on the basis of the audit
15 described in subparagraph (A), the Com-
16 mission determines that the amount antici-
17 pated to be available in the Fund with re-
18 spect to the election cycle involved is not,
19 or may not be, sufficient to satisfy the full
20 entitlements of participating candidates to
21 payments under this title for such election
22 cycle, the Commission shall reduce each
23 amount which would otherwise be paid to
24 a participating candidate under this title
25 by such pro rata amount as may be nec-

1 essary to ensure that the aggregate
2 amount of payments anticipated to be
3 made with respect to the election cycle will
4 not exceed the amount anticipated to be
5 available for such payments in the Fund
6 with respect to such election cycle.

7 “(ii) RESTORATION OF REDUCTIONS
8 IN CASE OF AVAILABILITY OF SUFFICIENT
9 FUNDS DURING ELECTION CYCLE.—If,
10 after reducing the amounts paid to partici-
11 pating candidates with respect to an elec-
12 tion cycle under clause (i), the Commission
13 determines that there are sufficient
14 amounts in the Fund to restore the
15 amount by which such payments were re-
16 duced (or any portion thereof), to the ex-
17 tent that such amounts are available, the
18 Commission may make a payment on a pro
19 rata basis to each such participating can-
20 didate with respect to the election cycle in
21 the amount by which such candidate’s pay-
22 ments were reduced under clause (i) (or
23 any portion thereof, as the case may be).

24 “(iii) NO USE OF AMOUNTS FROM
25 OTHER SOURCES.—In any case in which

1 the Commission determines that there are
2 insufficient moneys in the Fund to make
3 payments to participating candidates under
4 this title, moneys shall not be made avail-
5 able from any other source for the purpose
6 of making such payments.

7 “(e) USE OF FUND TO MAKE OTHER PAYMENTS.—
8 In addition to the use described in subsection (d), amounts
9 in the Fund shall be available without further appropria-
10 tion or fiscal year limitation—

11 “(1) to make payments to candidates under
12 chapter 95 of subtitle H of the Internal Revenue
13 Code of 1986, subject to reductions under section
14 9013(b) of such Code; and

15 “(2) to make payments to candidates under
16 chapter 96 of subtitle H of the Internal Revenue
17 Code of 1986, subject to reductions under section
18 9043(b) of such Code.

19 “(f) EFFECTIVE DATE.—This section shall take ef-
20 fect on the date of the enactment of this title.

1 **“Subtitle B—Eligibility and**
2 **Certification**

3 **“SEC. 511. ELIGIBILITY.**

4 “(a) IN GENERAL.—A candidate for Senator is eligi-
5 ble to receive an allocation from the Fund for any election
6 if the candidate meets the following requirements:

7 “(1) The candidate files with the Commission a
8 statement of intent to seek certification as a partici-
9 pating candidate under this title during the period
10 beginning on the Fair Elections start date and end-
11 ing on the last day of the Fair Elections qualifying
12 period.

13 “(2) The candidate meets the qualifying con-
14 tribution requirements of section 512.

15 “(3) Not later than the last day of the Fair
16 Elections qualifying period, the candidate files with
17 the Commission an affidavit signed by the candidate
18 and the treasurer of the candidate’s principal cam-
19 paign committee declaring that the candidate—

20 “(A) has complied and, if certified, will
21 comply with the contribution and expenditure
22 requirements of section 513;

23 “(B) if certified, will not run as a non-
24 participating candidate during such year in any

1 election for the office that such candidate is
2 seeking; and

3 “(C) has either qualified or will take steps
4 to qualify under State law to be on the ballot.

5 “(b) GENERAL ELECTION.—Notwithstanding sub-
6 section (a), a candidate shall not be eligible to receive an
7 allocation from the Fund for a general election or a gen-
8 eral runoff election unless the candidate’s party nominated
9 the candidate to be placed on the ballot for the general
10 election or the candidate otherwise qualified to be on the
11 ballot under State law.

12 **“SEC. 512. QUALIFYING CONTRIBUTION REQUIREMENT.**

13 “(a) IN GENERAL.—A candidate for Senator meets
14 the requirement of this section if, during the Fair Elec-
15 tions qualifying period, the candidate obtains—

16 “(1) a number of qualifying contributions equal
17 to the greater of—

18 “(A) the sum of—

19 “(i) 2,000; plus

20 “(ii) 500 for each congressional dis-
21 trict in the State with respect to which the
22 candidate is seeking election; or

23 “(B) the amount determined by the Com-
24 mission under section 531; and

1 “(2) a total dollar amount of qualifying con-
2 tributions equal to the greater of—

3 “(A) 10 percent of the amount of the allo-
4 cation such candidate would be entitled to re-
5 ceive for the primary election under section
6 522(c)(1) (determined without regard to para-
7 graph (5) thereof) if such candidate were a par-
8 ticipating candidate; or

9 “(B) the amount determined by the Com-
10 mission under section 531.

11 “(b) REQUIREMENTS RELATING TO RECEIPT OF
12 QUALIFYING CONTRIBUTION.—Each qualifying contribu-
13 tion—

14 “(1) may be made by means of a personal
15 check, money order, debit card, credit card, or elec-
16 tronic payment account;

17 “(2) shall be accompanied by a signed state-
18 ment containing—

19 “(A) the contributor’s name and the con-
20 tributor’s address in the State in which the con-
21 tributor is registered to vote; and

22 “(B) an oath declaring that the contrib-
23 utor—

24 “(i) understands that the purpose of
25 the qualifying contribution is to show sup-

1 port for the candidate so that the can-
2 didate may qualify for Fair Elections fi-
3 nancing;

4 “(ii) is making the contribution in his
5 or her own name and from his or her own
6 funds;

7 “(iii) has made the contribution will-
8 ingly; and

9 “(iv) has not received anything of
10 value in return for the contribution; and

11 “(3) shall be acknowledged by a receipt that is
12 sent to the contributor with a copy kept by the can-
13 didate for the Commission and a copy kept by the
14 candidate for the election authorities in the State
15 with respect to which the candidate is seeking elec-
16 tion.

17 “(c) VERIFICATION OF QUALIFYING CONTRIBU-
18 TIONS.—The Commission shall establish procedures for
19 the auditing and verification of qualifying contributions to
20 ensure that such contributions meet the requirements of
21 this section.

1 **“SEC. 513. CONTRIBUTION AND EXPENDITURE REQUIRE-**
2 **MENTS.**

3 “(a) GENERAL RULE.—A candidate for Senator
4 meets the requirements of this section if, during the elec-
5 tion cycle of the candidate, the candidate—

6 “(1) except as provided in subsection (b), ac-
7 cepts no contributions other than—

8 “(A) qualifying contributions;

9 “(B) qualified small dollar contributions;

10 “(C) qualifying multicandidate political
11 committee contributions;

12 “(D) allocations from the Fund under sec-
13 tion 522;

14 “(E) matching contributions under section
15 523;

16 “(F) enhanced matching contributions
17 under section 524; and

18 “(G) vouchers provided to the candidate
19 under section 525;

20 “(2) makes no expenditures from any amounts
21 other than from—

22 “(A) qualifying contributions;

23 “(B) qualified small dollar contributions;

24 “(C) qualifying multicandidate political
25 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; and

7 “(G) vouchers provided to the candidate
8 under section 525; and

9 “(3) makes no expenditures from personal
10 funds or the funds of any immediate family member
11 (other than funds received through qualified small
12 dollar contributions and qualifying contributions).

13 For purposes of this subsection, a payment made by a po-
14 litical party in coordination with a participating candidate
15 shall not be treated as a contribution to or as an expendi-
16 ture made by the participating candidate.

17 “(b) CONTRIBUTIONS FOR LEADERSHIP PACs,
18 ETC.—A political committee of a participating candidate
19 which is not an authorized committee of such candidate
20 may accept contributions other than contributions de-
21 scribed in subsection (a)(1) from any person if—

22 “(1) the aggregate contributions from such per-
23 son for any calendar year do not exceed \$200; and

1 “(2) no portion of such contributions is dis-
2 bursed in connection with the campaign of the par-
3 ticipating candidate.

4 “(c) EXCEPTION.—Notwithstanding subsection (a), a
5 candidate shall not be treated as having failed to meet
6 the requirements of this section if any contributions that
7 are not qualified small dollar contributions, qualifying con-
8 tributions, qualifying multicandidate political committee
9 contributions, or contributions that meet the requirements
10 of subsection (b) and that are accepted before the date
11 the candidate files a statement of intent under section
12 511(a)(1) are—

13 “(1) returned to the contributor; or

14 “(2) submitted to the Commission for deposit in
15 the Fund.

16 **“SEC. 514. CERTIFICATION.**

17 “(a) IN GENERAL.—Not later than 5 days after a
18 candidate for Senator files an affidavit under section
19 511(a)(3), the Commission shall—

20 “(1) certify whether or not the candidate is a
21 participating candidate; and

22 “(2) notify the candidate of the Commission’s
23 determination.

24 “(b) REVOCATION OF CERTIFICATION.—

1 “(1) IN GENERAL.—The Commission may re-
2 voke a certification under subsection (a) if—

3 “(A) a candidate fails to qualify to appear
4 on the ballot at any time after the date of cer-
5 tification; or

6 “(B) a candidate otherwise fails to comply
7 with the requirements of this title, including
8 any regulatory requirements prescribed by the
9 Commission.

10 “(2) REPAYMENT OF BENEFITS.—If certifi-
11 cation is revoked under paragraph (1), the candidate
12 shall repay to the Fund an amount equal to the
13 value of benefits received under this title plus inter-
14 est (at a rate determined by the Commission) on any
15 such amount received.

16 **“Subtitle C—Benefits**

17 **“SEC. 521. BENEFITS FOR PARTICIPATING CANDIDATES.**

18 “(a) IN GENERAL.—For each election with respect
19 to which a candidate is certified as a participating can-
20 didate under section 514, such candidate shall be entitled
21 to—

22 “(1) an allocation from the Fund to make or
23 obligate to make expenditures with respect to such
24 election, as provided in section 522;

1 “(2) matching contributions, as provided in sec-
2 tion 523;

3 “(3) enhanced matching contributions, as pro-
4 vided in section 524; and

5 “(4) for the general election, vouchers for
6 broadcasts of political advertisements, as provided in
7 section 525.

8 “(b) RESTRICTION ON USES OF ALLOCATIONS FROM
9 THE FUND.—Allocations from the Fund received by a par-
10 ticipating candidate under section 522, matching contribu-
11 tions under section 523, and enhanced matching contribu-
12 tions under section 524 may only be used for campaign-
13 related costs.

14 “(c) REMITTING ALLOCATIONS FROM THE FUND.—

15 “(1) IN GENERAL.—Not later than the date
16 that is 45 days after an election in which the partici-
17 pating candidate appeared on the ballot, such par-
18 ticipating candidate shall remit to the Commission
19 for deposit in the Fund an amount equal to the less-
20 er of—

21 “(A) the amount of money in the can-
22 didate’s campaign account; or

23 “(B) the sum of the allocations from the
24 Fund received by the candidate under section
25 522, the matching contributions received by the

1 candidate under section 523, and the enhanced
2 matching contributions under section 524.

3 “(2) EXCEPTION.—In the case of a candidate
4 who qualifies to be on the ballot for a primary run-
5 off election, a general election, or a general runoff
6 election, the amounts described in paragraph (1)
7 may be retained by the candidate and used in such
8 subsequent election.

9 **“SEC. 522. ALLOCATIONS FROM THE FUND.**

10 “(a) IN GENERAL.—The Commission shall make allo-
11 cations from the Fund under section 521(a)(1) to a par-
12 ticipating candidate—

13 “(1) in the case of amounts provided under
14 subsection (c)(1), not later than 48 hours after the
15 date on which such candidate is certified as a par-
16 ticipating candidate under section 514;

17 “(2) in the case of a general election, not later
18 than 48 hours after—

19 “(A) the date of the certification of the re-
20 sults of the primary election or the primary
21 runoff election; or

22 “(B) in any case in which there is no pri-
23 mary election, the date the candidate qualifies
24 to be placed on the ballot; and

1 “(3) in the case of a primary runoff election or
2 a general runoff election, not later than 48 hours
3 after the certification of the results of the primary
4 election or the general election, as the case may be.

5 “(b) METHOD OF PAYMENT.—The Commission shall
6 distribute funds available to participating candidates
7 under this section through the use of an electronic funds
8 exchange or a debit card.

9 “(c) AMOUNTS.—

10 “(1) PRIMARY ELECTION ALLOCATION; INITIAL
11 ALLOCATION.—Except as provided in paragraph (5),
12 the Commission shall make an allocation from the
13 Fund for a primary election to a participating can-
14 didate in an amount equal to 67 percent of the base
15 amount with respect to such participating candidate.

16 “(2) PRIMARY RUNOFF ELECTION ALLOCA-
17 TION.—The Commission shall make an allocation
18 from the Fund for a primary runoff election to a
19 participating candidate in an amount equal to 25
20 percent of the amount the participating candidate
21 was eligible to receive under this section for the pri-
22 mary election.

23 “(3) GENERAL ELECTION ALLOCATION.—Ex-
24 cept as provided in paragraph (5), the Commission
25 shall make an allocation from the Fund for a gen-

1 eral election to a participating candidate in an
2 amount equal to the base amount with respect to
3 such candidate.

4 “(4) GENERAL RUNOFF ELECTION ALLOCA-
5 TION.—The Commission shall make an allocation
6 from the Fund for a general runoff election to a par-
7 ticipating candidate in an amount equal to 25 per-
8 cent of the base amount with respect to such can-
9 didate.

10 “(5) UNCONTESTED ELECTIONS.—

11 “(A) IN GENERAL.—In the case of a pri-
12 mary or general election that is an uncontested
13 election, the Commission shall make an alloca-
14 tion from the Fund to a participating candidate
15 for such election in an amount equal to 25 per-
16 cent of the allocation which such candidate
17 would be entitled to under this section for such
18 election if this paragraph did not apply.

19 “(B) UNCONTESTED ELECTION DE-
20 FINED.—For purposes of this subparagraph, an
21 election is uncontested if not more than 1 can-
22 didate has campaign funds (including payments
23 from the Fund) in an amount equal to or great-
24 er than 10 percent of the allocation a partici-
25 pating candidate would be entitled to receive

1 under this section for such election if this para-
2 graph did not apply.

3 “(d) BASE AMOUNT.—

4 “(1) IN GENERAL.—Except as otherwise pro-
5 vided in this subsection, the base amount for any
6 candidate is an amount equal to the greater of—

7 “(A) the sum of—

8 “(i) \$750,000; plus

9 “(ii) \$150,000 for each congressional
10 district in the State with respect to which
11 the candidate is seeking election; or

12 “(B) the amount determined by the Com-
13 mission under section 531.

14 “(2) INDEXING.—In each even-numbered year
15 after 2025—

16 “(A) each dollar amount under paragraph
17 (1)(A) shall be increased by the percent dif-
18 ference between the price index (as defined in
19 section 315(c)(2)(A)) for the 12 months pre-
20 ceding the beginning of such calendar year and
21 the price index for calendar year 2022;

22 “(B) each dollar amount so increased shall
23 remain in effect for the 2-year period beginning
24 on the first day following the date of the last
25 general election in the year preceding the year

1 in which the amount is increased and ending on
2 the date of the next general election; and

3 “(C) if any amount after adjustment under
4 subparagraph (A) is not a multiple of \$100,
5 such amount shall be rounded to the nearest
6 multiple of \$100.

7 **“SEC. 523. MATCHING PAYMENTS FOR QUALIFIED SMALL**
8 **DOLLAR CONTRIBUTIONS.**

9 “(a) IN GENERAL.—The Commission shall pay to
10 each participating candidate an amount equal to 600 per-
11 cent of the amount of qualified small dollar contributions
12 received by the candidate from individuals who are resi-
13 dents of the State in which such participating candidate
14 is seeking election after the date on which such candidate
15 is certified under section 514.

16 “(b) LIMITATION.—The aggregate payments under
17 subsection (a) with respect to any candidate shall not ex-
18 ceed the greater of—

19 “(1) 400 percent of the allocation such can-
20 didate is entitled to receive for such election under
21 section 522 (determined without regard to sub-
22 section (c)(5) thereof); or

23 “(2) the percentage of such allocation deter-
24 mined by the Commission under section 531.

1 “(c) TIME OF PAYMENT.—The Commission shall
2 make payments under this section not later than 2 busi-
3 ness days after the receipt of a report made under sub-
4 section (d).

5 “(d) REPORTS.—

6 “(1) IN GENERAL.—Each participating can-
7 didate shall file reports of receipts of qualified small
8 dollar contributions at such times and in such man-
9 ner as the Commission may by regulations prescribe.

10 “(2) CONTENTS OF REPORTS.—Each report
11 under this subsection shall disclose—

12 “(A) the amount of each qualified small
13 dollar contribution received by the candidate;

14 “(B) the amount of each qualified small
15 dollar contribution received by the candidate
16 from a resident of the State in which the can-
17 didate is seeking election; and

18 “(C) the name, address, and occupation of
19 each individual who made a qualified small dol-
20 lar contribution to the candidate.

21 “(3) FREQUENCY OF REPORTS.—Reports under
22 this subsection shall be made no more frequently
23 than—

24 “(A) once every month until the date that
25 is 90 days before the date of the election;

1 “(B) once every week after the period de-
2 scribed in subparagraph (A) and until the date
3 that is 21 days before the election; and

4 “(C) once every day after the period de-
5 scribed in subparagraph (B).

6 “(4) LIMITATION ON REGULATIONS.—The
7 Commission may not prescribe any regulations with
8 respect to reporting under this subsection with re-
9 spect to any election after the date that is 180 days
10 before the date of such election.

11 “(e) APPEALS.—The Commission shall provide a
12 written explanation with respect to any denial of any pay-
13 ment under this section and shall provide the opportunity
14 for review and reconsideration within 5 business days of
15 such denial.

16 **“SEC. 524. ENHANCED MATCHING SUPPORT.**

17 “(a) IN GENERAL.—In addition to the payments
18 made under section 523, the Commission shall make an
19 additional payment to an eligible candidate under this sec-
20 tion.

21 “(b) ELIGIBILITY.—A candidate is eligible to receive
22 an additional payment under this section if the candidate
23 meets each of the following requirements:

24 “(1) The candidate is on the ballot for the gen-
25 eral election for the office the candidate seeks.

1 “(2) The candidate is certified as a partici-
2 pating candidate under this title with respect to the
3 election.

4 “(3) During the enhanced support qualifying
5 period, the candidate receives qualified small dollar
6 contributions in a total amount of not less than the
7 sum of \$15,000 for each congressional district in the
8 State with respect to which the candidate is seeking
9 election.

10 “(4) During the enhanced support qualifying
11 period, the candidate submits to the Commission a
12 request for the payment which includes—

13 “(A) a statement of the number and
14 amount of qualified small dollar contributions
15 received by the candidate during the enhanced
16 support qualifying period;

17 “(B) a statement of the amount of the
18 payment the candidate anticipates receiving
19 with respect to the request; and

20 “(C) such other information and assur-
21 ances as the Commission may require.

22 “(5) After submitting a request for the addi-
23 tional payment under paragraph (4), the candidate
24 does not submit any other application for an addi-
25 tional payment under this title.

1 “(c) AMOUNT.—

2 “(1) IN GENERAL.—Subject to paragraph (2),
3 the amount of the additional payment made to an el-
4 igible candidate under this subtitle shall be an
5 amount equal to 50 percent of—

6 “(A) the amount of the payment made to
7 the candidate under section 523 with respect to
8 the qualified small dollar contributions which
9 are received by the candidate during the en-
10 hanced support qualifying period (as included in
11 the request submitted by the candidate under
12 (b)(4)(A)); or

13 “(B) in the case of a candidate who is not
14 eligible to receive a payment under section 523
15 with respect to such qualified small dollar con-
16 tributions because the candidate has reached
17 the limit on the aggregate amount of payments
18 under section 523, the amount of the payment
19 which would have been made to the candidate
20 under section 523 with respect to such qualified
21 small dollar contributions if the candidate had
22 not reached such limit.

23 “(2) LIMIT.—The amount of the additional
24 payment determined under paragraph (1) with re-
25 spect to a candidate may not exceed the sum of

1 \$150,000 for each congressional district in the State
2 with respect to which the candidate is seeking elec-
3 tion.

4 “(3) NO EFFECT ON AGGREGATE LIMIT.—The
5 amount of the additional payment made to a can-
6 didate under this section shall not be included in de-
7 termining the aggregate amount of payments made
8 to a participating candidate with respect to an elec-
9 tion cycle under section 523.

10 **“SEC. 525. POLITICAL ADVERTISING VOUCHERS.**

11 “(a) IN GENERAL.—The Commission shall establish
12 and administer a voucher program for the purchase of
13 airtime on broadcasting stations for political advertise-
14 ments in accordance with the provisions of this section.

15 “(b) CANDIDATES.—The Commission shall only dis-
16 burse vouchers under the program established under sub-
17 section (a) to participants certified pursuant to section
18 514 who have agreed in writing to keep and furnish to
19 the Commission such records, books, and other informa-
20 tion as it may require.

21 “(c) AMOUNTS.—The Commission shall disburse
22 vouchers to each candidate certified under subsection (b)
23 in an aggregate amount equal to the greater of—

1 “(1) \$100,000 multiplied by the number of con-
2 gressional districts in the State with respect to
3 which such candidate is running for office; or

4 “(2) the amount determined by the Commission
5 under section 531.

6 “(d) USE.—

7 “(1) EXCLUSIVE USE.—Vouchers disbursed by
8 the Commission under this section may be used only
9 for the purchase of broadcast airtime for political
10 advertisements relating to a general election for the
11 office of Senate by the participating candidate to
12 which the vouchers were disbursed, except that—

13 “(A) a candidate may exchange vouchers
14 with a political party under paragraph (2); and

15 “(B) a political party may use vouchers
16 only to purchase broadcast airtime for political
17 advertisements for generic party advertising (as
18 defined by the Commission in regulations), to
19 support candidates for State or local office in a
20 general election, or to support participating
21 candidates of the party in a general election for
22 Federal office, but only if it discloses the value
23 of the voucher used as an expenditure under
24 section 315(d).

1 “(2) EXCHANGE WITH POLITICAL PARTY COM-
2 MITTEE.—

3 “(A) IN GENERAL.—A participating can-
4 didate who receives a voucher under this section
5 may transfer the right to use all or a portion
6 of the value of the voucher to a committee of
7 the political party of which the individual is a
8 candidate (or, in the case of a participating
9 candidate who is not a member of any political
10 party, to a committee of the political party of
11 that candidate’s choice) in exchange for money
12 in an amount equal to the cash value of the
13 voucher or portion exchanged.

14 “(B) CONTINUATION OF CANDIDATE OBLI-
15 GATIONS.—The transfer of a voucher, in whole
16 or in part, to a political party committee under
17 this paragraph does not release the candidate
18 from any obligation under the agreement made
19 under subsection (b) or otherwise modify that
20 agreement or its application to that candidate.

21 “(C) PARTY COMMITTEE OBLIGATIONS.—
22 Any political party committee to which a vouch-
23 er or portion thereof is transferred under sub-
24 paragraph (A)—

1 “(i) shall account fully, in accordance
2 with such requirements as the Commission
3 may establish, for the receipt of the vouch-
4 er; and

5 “(ii) may not use the transferred
6 voucher or portion thereof for any purpose
7 other than a purpose described in para-
8 graph (1)(B).

9 “(D) VOUCHER AS A CONTRIBUTION
10 UNDER FECA.—If a candidate transfers a
11 voucher or any portion thereof to a political
12 party committee under subparagraph (A)—

13 “(i) the value of the voucher or por-
14 tion thereof transferred shall be treated as
15 a contribution from the candidate to the
16 committee, and from the committee to the
17 candidate, for purposes of sections 302
18 and 304;

19 “(ii) the committee may, in exchange,
20 provide to the candidate only funds subject
21 to the prohibitions, limitations, and report-
22 ing requirements of title III of this Act;
23 and

24 “(iii) the amount, if identified as a
25 ‘voucher exchange’, shall not be considered

1 a contribution for the purposes of sections
2 315 and 513.

3 “(e) VALUE; ACCEPTANCE; REDEMPTION.—

4 “(1) VOUCHER.—Each voucher disbursed by
5 the Commission under this section shall have a value
6 in dollars, redeemable upon presentation to the
7 Commission, together with such documentation and
8 other information as the Commission may require,
9 for the purchase of broadcast airtime for political
10 advertisements in accordance with this section.

11 “(2) ACCEPTANCE.—A broadcasting station
12 shall accept vouchers in payment for the purchase of
13 broadcast airtime for political advertisements in ac-
14 cordance with this section.

15 “(3) REDEMPTION.—The Commission shall re-
16 deem vouchers accepted by broadcasting stations
17 under paragraph (2) upon presentation, subject to
18 such documentation, verification, accounting, and
19 application requirements as the Commission may im-
20 pose to ensure the accuracy and integrity of the
21 voucher redemption system.

22 “(4) EXPIRATION.—

23 “(A) CANDIDATES.—A voucher may only
24 be used to pay for broadcast airtime for polit-
25 ical advertisements to be broadcast before mid-

1 night on the day before the date of the Federal
2 election in connection with which it was issued
3 and shall be null and void for any other use or
4 purpose.

5 “(B) EXCEPTION FOR POLITICAL PARTY
6 COMMITTEES.—A voucher held by a political
7 party committee may be used to pay for broad-
8 cast airtime for political advertisements to be
9 broadcast before midnight on December 31st of
10 the odd-numbered year following the year in
11 which the voucher was issued by the Commis-
12 sion.

13 “(5) VOUCHER AS EXPENDITURE UNDER
14 FECA.—The use of a voucher to purchase broadcast
15 airtime constitutes an expenditure as defined in sec-
16 tion 301(9)(A).

17 “(f) DEFINITIONS.—In this section:

18 “(1) BROADCASTING STATION.—The term
19 ‘broadcasting station’ has the meaning given that
20 term by section 315(f)(1) of the Communications
21 Act of 1934.

22 “(2) POLITICAL PARTY.—The term ‘political
23 party’ means a major party or a minor party as de-
24 fined in section 9002 (3) or (4) of the Internal Rev-
25 enue Code of 1986 (26 U.S.C. 9002 (3) or (4)).

1 **“Subtitle D—Administrative**
2 **Provisions**

3 **“SEC. 531. DUTIES OF THE FEDERAL ELECTION COMMIS-**
4 **SION.**

5 “(a) DUTIES AND POWERS.—

6 “(1) ADMINISTRATION.—The Commission shall
7 have the power to administer the provisions of this
8 title and shall prescribe regulations to carry out the
9 purposes of this title, including regulations—

10 “(A) to establish procedures for—

11 “(i) verifying the amount of valid
12 qualifying contributions with respect to a
13 candidate;

14 “(ii) effectively and efficiently moni-
15 toring and enforcing the limits on the rais-
16 ing of qualified small dollar contributions;

17 “(iii) monitoring the raising of quali-
18 fying multicandidate political committee
19 contributions through effectively and effi-
20 ciently monitoring and enforcing the limits
21 on individual contributions to qualified ac-
22 counts of multicandidate political commit-
23 tees;

24 “(iv) effectively and efficiently moni-
25 toring and enforcing the limits on the use

1 of personal funds by participating can-
2 didates;

3 “(v) monitoring the use of allocations
4 from the Fund and matching contributions
5 under this title through audits or other
6 mechanisms; and

7 “(vi) the administration of the vouch-
8 er program under section 525; and

9 “(B) regarding the conduct of debates in a
10 manner consistent with the best practices of
11 States that provide public financing for elec-
12 tions.

13 “(2) REVIEW OF FAIR ELECTIONS FINANC-
14 ING.—

15 “(A) IN GENERAL.—After each general
16 election for Federal office, the Commission shall
17 conduct a comprehensive review of the Fair
18 Elections financing program under this title, in-
19 cluding—

20 “(i) the maximum dollar amount of
21 qualified small dollar contributions under
22 section 501(13);

23 “(ii) the maximum and minimum dol-
24 lar amounts for qualifying contributions
25 under section 501(12);

1 “(i) QUALIFYING CONTRIBUTIONS
2 AND QUALIFIED SMALL DOLLAR CON-
3 TRIBUTIONS.—The Commission shall con-
4 sider whether the number and dollar
5 amount of qualifying contributions re-
6 quired and maximum dollar amount for
7 such qualifying contributions and qualified
8 small dollar contributions strikes a balance
9 regarding the importance of voter involve-
10 ment, the need to assure adequate incen-
11 tives for participating, and fiscal responsi-
12 bility, taking into consideration the num-
13 ber of primary and general election partici-
14 pating candidates, the electoral perform-
15 ance of those candidates, program cost,
16 and any other information the Commission
17 determines is appropriate.

18 “(ii) REVIEW OF PROGRAM BENE-
19 FITS.—The Commission shall consider
20 whether the totality of the amount of
21 funds allowed to be raised by participating
22 candidates (including through qualifying
23 contributions and small dollar contribu-
24 tions), allocations from the Fund under
25 section 522, matching contributions under

1 section 523, enhanced matching contribu-
2 tions under section 524, and vouchers
3 under section 525 are sufficient for voters
4 in each State to learn about the candidates
5 to cast an informed vote, taking into ac-
6 count the historic amount of spending by
7 winning candidates, media costs, primary
8 election dates, and any other information
9 the Commission determines is appropriate.

10 “(C) ADJUSTMENT OF AMOUNTS.—

11 “(i) IN GENERAL.—Based on the re-
12 view conducted under subparagraph (A),
13 the Commission shall provide for the ad-
14 justments of the following amounts:

15 “(I) The maximum dollar
16 amount of qualified small dollar con-
17 tributions under section 501(13)(C).

18 “(II) The maximum and min-
19 imum dollar amounts for qualifying
20 contributions under section
21 501(12)(A).

22 “(III) The number and value of
23 qualifying contributions a candidate is
24 required to obtain under section
25 512(a)(1).

1 “(IV) The base amount for can-
2 didates under section 522(d).

3 “(V) The maximum amount of
4 matching contributions a candidate
5 may receive under section 523(b).

6 “(VI) The maximum amount of
7 enhanced matching contributions a
8 candidate may receive under section
9 524(c).

10 “(VII) The dollar amount for
11 vouchers under section 525(c).

12 “(ii) REGULATIONS.—The Commis-
13 sion shall promulgate regulations providing
14 for the adjustments made under clause (i).

15 “(D) REPORT.—Not later than March 30
16 following any general election for Federal office,
17 the Commission shall submit a report to Con-
18 gress on the review conducted under subpara-
19 graph (A). Such report shall contain a detailed
20 statement of the findings, conclusions, and rec-
21 ommendations of the Commission based on
22 such review.

23 “(b) REPORTS.—Not later than March 30, 2024, and
24 every 2 years thereafter, the Commission shall submit to
25 the Senate Committee on Rules and Administration a re-

1 port documenting, evaluating, and making recommenda-
2 tions relating to the administrative implementation and
3 enforcement of the provisions of this title.

4 “(c) AUTHORIZATION OF APPROPRIATIONS.—There
5 are authorized to be appropriated such sums as are nec-
6 essary to carry out the purposes of this subtitle.

7 **“SEC. 532. VIOLATIONS AND PENALTIES.**

8 “(a) CIVIL PENALTY FOR VIOLATION OF CONTRIBU-
9 TION AND EXPENDITURE REQUIREMENTS.—If a can-
10 didate who has been certified as a participating candidate
11 under section 514 accepts a contribution or makes an ex-
12 penditure that is prohibited under section 513, the Com-
13 mission shall assess a civil penalty against the candidate
14 in an amount that is not more than 3 times the amount
15 of the contribution or expenditure. Any amounts collected
16 under this subsection shall be deposited into the Fund.

17 “(b) REPAYMENT FOR IMPROPER USE OF FREEDOM
18 FROM INFLUENCE FUND.—

19 “(1) IN GENERAL.—If the Commission deter-
20 mines that any benefit made available to a partici-
21 pating candidate under this title was not used as
22 provided for in this title or that a participating can-
23 didate has violated any of the dates for remission of
24 funds contained in this title, the Commission shall

1 so notify the candidate and the candidate shall pay
2 to the Fund an amount equal to—

3 “(A) the amount of benefits so used or not
4 remitted, as appropriate; and

5 “(B) interest on any such amounts (at a
6 rate determined by the Commission).

7 “(2) OTHER ACTION NOT PRECLUDED.—Any
8 action by the Commission in accordance with this
9 subsection shall not preclude enforcement pro-
10 ceedings by the Commission in accordance with sec-
11 tion 309(a), including a referral by the Commission
12 to the Attorney General in the case of an apparent
13 knowing and willful violation of this title.”.

14 **SEC. 5112. PROHIBITION ON JOINT FUNDRAISING COMMIT-**
15 **TEES.**

16 Section 302(e) of the Federal Election Campaign Act
17 of 1971 (52 U.S.C. 30102(e)) is amended by adding at
18 the end the following new paragraph:

19 “(6) No authorized committee of a participating
20 candidate (as defined in section 501) may establish
21 a joint fundraising committee with a political com-
22 mittee other than an authorized committee of a can-
23 didate.”.

1 **SEC. 5113. EXCEPTION TO LIMITATION ON COORDINATED**
2 **EXPENDITURES BY POLITICAL PARTY COM-**
3 **MITTEES WITH PARTICIPATING CANDIDATES.**

4 Section 315(d) of the Federal Election Campaign Act
5 of 1971 (52 U.S.C. 30116(d)) is amended—

6 (1) in paragraph (3)(A), by striking “in the
7 case of” and inserting “except as provided in para-
8 graph (6), in the case of”; and

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

11 “(6)(A) The limitation under paragraph (3)(A)
12 shall not apply with respect to any expenditure from
13 a qualified political party-participating candidate co-
14 ordinated expenditure fund.

15 “(B) In this paragraph, the term ‘qualified po-
16 litical party-participating candidate coordinated ex-
17 penditure fund’ means a fund established by the na-
18 tional committee of a political party, or a State com-
19 mittee of a political party, including any subordinate
20 committee of a State committee, for purposes of
21 making expenditures in connection with the general
22 election campaign of a candidate for election to the
23 office of Senator who is a participating candidate (as
24 defined in section 501), that only accepts qualified
25 coordinated expenditure contributions.

1 who is convicted of a criminal offense under Federal
2 law an amount equal to 2.75 percent of any fine im-
3 posed on that defendant in the sentence imposed for
4 that conviction.

5 “(2) SETTLEMENTS.—The court shall assess on
6 any organizational defendant or defendant who is a
7 corporate officer or person with equivalent authority
8 in any other organization who has entered into a
9 settlement agreement or consent decree with the
10 United States in satisfaction of any allegation that
11 the defendant committed a criminal offense under
12 Federal law an amount equal to 2.75 percent of the
13 amount of the settlement.

14 “(b) MANNER OF COLLECTION.—An amount as-
15 sessed under subsection (a) shall be collected in the man-
16 ner in which fines are collected in criminal cases.

17 “(c) TRANSFERS.—In a manner consistent with sec-
18 tion 3302(b) of title 31, there shall be transferred from
19 the General Fund of the Treasury to the Freedom From
20 Influence Fund under section 502 of the Federal Election
21 Campaign Act of 1971 an amount equal to the amount
22 of the assessments collected under this section.”.

23 (2) CLERICAL AMENDMENT.—The table of sec-
24 tions of chapter 201 of title 18, United States Code,
25 is amended by adding at the end the following:

“3015. Special assessments for Freedom From Influence Fund.”.

1 (b) ASSESSMENTS RELATING TO CIVIL PEN-
2 ALTIES.—

3 (1) IN GENERAL.—Chapter 97 of title 31,
4 United States Code, is amended by adding at the
5 end the following new section:

6 **“§ 9707. Special assessments for Freedom From Influ-
7 ence Fund**

8 “(a) ASSESSMENTS.—

9 “(1) CIVIL PENALTIES.—Any entity of the Fed-
10 eral Government which is authorized under any law,
11 rule, or regulation to impose a civil penalty shall as-
12 sess on each person, other than a natural person
13 who is not a corporate officer or person with equiva-
14 lent authority in any other organization, on whom
15 such a penalty is imposed an amount equal to 2.75
16 percent of the amount of the penalty.

17 “(2) ADMINISTRATIVE PENALTIES.—Any entity
18 of the Federal Government which is authorized
19 under any law, rule, or regulation to impose an ad-
20 ministrative penalty shall assess on each person,
21 other than a natural person who is not a corporate
22 officer or person with equivalent authority in any
23 other organization, on whom such a penalty is im-
24 posed an amount equal to 2.75 percent of the
25 amount of the penalty.

1 “(3) SETTLEMENTS.—Any entity of the Federal
2 Government which is authorized under any law, rule,
3 or regulation to enter into a settlement agreement or
4 consent decree with any person, other than a natural
5 person who is not a corporate officer or person with
6 equivalent authority in any other organization, in
7 satisfaction of any allegation of an action or omis-
8 sion by the person which would be subject to a civil
9 penalty or administrative penalty shall assess on
10 such person an amount equal to 2.75 percent of the
11 amount of the settlement.

12 “(b) MANNER OF COLLECTION.—An amount as-
13 sessed under subsection (a) shall be collected—

14 “(1) in the case of an amount assessed under
15 paragraph (1) of such subsection, in the manner in
16 which civil penalties are collected by the entity of the
17 Federal Government involved;

18 “(2) in the case of an amount assessed under
19 paragraph (2) of such subsection, in the manner in
20 which administrative penalties are collected by the
21 entity of the Federal Government involved; and

22 “(3) in the case of an amount assessed under
23 paragraph (3) of such subsection, in the manner in
24 which amounts are collected pursuant to settlement

1 agreements or consent decrees entered into by the
2 entity of the Federal Government involved.

3 “(c) TRANSFERS.—In a manner consistent with sec-
4 tion 3302(b) of this title, there shall be transferred from
5 the General Fund of the Treasury to the Freedom From
6 Influence Fund under section 502 of the Federal Election
7 Campaign Act of 1971 an amount equal to the amount
8 of the assessments collected under this section.

9 “(d) EXCEPTION FOR PENALTIES AND SETTLE-
10 MENTS UNDER AUTHORITY OF THE INTERNAL REVENUE
11 CODE OF 1986.—

12 “(1) IN GENERAL.—No assessment shall be
13 made under subsection (a) with respect to any civil
14 or administrative penalty imposed, or any settlement
15 agreement or consent decree entered into, under the
16 authority of the Internal Revenue Code of 1986.

17 “(2) CROSS REFERENCE.—For application of
18 special assessments for the Freedom From Influence
19 Fund with respect to certain penalties under the In-
20 ternal Revenue Code of 1986, see section 6761 of
21 the Internal Revenue Code of 1986.”.

22 “(2) CLERICAL AMENDMENT.—The table of sec-
23 tions of chapter 97 of title 31, United States Code,
24 is amended by adding at the end the following:

“9707. Special assessments for Freedom From Influence Fund.”.

1 (c) ASSESSMENTS RELATING TO CERTAIN PEN-
2 ALTIES UNDER THE INTERNAL REVENUE CODE OF
3 1986.—

4 (1) IN GENERAL.—Chapter 68 of the Internal
5 Revenue Code of 1986 is amended by adding at the
6 end the following new subchapter:

7 **“Subchapter D—Special Assessments for**
8 **Freedom From Influence Fund**

9 **“SEC. 6761. SPECIAL ASSESSMENTS FOR FREEDOM FROM**
10 **INFLUENCE FUND.**

11 “(a) IN GENERAL.—Each person required to pay a
12 covered penalty shall pay an additional amount equal to
13 2.75 percent of the amount of such penalty.

14 “(b) COVERED PENALTY.—For purposes of this sec-
15 tion, the term ‘covered penalty’ means any addition to tax,
16 additional amount, penalty, or other liability provided
17 under subchapter A or B.

18 “(c) EXCEPTION FOR CERTAIN INDIVIDUALS.—

19 “(1) IN GENERAL.—In the case of a taxpayer
20 who is an individual, subsection (a) shall not apply
21 to any covered penalty if such taxpayer is an exempt
22 taxpayer for the taxable year for which such covered
23 penalty is assessed.

24 “(2) EXEMPT TAXPAYER.—For purposes of this
25 subsection, a taxpayer is an exempt taxpayer for any

1 taxable year if the taxable income of such taxpayer
2 for such taxable year does not exceed the dollar
3 amount at which begins the highest rate bracket in
4 effect under section 1 with respect to such taxpayer
5 for such taxable year.

6 “(d) APPLICATION OF CERTAIN RULES.—Except as
7 provided in subsection (e), the additional amount deter-
8 mined under subsection (a) shall be treated for purposes
9 of this title in the same manner as the covered penalty
10 to which such additional amount relates.

11 “(e) TRANSFER TO FREEDOM FROM INFLUENCE
12 FUND.—The Secretary shall deposit any additional
13 amount under subsection (a) in the General Fund of the
14 Treasury and shall transfer from such General Fund to
15 the Freedom From Influence Fund established under sec-
16 tion 502 of the Federal Election Campaign Act of 1971
17 an amount equal to the amounts so deposited (and, not-
18 withstanding subsection (d), such additional amount shall
19 not be the basis for any deposit, transfer, credit, appro-
20 priation, or any other payment, to any other trust fund
21 or account). Rules similar to the rules of section 9601
22 shall apply for purposes of this subsection.”.

23 (2) CLERICAL AMENDMENT.—The table of sub-
24 chapters for chapter 68 of such Code is amended by
25 adding at the end the following new item:

“SUBCHAPTER D—SPECIAL ASSESSMENTS FOR FREEDOM FROM INFLUENCE FUND”.

1 (d) EFFECTIVE DATES.—

2 (1) IN GENERAL.—Except as provided in para-
3 graph (2), the amendments made by this section
4 shall apply with respect to convictions, agreements,
5 and penalties which occur on or after the date of the
6 enactment of this Act.

7 (2) ASSESSMENTS RELATING TO CERTAIN PEN-
8 ALTIES UNDER THE INTERNAL REVENUE CODE OF
9 1986.—The amendments made by subsection (c)
10 shall apply to covered penalties assessed after the
11 date of the enactment of this Act.

12 **PART 3—IMPROVING VOTER INFORMATION**

13 **SEC. 5121. BROADCASTS RELATING TO ALL SENATE CAN-**
14 **DIDATES.**

15 (a) LOWEST UNIT CHARGE; NATIONAL COMMIT-
16 TEES.—Section 315(b)(1) of the Communications Act of
17 1934 (47 U.S.C. 315(b)(1)) is amended—

18 (1) in the matter preceding subparagraph (A),
19 by striking “to such office” and inserting the fol-
20 lowing: “to such office, or by a national committee
21 of a political party on behalf of such candidate in
22 connection with such campaign,”; and

23 (2) in subparagraph (A), by inserting “for
24 preemptible use thereof” after “station”.

1 (b) PREEMPTION; AUDITS.—Section 315 of the Com-
2 munications Act of 1934 (47 U.S.C. 315) is amended—

3 (1) by redesignating subsections (c) and (d) as
4 subsections (f) and (g), respectively and moving
5 them to follow the existing subsection (e);

6 (2) by redesignating the existing subsection (e)
7 as subsection (c); and

8 (3) by inserting after subsection (c) (as redesign-
9 nated by paragraph (2)) the following:

10 “(d) PREEMPTION.—

11 “(1) IN GENERAL.—Except as provided in para-
12 graph (2), and notwithstanding the requirements of
13 subsection (b)(1)(A), a licensee shall not preempt
14 the use of a broadcasting station by a legally quali-
15 fied candidate for Senate who has purchased and
16 paid for such use.

17 “(2) CIRCUMSTANCES BEYOND CONTROL OF LI-
18 CENSEE.—If a program to be broadcast by a broad-
19 casting station is preempted because of cir-
20 cumstances beyond the control of the station, any
21 candidate or party advertising spot scheduled to be
22 broadcast during that program shall be treated in
23 the same fashion as a comparable commercial adver-
24 tising spot.

1 “(e) AUDITS.—During the 30-day period preceding
2 a primary or primary runoff election and the 60-day pe-
3 riod preceding a general or special election, the Commis-
4 sion shall conduct such audits as it deems necessary to
5 ensure that each licensee to which this section applies is
6 allocating television broadcast advertising time in accord-
7 ance with this section and section 312.”.

8 (c) REVOCATION OF LICENSE FOR FAILURE TO PER-
9 MIT ACCESS.—Section 312(a)(7) of the Communications
10 Act of 1934 (47 U.S.C. 312(a)(7)) is amended—

11 (1) by striking “or repeated”;

12 (2) by inserting “or cable system” after “broad-
13 casting station”; and

14 (3) by striking “his candidacy” and inserting
15 “the candidacy of the candidate, under the same
16 terms, conditions, and business practices as apply to
17 the most favored advertiser of the licensee”.

18 (d) TECHNICAL AND CONFORMING AMENDMENTS.—
19 Section 315 of the Communications Act of 1934 (47
20 U.S.C. 315) is amended—

21 (1) in subsection (f), as redesignated by sub-
22 section (b)(1)—

23 (A) in the matter preceding paragraph (1),
24 by striking “For purposes of this section—”

1 and inserting the following: “Definitions.—For
2 purposes of this section:”;

3 (B) in paragraph (1)—

4 (i) by striking “the term” and insert-
5 ing “BROADCASTING STATION.—The
6 term”; and

7 (ii) by striking “; and” and inserting
8 a period; and

9 (C) in paragraph (2), by striking “the
10 terms” and inserting “LICENSEE; STATION LI-
11 CENSEE.—The terms”; and

12 (2) in subsection (g), as redesignated by sub-
13 section (b)(1), by striking “The Commission” and
14 inserting “REGULATIONS.—The Commission”.

15 **SEC. 5122. BROADCAST RATES FOR PARTICIPATING CAN-**
16 **DIDATES.**

17 Section 315(b) of the Communications Act of 1934
18 (47 U.S.C. 315(b)), as amended by section 5121, is
19 amended—

20 (1) in paragraph (1)(A), by striking “paragraph
21 (2)” and inserting “paragraphs (2) and (3)”; and

22 (2) by adding at the end the following:

23 “(3) PARTICIPATING CANDIDATES.—In the case
24 of a participating candidate (as defined in section
25 501 of the Federal Election Campaign Act of 1971),

1 the charges made for the use of any broadcasting
2 station for a television broadcast shall not exceed 80
3 percent of the lowest charge described in paragraph
4 (1)(A) during—

5 “(A) the 45 days preceding the date of a
6 primary or primary runoff election in which the
7 candidate is opposed; and

8 “(B) the 60 days preceding the date of a
9 general or special election in which the can-
10 didate is opposed.

11 “(4) RATE CARDS.—A licensee shall provide to
12 a candidate for Senate a rate card that discloses—

13 “(A) the rate charged under this sub-
14 section; and

15 “(B) the method that the licensee uses to
16 determine the rate charged under this sub-
17 section.”.

18 **SEC. 5123. FCC TO PRESCRIBE STANDARDIZED FORM FOR**

19 **REPORTING CANDIDATE CAMPAIGN ADS.**

20 (a) IN GENERAL.—Not later than 90 days after the
21 date of enactment of this Act, the Federal Communica-
22 tions Commission shall initiate a rulemaking proceeding
23 to establish a standardized form to be used by each broad-
24 casting station, as defined in section 315(f) of the Com-
25 munications Act of 1934 (47 U.S.C. 315(f)) (as redesi-

1 nated by section 5121(b)(1)), to record and report the
2 purchase of advertising time by or on behalf of a candidate
3 for nomination for election, or for election, to Federal elec-
4 tive office.

5 (b) CONTENTS.—The form prescribed by the Federal
6 Communications Commission under subsection (a) shall
7 require a broadcasting station to report to the Federal
8 Communications Commission and to the Federal Election
9 Commission, at a minimum—

10 (1) the station call letters and mailing address;

11 (2) the name and telephone number of the sta-
12 tion's sales manager (or individual with responsi-
13 bility for advertising sales);

14 (3) the name of the candidate who purchased
15 the advertising time, or on whose behalf the adver-
16 tising time was purchased, and the Federal elective
17 office for which he or she is a candidate;

18 (4) the name, mailing address, and telephone
19 number of the person responsible for purchasing
20 broadcast political advertising for the candidate;

21 (5) notation as to whether the purchase agree-
22 ment for which the information is being reported is
23 a draft or final version; and

24 (6) with respect to the advertisement—

25 (A) the date and time of the broadcast;

1 (B) the program in which the advertise-
2 ment was broadcast; and

3 (C) the length of the broadcast airtime.

4 (c) INTERNET ACCESS.—In its rulemaking under
5 subsection (a), the Federal Communications Commission
6 shall require any broadcasting station required to file a
7 report under this section that maintains an internet
8 website to make available a link to each such report on
9 that website.

10 **PART 4—RESPONSIBILITIES OF THE FEDERAL**
11 **ELECTION COMMISSION**

12 **SEC. 5131. PETITION FOR CERTIORARI.**

13 Section 307(a)(6) of the Federal Election Campaign
14 Act of 1971 (52 U.S.C. 30107(a)(6)) is amended by in-
15 serting “(including a proceeding before the Supreme
16 Court on certiorari)” after “appeal”.

17 **SEC. 5132. ELECTRONIC FILING OF FEC REPORTS.**

18 Section 304(a)(11) of the Federal Election Campaign
19 Act of 1971 (52 U.S.C. 30104(a)(11)) is amended—

20 (1) in subparagraph (A), by striking “under
21 this Act—” and all that follows and inserting
22 “under this Act shall be required to maintain and
23 file such designation, statement, or report in elec-
24 tronic form accessible by computers.”;

1 (2) in subparagraph (B), by striking “48
2 hours” and all that follows through “filed electroni-
3 cally)” and inserting “24 hours”; and

4 (3) by striking subparagraph (D).

5 **PART 5—MISCELLANEOUS PROVISIONS**

6 **SEC. 5141. SEVERABILITY.**

7 If any provision of this subtitle or amendment made
8 by this subtitle, or the application of a provision or amend-
9 ment to any person or circumstance, is held to be uncon-
10 stitutional, the remainder of this subtitle and amendments
11 made by this subtitle, and the application of the provisions
12 and amendment to any person or circumstance, shall not
13 be affected by the holding.

14 **SEC. 5142. EFFECTIVE DATE.**

15 (a) IN GENERAL.—Except as may otherwise be pro-
16 vided in this subtitle and in the amendments made by this
17 subtitle, this subtitle and the amendments made by this
18 subtitle shall apply with respect to elections occurring dur-
19 ing 2026 or any succeeding year, without regard to wheth-
20 er or not the Federal Election Commission has promul-
21 gated the final regulations necessary to carry out this part
22 and the amendments made by this part by the deadline
23 set forth in subsection (b).

24 (b) DEADLINE FOR REGULATIONS.—Not later than
25 June 30, 2024, the Federal Election Commission shall

1 promulgate such regulations as may be necessary to carry
2 out this subtitle and the amendments made by this sub-
3 title.

4 **Subtitle C—Presidential Elections**

5 **SEC. 5200. SHORT TITLE.**

6 This subtitle may be cited as the “Empower Act of
7 2019”.

8 **PART 1—PRIMARY ELECTIONS**

9 **SEC. 5201. INCREASE IN AND MODIFICATIONS TO MATCH-** 10 **ING PAYMENTS.**

11 (a) INCREASE AND MODIFICATION.—

12 (1) IN GENERAL.—The first sentence of section
13 9034(a) of the Internal Revenue Code of 1986 is
14 amended—

15 (A) by striking “an amount equal to the
16 amount of each contribution” and inserting “an
17 amount equal to 600 percent of the amount of
18 each matchable contribution (disregarding any
19 amount of contributions from any person to the
20 extent that the total of the amounts contributed
21 by such person for the election exceeds \$200)”;
22 and

23 (B) by striking “authorized committees”
24 and all that follows through “\$250” and insert-
25 ing “authorized committees”.

1 (2) MATCHABLE CONTRIBUTIONS.—Section
2 9034 of such Code is amended—

3 (A) by striking the last sentence of sub-
4 section (a); and

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

7 “(c) MATCHABLE CONTRIBUTION DEFINED.—For
8 purposes of this section and section 9033(b)—

9 “(1) MATCHABLE CONTRIBUTION.—The term
10 ‘matchable contribution’ means, with respect to the
11 nomination for election to the office of President of
12 the United States, a contribution by an individual to
13 a candidate or an authorized committee of a can-
14 didate with respect to which the candidate has cer-
15 tified in writing that—

16 “(A) the individual making such contribu-
17 tion has not made aggregate contributions (in-
18 cluding such matchable contribution) to such
19 candidate and the authorized committees of
20 such candidate in excess of \$1,000 for the elec-
21 tion;

22 “(B) such candidate and the authorized
23 committees of such candidate will not accept
24 contributions from such individual (including
25 such matchable contribution) aggregating more

1 than the amount described in subparagraph
2 (A); and

3 “(C) such contribution was a direct con-
4 tribution.

5 “(2) CONTRIBUTION.—For purposes of this
6 subsection, the term ‘contribution’ means a gift of
7 money made by a written instrument which identi-
8 fies the individual making the contribution by full
9 name and mailing address, but does not include a
10 subscription, loan, advance, or deposit of money, or
11 anything of value or anything described in subpara-
12 graph (B), (C), or (D) of section 9032(4).

13 “(3) DIRECT CONTRIBUTION.—

14 “(A) IN GENERAL.—For purposes of this
15 subsection, the term ‘direct contribution’
16 means, with respect to a candidate, a contribu-
17 tion which is made directly by an individual to
18 the candidate or an authorized committee of the
19 candidate and is not—

20 “(i) forwarded from the individual
21 making the contribution to the candidate
22 or committee by another person; or

23 “(ii) received by the candidate or com-
24 mittee with the knowledge that the con-

1 tribution was made at the request, sugges-
2 tion, or recommendation of another person.

3 “(B) OTHER DEFINITIONS.—In subpara-
4 graph (A)—

5 “(i) the term ‘person’ does not include
6 an individual (other than an individual de-
7 scribed in section 304(i)(7) of the Federal
8 Election Campaign Act of 1971), a polit-
9 ical committee of a political party, or any
10 political committee which is not a separate
11 segregated fund described in section
12 316(b) of the Federal Election Campaign
13 Act of 1971 and which does not make con-
14 tributions or independent expenditures,
15 does not engage in lobbying activity under
16 the Lobbying Disclosure Act of 1995 (2
17 U.S.C. 1601 et seq.), and is not estab-
18 lished by, controlled by, or affiliated with
19 a registered lobbyist under such Act, an
20 agent of a registered lobbyist under such
21 Act, or an organization which retains or
22 employs a registered lobbyist under such
23 Act; and

24 “(ii) a contribution is not ‘made at
25 the request, suggestion, or recommendation

1 of another person' solely on the grounds
2 that the contribution is made in response
3 to information provided to the individual
4 making the contribution by any person, so
5 long as the candidate or authorized com-
6 mittee does not know the identity of the
7 person who provided the information to
8 such individual.”.

9 (3) CONFORMING AMENDMENTS.—

10 (A) Section 9032(4) of such Code is
11 amended by striking “section 9034(a)” and in-
12 sserting “section 9034”.

13 (B) Section 9033(b)(3) of such Code is
14 amended by striking “matching contributions”
15 and inserting “matchable contributions”.

16 (b) MODIFICATION OF PAYMENT LIMITATION.—Sec-
17 tion 9034(b) of such Code is amended—

18 (1) by striking “The total” and inserting the
19 following:

20 “(1) IN GENERAL.—The total”;

21 (2) by striking “shall not exceed” and all that
22 follows and inserting “shall not exceed
23 \$250,000,000.”; and

24 (3) by adding at the end the following new
25 paragraph:

1 “(2) INFLATION ADJUSTMENT.—

2 “(A) IN GENERAL.—In the case of any ap-
3 plicable period beginning after 2029, the dollar
4 amount in paragraph (1) shall be increased by
5 an amount equal to—

6 “(i) such dollar amount, multiplied by

7 “(ii) the cost-of-living adjustment de-
8 termined under section 1(f)(3) for the cal-
9 endar year following the year which such
10 applicable period begins, determined by
11 substituting ‘calendar year 2028’ for ‘cal-
12 endar year 1992’ in subparagraph (B)
13 thereof.

14 “(B) APPLICABLE PERIOD.—For purposes
15 of this paragraph, the term ‘applicable period’
16 means the 4-year period beginning with the
17 first day following the date of the general elec-
18 tion for the office of President and ending on
19 the date of the next such general election.

20 “(C) ROUNDING.—If any amount as ad-
21 justed under subparagraph (A) is not a multiple
22 of \$10,000, such amount shall be rounded to
23 the nearest multiple of \$10,000.”.

1 **SEC. 5202. ELIGIBILITY REQUIREMENTS FOR MATCHING**
2 **PAYMENTS.**

3 (a) AMOUNT OF AGGREGATE CONTRIBUTIONS PER
4 STATE; DISREGARDING OF AMOUNTS CONTRIBUTED IN
5 EXCESS OF \$200.—Section 9033(b)(3) of the Internal
6 Revenue Code of 1986 is amended—

7 (1) by striking “\$5,000” and inserting
8 “\$25,000”; and

9 (2) by striking “20 States” and inserting the
10 following: “20 States (disregarding any amount of
11 contributions from any such resident to the extent
12 that the total of the amounts contributed by such
13 resident for the election exceeds \$200)”.

14 (b) CONTRIBUTION LIMIT.—

15 (1) IN GENERAL.—Paragraph (4) of section
16 9033(b) of such Code is amended to read as follows:

17 “(4) the candidate and the authorized commit-
18 tees of the candidate will not accept aggregate con-
19 tributions from any person with respect to the nomi-
20 nation for election to the office of President of the
21 United States in excess of \$1,000 for the election.”.

22 (2) CONFORMING AMENDMENTS.—

23 (A) Section 9033(b) of such Code is
24 amended by adding at the end the following
25 new flush sentence:

1 “For purposes of paragraph (4), the term ‘contribution’
2 has the meaning given such term in section 301(8) of the
3 Federal Election Campaign Act of 1971.”

4 (B) Section 9032(4) of such Code, as
5 amended by section 5201(a)(3)(A), is amended
6 by inserting “or 9033(b)” after “9034”.

7 (c) PARTICIPATION IN SYSTEM FOR PAYMENTS FOR
8 GENERAL ELECTION.—Section 9033(b) of such Code is
9 amended—

10 (1) by striking “and” at the end of paragraph
11 (3);

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

14 (3) by inserting after paragraph (4) the fol-
15 lowing new paragraph:

16 “(5) if the candidate is nominated by a political
17 party for election to the office of President, the can-
18 didate will apply for and accept payments with re-
19 spect to the general election for such office in ac-
20 cordance with chapter 95.”

21 (d) PROHIBITION ON JOINT FUNDRAISING COMMIT-
22 TEES.—Section 9033(b) of such Code, as amended by sub-
23 section (c), is amended—

24 (1) by striking “and” at the end of paragraph
25 (4);

1 (2) by striking the period at the end of para-
2 graph (5) and inserting “; and”; and

3 (3) by inserting after paragraph (5) adding at
4 the end the following new paragraph:

5 “(6) the candidate will not establish a joint
6 fundraising committee with a political committee
7 other than another authorized committee of the can-
8 didate, except that candidate established a joint
9 fundraising committee with respect to a prior elec-
10 tion for which the candidate was not eligible to re-
11 ceive payments under section 9037 and the can-
12 didate does not terminate the committee, the can-
13 didate shall not be considered to be in violation of
14 this paragraph so long as that joint fundraising
15 committee does not receive any contributions or
16 make any disbursements during the election cycle for
17 which the candidate is eligible to receive payments
18 under such section.”.

19 **SEC. 5203. REPEAL OF EXPENDITURE LIMITATIONS.**

20 (a) **IN GENERAL.**—Subsection (a) of section 9035 of
21 the Internal Revenue Code of 1986 is amended to read
22 as follows:

23 “(a) **PERSONAL EXPENDITURE LIMITATION.**—No
24 candidate shall knowingly make expenditures from his per-
25 sonal funds, or the personal funds of his immediate family,

1 in connection with his campaign for nomination for elec-
2 tion to the office of President in excess of, in the aggre-
3 gate, \$50,000.”.

4 (b) CONFORMING AMENDMENT.—Paragraph (1) of
5 section 9033(b) of the Internal Revenue Code of 1986 is
6 amended to read as follows:

7 “(1) the candidate will comply with the per-
8 sonal expenditure limitation under section 9035,”.

9 **SEC. 5204. PERIOD OF AVAILABILITY OF MATCHING PAY-**
10 **MENTS.**

11 Section 9032(6) of the Internal Revenue Code of
12 1986 is amended by striking “the beginning of the cal-
13 endar year in which a general election for the office of
14 President of the United States will be held” and inserting
15 “the date that is 6 months prior to the date of the earliest
16 State primary election”.

17 **SEC. 5205. EXAMINATION AND AUDITS OF MATCHABLE CON-**
18 **TRIBUTIONS.**

19 Section 9038(a) of the Internal Revenue Code of
20 1986 is amended by inserting “and matchable contribu-
21 tions accepted by” after “qualified campaign expenses of”.

1 **SEC. 5206. MODIFICATION TO LIMITATION ON CONTRIBU-**
2 **TIONS FOR PRESIDENTIAL PRIMARY CAN-**
3 **DIDATES.**

4 Section 315(a)(6) of the Federal Election Campaign
5 Act of 1971 (52 U.S.C. 30116(a)(6)) is amended by strik-
6 ing “calendar year” and inserting “four-year election
7 cycle”.

8 **SEC. 5207. USE OF FREEDOM FROM INFLUENCE FUND AS**
9 **SOURCE OF PAYMENTS.**

10 (a) IN GENERAL.—Chapter 96 of subtitle H of the
11 Internal Revenue Code of 1986 is amended by adding at
12 the end the following new section:

13 **“SEC. 9043. USE OF FREEDOM FROM INFLUENCE FUND AS**
14 **SOURCE OF PAYMENTS.**

15 “(a) IN GENERAL.—Notwithstanding any other pro-
16 vision of this chapter, effective with respect to the Presi-
17 dential election held in 2028 and each succeeding Presi-
18 dential election, all payments made to candidates under
19 this chapter shall be made from the Freedom From Infl-
20 uence Fund established under section 502 of the Federal
21 Election Campaign Act of 1971 (hereafter in this section
22 referred to as the ‘Fund’).

23 “(b) MANDATORY REDUCTION OF PAYMENTS IN
24 CASE OF INSUFFICIENT AMOUNTS IN FUND.—

25 “(1) ADVANCE AUDITS BY COMMISSION.—Not
26 later than 90 days before the first day of each Presi-

1 dential election cycle (beginning with the cycle for
2 the election held in 2028), the Commission shall—

3 “(A) audit the Fund to determine whether,
4 after first making payments to participating
5 candidates under title V of the Federal Election
6 Campaign Act of 1971, the amounts remaining
7 in the Fund will be sufficient to make payments
8 to candidates under this chapter in the amounts
9 provided under this chapter during such elec-
10 tion cycle; and

11 “(B) submit a report to Congress describ-
12 ing the results of the audit.

13 “(2) REDUCTIONS IN AMOUNT OF PAYMENTS.—

14 “(A) AUTOMATIC REDUCTION ON PRO
15 RATA BASIS.—If, on the basis of the audit de-
16 scribed in paragraph (1), the Commission deter-
17 mines that the amount anticipated to be avail-
18 able in the Fund with respect to the Presi-
19 dential election cycle involved is not, or may not
20 be, sufficient to satisfy the full entitlements of
21 candidates to payments under this chapter for
22 such cycle, the Commission shall reduce each
23 amount which would otherwise be paid to a can-
24 didate under this chapter by such pro rata
25 amount as may be necessary to ensure that the

1 aggregate amount of payments anticipated to
2 be made with respect to the cycle will not ex-
3 ceed the amount anticipated to be available for
4 such payments in the Fund with respect to such
5 cycle.

6 “(B) RESTORATION OF REDUCTIONS IN
7 CASE OF AVAILABILITY OF SUFFICIENT FUNDS
8 DURING ELECTION CYCLE.—If, after reducing
9 the amounts paid to candidates with respect to
10 an election cycle under subparagraph (A), the
11 Commission determines that there are sufficient
12 amounts in the Fund to restore the amount by
13 which such payments were reduced (or any por-
14 tion thereof), to the extent that such amounts
15 are available, the Commission may make a pay-
16 ment on a pro rata basis to each such candidate
17 with respect to the election cycle in the amount
18 by which such candidate’s payments were re-
19 duced under subparagraph (A) (or any portion
20 thereof, as the case may be).

21 “(C) NO USE OF AMOUNTS FROM OTHER
22 SOURCES.—In any case in which the Commis-
23 sion determines that there are insufficient mon-
24 eys in the Fund to make payments to can-
25 didates under this chapter, moneys shall not be

1 made available from any other source for the
2 purpose of making such payments.

3 “(3) NO EFFECT ON AMOUNTS TRANSFERRED
4 FOR PEDIATRIC RESEARCH INITIATIVE.—This sec-
5 tion does not apply to the transfer of funds under
6 section 9008(i).

7 “(4) PRESIDENTIAL ELECTION CYCLE DE-
8 FINED.—In this section, the term ‘Presidential elec-
9 tion cycle’ means, with respect to a Presidential elec-
10 tion, the period beginning on the day after the date
11 of the previous Presidential general election and
12 ending on the date of the Presidential election.”.

13 (b) CLERICAL AMENDMENT.—The table of sections
14 for chapter 96 of subtitle H of such Code is amended by
15 adding at the end the following new item:

 “Sec. 9043. Use of Freedom From Influence Fund as source of payments.”.

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 tifies 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)”;

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 inserting “qualified contribu-
4 tions and” after “contributions (other
5 than”; 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(e)(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. ESTABLISHMENT OF UNIFORM DATE FOR RE-**
2 **LEASE OF PAYMENTS.**

3 (a) DATE FOR PAYMENTS.—

4 (1) IN GENERAL.—Section 9006(b) of the In-
5 ternal Revenue Code of 1986 is amended to read as
6 follows:

7 “(b) PAYMENTS FROM THE FUND.—If the Secretary
8 of the Treasury receives a certification from the Commis-
9 sion under section 9005 for payment to the eligible can-
10 didates of a political party, the Secretary shall pay to such
11 candidates out of the fund the amount certified by the
12 Commission on the later of—

13 “(1) the last Friday occurring before the first
14 Monday in September; or

15 “(2) 24 hours after receiving the certifications
16 for the eligible candidates of all major political par-
17 ties.

18 Amounts paid to any such candidates shall be under the
19 control of such candidates.”.

20 (2) CONFORMING AMENDMENT.—The first sen-
21 tence of section 9006(c) of such Code is amended by
22 striking “the time of a certification by the Commis-
23 sion under section 9005 for payment” and inserting
24 “the time of making a payment under subsection
25 (b)”.

1 (b) TIME FOR CERTIFICATION.—Section 9005(a) of
2 the Internal Revenue Code of 1986 is amended by striking
3 “10 days” and inserting “24 hours”.

4 **SEC. 5216. AMOUNTS IN PRESIDENTIAL ELECTION CAM-**
5 **PAIGN FUND.**

6 Section 9006(c) of the Internal Revenue Code of
7 1986 is amended by adding at the end the following new
8 sentence: “In making a determination of whether there are
9 insufficient moneys in the fund for purposes of the pre-
10 vious sentence, the Secretary shall take into account in
11 determining the balance of the fund for a Presidential
12 election year the Secretary’s best estimate of the amount
13 of moneys which will be deposited into the fund during
14 the year, except that the amount of the estimate may not
15 exceed the average of the annual amounts deposited in the
16 fund during the previous 3 years.”.

17 **SEC. 5217. USE OF GENERAL ELECTION PAYMENTS FOR**
18 **GENERAL ELECTION LEGAL AND ACCOUNT-**
19 **ING COMPLIANCE.**

20 Section 9002(11) of the Internal Revenue Code of
21 1986 is amended by adding at the end the following new
22 sentence: “For purposes of subparagraph (A), an expense
23 incurred by a candidate or authorized committee for gen-
24 eral election legal and accounting compliance purposes

1 shall be considered to be an expense to further the election
2 of such candidate.”.

3 **SEC. 5218. USE OF FREEDOM FROM INFLUENCE FUND AS**
4 **SOURCE OF PAYMENTS.**

5 (a) IN GENERAL.—Chapter 95 of subtitle H of the
6 Internal Revenue Code of 1986 is amended by adding at
7 the end the following new section:

8 **“SEC. 9013. USE OF FREEDOM FROM INFLUENCE FUND AS**
9 **SOURCE OF PAYMENTS.**

10 “(a) IN GENERAL.—Notwithstanding any other pro-
11 vision of this chapter, effective with respect to the Presi-
12 dential election held in 2028 and each succeeding Presi-
13 dential election, all payments made under this chapter
14 shall be made from the Freedom From Influence Fund
15 established under section 502 of the Federal Election
16 Campaign Act of 1971.

17 “(b) MANDATORY REDUCTION OF PAYMENTS IN
18 CASE OF INSUFFICIENT AMOUNTS IN FUND.—

19 “(1) ADVANCE AUDITS BY COMMISSION.—Not
20 later than 90 days before the first day of each Presi-
21 dential election cycle (beginning with the cycle for
22 the election held in 2028), the Commission shall—

23 “(A) audit the Fund to determine whether,
24 after first making payments to participating
25 candidates under title V of the Federal Election

1 Campaign Act of 1971 and then making pay-
2 ments to candidates under chapter 96, the
3 amounts remaining in the Fund will be suffi-
4 cient to make payments to candidates under
5 this chapter in the amounts provided under this
6 chapter during such election cycle; and

7 “(B) submit a report to Congress describ-
8 ing the results of the audit.

9 “(2) REDUCTIONS IN AMOUNT OF PAYMENTS.—

10 “(A) AUTOMATIC REDUCTION ON PRO
11 RATA BASIS.—If, on the basis of the audit de-
12 scribed in paragraph (1), the Commission deter-
13 mines that the amount anticipated to be avail-
14 able in the Fund with respect to the Presi-
15 dential election cycle involved is not, or may not
16 be, sufficient to satisfy the full entitlements of
17 candidates to payments under this chapter for
18 such cycle, the Commission shall reduce each
19 amount which would otherwise be paid to a can-
20 didate under this chapter by such pro rata
21 amount as may be necessary to ensure that the
22 aggregate amount of payments anticipated to
23 be made with respect to the cycle will not ex-
24 ceed the amount anticipated to be available for

1 such payments in the Fund with respect to such
2 cycle.

3 “(B) RESTORATION OF REDUCTIONS IN
4 CASE OF AVAILABILITY OF SUFFICIENT FUNDS
5 DURING ELECTION CYCLE.—If, after reducing
6 the amounts paid to candidates with respect to
7 an election cycle under subparagraph (A), the
8 Commission determines that there are sufficient
9 amounts in the Fund to restore the amount by
10 which such payments were reduced (or any por-
11 tion thereof), to the extent that such amounts
12 are available, the Commission may make a pay-
13 ment on a pro rata basis to each such candidate
14 with respect to the election cycle in the amount
15 by which such candidate’s payments were re-
16 duced under subparagraph (A) (or any portion
17 thereof, as the case may be).

18 “(C) NO USE OF AMOUNTS FROM OTHER
19 SOURCES.—In any case in which the Commis-
20 sion determines that there are insufficient mon-
21 eys in the Fund to make payments to can-
22 didates under this chapter, moneys shall not be
23 made available from any other source for the
24 purpose of making such payments.

1 promulgate such regulations as may be necessary to carry
2 out this part and the amendments made by this part.

3 **Subtitle D—Personal Use Services**
4 **as Authorized Campaign Ex-**
5 **penditures**

6 **SEC. 5301. SHORT TITLE; FINDINGS; PURPOSE.**

7 (a) **SHORT TITLE.**—This subtitle may be cited as the
8 “Help America Run Act”.

9 (b) **FINDINGS.**—Congress finds the following:

10 (1) Everyday Americans experience barriers to
11 entry before they can consider running for office to
12 serve their communities.

13 (2) Current law states that campaign funds
14 cannot be spent on everyday expenses that would
15 exist whether or not a candidate were running for
16 office, like childcare and food. While the law seems
17 neutral, its actual effect is to privilege the independ-
18 ently wealthy who want to run, because given the de-
19 mands of running for office, candidates who must
20 work to pay for childcare or to afford health insur-
21 ance are effectively being left out of the process,
22 even if they have sufficient support to mount a via-
23 ble campaign.

24 (3) Thus current practice favors those prospec-
25 tive candidates who do not need to rely on a regular

1 paycheck to make ends meet. The consequence is
2 that everyday Americans who have firsthand knowl-
3 edge of the importance of stable childcare, a safety
4 net, or great public schools are less likely to get a
5 seat at the table. This governance by the few is anti-
6 thetical to the democratic experiment, but most im-
7 portantly, when lawmakers do not share the con-
8 cerns of everyday Americans, their policies reflect
9 that.

10 (4) These circumstances have contributed to a
11 Congress that does not always reflect everyday
12 Americans. The New York Times reported in 2019
13 that fewer than 5 percent of representatives cite
14 blue-collar or service jobs in their biographies. A
15 2015 survey by the Center for Responsive Politics
16 showed that the median net worth of lawmakers was
17 just over \$1 million in 2013, or 18 times the wealth
18 of the typical American household.

19 (5) These circumstances have also contributed
20 to a governing body that does not reflect the nation
21 it serves. For instance, women are 51% of the
22 American population. Yet even with a record number
23 of women serving in the One Hundred Sixteenth
24 Congress, the Pew Research Center notes that more
25 than three out of four Members of this Congress are

1 male. The Center for American Women And Politics
2 found that one third of women legislators surveyed
3 had been actively discouraged from running for of-
4 fice, often by political professionals. This type of dis-
5 couragement, combined with the prohibitions on
6 using campaign funds for domestic needs like
7 childcare, burdens that still fall disproportionately
8 on American women, particularly disadvantages
9 working mothers. These barriers may explain why
10 only 10 women in history have given birth while
11 serving in Congress, in spite of the prevalence of
12 working parents in other professions. Yet working
13 mothers and fathers are best positioned to create
14 policy that reflects the lived experience of most
15 Americans.

16 (6) Working mothers, those caring for their el-
17 derly parents, and young professionals who rely on
18 their jobs for health insurance should have the free-
19 dom to run to serve the people of the United States.
20 Their networks and net worth are simply not the
21 best indicators of their strength as prospective pub-
22 lic servants. In fact, helping ordinary Americans to
23 run may create better policy for all Americans.

24 (c) PURPOSE.—It is the purpose of this subtitle to
25 ensure that all Americans who are otherwise qualified to

1 serve this Nation are able to run for office, regardless of
2 their economic status. By expanding permissible uses of
3 campaign funds and providing modest assurance that test-
4 ing a run for office will not cost one's livelihood, the Help
5 America Run Act will facilitate the candidacy of represent-
6 atives who more accurately reflect the experiences, chal-
7 lenges, and ideals of everyday Americans.

8 **SEC. 5302. TREATMENT OF PAYMENTS FOR CHILD CARE**
9 **AND OTHER PERSONAL USE SERVICES AS AU-**
10 **THORIZED CAMPAIGN EXPENDITURE.**

11 (a) PERSONAL USE SERVICES AS AUTHORIZED CAM-
12 PAIGN EXPENDITURE.—Section 313 of the Federal Elec-
13 tion Campaign Act of 1971 (52 U.S.C. 30114) is amended
14 by adding at the end the following new subsection:

15 “(d) TREATMENT OF PAYMENTS FOR CHILD CARE
16 AND OTHER PERSONAL USE SERVICES AS AUTHORIZED
17 CAMPAIGN EXPENDITURE.—

18 “(1) AUTHORIZED EXPENDITURES.—For pur-
19 poses of subsection (a), the payment by an author-
20 ized committee of a candidate for any of the per-
21 sonal use services described in paragraph (3) shall
22 be treated as an authorized expenditure if the serv-
23 ices are necessary to enable the participation of the
24 candidate in campaign-connected activities.

25 “(2) LIMITATIONS.—

1 “(A) LIMIT ON TOTAL AMOUNT OF PAY-
2 MENTS.—The total amount of payments made
3 by an authorized committee of a candidate for
4 personal use services described in paragraph (3)
5 may not exceed the limit which is applicable
6 under any law, rule, or regulation on the
7 amount of payments which may be made by the
8 committee for the salary of the candidate (with-
9 out regard to whether or not the committee
10 makes payments to the candidate for that pur-
11 pose).

12 “(B) CORRESPONDING REDUCTION IN
13 AMOUNT OF SALARY PAID TO CANDIDATE.—To
14 the extent that an authorized committee of a
15 candidate makes payments for the salary of the
16 candidate, any limit on the amount of such pay-
17 ments which is applicable under any law, rule,
18 or regulation shall be reduced by the amount of
19 any payments made to or on behalf of the can-
20 didate for personal use services described in
21 paragraph (3), other than personal use services
22 described in subparagraph (E) of such para-
23 graph.

24 “(C) EXCLUSION OF CANDIDATES WHO
25 ARE OFFICEHOLDERS.—Paragraph (1) does not

1 apply with respect to an authorized committee
2 of a candidate who is a holder of Federal office.

3 “(3) PERSONAL USE SERVICES DESCRIBED.—

4 The personal use services described in this para-
5 graph are as follows:

6 “(A) Child care services.

7 “(B) Elder care services.

8 “(C) Services similar to the services de-
9 scribed in subparagraph (A) or subparagraph
10 (B) which are provided on behalf of any de-
11 pendent who is a qualifying relative under sec-
12 tion 152 of the Internal Revenue Code of 1986.

13 “(D) Health insurance premiums.”.

14 (b) EFFECTIVE DATE.—The amendments made by
15 this section shall take effect on the date of the enactment
16 of this Act.

17 **Subtitle E—Empowering Small** 18 **Dollar Donations**

19 **SEC. 5401. PERMITTING POLITICAL PARTY COMMITTEES TO**
20 **PROVIDE ENHANCED SUPPORT FOR CAN-**
21 **DIDATES THROUGH USE OF SEPARATE**
22 **SMALL DOLLAR ACCOUNTS.**

23 (a) INCREASE IN LIMIT ON CONTRIBUTIONS TO CAN-
24 DIDATES.—Section 315(a)(2)(A) of the Federal Election
25 Campaign Act of 1971 (52 U.S.C. 30116(a)(2)(A)) is

1 amended by striking “exceed \$5,000” and inserting “ex-
2 ceed \$5,000 or, in the case of a contribution made by a
3 national committee of a political party from an account
4 described in paragraph (10), exceed \$10,000”.

5 (b) ELIMINATION OF LIMIT ON COORDINATED EX-
6 PENDITURES.—Section 315(d)(5) of such Act (52 U.S.C.
7 30116(d)(5)) is amended by striking “subsection (a)(9)”
8 and inserting “subsection (a)(9) or subsection (a)(10)”.

9 (c) ACCOUNTS DESCRIBED.—Section 315(a) of such
10 Act (52 U.S.C. 30116(a)) is amended by adding at the
11 end the following new paragraph:

12 “(10) An account described in this paragraph is a
13 separate, segregated account of a national committee of
14 a political party (including a national congressional cam-
15 paign committee of a political party) consisting exclusively
16 of contributions made during a calendar year by individ-
17 uals whose aggregate contributions to the committee dur-
18 ing the year do not exceed \$200.”.

19 (d) 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.

22 **Subtitle F—Severability**

23 **SEC. 5501. 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 **TITLE VI—CAMPAIGN FINANCE**
7 **OVERSIGHT**
8 **Subtitle A—Restoring Integrity to**
9 **America’s Elections**

10 **SEC. 6001. SHORT TITLE.**

11 This subtitle may be cited as the “Restoring Integrity
12 to America’s Elections Act”.

13 **SEC. 6002. MEMBERSHIP OF FEDERAL ELECTION COMMIS-**
14 **SION.**

15 (a) REDUCTION IN NUMBER OF MEMBERS; REMOVAL
16 OF SECRETARY OF SENATE AND CLERK OF HOUSE AS
17 EX OFFICIO MEMBERS.—

18 (1) IN GENERAL; QUORUM.—Section 306(a)(1)
19 of the Federal Election Campaign Act of 1971 (52
20 U.S.C. 30106(a)(1)) is amended by striking the sec-
21 ond and third sentences and inserting the following:
22 “The Commission is composed of 5 members ap-
23 pointed by the President by and with the advice and
24 consent of the Senate, of whom no more than 2 may
25 be affiliated with the same political party. A member

1 shall be treated as affiliated with a political party if
2 the member was affiliated, including as a registered
3 voter, employee, consultant, donor, officer, or attor-
4 ney, with such political party or any of its can-
5 didates or elected public officials at any time during
6 the 5-year period ending on the date on which such
7 individual is nominated to be a member of the Com-
8 mission. A majority of the number of members of
9 the Commission who are serving at the time shall
10 constitute a quorum, except that 3 members shall
11 constitute a quorum if there are 4 members serving
12 at the time.”.

13 (2) CONFORMING AMENDMENTS RELATING TO
14 REDUCTION IN NUMBER OF MEMBERS.—(A) The
15 second sentence of section 306(c) of such Act (52
16 U.S.C. 30106(c)) is amended by striking “affirma-
17 tive vote of 4 members of the Commission” and in-
18 serting “affirmative vote of a majority of the mem-
19 bers of the Commission who are serving at the
20 time”.

21 (B) Such Act is further amended by striking
22 “affirmative vote of 4 of its members” and inserting
23 “affirmative vote of a majority of the members of
24 the Commission who are serving at the time” each
25 place it appears in the following sections:

1 (i) Section 309(a)(2) (52 U.S.C.
2 30109(a)(2)).

3 (ii) Section 309(a)(4)(A)(i) (52 U.S.C.
4 30109(a)(4)(A)(i)).

5 (iii) Section 309(a)(5)(C) (52 U.S.C.
6 30109(a)(5)(C)).

7 (iv) Section 309(a)(6)(A) (52 U.S.C.
8 30109(a)(6)(A)).

9 (v) Section 311(b) (52 U.S.C. 30111(b)).

10 (3) CONFORMING AMENDMENT RELATING TO
11 REMOVAL OF EX OFFICIO MEMBERS.—Section
12 306(a) of such Act (52 U.S.C. 30106(a)) is amend-
13 ed by striking “(other than the Secretary of the Sen-
14 ate and the Clerk of the House of Representatives)”
15 each place it appears in paragraphs (4) and (5).

16 (b) TERMS OF SERVICE.—Section 306(a)(2) of such
17 Act (52 U.S.C. 30106(a)(2)) is amended to read as fol-
18 lows:

19 “(2) TERMS OF SERVICE.—

20 “(A) IN GENERAL.—Each member of the
21 Commission shall serve for a single term of 6
22 years.

23 “(B) SPECIAL RULE FOR INITIAL APPOINT-
24 MENTS.—Of the members first appointed to
25 serve terms that begin in January 2022, the

1 President shall designate 2 to serve for a 3-year
2 term.

3 “(C) NO REAPPOINTMENT PERMITTED.—
4 An individual who served a term as a member
5 of the Commission may not serve for an addi-
6 tional term, except that—

7 “(i) an individual who served a 3-year
8 term under subparagraph (B) may also be
9 appointed to serve a 6-year term under
10 subparagraph (A); and

11 “(ii) for purposes of this subpara-
12 graph, an individual who is appointed to
13 fill a vacancy under subparagraph (D)
14 shall not be considered to have served a
15 term if the portion of the unexpired term
16 the individual fills is less than 50 percent
17 of the period of the term.

18 “(D) VACANCIES.—Any vacancy occurring
19 in the membership of the Commission shall be
20 filled in the same manner as in the case of the
21 original appointment. Except as provided in
22 subparagraph (C), an individual appointed to
23 fill a vacancy occurring other than by the expi-
24 ration of a term of office shall be appointed

1 only for the unexpired term of the member he
2 or she succeeds.

3 “(E) LIMITATION ON SERVICE AFTER EX-
4 PIRATION OF TERM.—A member of the Com-
5 mission may continue to serve on the Commis-
6 sion after the expiration of the member’s term
7 for an additional period, but only until the ear-
8 lier of—

9 “(i) the date on which the member’s
10 successor has taken office as a member of
11 the Commission; or

12 “(ii) the expiration of the 1-year pe-
13 riod that begins on the last day of the
14 member’s term.”.

15 (c) QUALIFICATIONS.—Section 306(a)(3) of such Act
16 (52 U.S.C. 30106(a)(3)) is amended to read as follows:

17 “(3) QUALIFICATIONS.—

18 “(A) IN GENERAL.—The President may
19 select an individual for service as a member of
20 the Commission if the individual has experience
21 in election law and has a demonstrated record
22 of integrity, impartiality, and good judgment.

23 “(B) ASSISTANCE OF BLUE RIBBON ADVI-
24 SORY PANEL.—

1 “(i) IN GENERAL.—Prior to the regu-
2 larly scheduled expiration of the term of a
3 member of the Commission and upon the
4 occurrence of a vacancy in the membership
5 of the Commission prior to the expiration
6 of a term, the President shall convene a
7 Blue Ribbon Advisory Panel, that includes
8 individuals representing each major polit-
9 ical party and individuals who are inde-
10 pendent of a political party and that con-
11 sists of an odd number of individuals se-
12 lected by the President from retired Fed-
13 eral judges, former law enforcement offi-
14 cials, or individuals with experience in elec-
15 tion law, except that the President may not
16 select any individual to serve on the panel
17 who holds any public office at the time of
18 selection. The President shall also make
19 reasonable efforts to encourage racial, eth-
20 nic, and gender diversity on the panel.

21 “(ii) RECOMMENDATIONS.—With re-
22 spect to each member of the Commission
23 whose term is expiring or each vacancy in
24 the membership of the Commission (as the
25 case may be), the Blue Ribbon Advisory

1 Panel shall recommend to the President at
2 least one but not more than 3 individuals
3 for nomination for appointment as a mem-
4 ber of the Commission.

5 “(iii) PUBLICATION.—At the time the
6 President submits to the Senate the nomi-
7 nations for individuals to be appointed as
8 members of the Commission, the President
9 shall publish the Blue Ribbon Advisory
10 Panel’s recommendations for such nomina-
11 tions.

12 “(iv) EXEMPTION FROM FEDERAL AD-
13 VISORY COMMITTEE ACT.—The Federal
14 Advisory Committee Act (5 U.S.C. App.)
15 does not apply to a Blue Ribbon Advisory
16 Panel convened under this subparagraph.

17 “(C) PROHIBITING ENGAGEMENT WITH
18 OTHER BUSINESS OR EMPLOYMENT DURING
19 SERVICE.—A member of the Commission shall
20 not engage in any other business, vocation, or
21 employment. Any individual who is engaging in
22 any other business, vocation, or employment at
23 the time of his or her appointment to the Com-
24 mission shall terminate or liquidate such activ-

1 ity no later than 90 days after such appoint-
2 ment.”.

3 **SEC. 6003. ASSIGNMENT OF POWERS TO CHAIR OF FED-**
4 **ERAL ELECTION COMMISSION.**

5 (a) APPOINTMENT OF CHAIR BY PRESIDENT.—

6 (1) IN GENERAL.—Section 306(a)(5) of the
7 Federal Election Campaign Act of 1971 (52 U.S.C.
8 30106(a)(5)) is amended to read as follows:

9 “(5) CHAIR.—

10 “(A) INITIAL APPOINTMENT.—Of the
11 members first appointed to serve terms that
12 begin in January 2022, one such member (as
13 designated by the President at the time the
14 President submits nominations to the Senate)
15 shall serve as Chair of the Commission.

16 “(B) SUBSEQUENT APPOINTMENTS.—Any
17 individual who is appointed to succeed the
18 member who serves as Chair of the Commission
19 for the term beginning in January 2022 (as
20 well as any individual who is appointed to fill
21 a vacancy if such member does not serve a full
22 term as Chair) shall serve as Chair of the Com-
23 mission.

24 “(C) VICE CHAIR.—The Commission shall
25 select, by majority vote of its members, one of

1 its members to serve as Vice Chair, who shall
2 act as Chair in the absence or disability of the
3 Chair or in the event of a vacancy in the posi-
4 tion of Chair.”.

5 (2) CONFORMING AMENDMENT.—Section
6 309(a)(2) of such Act (52 U.S.C. 30109(a)(2)) is
7 amended by striking “through its chairman or vice
8 chairman” and inserting “through the Chair”.

9 (b) POWERS.—

10 (1) ASSIGNMENT OF CERTAIN POWERS TO
11 CHAIR.—Section 307(a) of such Act (52 U.S.C.
12 30107(a)) is amended to read as follows:

13 “(a) DISTRIBUTION OF POWERS BETWEEN CHAIR
14 AND COMMISSION.—

15 “(1) POWERS ASSIGNED TO CHAIR.—

16 “(A) ADMINISTRATIVE POWERS.—The
17 Chair of the Commission shall be the chief ad-
18 ministrative officer of the Commission and shall
19 have the authority to administer the Commis-
20 sion and its staff, and (in consultation with the
21 other members of the Commission) shall have
22 the power—

23 “(i) to appoint and remove the staff
24 director of the Commission;

1 “(ii) to request the assistance (includ-
2 ing personnel and facilities) of other agen-
3 cies and departments of the United States,
4 whose heads may make such assistance
5 available to the Commission with or with-
6 out reimbursement; and

7 “(iii) to prepare and establish the
8 budget of the Commission and to make
9 budget requests to the President, the Di-
10 rector of the Office of Management and
11 Budget, and Congress.

12 “(B) OTHER POWERS.—The Chair of the
13 Commission shall have the power—

14 “(i) to appoint and remove the gen-
15 eral counsel of the Commission with the
16 concurrence of at least 2 other members of
17 the Commission;

18 “(ii) to require by special or general
19 orders, any person to submit, under oath,
20 such written reports and answers to ques-
21 tions as the Chair may prescribe;

22 “(iii) to administer oaths or affirma-
23 tions;

24 “(iv) to require by subpoena, signed
25 by the Chair, the attendance and testimony

1 of witnesses and the production of all doc-
2 umentary evidence relating to the execu-
3 tion of its duties;

4 “(v) in any proceeding or investiga-
5 tion, to order testimony to be taken by
6 deposition before any person who is des-
7 ignated by the Chair, and shall have the
8 power to administer oaths and, in such in-
9 stances, to compel testimony and the pro-
10 duction of evidence in the same manner as
11 authorized under clause (iv); and

12 “(vi) to pay witnesses the same fees
13 and mileage as are paid in like cir-
14 cumstances in the courts of the United
15 States.

16 “(2) POWERS ASSIGNED TO COMMISSION.—The
17 Commission shall have the power—

18 “(A) to initiate (through civil actions for
19 injunctive, declaratory, or other appropriate re-
20 lief), defend (in the case of any civil action
21 brought under section 309(a)(8) of this Act) or
22 appeal (including a proceeding before the Su-
23 preme Court on certiorari) any civil action in
24 the name of the Commission to enforce the pro-
25 visions of this Act and chapter 95 and chapter

1 96 of the Internal Revenue Code of 1986,
2 through its general counsel;

3 “(B) to render advisory opinions under
4 section 308 of this Act;

5 “(C) to develop such prescribed forms and
6 to make, amend, and repeal such rules, pursu-
7 ant to the provisions of chapter 5 of title 5,
8 United States Code, as are necessary to carry
9 out the provisions of this Act and chapter 95
10 and chapter 96 of the Internal Revenue Code of
11 1986;

12 “(D) to conduct investigations and hear-
13 ings expeditiously, to encourage voluntary com-
14 pliance, and to report apparent violations to the
15 appropriate law enforcement authorities; and

16 “(E) to transmit to the President and Con-
17 gress not later than June 1 of each year a re-
18 port which states in detail the activities of the
19 Commission in carrying out its duties under
20 this Act, and which includes any recommenda-
21 tions for any legislative or other action the
22 Commission considers appropriate.

23 “(3) PERMITTING COMMISSION TO EXERCISE
24 OTHER POWERS OF CHAIR.—With respect to any in-
25 vestigation, action, or proceeding, the Commission,

1 by an affirmative vote of a majority of the members
2 who are serving at the time, may exercise any of the
3 powers of the Chair described in paragraph (1)(B).”.

4 (2) CONFORMING AMENDMENTS RELATING TO
5 PERSONNEL AUTHORITY.—Section 306(f) of such
6 Act (52 U.S.C. 30106(f)) is amended—

7 (A) by amending the first sentence of
8 paragraph (1) to read as follows: “The Com-
9 mission shall have a staff director who shall be
10 appointed by the Chair of the Commission in
11 consultation with the other members and a gen-
12 eral counsel who shall be appointed by the
13 Chair with the concurrence of at least two other
14 members.”;

15 (B) in paragraph (2), by striking “With
16 the approval of the Commission” and inserting
17 “With the approval of the Chair of the Commis-
18 sion”; and

19 (C) by striking paragraph (3).

20 (3) CONFORMING AMENDMENT RELATING TO
21 BUDGET SUBMISSION.—Section 307(d)(1) of such
22 Act (52 U.S.C. 30107(d)(1)) is amended by striking
23 “the Commission submits any budget” and inserting
24 “the Chair (or, pursuant to subsection (a)(3), the
25 Commission) submits any budget”.

1 (4) OTHER CONFORMING AMENDMENTS.—Sec-
2 tion 306(c) of such Act (52 U.S.C. 30106(c)) is
3 amended by striking “All decisions” and inserting
4 “Subject to section 307(a), all decisions”.

5 (5) TECHNICAL AMENDMENT.—The heading of
6 section 307 of such Act (52 U.S.C. 30107) is
7 amended by striking “THE COMMISSION” and insert-
8 ing “THE CHAIR AND THE COMMISSION”.

9 **SEC. 6004. REVISION TO ENFORCEMENT PROCESS.**

10 (a) STANDARD FOR INITIATING INVESTIGATIONS AND
11 DETERMINING WHETHER VIOLATIONS HAVE OC-
12 CURRED.—

13 (1) REVISION OF STANDARDS.—Section 309(a)
14 of the Federal Election Campaign Act of 1971 (52
15 U.S.C. 30109(a)) is amended by striking paragraphs
16 (2) and (3) and inserting the following:

17 “(2)(A) The general counsel, upon receiving a com-
18 plaint filed with the Commission under paragraph (1) or
19 upon the basis of information ascertained by the Commis-
20 sion in the normal course of carrying out its supervisory
21 responsibilities, shall make a determination as to whether
22 or not there is reason to believe that a person has com-
23 mitted, or is about to commit, a violation of this Act or
24 chapter 95 or chapter 96 of the Internal Revenue Code
25 of 1986, and as to whether or not the Commission should

1 either initiate an investigation of the matter or that the
2 complaint should be dismissed. The general counsel shall
3 promptly provide notification to the Commission of such
4 determination and the reasons therefore, together with
5 any written response submitted under paragraph (1) by
6 the person alleged to have committed the violation. Upon
7 the expiration of the 30-day period which begins on the
8 date the general counsel provides such notification, the
9 general counsel's determination shall take effect, unless
10 during such 30-day period the Commission, by vote of a
11 majority of the members of the Commission who are serv-
12 ing at the time, overrules the general counsel's determina-
13 tion. If the determination by the general counsel that the
14 Commission should investigate the matter takes effect, or
15 if the determination by the general counsel that the com-
16 plaint should be dismissed is overruled as provided under
17 the previous sentence, the general counsel shall initiate an
18 investigation of the matter on behalf of the Commission.

19 “(B) If the Commission initiates an investigation
20 pursuant to subparagraph (A), the Commission, through
21 the Chair, shall notify the subject of the investigation of
22 the alleged violation. Such notification shall set forth the
23 factual basis for such alleged violation. The Commission
24 shall make an investigation of such alleged violation, which
25 may include a field investigation or audit, in accordance

1 with the provisions of this section. The general counsel
2 shall provide notification to the Commission of any intent
3 to issue a subpoena or conduct any other form of discovery
4 pursuant to the investigation. Upon the expiration of the
5 15-day period which begins on the date the general counsel
6 provides such notification, the general counsel may issue
7 the subpoena or conduct the discovery, unless during such
8 15-day period the Commission, by vote of a majority of
9 the members of the Commission who are serving at the
10 time, prohibits the general counsel from issuing the sub-
11 poena or conducting the discovery.

12 “(3)(A) Upon completion of an investigation under
13 paragraph (2), the general counsel shall promptly submit
14 to the Commission the general counsel’s recommendation
15 that the Commission find either that there is probable
16 cause or that there is not probable cause to believe that
17 a person has committed, or is about to commit, a violation
18 of this Act or chapter 95 or chapter 96 of the Internal
19 Revenue Code of 1986, and shall include with the rec-
20 ommendation a brief stating the position of the general
21 counsel on the legal and factual issues of the case.

22 “(B) At the time the general counsel submits to the
23 Commission the recommendation under subparagraph (A),
24 the general counsel shall simultaneously notify the re-
25 spondent of such recommendation and the reasons there-

1 fore, shall provide the respondent with an opportunity to
2 submit a brief within 30 days stating the position of the
3 respondent on the legal and factual issues of the case and
4 replying to the brief of the general counsel. The general
5 counsel and shall promptly submit such brief to the Com-
6 mission upon receipt.

7 “(C) Not later than 30 days after the general counsel
8 submits the recommendation to the Commission under
9 subparagraph (A) (or, if the respondent submits a brief
10 under subparagraph (B), not later than 30 days after the
11 general counsel submits the respondent’s brief to the Com-
12 mission under such subparagraph), the Commission shall
13 approve or disapprove the recommendation by vote of a
14 majority of the members of the Commission who are serv-
15 ing at the time.”.

16 (2) CONFORMING AMENDMENT RELATING TO
17 INITIAL RESPONSE TO FILING OF COMPLAINT.—Sec-
18 tion 309(a)(1) of such Act (52 U.S.C. 30109(a)(1))
19 is amended—

20 (A) in the third sentence, by striking “the
21 Commission” and inserting “the general coun-
22 sel”; and

23 (B) by amending the fourth sentence to
24 read as follows: “Not later than 15 days after
25 receiving notice from the general counsel under

1 the previous sentence, the person may provide
2 the general counsel with a written response that
3 no action should be taken against such person
4 on the basis of the complaint.”.

5 (b) REVISION OF STANDARD FOR REVIEW OF DIS-
6 MISSAL OF COMPLAINTS.—

7 (1) IN GENERAL.—Section 309(a)(8) of such
8 Act (52 U.S.C. 30109(a)(8)) is amended to read as
9 follows:

10 “(8)(A)(i) Any party aggrieved by an order of the
11 Commission dismissing a complaint filed by such party
12 after finding either no reason to believe a violation has
13 occurred or no probable cause a violation has occurred
14 may file a petition with the United States District Court
15 for the District of Columbia. Any petition under this sub-
16 paragraph shall be filed within 60 days after the date on
17 which the party received notice of the dismissal of the
18 complaint.

19 “(ii) In any proceeding under this subparagraph, the
20 court shall determine by de novo review whether the agen-
21 cy’s dismissal of the complaint is contrary to law. In any
22 matter in which the penalty for the alleged violation is
23 greater than \$50,000, the court should disregard any
24 claim or defense by the Commission of prosecutorial dis-
25 cretion as a basis for dismissing the complaint.

1 “(B)(i) Any party who has filed a complaint with the
2 Commission and who is aggrieved by a failure of the Com-
3 mission, within one year after the filing of the complaint,
4 to either dismiss the complaint or to find reason to believe
5 a violation has occurred or is about to occur, may file a
6 petition with the United States District Court for the Dis-
7 trict of Columbia.

8 “(ii) In any proceeding under this subparagraph, the
9 court shall treat the failure to act on the complaint as
10 a dismissal of the complaint, and shall determine by de
11 novo review whether the agency’s failure to act on the
12 complaint is contrary to law.

13 “(C) In any proceeding under this paragraph the
14 court may declare that the dismissal of the complaint or
15 the failure to act is contrary to law, and may direct the
16 Commission to conform with such declaration within 30
17 days, failing which the complainant may bring, in the
18 name of such complainant, a civil action to remedy the
19 violation involved in the original complaint.”.

20 (2) EFFECTIVE DATE.—The amendments made
21 by paragraph (1) shall apply—

22 (A) in the case of complaints which are
23 dismissed by the Federal Election Commission,
24 with respect to complaints which are dismissed

1 on or after the date of the enactment of this
2 Act; and

3 (B) in the case of complaints upon which
4 the Federal Election Commission failed to act,
5 with respect to complaints which were filed on
6 or after the date of the enactment of this Act.

7 **SEC. 6005. PERMITTING APPEARANCE AT HEARINGS ON RE-**
8 **QUESTS FOR ADVISORY OPINIONS BY PER-**
9 **SONS OPPOSING THE REQUESTS.**

10 (a) IN GENERAL.—Section 308 of such Act (52
11 U.S.C. 30108) is amended by adding at the end the fol-
12 lowing new subsection:

13 “(e) To the extent that the Commission provides an
14 opportunity for a person requesting an advisory opinion
15 under this section (or counsel for such person) to appear
16 before the Commission to present testimony in support of
17 the request, and the person (or counsel) accepts such op-
18 portunity, the Commission shall provide a reasonable op-
19 portunity for an interested party who submitted written
20 comments under subsection (d) in response to the request
21 (or counsel for such interested party) to appear before the
22 Commission to present testimony in response to the re-
23 quest.”.

24 (b) EFFECTIVE DATE.—The amendment made by
25 subsection (a) shall apply with respect to requests for advi-

1 sory opinions under section 308 of the Federal Election
2 Campaign Act of 1971 which are made on or after the
3 date of the enactment of this Act.

4 **SEC. 6006. PERMANENT EXTENSION OF ADMINISTRATIVE**
5 **PENALTY AUTHORITY.**

6 (a) **EXTENSION OF AUTHORITY.**—Section
7 309(a)(4)(C)(v) of the Federal Election Campaign Act of
8 1971 (52 U.S.C. 30109(a)(4)(C)(v)), as amended by Pub-
9 lic Law 115–386, is amended by striking “, and that end
10 on or before December 31, 2023”.

11 (b) **EFFECTIVE DATE.**—The amendment made by
12 subsection (a) shall take effect on December 31, 2018.

13 **SEC. 6007. REQUIRING FORMS TO PERMIT USE OF ACCENT**
14 **MARKS.**

15 (a) **REQUIREMENT.**—Section 311(a)(1) of the Fed-
16 eral Election Campaign Act of 1971 (52 U.S.C.
17 30111(a)(1)) is amended by striking the semicolon at the
18 end and inserting the following: “, and shall ensure that
19 all such forms (including forms in an electronic format)
20 permit the person using the form to include an accent
21 mark as part of the person’s identification;”.

22 (b) **EFFECTIVE DATE.**—The amendment made by
23 subsection (a) shall take effect upon the expiration of the
24 90-day period which begins on the date of the enactment
25 of this Act.

1 **SEC. 6008. RESTRICTIONS ON EX PARTE COMMUNICATIONS.**

2 Section 306(e) of the Federal Election Campaign Act
3 of 1971 (52 U.S.C. 30106(e)) is amended—

4 (1) by striking “(e) The Commission” and in-
5 serting “(e)(1) The Commission”; and

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

8 “(2) Members and employees of the Commission shall
9 be subject to limitations on ex parte communications, as
10 provided in the regulations promulgated by the Commis-
11 sion regarding such communications which are in effect
12 on the date of the enactment of this paragraph.”.

13 **SEC. 6009. CLARIFYING AUTHORITY OF FEC ATTORNEYS TO**
14 **REPRESENT FEC IN SUPREME COURT.**

15 (a) CLARIFYING AUTHORITY.—Section 306(f)(4) of
16 the Federal Election Campaign Act of 1971 (52 U.S.C.
17 30106(f)(4)) is amended by striking “any action instituted
18 under this Act, either (A) by attorneys” and inserting
19 “any action instituted under this Act, including an action
20 before the Supreme Court of the United States, either (A)
21 by the General Counsel of the Commission and other at-
22 torneys”.

23 (b) EFFECTIVE DATE.—The amendment made by
24 paragraph (1) shall apply with respect to actions insti-
25 tuted before, on, or after the date of the enactment of
26 this Act.

1 **SEC. 6010. EFFECTIVE DATE; TRANSITION.**

2 (a) IN GENERAL.—Except as otherwise provided, the
3 amendments made by this subtitle shall apply beginning
4 January 1, 2022.

5 (b) TRANSITION.—

6 (1) TERMINATION OF SERVICE OF CURRENT
7 MEMBERS.—Notwithstanding any provision of the
8 Federal Election Campaign Act of 1971, the term of
9 any individual serving as a member of the Federal
10 Election Commission as of December 31, 2021, shall
11 expire on that date.

12 (2) NO EFFECT ON EXISTING CASES OR PRO-
13 CEEDINGS.—Nothing in this subtitle or in any
14 amendment made by this subtitle shall affect any of
15 the powers exercised by the Federal Election Com-
16 mission prior to December 31, 2021, including any
17 investigation initiated by the Commission prior to
18 such date or any proceeding (including any enforce-
19 ment action) pending as of such date.

20 **Subtitle B—Stopping Super PAC-**
21 **Candidate Coordination**

22 **SEC. 6101. SHORT TITLE.**

23 This subtitle may be cited as the “Stop Super PAC–
24 Candidate Coordination Act”.

1 **SEC. 6102. CLARIFICATION OF TREATMENT OF COORDI-**
2 **NATED EXPENDITURES AS CONTRIBUTIONS**
3 **TO CANDIDATES.**

4 (a) TREATMENT AS CONTRIBUTION TO CAN-
5 DIDATE.—Section 301(8)(A) of the Federal Election Cam-
6 paign Act of 1971 (52 U.S.C. 30101(8)(A)) is amended—

7 (1) by striking “or” at the end of clause (i);

8 (2) by striking the period at the end of clause

9 (ii) and inserting “; or”; and

10 (3) by adding at the end the following new
11 clause:

12 “(iii) any payment made by any person
13 (other than a candidate, an authorized com-
14 mittee of a candidate, or a political committee
15 of a political party) for a coordinated expendi-
16 ture (as such term is defined in section 326)
17 which is not otherwise treated as a contribution
18 under clause (i) or clause (ii).”.

19 (b) DEFINITIONS.—Title III of such Act (52 U.S.C.
20 30101 et seq.), as amended by section 4702(a), is amend-
21 ed by adding at the end the following new section:

22 **“SEC. 326. PAYMENTS FOR COORDINATED EXPENDITURES.**

23 **“(a) COORDINATED EXPENDITURES.—**

24 **“(1) IN GENERAL.—**For purposes of section
25 301(8)(A)(iii), the term ‘coordinated expenditure’
26 means—

1 “(A) any expenditure, or any payment for
2 a covered communication described in sub-
3 section (d), which is made in cooperation, con-
4 sultation, or concert with, or at the request or
5 suggestion of, a candidate, an authorized com-
6 mittee of a candidate, a political committee of
7 a political party, or agents of the candidate or
8 committee, as defined in subsection (b); or

9 “(B) any payment for any communication
10 which republishes, disseminates, or distributes,
11 in whole or in part, any video or broadcast or
12 any written, graphic, or other form of campaign
13 material prepared by the candidate or com-
14 mittee or by agents of the candidate or com-
15 mittee (including any excerpt or use of any
16 video from any such broadcast or written,
17 graphic, or other form of campaign material).

18 “(2) EXCEPTION FOR PAYMENTS FOR CERTAIN
19 COMMUNICATIONS.—A payment for a communication
20 (including a covered communication described in
21 subsection (d)) shall not be treated as a coordinated
22 expenditure under this subsection if—

23 “(A) the communication appears in a news
24 story, commentary, or editorial distributed
25 through the facilities of any broadcasting sta-

1 tion, newspaper, magazine, or other periodical
2 publication, unless such facilities are owned or
3 controlled by any political party, political com-
4 mittee, or candidate; or

5 “(B) the communication constitutes a can-
6 didate debate or forum conducted pursuant to
7 regulations adopted by the Commission pursu-
8 ant to section 304(f)(3)(B)(iii), or which solely
9 promotes such a debate or forum and is made
10 by or on behalf of the person sponsoring the de-
11 bate or forum.

12 “(b) COORDINATION DESCRIBED.—

13 “(1) IN GENERAL.—For purposes of this sec-
14 tion, a payment is made ‘in cooperation, consulta-
15 tion, or concert with, or at the request or suggestion
16 of,’ a candidate, an authorized committee of a can-
17 didate, a political committee of a political party, or
18 agents of the candidate or committee, if the pay-
19 ment, or any communication for which the payment
20 is made, is not made entirely independently of the
21 candidate, committee, or agents. For purposes of the
22 previous sentence, a payment or communication not
23 made entirely independently of the candidate or
24 committee includes any payment or communication
25 made pursuant to any general or particular under-

1 standing with, or pursuant to any communication
2 with, the candidate, committee, or agents about the
3 payment or communication.

4 “(2) NO FINDING OF COORDINATION BASED
5 SOLELY ON SHARING OF INFORMATION REGARDING
6 LEGISLATIVE OR POLICY POSITION.—For purposes
7 of this section, a payment shall not be considered to
8 be made by a person in cooperation, consultation, or
9 concert with, or at the request or suggestion of, a
10 candidate or committee, solely on the grounds that
11 the person or the person’s agent engaged in discus-
12 sions with the candidate or committee, or with any
13 agent of the candidate or committee, regarding that
14 person’s position on a legislative or policy matter
15 (including urging the candidate or committee to
16 adopt that person’s position), so long as there is no
17 communication between the person and the can-
18 didate or committee, or any agent of the candidate
19 or committee, regarding the candidate’s or commit-
20 tee’s campaign advertising, message, strategy, pol-
21 icy, polling, allocation of resources, fundraising, or
22 other campaign activities.

23 “(3) NO EFFECT ON PARTY COORDINATION
24 STANDARD.—Nothing in this section shall be con-
25 strued to affect the determination of coordination

1 between a candidate and a political committee of a
2 political party for purposes of section 315(d).

3 “(4) NO SAFE HARBOR FOR USE OF FIRE-
4 WALL.—A person shall be determined to have made
5 a payment in cooperation, consultation, or concert
6 with, or at the request or suggestion of, a candidate
7 or committee, in accordance with this section with-
8 out regard to whether or not the person established
9 and used a firewall or similar procedures to restrict
10 the sharing of information between individuals who
11 are employed by or who are serving as agents for the
12 person making the payment.

13 “(c) PAYMENTS BY COORDINATED SPENDERS FOR
14 COVERED COMMUNICATIONS.—

15 “(1) PAYMENTS MADE IN COOPERATION, CON-
16 SULTATION, OR CONCERT WITH CANDIDATES.—For
17 purposes of subsection (a)(1)(A), if the person who
18 makes a payment for a covered communication, as
19 defined in subsection (d), is a coordinated spender
20 under paragraph (2) with respect to the candidate
21 as described in subsection (d)(1), the payment for
22 the covered communication is made in cooperation,
23 consultation, or concert with the candidate.

24 “(2) COORDINATED SPENDER DEFINED.—For
25 purposes of this subsection, the term ‘coordinated

1 spender' means, with respect to a candidate or an
2 authorized committee of a candidate, a person (other
3 than a political committee of a political party) for
4 which any of the following applies:

5 “(A) During the 4-year period ending on
6 the date on which the person makes the pay-
7 ment, the person was directly or indirectly
8 formed or established by or at the request or
9 suggestion of, or with the encouragement of,
10 the candidate (including an individual who later
11 becomes a candidate) or committee or agents of
12 the candidate or committee, including with the
13 approval of the candidate or committee or
14 agents of the candidate or committee.

15 “(B) The candidate or committee or any
16 agent of the candidate or committee solicits
17 funds, appears at a fundraising event, or en-
18 gages in other fundraising activity on the per-
19 son's behalf during the election cycle involved,
20 including by providing the person with names of
21 potential donors or other lists to be used by the
22 person in engaging in fundraising activity, re-
23 gardless of whether the person pays fair market
24 value for the names or lists provided. For pur-
25 poses of this subparagraph, the term 'election

1 cycle' means, with respect to an election for
2 Federal office, the period beginning on the day
3 after the date of the most recent general elec-
4 tion for that office (or, if the general election
5 resulted in a runoff election, the date of the
6 runoff election) and ending on the date of the
7 next general election for that office (or, if the
8 general election resulted in a runoff election,
9 the date of the runoff election).

10 “(C) The person is established, directed, or
11 managed by the candidate or committee or by
12 any person who, during the 4-year period end-
13 ing on the date on which the person makes the
14 payment, has been employed or retained as a
15 political, campaign media, or fundraising ad-
16 viser or consultant for the candidate or com-
17 mittee or for any other entity directly or indi-
18 rectly controlled by the candidate or committee,
19 or has held a formal position with the candidate
20 or committee (including a position as an em-
21 ployee of the office of the candidate at any time
22 the candidate held any Federal, State, or local
23 public office during the 4-year period).

24 “(D) The person has retained the profes-
25 sional services of any person who, during the 2-

1 year period ending on the date on which the
2 person makes the payment, has provided or is
3 providing professional services relating to the
4 campaign to the candidate or committee, with-
5 out regard to whether the person providing the
6 professional services used a firewall. For pur-
7 poses of this subparagraph, the term ‘profes-
8 sional services’ includes any services in support
9 of the candidate’s or committee’s campaign ac-
10 tivities, including advertising, message, strat-
11 egy, policy, polling, allocation of resources,
12 fundraising, and campaign operations, but does
13 not include accounting or legal services.

14 “(E) The person is established, directed, or
15 managed by a member of the immediate family
16 of the candidate, or the person or any officer or
17 agent of the person has had more than inci-
18 dental discussions about the candidate’s cam-
19 paign with a member of the immediate family
20 of the candidate. For purposes of this subpara-
21 graph, the term ‘immediate family’ has the
22 meaning given such term in section 9004(e) of
23 the Internal Revenue Code of 1986.

24 “(d) COVERED COMMUNICATION DEFINED.—

1 “(1) IN GENERAL.—For purposes of this sec-
2 tion, the term ‘covered communication’ means, with
3 respect to a candidate or an authorized committee of
4 a candidate, a public communication (as defined in
5 section 301(22)) which—

6 “(A) expressly advocates the election of the
7 candidate or the defeat of an opponent of the
8 candidate (or contains the functional equivalent
9 of express advocacy);

10 “(B) promotes or supports the election of
11 the candidate, or attacks or opposes the election
12 of an opponent of the candidate (regardless of
13 whether the communication expressly advocates
14 the election or defeat of a candidate or contains
15 the functional equivalent of express advocacy);
16 or

17 “(C) refers to the candidate or an oppo-
18 nent of the candidate but is not described in
19 subparagraph (A) or subparagraph (B), but
20 only if the communication is disseminated dur-
21 ing the applicable election period.

22 “(2) APPLICABLE ELECTION PERIOD.—In para-
23 graph (1)(C), the ‘applicable election period’ with re-
24 spect to a communication means—

1 “(A) in the case of a communication which
2 refers to a candidate in a general, special, or
3 runoff election, the 120-day period which ends
4 on the date of the election; or

5 “(B) in the case of a communication which
6 refers to a candidate in a primary or preference
7 election, or convention or caucus of a political
8 party that has authority to nominate a can-
9 didate, the 60-day period which ends on the
10 date of the election or convention or caucus.

11 “(3) SPECIAL RULES FOR COMMUNICATIONS IN-
12 VOLVING CONGRESSIONAL CANDIDATES.—For pur-
13 poses of this subsection, a public communication
14 shall not be considered to be a covered communica-
15 tion with respect to a candidate for election for an
16 office other than the office of President or Vice
17 President unless it is publicly disseminated or dis-
18 tributed in the jurisdiction of the office the can-
19 didate is seeking.

20 “(e) PENALTY.—

21 “(1) DETERMINATION OF AMOUNT.—Any per-
22 son who knowingly and willfully commits a violation
23 of this Act by making a contribution which consists
24 of a payment for a coordinated expenditure shall be
25 fined an amount equal to the greater of—

1 “(A) in the case of a person who makes a
2 contribution which consists of a payment for a
3 coordinated expenditure in an amount exceeding
4 the applicable contribution limit under this Act,
5 300 percent of the amount by which the
6 amount of the payment made by the person ex-
7 ceeds such applicable contribution limit; or

8 “(B) in the case of a person who is prohib-
9 ited under this Act from making a contribution
10 in any amount, 300 percent of the amount of
11 the payment made by the person for the coordi-
12 nated expenditure.

13 “(2) JOINT AND SEVERAL LIABILITY.—Any di-
14 rector, manager, or officer of a person who is subject
15 to a penalty under paragraph (1) shall be jointly and
16 severally liable for any amount of such penalty that
17 is not paid by the person prior to the expiration of
18 the 1-year period which begins on the date the Com-
19 mission imposes the penalty or the 1-year period
20 which begins on the date of the final judgment fol-
21 lowing any judicial review of the Commission’s ac-
22 tion, whichever is later.”.

23 (c) EFFECTIVE DATE.—

24 (1) REPEAL OF EXISTING REGULATIONS ON CO-
25 ORDINATION.—Effective upon the expiration of the

1 90-day period which begins on the date of the enact-
2 ment of this Act—

3 (A) the regulations on coordinated commu-
4 nications adopted by the Federal Election Com-
5 mission which are in effect on the date of the
6 enactment of this Act (as set forth in 11 CFR
7 Part 109, Subpart C, under the heading “Co-
8 ordination”) are repealed; and

9 (B) the Federal Election Commission shall
10 promulgate new regulations on coordinated
11 communications which reflect the amendments
12 made by this Act.

13 (2) EFFECTIVE DATE.—The amendments made
14 by this section shall apply with respect to payments
15 made on or after the expiration of the 120-day pe-
16 riod which begins on the date of the enactment of
17 this Act, without regard to whether or not the Fed-
18 eral Election Commission has promulgated regula-
19 tions in accordance with paragraph (1)(B) as of the
20 expiration of such period.

1 **SEC. 6103. CLARIFICATION OF BAN ON FUNDRAISING FOR**
2 **SUPER PACS BY FEDERAL CANDIDATES AND**
3 **OFFICEHOLDERS.**

4 (a) IN GENERAL.—Section 323(e)(1) of the Federal
5 Election Campaign Act of 1971 (52 U.S.C. 30125(e)(1))
6 is amended—

7 (1) by striking “or” at the end of subparagraph
8 (A);

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

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

13 “(C) solicit, receive, direct, or transfer
14 funds to or on behalf of any political committee
15 which accepts donations or contributions that
16 do not comply with the limitations, prohibitions,
17 and reporting requirements of this Act (or to or
18 on behalf of any account of a political com-
19 mittee which is established for the purpose of
20 accepting such donations or contributions), or
21 to or on behalf of any political organization
22 under section 527 of the Internal Revenue Code
23 of 1986 which accepts such donations or con-
24 tributions (other than a committee of a State or
25 local political party or a candidate for election
26 for State or local office).”.

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

4 **Subtitle C—Disposal of** 5 **Contributions or Donations**

6 **SEC. 6201. TIMEFRAME FOR AND PRIORITIZATION OF DIS-** 7 **POSAL OF CONTRIBUTIONS OR DONATIONS.**

8 Section 313 of the Federal Election Campaign Act
9 of 1971 (52 U.S.C. 30114), as amended by section 5302,
10 is amended—

11 (1) by redesignating subsections (c) and (d), as
12 subsections (d) and (e), respectively; and

13 (2) by inserting after subsection (b) the fol-
14 lowing new subsection:

15 “(c) DISPOSAL.—

16 “(1) TIMEFRAME.—Contributions or donations
17 described in subsection (a) may only be used—

18 “(A) in the case of an individual who is
19 not a candidate with respect to an election for
20 any Federal office for a 6-year period beginning
21 on the day after the date of the most recent
22 such election in which the individual was a can-
23 didate for any such office, during such 6-year
24 period; or

1 “(B) in the case of an individual who be-
2 comes a registered lobbyist under the Lobbying
3 Disclosure Act of 1995, before the date on
4 which such individual becomes such a registered
5 lobbyist.

6 “(2) MEANS OF DISPOSAL; PRIORITIZATION.—
7 Beginning on the date the 6-year period described in
8 subparagraph (A) of paragraph (1) ends (or, in the
9 case of an individual described in subparagraph (B)
10 of such paragraph, the date on which the individual
11 becomes a registered lobbyist under the Lobbying
12 Disclosure Act of 1995), contributions or donations
13 that remain available to an individual described in
14 such paragraph shall be disposed of, not later than
15 30 days after such date, as follows:

16 “(A) First, to pay any debts or obligations
17 owed in connection with the campaign for elec-
18 tion for Federal office of the individual.

19 “(B) Second, to the extent such contribu-
20 tion or donations remain available after the ap-
21 plication of subparagraph (A), through any of
22 the following means of disposal (or a combina-
23 tion thereof), in any order the individual con-
24 siders appropriate:

1 “(i) Returning such contributions or
2 donations to the individuals, entities, or
3 both, who made such contributions or do-
4 nations.

5 “(ii) Making contributions to an orga-
6 nization described in section 170(c) of the
7 Internal Revenue Code of 1986.

8 “(iii) Making transfers to a national,
9 State, or local committee of a political
10 party.”.

11 **SEC. 6202. 1-YEAR TRANSITION PERIOD FOR CERTAIN INDI-**
12 **VIDUALS.**

13 (a) IN GENERAL.—In the case of an individual de-
14 scribed in subsection (b), any contributions or donations
15 remaining available to the individual shall be disposed of—

16 (1) not later than one year after the date of the
17 enactment of this section; and

18 (2) in accordance with the prioritization speci-
19 fied in subparagraphs (A) through (D) of subsection
20 (c)(2) of section 313 of the Federal Election Cam-
21 paign Act of 1971 (52 U.S.C. 30114), as amended
22 by section 6201 of this subtitle.

23 (b) INDIVIDUALS DESCRIBED.—An individual de-
24 scribed in this subsection is an individual who, as of the
25 date of the enactment of this section—

1 (1)(A) is not a candidate with respect to an
2 election for any Federal office for a period of not
3 less than 6 years beginning on the day after the date
4 of the most recent such election in which the indi-
5 vidual was a candidate for any such office; or

6 (B) is an individual who becomes a registered
7 lobbyist under the Lobbying Disclosure Act of 1995;
8 and

9 (2) would be in violation of subsection (c) of
10 section 313 of the Federal Election Campaign Act of
11 1971 (52 U.S.C. 30114), as amended by section
12 6201 of this subtitle.

13 **Subtitle D—Recommendations to**
14 **Ensure Filing of Reports Before**
15 **Date of Election**

16 **SEC. 6301. RECOMMENDATIONS TO ENSURE FILING OF RE-**
17 **PORTS BEFORE DATE OF ELECTION.**

18 Not later than 180 days after the date of the enact-
19 ment of this Act, the Federal Election Commission shall
20 submit a report to Congress providing recommendations,
21 including recommendations for changes to existing law, on
22 how to ensure that each political committee under the
23 Federal Election Campaign Act of 1971, including a com-
24 mittee which accepts donations or contributions that do
25 not comply with the limitations, prohibitions, and report-

1 ing requirements of such Act, will file a report under sec-
2 tion 304 of such Act prior to the date of the election for
3 which the committee receives contributions or makes dis-
4 bursements, without regard to the date on which the com-
5 mittee first registered under such Act, and shall include
6 specific recommendations to ensure that such committees
7 will not delay until after the date of the election the re-
8 porting of the identification of persons making contribu-
9 tions that will be used to repay debt incurred by the com-
10 mittee.

11 **Subtitle E—Severability**

12 **SEC. 6401. 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.

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 one year after the date of the enact-
10 ment of this section, the Judicial Conference shall issue
11 a code of conduct, which applies to each justice and judge
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.”.

1 **Subtitle B—Foreign Agents**
2 **Registration**

3 **SEC. 7101. ESTABLISHMENT OF FARA INVESTIGATION AND**
4 **ENFORCEMENT UNIT WITHIN DEPARTMENT**
5 **OF JUSTICE.**

6 Section 8 of the Foreign Agents Registration Act of
7 1938, as amended (22 U.S.C. 618) is amended by adding
8 at the end the following new subsection:

9 “(i) DEDICATED ENFORCEMENT UNIT.—

10 “(1) ESTABLISHMENT.—Not later than 180
11 days after the date of enactment of this subsection,
12 the Attorney General shall establish a unit within
13 the counterespionage section of the National Security
14 Division of the Department of Justice with re-
15 sponsibility for the enforcement of this Act.

16 “(2) POWERS.—The unit established under this
17 subsection is authorized to—

18 “(A) take appropriate legal action against
19 individuals suspected of violating this Act; and

20 “(B) coordinate any such legal action with
21 the United States Attorney for the relevant ju-
22 risdiction.

23 “(3) CONSULTATION.—In operating the unit es-
24 tablished under this subsection, the Attorney Gen-
25 eral 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 2019 and each
7 succeeding fiscal year.”.

8 **SEC. 7102. AUTHORITY TO IMPOSE CIVIL MONEY PEN-**
9 **ALTIES.**

10 Section 8 of the Foreign Agents Registration Act of
11 1938, as amended (22 U.S.C. 618), as amended by section
12 7101 of this Act, is amended by inserting after subsection
13 (c) 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 **SEC. 7103. DISCLOSURE OF TRANSACTIONS INVOLVING**
19 **THINGS OF FINANCIAL VALUE CONFERRED**
20 **ON OFFICEHOLDERS.**

21 (a) REQUIRING AGENTS TO DISCLOSE KNOWN
22 TRANSACTIONS.—

23 (1) IN GENERAL.—Section 2(a) of the Foreign
24 Agents Registration Act of 1938, as amended (22
25 U.S.C. 612(a)) is amended—

1 (A) by redesignating paragraphs (10) and
2 (11) as paragraphs (11) and (12); and

3 (B) by inserting after paragraph (9) the
4 following new paragraph:

5 “(10) To the extent that the registrant has
6 knowledge of any transaction which occurred in the
7 preceding 60 days and in which the foreign principal
8 for whom the registrant is acting as an agent con-
9 ferred on a Federal or State officeholder any thing
10 of financial value, including a gift, profit, salary, fa-
11 vorable regulatory treatment, or any other direct or
12 indirect economic or financial benefit, a detailed
13 statement describing each such transaction.”.

14 (2) APPLICABILITY.—The amendments made
15 by paragraph (1) shall apply with respect to state-
16 ments filed on or after the expiration of the 90-day
17 period beginning on the date of enactment of this
18 Act.

19 (b) SUPPLEMENTAL DISCLOSURE FOR CURRENT
20 REGISTRANTS.—Not later than the expiration of the 90-
21 day period beginning on the date of enactment of this Act,
22 each registrant who (prior to the expiration of such pe-
23 riod) filed a registration statement with the Attorney Gen-
24 eral under section 2(a) of the Foreign Agents Registration
25 Act of 1938, as amended (22 U.S.C. 612(a)) and who has

1 knowledge of any transaction described in paragraph (10)
2 of section 2(a) of the Foreign Agents Registration Act of
3 1938, as amended (as added by subsection (a)(1)) which
4 occurred at any time during which the registrant was an
5 agent of the foreign principal involved, shall file with the
6 Attorney General a supplement to such statement under
7 oath, on a form prescribed by the Attorney General, con-
8 taining a detailed statement describing each such trans-
9 action.

10 **SEC. 7104. ENSURING ONLINE ACCESS TO REGISTRATION**
11 **STATEMENTS.**

12 (a) **REQUIRING STATEMENTS FILED BY REG-**
13 **ISTRANTS TO BE IN DIGITIZED FORMAT.**—Section 2(g)
14 of the Foreign Agents Registration Act of 1938, as
15 amended (22 U.S.C. 612(g)) is amended by striking “in
16 electronic form” and inserting “in a digitized format
17 which will enable the Attorney General to meet the re-
18 quirements of section 6(d)(1) (relating to public access to
19 an electronic database of statements and updates)”.

20 (b) **REQUIREMENTS FOR ELECTRONIC DATABASE OF**
21 **REGISTRATION STATEMENTS AND UPDATES.**—Section
22 6(d)(1) of the Foreign Agents Registration Act of 1938,
23 as amended (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) APPLICABILITY.—The amendments made by this
8 section shall apply with respect to statements filed on or
9 after the expiration of the 180-day period beginning on
10 the date of 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 the Lobbying Disclosure Act of 1995 (2
5 U.S.C. 1602(8)) is amended by adding at the end the fol-
6 lowing new subparagraph:

7 (C) TREATMENT OF PROVIDERS OF
8 COUNSELING SERVICES.—Any individual, with
9 authority to direct or substantially influence a
10 lobbying contact or contacts made by another
11 individual, and for financial or other compensa-
12 tion provides counseling services in support of
13 preparation and planning activities which are
14 treated as lobbying activities under paragraph
15 (7) for that other individual’s lobbying contact
16 or contacts and who has knowledge that the
17 specific lobbying contact or contacts were made,
18 shall be considered to have made the same lob-
19 bying contact at the same time and in the same
20 manner to the covered executive branch official
21 or covered legislative branch official involved.”.

1 **SEC. 7202. REQUIRING LOBBYISTS TO DISCLOSE STATUS AS**
2 **LOBBYISTS UPON MAKING ANY LOBBYING**
3 **CONTACTS.**

4 Section 14 of the Lobbying Disclosure Act of 1995
5 (2 U.S.C. 1609) is amended—

6 (1) by striking subsections (a) and (b) and in-
7 serting the following:

8 “(a) **REQUIRING IDENTIFICATION AT TIME OF LOB-**
9 **BYING CONTACT.**—Any person or entity that makes a lob-
10 bying contact with a covered legislative branch official or
11 a covered executive branch official shall, at the time of
12 the lobbying contact—

13 “(1) indicate whether the person or entity is
14 registered under this chapter and identify the client
15 on whose behalf the lobbying contact is made; and

16 “(2) indicate whether such client is a foreign
17 entity and identify any foreign entity required to be
18 disclosed under section 4(b)(4) that has a direct in-
19 terest in the outcome of the lobbying activity.”; and

20 (2) by redesignating subsection (c) as sub-
21 section (b).

22 **Subtitle D—Recusal of Presidential**
23 **Appointees**

24 **SEC. 7301. RECUSAL OF APPOINTEES.**

25 Section 208 of title 18, United States Code, is
26 amended by adding at the end the following:

1 “(e)(1) Any officer or employee appointed by the
2 President shall recuse himself or herself from any par-
3 ticular matter involving specific parties in which a party
4 to that matter is—

5 “(A) the President who appointed the officer or
6 employee, which shall include any entity in which the
7 President has a substantial interest; or

8 “(B) the spouse of the President who appointed
9 the officer or employee, which shall include any enti-
10 ty in which the spouse of the President has a sub-
11 stantial interest.

12 “(2)(A) Subject to subparagraph (B), if an officer or
13 employee is recused under paragraph (1), a career ap-
14 pointee in the agency of the officer or employee shall per-
15 form the functions and duties of the officer or employee
16 with respect to the matter.

17 “(B)(i) In this subparagraph, the term ‘Com-
18 mission’ means a board, commission, or other agen-
19 cy for which the authority of the agency is vested in
20 more than 1 member.

21 “(ii) If the recusal of a member of a Com-
22 mission from a matter under paragraph (1)
23 would result in there not being a statutorily re-
24 quired quorum of members of the Commission
25 available to participate in the matter, notwith-

1 standing such statute or any other provision of
2 law, the members of the Commission not
3 recused under paragraph (1) may—

4 “(I) consider the matter without re-
5 gard to the quorum requirement under
6 such statute;

7 “(II) delegate the authorities and re-
8 sponsibilities of the Commission with re-
9 spect to the matter to a subcommittee of
10 the Commission; or

11 “(III) designate an officer or em-
12 ployee of the Commission who was not ap-
13 pointed by the President who appointed
14 the member of the Commission recused
15 from the matter to exercise the authorities
16 and duties of the recused member with re-
17 spect to the matter.

18 “(3) Any officer or employee who violates paragraph
19 (1) shall be subject to the penalties set forth in section
20 216.

21 “(4) For purposes of this section, the term ‘particular
22 matter’ shall have the meaning given the term in section
23 207(i).”.

1 **Subtitle E—Clearinghouse on**
2 **Lobbying Information**

3 **SEC. 7401. ESTABLISHMENT OF CLEARINGHOUSE.**

4 (a) **ESTABLISHMENT.**—The Attorney General shall
5 establish and operate within the Department of Justice
6 a clearinghouse through which members of the public may
7 obtain copies (including in electronic form) of registration
8 statements filed under the Lobbying Disclosure Act of
9 1995 (2 U.S.C. 1601 et seq.) and the Foreign Agents Reg-
10 istration Act of 1938, as amended (22 U.S.C. 611 et seq.).

11 (b) **FORMAT.**—The Attorney General shall ensure
12 that the information in the clearinghouse established
13 under this Act is maintained in a searchable and sortable
14 format.

15 (c) **AGREEMENTS WITH CLERK OF HOUSE AND SEC-**
16 **RETARY OF THE SENATE.**—The Attorney General shall
17 enter into such agreements with the Clerk of the House
18 of Representatives and the Secretary of the Senate as may
19 be necessary for the Attorney General to obtain registra-
20 tion statements filed with the Clerk and the Secretary
21 under the Lobbying Disclosure Act of 1995 for inclusion
22 in the clearinghouse.

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,
8 retirement, group life, health or accident insurance,
9 profit-sharing, stock bonus, or other employee wel-
10 fare or benefit plan that makes payment of any por-
11 tion of compensation contingent on accepting a posi-
12 tion in the United States Government shall not be
13 considered bona fide.”.

14 **SEC. 8003. REQUIREMENTS RELATING TO SLOWING THE RE-**
15 **VOLVING DOOR.**

16 (a) IN GENERAL.—The Ethics in Government Act of
17 1978 (5 U.S.C. App.) is amended by adding at the end
18 the following:

19 **“TITLE VI—ENHANCED RE-**
20 **QUIREMENTS FOR CERTAIN**
21 **EMPLOYEES**

22 **“SEC. 601. DEFINITIONS.**

23 “In this title:

24 “(1) COVERED AGENCY.—The term ‘covered
25 agency’—

1 “(A) means an Executive agency, as de-
2 fined in section 105 of title 5, United States
3 Code, the Postal Service and the Postal Rate
4 Commission, but does not include the Govern-
5 ment Accountability Office or the Government
6 of the District of Columbia; and

7 “(B) shall include the Executive Office of
8 the President.

9 “(2) COVERED EMPLOYEE.—The term ‘covered
10 employee’ means an officer or employee referred to
11 in paragraph (2) of section 207(c) or paragraph (1)
12 of section 207(d) of title 18, United States Code.

13 “(3) DIRECTOR.—The term ‘Director’ means
14 the Director of the Office of Government Ethics.

15 “(4) EXECUTIVE BRANCH.—The term ‘execu-
16 tive branch’ has the meaning given that term in sec-
17 tion 109.

18 “(5) FORMER CLIENT.—The term ‘former cli-
19 ent’—

20 “(A) means a person for whom a covered
21 employee served personally as an agent, attor-
22 ney, or consultant during the 2-year period end-
23 ing on the date before the date on which the
24 covered employee begins service in the Federal
25 Government; and

1 “(B) does not include any agency or in-
2 strumentality of the Federal Government.

3 “(6) FORMER EMPLOYER.—The term ‘former
4 employer’—

5 “(A) means a person for whom a covered
6 employee served as an employee, officer, direc-
7 tor, trustee, agent, attorney, consultant, or con-
8 tractor during the 2 year period ending on the
9 date before the date on which the covered em-
10 ployee begins service in the Federal Govern-
11 ment; and

12 “(B) does not include—

13 “(i) an entity in the Federal Govern-
14 ment, including an executive branch agen-
15 cy;

16 “(ii) a State or local government;

17 “(iii) the District of Columbia;

18 “(iv) an Indian tribe, as defined in
19 section 4 of the Indian Self-Determination
20 and Education Assistance Act (25 U.S.C.
21 5304); or

22 “(v) the government of a territory or
23 possession of the United States.

1 “(7) PARTICULAR MATTER.—The term ‘par-
2 ticular matter’ has the meaning given that term in
3 section 207(i) of title 18, United States Code.

4 **“SEC. 602. CONFLICT OF INTEREST AND ELIGIBILITY**
5 **STANDARDS.**

6 “(a) IN GENERAL.—A covered employee may not
7 participate personally and substantially in a particular
8 matter in which the covered employee knows or reasonably
9 should have known that a former employer or former cli-
10 ent of the covered employee has a financial interest.

11 “(b) WAIVER.—

12 “(1) IN GENERAL.—

13 “(A) AGENCY HEADS.—With respect to the
14 head of a covered agency who is a covered em-
15 ployee, the Designated Agency Ethics Official
16 for the Executive Office of the President, in
17 consultation with the Director, may grant a
18 written waiver of the restrictions under sub-
19 section (a) before the head engages in the ac-
20 tion otherwise prohibited by such subsection if
21 the Designated Agency Ethics Official for the
22 Executive Office of the President determines
23 and certifies in writing that, in light of all the
24 relevant circumstances, the interest of the Fed-
25 eral Government in the head’s participation

1 outweighs the concern that a reasonable person
2 may question the integrity of the agency's pro-
3 grams or operations.

4 “(B) OTHER COVERED EMPLOYEES.—With
5 respect to any covered employee not covered by
6 subparagraph (A), the head of the covered
7 agency employing the covered employee, in con-
8 sultation with the Director, may grant a written
9 waiver of the restrictions under subsection (a)
10 before the covered employee engages in the ac-
11 tion otherwise prohibited by such subsection if
12 the head of the covered agency determines and
13 certifies in writing that, in light of all the rel-
14 evant circumstances, the interest of the Federal
15 Government in the covered employee's partici-
16 pation outweighs the concern that a reasonable
17 person may question the integrity of the agen-
18 cy's programs or operations.

19 “(2) PUBLICATION.—For any waiver granted
20 under paragraph (1), the individual who granted the
21 waiver shall—

22 “(A) provide a copy of the waiver to the
23 Director not less than 48 hours after the waiver
24 is granted; and

1 “(B) publish the waiver on the website of
2 the applicable agency within 30 calendar days
3 after granting such waiver.

4 “(3) REVIEW.—Upon receiving a written waiver
5 under paragraph (1)(A), the Director shall—

6 “(A) review the waiver to determine wheth-
7 er the Director has any objection to the
8 issuance of the waiver; and

9 “(B) if the Director so objects—

10 “(i) provide reasons for the objection
11 in writing to the head of the agency who
12 granted the waiver not less than 15 cal-
13 endar days after the waiver was granted;
14 and

15 “(ii) publish the written objection on
16 the website of the Office of Government
17 Ethics not less than 30 calendar days after
18 the waiver was granted.

19 **“SEC. 603. PENALTIES AND INJUNCTIONS.**

20 “(a) CRIMINAL PENALTIES.—

21 “(1) IN GENERAL.—Any person who violates
22 section 602 shall be fined under title 18, United
23 States Code, imprisoned for not more than 1 year,
24 or both.

1 “(2) WILLFUL VIOLATIONS.—Any person who
2 willfully violates section 602 shall be fined under
3 title 18, United States Code, imprisoned for not
4 more than 5 years, or both.

5 “(b) CIVIL ENFORCEMENT.—

6 “(1) IN GENERAL.—The Attorney General may
7 bring a civil action in an appropriate district court
8 of the United States against any person who vio-
9 lates, or whom the Attorney General has reason to
10 believe is engaging in conduct that violates, section
11 602.

12 “(2) CIVIL PENALTY.—

13 “(A) IN GENERAL.—If the court finds by
14 a preponderance of the evidence that a person
15 violated section 602, the court shall impose a
16 civil penalty of not more than the greater of—

17 “(i) \$100,000 for each violation; or

18 “(ii) the amount of compensation the
19 person received or was offered for the con-
20 duct constituting the violation.

21 “(B) RULE OF CONSTRUCTION.—A civil
22 penalty under this subsection may be in addi-
23 tion to any other criminal or civil statutory,
24 common law, or administrative remedy available
25 to the United States or any other person.

1 “(3) INJUNCTIVE RELIEF.—

2 “(A) IN GENERAL.—In a civil action
3 brought under paragraph (1) against a person,
4 the Attorney General may petition the court for
5 an order prohibiting the person from engaging
6 in conduct that violates section 602.

7 “(B) STANDARD.—The court may issue an
8 order under subparagraph (A) if the court finds
9 by a preponderance of the evidence that the
10 conduct of the person violates section 602.

11 “(C) RULE OF CONSTRUCTION.—The filing
12 of a petition seeking injunctive relief under this
13 paragraph shall not preclude any other remedy
14 that is available by law to the United States or
15 any other person.”.

16 **SEC. 8004. PROHIBITION OF PROCUREMENT OFFICERS AC-**
17 **CEPTING EMPLOYMENT FROM GOVERNMENT**
18 **CONTRACTORS.**

19 (a) EXPANSION OF PROHIBITION ON ACCEPTANCE
20 BY FORMER OFFICIALS OF COMPENSATION FROM CON-
21 TRACTORS.—Section 2104 of title 41, United States Code,
22 is amended—

23 (1) in subsection (a)—

24 (A) in the matter preceding paragraph

25 (1)—

1 (i) by striking “or consultant” and in-
2 serting “attorney, consultant, subcon-
3 tractor, or lobbyist”; and

4 (ii) by striking “one year” and insert-
5 ing “2 years”; and

6 (B) in paragraph (3), by striking “person-
7 ally made for the Federal agency” and inserting
8 “participated personally and substantially in”;
9 and
10 (2) by striking subsection (b) and inserting the
11 following:

12 “(b) PROHIBITION ON COMPENSATION FROM AFFILI-
13 ATES AND SUBCONTRACTORS.—A former official respon-
14 sible for a Government contract referred to in paragraph
15 (1), (2), or (3) of subsection (a) may not accept compensa-
16 tion for 2 years after awarding the contract from any divi-
17 sion, affiliate, or subcontractor of the contractor.”.

18 (b) REQUIREMENT FOR PROCUREMENT OFFICERS TO
19 DISCLOSE JOB OFFERS MADE ON BEHALF OF REL-
20 ATIVES.—Section 2103(a) of title 41, United States Code,
21 is amended in the matter preceding paragraph (1) by in-
22 serting after “that official” the following: “, or for a rel-
23 ative (as defined in section 3110 of title 5) of that offi-
24 cial,”.

1 (c) REQUIREMENT ON AWARD OF GOVERNMENT
2 CONTRACTS TO FORMER EMPLOYERS.—

3 (1) IN GENERAL.—Chapter 21 of division B of
4 subtitle I of title 41, United States Code, is amend-
5 ed by adding at the end the following new section:

6 **“§ 2108. Prohibition on involvement by certain**
7 **former contractor employees in procure-**
8 **ments**

9 “An employee of the Federal Government may not
10 participate personally and substantially in any award of
11 a contract to, or the administration of a contract awarded
12 to, a contractor that is a former employer of the employee
13 during the 2-year period beginning on the date on which
14 the employee leaves the employment of the contractor.”.

15 (2) TECHNICAL AND CONFORMING AMEND-
16 MENT.—The table of sections for chapter 21 of title
17 41, United States Code, is amended by adding at
18 the end the following new item:

“2108. Prohibition on involvement by certain former contractor employees
in procurements.”.

19 (d) REGULATIONS.—The Director of the Office of
20 Government Ethics, in consultation with the Adminis-
21 trator of General Services, shall promulgate regulations to
22 carry out and ensure the enforcement of chapter 21 of
23 title 41, United States Code, as amended by this section.

1 (e) MONITORING AND COMPLIANCE.—The Adminis-
2 trator of General Services, in consultation with designated
3 agency ethics officials (as that term is defined in section
4 109(3) of the Ethics in Government Act of 1978 (5 U.S.C.
5 App.)), shall monitor compliance with such chapter 21 by
6 individuals and agencies.

7 **SEC. 8005. REVOLVING DOOR RESTRICTIONS ON EMPLOY-**
8 **EES MOVING INTO THE PRIVATE SECTOR.**

9 (a) IN GENERAL.—Subsection (c) of section 207 of
10 title 18, United States Code, is amended—

11 (1) in the subsection heading, by striking
12 “ONE-YEAR” and inserting “TWO-YEAR”;

13 (2) in paragraph (1)—

14 (A) by striking “1 year” in each instance
15 and inserting “2 years”; and

16 (B) by inserting “, or conducts any lob-
17 bing activity to facilitate any communication
18 to or appearance before,” after “any commu-
19 nication to or appearance before”; and

20 (3) in paragraph (2)(B), by striking “1-year”
21 and inserting “2-year”.

22 (b) APPLICATION.—The amendments made by sub-
23 section (a) shall apply to any individual covered by sub-
24 section (c) of section 207 of title 18, United States Code,

1 separating from the civil service on or after the date of
2 enactment of this Act.

3 **SEC. 8006. GUIDANCE ON UNPAID EMPLOYEES.**

4 (a) IN GENERAL.—Not later than 120 days after the
5 date of enactment of this Act, the Director of the Office
6 of Government Ethics shall issue guidance on ethical
7 standards applicable to unpaid employees of an agency.

8 (b) DEFINITIONS.—In this section—

9 (1) the term “agency” includes the Executive
10 Office of the President and the White House; and

11 (2) the term “unpaid employee” includes any
12 individual occupying a position at an agency and
13 who is unpaid by operation of section 3110 of title
14 5, United States Code, or any other provision of law,
15 but does not include any employee who is unpaid
16 due to a lapse in appropriations.

17 **SEC. 8007. LIMITATION ON USE OF FEDERAL FUNDS AND**
18 **CONTRACTING AT BUSINESSES OWNED BY**
19 **CERTAIN GOVERNMENT OFFICERS AND EM-**
20 **PLOYEES.**

21 (a) LIMITATION ON FEDERAL FUNDS.—Beginning in
22 fiscal year 2020 and in each fiscal year thereafter, no Fed-
23 eral funds may be obligated or expended for purposes of
24 procuring goods or services at any business owned or con-
25 trolled by a covered individual or any family member of

1 such an individual, unless such obligation or expenditure
2 of funds is necessary for the security of a covered indi-
3 vidual or family member.

4 (b) PROHIBITION ON CONTRACTS.—No federal agen-
5 cy may enter into a contract with a business owned or
6 controlled by a covered individual or any family member
7 of such an individual.

8 (c) DETERMINATION OF OWNERSHIP.—For purposes
9 of this section, a business shall be deemed to be owned
10 or controlled by a covered individual or any family member
11 of such an individual if the covered individual or member
12 of family (as the case may be)—

13 (1) is a member of the board of directors or
14 similar governing body of the business; or

15 (2) directly or indirectly owns or controls 51
16 percent or more of the voting shares of the business.

17 (d) DEFINITIONS.—In this section:

18 (1) COVERED INDIVIDUAL.—The term “covered
19 individual” means—

20 (A) the President;

21 (B) the Vice President;

22 (C) the head of any Executive department

23 (as that term is defined in section 101 of title

24 5, United States Code); and

1 (D) any individual occupying a position
2 designated by the President as a Cabinet-level
3 position.

4 (2) FAMILY MEMBER.—The term “family mem-
5 ber” means an individual with any of the following
6 relationships to a covered individual:

7 (A) Spouse, and parents thereof.

8 (B) Sons and daughters, and spouses
9 thereof.

10 (C) Parents, and spouses thereof.

11 (D) Brothers and sisters, and spouses
12 thereof.

13 (E) Grandparents and grandchildren, and
14 spouses thereof.

15 (F) Domestic partner and parents thereof,
16 including domestic partners of any individual in
17 paragraphs (2) through (5).

18 (3) FEDERAL AGENCY.—The term “federal
19 agency” has the meaning given that term in section
20 102 of title 40, United States Code.

21 **Subtitle B—Presidential Conflicts** 22 **of Interest**

23 **SEC. 8101. SHORT TITLE.**

24 This subtitle may be cited as the “Presidential Con-
25 flicts of Interest Act of 2019”.

1 **SEC. 8102. DIVESTITURE OF PERSONAL FINANCIAL INTER-**
2 **ESTS OF THE PRESIDENT AND VICE PRESI-**
3 **DENT THAT POSE A POTENTIAL CONFLICT OF**
4 **INTEREST.**

5 (a) IN GENERAL.—The Ethics in Government Act of
6 1978 (5 U.S.C. App.) is amended by adding after title
7 VI (as added by section 8003) the following:

8 **“TITLE VII—DIVESTITURE OF FI-**
9 **NANCIAL CONFLICTS OF IN-**
10 **TERESTS OF THE PRESIDENT**
11 **AND VICE PRESIDENT**

12 **“SEC. 701. DIVESTITURE OF FINANCIAL INTERESTS POSING**
13 **A CONFLICT OF INTEREST.**

14 “The President and Vice-President shall, within 30
15 days of assuming office, divest of all financial interests
16 that pose a conflict of interest because the President or
17 Vice President, the spouse, dependent child, or general
18 partner of the President or Vice President, or any person
19 or organization with whom the President or Vice President
20 is negotiating or has any arrangement concerning prospec-
21 tive employment, has a financial interest, by—

22 “(1) converting each such interest to cash or
23 other investment that meets the criteria established
24 by the Director of the Office of Government Ethics
25 through regulation as being an interest so remote or
26 inconsequential as not to pose a conflict; or

1 “(2) placing each such interest in a qualified
2 blind trust as defined in section 102(f)(3) or a diver-
3 sified trust under section 102(f)(4)(B).”.

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 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. 8103. 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. 8104. 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, or a Member of Congress.”.

1 **SEC. 8105. 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 “lobbying activity” has the mean-
18 ing given that term in section 3 of the Lobbying
19 Disclosure Act of 1995 (2 U.S.C. 1602);

20 (4) the term “officer or employee” means—

21 (A) an officer (as that term is defined in
22 section 2104 of title 5, United States Code) or
23 employee (as that term is defined in section
24 2105 of such title) of the executive branch of
25 the Government;

1 (B) the Vice President; and

2 (C) the President; and

3 (5) the term “relative” has the meaning given
4 that term in section 3110 of title 5, United States
5 Code.

6 (b) LEGAL DEFENSE FUNDS.—An officer or em-
7 ployee may not accept or use any gift or donation for the
8 payment or reimbursement of legal fees or expenses in-
9 curred in investigative, civil, criminal, or other legal pro-
10 ceedings relating to or arising by virtue of the officer or
11 employee’s service as an officer or employee, as defined
12 in this section, or as an employee, contractor, consultant
13 or volunteer of the campaign of the President or Vice
14 President except through a legal defense fund that is cer-
15 tified by the Director of the Office of Government Ethics.

16 (c) LIMITS ON GIFTS AND DONATIONS.—Not later
17 than 120 days after the date of the enactment of this Act,
18 the Director shall promulgate regulations establishing lim-
19 its with respect to gifts and donations described in sub-
20 section (b), which shall, at a minimum—

21 (1) prohibit the receipt of any gift or donation
22 described in subsection (b)—

23 (A) from a single contributor (other than
24 a relative of the officer or employee) in a total

1 amount of more than \$5,000 during any cal-
2 endar year;

3 (B) from a registered lobbyist;

4 (C) from a foreign government or an agent
5 of a foreign principal;

6 (D) from a State government or an agent
7 of a State government;

8 (E) from any person seeking official action
9 from, or seeking to do or doing business with,
10 the agency employing the officer or employee;

11 (F) from any person conducting activities
12 regulated by the agency employing the officer
13 or employee;

14 (G) from any person whose interests may
15 be substantially affected by the performance or
16 nonperformance of the official duties of the offi-
17 cer or employee;

18 (H) from an officer or employee of the ex-
19 ecutive branch;

20 (I) from any organization a majority of
21 whose members are described in (A)–(H); or

22 (J) require that a legal defense fund, in
23 order to be certified by the Director only permit
24 distributions to the officer or employee.

25 (d) WRITTEN NOTICE.—

1 (1) IN GENERAL.—An officer or employee who
2 wishes to accept funds or have a representative ac-
3 cept funds from a legal defense fund shall first en-
4 sure that the proposed trustee of the legal defense
5 fund submits to the Director the following informa-
6 tion:

7 (A) The name and contact information for
8 any proposed trustee of the legal defense fund.

9 (B) A copy of any proposed trust docu-
10 ment for the legal defense fund.

11 (C) The nature of the legal proceeding (or
12 proceedings), investigation or other matter
13 which give rise to the establishment of the legal
14 defense fund.

15 (D) An acknowledgment signed by the offi-
16 cer or employee and the trustee indicating that
17 they will be bound by the regulations and limi-
18 tation under this section.

19 (2) APPROVAL.—An officer or employee may
20 not accept any gift or donation to pay, or to reim-
21 burse any person for, fees or expenses described in
22 subsection (b) of this section except through a legal
23 defense fund that has been certified in writing by
24 the Director following that office's receipt and ap-

1 proval of the information submitted under para-
2 graph (1) and approval of the structure of the fund.

3 (e) REPORTING.—

4 (1) IN GENERAL.—An officer or employee who
5 establishes a legal defense fund may not directly or
6 indirectly accept distributions from a legal defense
7 fund unless the fund has provided the Director a
8 quarterly report for each quarter of every calendar
9 year since the establishment of the legal defense
10 fund that discloses, with respect to the quarter cov-
11 ered by the report—

12 (A) the source and amount of each con-
13 tribution to the legal defense fund; and

14 (B) the amount, recipient, and purpose of
15 each expenditure from the legal defense fund,
16 including all distributions from the trust for
17 any purpose.

18 (2) PUBLIC AVAILABILITY.—The Director shall
19 make publicly available online—

20 (A) each report submitted under para-
21 graph (1) in a searchable, sortable, and
22 downloadable form;

23 (B) each trust agreement and any amend-
24 ment thereto;

1 (C) the written notice and acknowledgment
2 required by subsection (d); and

3 (D) the Director's written certification of
4 the legal defense fund.

5 (f) RECUSAL.—An officer or employee, other than the
6 President and the Vice President, who is the beneficiary
7 of a legal defense fund may not participate personally and
8 substantially in any particular matter in which the officer
9 or employee knows a donor of any source of a gift or dona-
10 tion to the legal defense fund established for the officer
11 or employee has a financial interest, for a period of two
12 years from the date of the most recent gift or donation
13 to the legal defense fund.

14 **Subtitle C—White House Ethics**
15 **Transparency**

16 **SEC. 8201. SHORT TITLE.**

17 This subtitle may be cited as the “White House Eth-
18 ics Transparency Act of 2019”.

19 **SEC. 8202. PROCEDURE FOR WAIVERS AND AUTHORIZA-**
20 **TIONS RELATING TO ETHICS REQUIREMENTS.**

21 (a) IN GENERAL.—Notwithstanding any other provi-
22 sion of law, not later than 30 days after an officer or em-
23 ployee issues or approves a waiver or authorization with
24 respect to a covered employee pursuant to section 3 of Ex-
25 ecutive Order 13770 (82 Fed. Reg. 9333; relating to eth-

1 ics commitments by executive branch appointees), or any
2 subsequent similar order, such officer or employee shall—

3 (1) transmit a written copy of the waiver or au-
4 thorization to the Director of the Office of Govern-
5 ment Ethics; and

6 (2) make a written copy of the waiver or au-
7 thorization available to the public on the website of
8 the agency that employs the covered employee.

9 (b) **RETROACTIVE APPLICATION.**—In the case of a
10 waiver or authorization described in subsection (a) issued
11 during the period beginning on January 20, 2017, and
12 ending on the date of enactment of this Act, the issuing
13 officer or employee of the waiver or authorization shall
14 comply with the requirements of paragraphs (1) and (2)
15 of that subsection not later than 30 days after the date
16 of enactment of this Act.

17 (c) **OFFICE OF GOVERNMENT ETHICS PUBLIC AVAIL-**
18 **ABILITY.**—Not later than 30 days after receiving a written
19 copy of a waiver or authorization under subsection (a)(1),
20 the Director of the Office of Government Ethics shall
21 make the waiver or authorization available to the public
22 on the website of the Office of Government Ethics.

23 (d) **REPORT TO CONGRESS.**—Not later than 45 days
24 after the date of enactment of this Act, the Director of
25 the Office of Government Ethics shall submit a report to

1 Congress on the impact of the application of subsection
2 (b), including the name of any individual who received a
3 waiver or authorization described in subsection (a) and
4 who, by operation of subsection (b), submitted the infor-
5 mation required by such subsection.

6 (e) DEFINITION OF COVERED EMPLOYEE.—In this
7 section, the term “covered employee”—

8 (1) means—

9 (A) a noncareer appointee appointed by
10 the President or Vice President;

11 (B) a noncareer appointee in the Senior
12 Executive Service (or any other system similar
13 to the Senior Executive Service); or

14 (C) an appointee to a position that has
15 been excepted from the competitive service by
16 reason of being of a confidential or policy-
17 making character in an executive agency, in-
18 cluding a position under schedule C of subpart
19 C of part 213 of title 5, Code of Federal Regu-
20 lations, and any other position excepted under
21 comparable criteria; and

22 (2) does not include any individual appointed as
23 a member of the Senior Foreign Service or solely as
24 a uniformed service commissioned officer.

1 **Subtitle D—Executive Branch**
2 **Ethics Enforcement**

3 **SEC. 8301. SHORT TITLE.**

4 This subtitle may be cited as the “Executive Branch
5 Comprehensive Ethics Enforcement Act of 2019”.

6 **SEC. 8302. 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 2019 through 2023.”.

11 **SEC. 8303. 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 1 year after the date on which the term would
21 otherwise expire under this subsection.”.

22 **SEC. 8304. 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 in

1 paragraph (1) by striking “, in consultation with the Of-
2 fice of Personnel 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 to be appropriate by
21 the Director;”;

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 semi-colon 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”;

1 (B) by striking “the need for changes in”;

2 and

3 (C) by striking “conflict of interest and
4 ethical problems” and inserting “conflict of in-
5 terest and ethics issues”;

6 (9) in paragraph (13)—

7 (A) by striking “with the Attorney Gen-
8 eral” and inserting “with the Inspectors Gen-
9 eral and the Attorney General”;

10 (B) by striking “violations of the conflict
11 of interest laws” and inserting “conflict of in-
12 terest issues and allegations of violations of eth-
13 ics laws and regulations and this Act”; and

14 (C) by striking “, as required by section
15 535 of title 28, United States Code”;

16 (10) in paragraph (14), by striking “and” at
17 the end;

18 (11) in paragraph (15)—

19 (A) by striking “, in consultation with the
20 Office of Personnel Management,”;

21 (B) by striking “title II” and inserting
22 “title I”; and

23 (C) by striking the period at the end and
24 inserting a semicolon; and

25 (12) by adding at the end the following:

1 “(16) directing and providing final approval,
2 when determined appropriate by the Director, for
3 designated agency ethics officials regarding the reso-
4 lution of conflicts of interest as well as any other
5 ethics issues under the purview of this Act in indi-
6 vidual cases; and

7 “(17) reviewing and approving, when deter-
8 mined appropriate by the Director, any recusals, ex-
9 emptions, or waivers from the conflicts of interest
10 and ethics laws, rules, and regulations and making
11 approved recusals, exemptions, and waivers made
12 publicly available by the relevant agency available in
13 a central location on the official website of the Office
14 of Government Ethics.”.

15 (c) WRITTEN PROCEDURES.—Paragraph (1) of sec-
16 tion 402(d) of the Ethics in Government Act of 1978 (5
17 U.S.C. App.) is amended—

18 (1) by striking “, by the exercise of any author-
19 ity otherwise available to the Director under this
20 title,”;

21 (2) by striking “the agency is”; and

22 (3) by inserting after “filed by” the following:
23 “, or written documentation of recusals, waivers, or
24 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 at
8 the end “and determine that a violation of this
9 Act has occurred and issue appropriate admin-
10 istrative or legal remedies as prescribed in para-
11 graph (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”;

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 clause (iii)(II)—

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”;

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 (IV) by striking “; and” and in-
25 serting a period; and

1 (iii) by striking clause (iv);

2 (B) in subparagraph (B)—

3 (i) in clause (i)—

4 (I) by striking “subparagraph
5 (A)(iii) or (iv)” and inserting “sub-
6 paragraph (A)”;

7 (II) by inserting “(I)” before “In
8 order to”; and

9 (III) by adding at the end the
10 following:

11 “(II)(aa) The Director may secure directly
12 from any agency information necessary to en-
13 able the Director to carry out this Act. Upon
14 request of the Director, the head of such agency
15 shall furnish that information to the Director.

16 “(bb) The Director may require by sub-
17 poena the production of all information, docu-
18 ments, reports, answers, records, accounts, pa-
19 pers, and other data in any medium and docu-
20 mentary evidence necessary in the performance
21 of the functions assigned by this Act, which
22 subpoena, in the case of refusal to obey, shall
23 be enforceable by order of any appropriate
24 United States district court.”;

25 (ii) in clause (ii)(I)—

1 (I) by striking “Subject to clause
2 (iv) of this subparagraph, before” and
3 inserting “Before”; and

4 (II) by striking “subparagraphs
5 (A) (iii) or (iv)” and inserting “sub-
6 paragraph (A)(iii)”;

7 (iii) in clause (iii), by striking “Sub-
8 ject to clause (iv) of this subparagraph, be-
9 fore” and inserting “Before”; and
10 (iv) in clause (iv)—

11 (I) by striking “title 2” and in-
12 serting “title I”; and

13 (II) by striking “section 206”
14 and inserting “section 106”; and

15 (3) in paragraph (4), by striking “paragraphs
16 (2)(A)(ii), (iii), (iv) and (3)(B)” and inserting
17 “clauses (ii) and (iii) of paragraph (2)(A) and para-
18 graph (3)(B)”.

19 (e) DEFINITIONS.—Section 402 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 “(g) For purposes of this title—

23 “(1) the term ‘agency’ shall include the Execu-
24 tive Office of the President; and

1 “(2) the term ‘officer or employee’ shall include
2 any individual occupying a position, providing any
3 official services, or acting in an advisory capacity, in
4 the White House or the Executive Office of the
5 President.

6 “(h) In this title, a reference to the head of an agency
7 shall include the President or the President’s designee.

8 “(i) The Director shall not be required to obtain the
9 prior approval, comment, or review of any officer or agen-
10 cy of the United States, including the Office of Manage-
11 ment and Budget, before submitting to Congress, or any
12 committee or subcommittee thereof, any information, re-
13 ports, recommendations, testimony, or comments, if such
14 submissions include a statement indicating that the views
15 expressed therein are those of the Director and do not nec-
16 essarily represent the views of the President.”.

17 **SEC. 8305. AGENCY ETHICS OFFICIALS TRAINING AND DU-**
18 **TIES.**

19 (a) IN GENERAL.—Section 403 of the Ethics in Gov-
20 ernment Act of 1978 (5 U.S.C. App.) is amended—

21 (1) in subsection (a), by adding a period at the
22 end of the matter following paragraph (2); and

23 (2) by adding at the end the following:

24 “(c)(1) All designated agency ethics officials and al-
25 ternate designated agency ethics officials shall register

1 with the Director as well as with the appointing authority
2 of the official.

3 “(2) The Director shall provide ethics education and
4 training to all designated and alternate designated agency
5 ethics officials in a time and manner determined to be ap-
6 propriate by the Director.

7 “(3) Each designated agency ethics official and each
8 alternate designated agency ethics official shall biannually
9 attend ethics education and training, as provided by the
10 Director under paragraph (2).

11 “(d) Each designated agency ethics official, including
12 the designated agency ethics official for the Executive Of-
13 fice of the President—

14 “(1) shall provide to the Director, in writing, in
15 a searchable, sortable, and downloadable format all
16 approvals, authorizations, certifications, compliance
17 reviews, determinations, directed divestitures, public
18 financial disclosure reports, notices of deficiency in
19 compliance, records related to the approval or ac-
20 ceptance of gifts, recusals, regulatory or statutory
21 advisory opinions, waivers, including waivers under
22 section 207 or 208 of title 18, United States Code,
23 and any other records designated by the Director,
24 unless disclosure is prohibited by law;

1 “(2) shall, for all information described in para-
2 graph (1) that is permitted to be disclosed to the
3 public under law, make the information available to
4 the public by—

5 “(A) publishing the information on the
6 website of the Office of Government Ethics;

7 “(B) providing a link to download an elec-
8 tronic copy of the information; or

9 “(C) providing printed paper copies of
10 such information to the public; and

11 “(3) may charge a reasonable fee for the cost
12 of providing paper copies of the information pursu-
13 ant to paragraph (2).

14 “(e)(1) For all information that is provided by an
15 agency to the Director under subsection (d)(1), the Direc-
16 tor shall make the information available to the public in
17 a searchable, sortable, downloadable format by publishing
18 the information on the website of the Office of Govern-
19 ment Ethics or providing a link to download an electronic
20 copy of the information.

21 “(2) The Director may, upon request, provide printed
22 paper copies of the information published under para-
23 graph (1) and charge a reasonable fee for the cost of print-
24 ing such copies.”.

1 (b) REPEAL.—Section 408 of the Ethics in Govern-
2 ment Act of 1978 (5 U.S.C. App.) is hereby repealed.

3 **SEC. 8306. PROHIBITION ON USE OF FUNDS FOR CERTAIN**
4 **FEDERAL EMPLOYEE TRAVEL IN CON-**
5 **TRAVENTION OF CERTAIN REGULATIONS.**

6 (a) IN GENERAL.—Beginning on the date of enact-
7 ment of this Act, no Federal funds appropriated or other-
8 wise made available in any fiscal year may be used for
9 the travel expenses of any senior Federal official in con-
10 travention of sections 301–10.260 through 301–10.266 of
11 title 41, Code of Federal Regulations, or any successor
12 regulation.

13 (b) QUARTERLY REPORT ON TRAVEL.—

14 (1) IN GENERAL.—Not later than 90 days after
15 the date of enactment of this Act, and every 90 days
16 thereafter, the head of each Federal agency shall
17 submit a report to the Committee on Oversight and
18 Reform of the House of Representatives and the
19 Committee on Homeland Security and Governmental
20 Affairs of the Senate detailing travel on Government
21 aircraft by any senior Federal official employed at
22 the applicable agency.

23 (2) APPLICATION.—Any report required under
24 paragraph (1) shall not include any classified travel,
25 and nothing in this section shall be construed to su-

1 persede, alter, or otherwise affect the application of
2 section 301–70.907 of title 41, Code of Federal Reg-
3 ulations, or any successor regulation.

4 (c) TRAVEL REGULATION REPORT.—

5 (1) IN GENERAL.—Not later than 1 year after
6 the date of enactment of this Act, the Director of
7 the Office of Government Ethics shall submit a re-
8 port to Congress detailing suggestions on strength-
9 ening Federal travel regulations.

10 (2) PUBLICATION.—On the date the report
11 under paragraph (1) is submitted, the Director shall
12 publish the report on the public website of the Office
13 of Government Ethics.

14 (d) DEFINITION OF SENIOR FEDERAL OFFICIAL.—

15 In this section, the term “senior Federal official” has the
16 meaning given that term in section 300–3.1 of title 41,
17 Code of Federal Regulations, as in effect on the date of
18 enactment of this Act, and includes any senior executive
19 branch official.

20 **SEC. 8307. REPORTS ON COST OF PRESIDENTIAL TRAVEL.**

21 (a) REPORT REQUIRED.—

22 (1) IN GENERAL.—Not later than 90 days after
23 the date of enactment of this Act, and every 90 days
24 thereafter, the Secretary of Defense, in consultation
25 with the Secretary of the Air Force, shall submit to

1 the Chairman and Ranking Member of the Com-
2 mittee on Armed Services of the Senate and the
3 Chairman and Ranking Member of the Committee
4 on Armed Services of the House of Representatives
5 a report detailing the direct and indirect costs to the
6 Department of Defense in support of presidential
7 travel.

8 (2) CONTENTS.—Each report submitted under
9 paragraph (1) shall include costs incurred for travel
10 to a property owned or operated by any individual
11 serving as President or any immediate family mem-
12 ber of that individual.

13 (b) IMMEDIATE FAMILY MEMBER DEFINED.—In this
14 section, the term “immediate family member” means—

15 (1) the spouse of an individual;

16 (2) the adult or minor child of an individual; or

17 (3) the spouse of an adult child of an indi-
18 vidual.

19 **SEC. 8308. REPORTS ON COST OF SENIOR EXECUTIVE TRAV-**
20 **EL.**

21 (a) REPORTS ON SENIOR EXECUTIVE TRAVEL.—

22 (1) IN GENERAL.—Not later than 90 days after
23 the date of enactment of this Act, and every 90 days
24 thereafter, the Secretary of Defense shall submit to
25 the Chairman and Ranking Member of the Com-

1 mittee on Armed Services of the Senate and the
2 Chairman and Ranking Member of the Committee
3 on Armed Services of the House of Representatives
4 a report detailing the direct and indirect costs to the
5 Department of Defense in support of travel by sen-
6 ior executive officials on military aircraft.

7 (2) REIMBURSEMENT.—Each report submitted
8 under paragraph (1) shall include information relat-
9 ing to whether spousal travel furnished by the De-
10 partment of Defense was reimbursed to the Federal
11 Government.

12 (b) EXCEPTION.—Required use travel, as outlined in
13 Department of Defense Directive 4500.56, shall not be in-
14 cluded in reports submitted under subsection (a).

15 (c) SENIOR EXECUTIVE OFFICIAL DEFINED.—In
16 this section, the term “senior executive official” has the
17 meaning given the term “senior Federal official” in sec-
18 tion 300–3.1 of title 41, Code of Federal Regulations, as
19 in effect on the date of enactment of this Act, and includes
20 any senior executive branch official).

21 **Subtitle E—Conflicts From** 22 **Political Fundraising**

23 **SEC. 8401. SHORT TITLE.**

24 This subtitle may be cited as the “Conflicts from Po-
25 litical Fundraising Act of 2019”.

1 **SEC. 8402. 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
18 at 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

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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—

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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 in sections
4 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 those terms are defined in
13 paragraphs (5), (6), and (7), respectively,
14 of section 3132(a) of title 5, United States
15 Code; and

16 “(iv) a position in the executive
17 branch of the Government of a confidential
18 or policy-determining character under
19 schedule C of subpart C of part 213 of
20 title 5, Code of Federal Regulations; 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, any date on which the cov-
19 ered 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 confidence
13 of the public 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) ETHICS IN GOVERNMENT ACT OF 1978.—

14 The Ethics in Government Act of 1978 (5 U.S.C.
15 App.) is amended—

16 (A) in section 101(f)—

17 (i) in paragraph (9), by striking “sec-
18 tion 109(12)” and inserting “section
19 109(15)”;

20 (ii) in paragraph (10), by striking
21 “section 109(13)” and inserting “section
22 109(16)”;

23 (iii) in paragraph (11), by striking
24 “section 109(10)” and inserting “section
25 109(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) LOBBYING DISCLOSURE ACT OF 1995.—Sec-
15 tion 3(4)(D) of the Lobbying Disclosure Act of 1995
16 (2 U.S.C. 1602(4)(D)) is amended by striking “sec-
17 tion 109(13)” and inserting “section 109(16)”.

18 (3) SECURITIES EXCHANGE ACT OF 1934.—Sec-
19 tion 21A of the Securities Exchange Act of 1934 (15
20 U.S.C. 78u-1) is amended—

21 (A) in subsection (g)(2)(B)(ii), by striking
22 “section 109(11) of the Ethics in Government
23 Act of 1978 (5 U.S.C. App. 109(11))” and in-
24 serting “section 109 of the Ethics in Govern-
25 ment Act of 1978 (5 U.S.C. App.)”; and

1 (B) in subsection (h)(2)—

2 (i) in subparagraph (B), by striking
3 “section 109(8) of the Ethics in Govern-
4 ment Act of 1978 (5 U.S.C. App. 109(8))”
5 and inserting “section 109 of the Ethics in
6 Government Act of 1978 (5 U.S.C. App.)”;
7 and

8 (ii) in subparagraph (C), by striking
9 “section 109(10) of the Ethics in Govern-
10 ment Act of 1978 (5 U.S.C. App.
11 109(10))” and inserting “section 109 of
12 the Ethics in Government Act of 1978 (5
13 U.S.C. App.)”.

14 (4) PUBLIC HEALTH SERVICE ACT.—Section
15 499(j)(2) of the Public Health Service Act (42
16 U.S.C. 290b(j)(2)) is amended by striking “section
17 109(16) of the Ethics in Government Act of 1978”
18 and inserting “section 109 of the Ethics in Govern-
19 ment Act of 1978 (5 U.S.C. App.)”.

20 **Subtitle F—Transition Team Ethics**

21 **SEC. 8501. SHORT TITLE.**

22 This subtitle may be cited as the “Transition Team
23 Ethics Improvement Act”.

1 **SEC. 8502. PRESIDENTIAL TRANSITION ETHICS PROGRAMS.**

2 The Presidential Transition Act of 1963 (3 U.S.C.
3 102 note) is amended—

4 (1) in section 3(f), by adding at the end the fol-
5 lowing:

6 “(3) Not later than 10 days after submitting an ap-
7 plication for a security clearance for any individual, and
8 not later than 10 days after any such individual is granted
9 a security clearance (including an interim clearance), each
10 eligible candidate (as that term is defined in subsection
11 (h)(4)(A)) or the President-elect (as the case may be) shall
12 submit a report containing the name of such individual
13 to the Committee on Oversight and Reform of the House
14 of Representatives and the Committee on Homeland Secu-
15 rity and Governmental Affairs of the Senate.”;

16 (2) in section 4—

17 (A) in subsection (a)—

18 (i) in paragraph (3), by striking
19 “and” at the end;

20 (ii) by redesignating paragraph (4) as
21 paragraph (5); and

22 (iii) by inserting after paragraph (3)
23 the following:

24 “(4) the term ‘nonpublic information’—

25 “(A) means information from the Federal
26 Government that a transition team member ob-

1 tains as part of the employment of such mem-
2 ber that the member knows or reasonably
3 should know has not been made available to the
4 general public; and

5 “(B) includes information that has not
6 been released to the public that a transition
7 team member knows or reasonably should
8 know—

9 “(i) is exempt from disclosure under
10 section 552 of title 5, United States Code,
11 or otherwise protected from disclosure by
12 law; and

13 “(ii) is not authorized by the appro-
14 priate agency or official to be released to
15 the public; and”;

16 (B) in subsection (g)—

17 (i) in paragraph (1), by striking “No-
18 vember” and inserting “October”; and

19 (ii) by adding at the end the fol-
20 lowing:

21 “(3) ETHICS PLAN.—

22 “(A) IN GENERAL.—Each memorandum of
23 understanding under paragraph (1) shall in-
24 clude an agreement that the eligible candidate
25 will implement and enforce an ethics plan to

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1 tionals, and other foreign agents;

2 and

3 “(cc) transition team mem-
4 bers with sources of income or
5 clients that are not disclosed to
6 the public;

7 “(II) prohibit a transition team
8 member with personal financial con-
9 flicts of interest as described in sec-
10 tion 208 of title 18, United States
11 Code, from working on particular
12 matters involving specific parties that
13 affect the interests of such member;
14 and

15 “(III) address how the covered
16 eligible candidate will address their
17 own personal financial conflicts of in-
18 terest during a Presidential term if
19 the covered eligible candidate becomes
20 the President-elect;

21 “(iii) a Code of Ethical Conduct,
22 which each transition team member will
23 sign and to which each transition team
24 member will be subject to, that reflects the
25 content of the ethics plans under this para-

1 graph and at a minimum requires each
2 transition team member to—

3 “(I) seek authorization from
4 transition team leaders or their des-
5 ignees before seeking, on behalf of the
6 transition, access to any nonpublic in-
7 formation;

8 “(II) keep confidential any non-
9 public information provided in the
10 course of the duties of the member
11 with the transition and exclusively use
12 such information for the purposes of
13 the transition; and

14 “(III) not use any nonpublic in-
15 formation provided in the course of
16 transition duties, in any manner, for
17 personal or private gain for the mem-
18 ber or any other party at any time
19 during or after the transition; and

20 “(iv) a description of how the transi-
21 tion team will enforce the Code of Ethical
22 Conduct, including the names of the tran-
23 sition team members responsible for en-
24 forcement, oversight, and compliance.

1 “(C) PUBLICLY AVAILABLE.—The transi-
2 tion team shall make the ethics plan described
3 in this paragraph publicly available on the
4 website of the General Services Administration
5 the earlier of—

6 “(i) the day on which the memo-
7 randum of understanding is completed; or

8 “(ii) October 1.”; and

9 (3) in section 6(b)—

10 (A) in paragraph (1)—

11 (i) in subparagraph (A), by striking
12 “and” at the end;

13 (ii) in subparagraph (B), by striking
14 the period at the end and inserting a semi-
15 colon; and

16 (iii) by adding at the end the fol-
17 lowing:

18 “(C) a list of all positions each transition team
19 member has held outside the Federal Government
20 for the previous 12-month period, including paid and
21 unpaid positions;

22 “(D) sources of compensation for each transi-
23 tion team member exceeding \$5,000 a year for the
24 previous 12-month period;

1 “(E) a description of the role of each transition
2 team member, including a list of any policy issues
3 that the member expects to work on, and a list of
4 agencies the member expects to interact with, while
5 serving on the transition team;

6 “(F) a list of any issues from which each tran-
7 sition team member will be recused while serving as
8 a member of the transition team pursuant to the
9 transition team ethics plan described in section
10 4(g)(3); and

11 “(G) an affirmation that no transition team
12 member has a financial conflict of interest that pre-
13 cludes the member from working on the matters de-
14 scribed in subparagraph (E).”;

15 (B) in paragraph (2), by inserting “not
16 later than 2 business days” after “public”; and

17 (C) by adding at the end the following:

18 “(3) The head of a Federal department or agency,
19 or their designee, shall not permit access to the Federal
20 department or agency, or employees of such department
21 or agency, that would not be provided to a member of the
22 public for any transition team member with respect to
23 whom the disclosures listed under paragraph (1) are not
24 made.”.

1 **Subtitle G—Ethics Pledge For Sen-**
2 **ior Executive Branch Employees**

3 **SEC. 8601. SHORT TITLE.**

4 This subtitle may be cited as the “Ethics in Public
5 Service Act”.

6 **SEC. 8602. ETHICS PLEDGE REQUIREMENT FOR SENIOR EX-**
7 **ECUTIVE BRANCH EMPLOYEES.**

8 The Ethics in Government Act of 1978 (5 U.S.C.
9 App. 101 et seq.) is amended by inserting after title I the
10 following new title:

11 **“TITLE II—ETHICS PLEDGE**

12 **“SEC. 201. DEFINITIONS.**

13 “For the purposes of this title:

14 “(1) The term ‘Administration’ means all terms
15 of office of the incumbent President serving at the
16 time of the appointment of an appointee covered by
17 this title.

18 “(2) The term ‘appointee’—

19 “(A) means any noncareer Presidential or
20 Vice-Presidential appointee, noncareer ap-
21 pointee in the Senior Executive Service (or
22 other comparable system for senior-level Gov-
23 ernment employees), or appointee to a position
24 that has been excepted from the competitive
25 service by reason of being of a confidential or

1 policymaking character (Schedule C and other
2 positions excepted under comparable criteria) in
3 an executive agency; and

4 “(B) does not include any individual ap-
5 pointed as a member of the Senior Foreign
6 Service or solely as a commissioned officer of a
7 uniformed service.

8 “(3) The term ‘covered executive branch offi-
9 cial’ and ‘lobbyist’ have the meanings given those
10 terms in section 3 of the Lobbying Disclosure Act of
11 1995 (2 U.S.C. 1602).

12 “(4) The term ‘directly and substantially re-
13 lated to my former employer or former clients’
14 means matters in which the appointee’s former em-
15 ployer or a former client is a party or represents a
16 party.

17 “(5) The term ‘executive agency’—

18 “(A) has the meaning given that term in
19 section 105 of title 5, United States Code;

20 “(B) includes the Executive Office of the
21 President, the United States Postal Service,
22 and Postal Regulatory Commission; and

23 “(C) does not include the Government Ac-
24 countability Office.

25 “(6) The term ‘former client’—

1 “(A) means a person or entity for whom
2 an appointee served personally as agent, attor-
3 ney, or consultant during the 2-year period end-
4 ing on the day before the date on which the
5 covered employee begins service in the Federal
6 Government; and

7 “(B) does not include an agency or instru-
8 mentality of the Federal Government;

9 “(7) The term ‘former employer’—

10 “(A) means a person or entity for whom
11 an appointee served as an employee, officer, di-
12 rector, trustee, partner, agent, attorney, con-
13 sultant, or contractor during the 2-year period
14 ending on the date before the date on which the
15 covered employee begins service in the Federal
16 Government; and

17 “(B) does not include—

18 “(i) an agency or instrumentality of
19 the Federal Government;

20 “(ii) a State or local government;

21 “(iii) the District of Columbia;

22 “(iv) an Indian tribe, as defined in
23 section 4 of the Indian Self-Determination
24 and Education Assistance Act (25 U.S.C.
25 5304); or

1 “(v) the government of a territory or
2 possession of the United States.

3 “(8) The term ‘gift’—

4 “(A) has the meaning given that term in
5 section 2635.203(b) of title 5, Code of Federal
6 Regulations (or any successor regulation); and

7 “(B) does not include those items excluded
8 by sections 2635.204(b), (c), (e)(1), (e)(3), (j),
9 (k), and (l) of such title 5.

10 “(9) The term ‘Government official’ means any
11 employee of the executive branch.

12 “(10) The term ‘lobby’ and ‘lobbied’ mean to
13 act or have acted as a registered lobbyist.

14 “(11) The term ‘participate’ means to partici-
15 pate personally and substantially.

16 “(12) The term ‘pledge’ means the ethics
17 pledge set forth in section 202 of this title.

18 “(13) The term ‘post-employment restrictions’
19 includes the provisions and exceptions in section
20 207(c) of title 18, United States Code, and the im-
21 plementing regulations.

22 “(14) The term ‘registered lobbyist or lobbying
23 organization’ means a lobbyist or an organization fil-
24 ing a registration pursuant to section 4(a) of the
25 Lobbying Disclosure Act of 1995 (2 U.S.C.

1 1603(a)), and in the case of an organization filing
2 such a registration, ‘registered lobbyist’ includes
3 each of the lobbyists identified therein.

4 “(15) All references to provisions of law and
5 regulations shall refer to such provisions as in effect
6 on the date of enactment of this title.

7 **“SEC. 202. ETHICS PLEDGE.**

8 “Each appointee in every executive agency appointed
9 on or after the date of enactment of this title shall be
10 required to sign an ethics pledge upon appointment. The
11 pledge shall be signed and dated within 30 days of taking
12 office and shall include, at a minimum, the following ele-
13 ments:

14 “‘As a condition, and in consideration, of my employ-
15 ment in the United States Government in a position in-
16 vested with the public trust, I commit myself to the fol-
17 lowing obligations, which I understand are binding on me
18 and are enforceable under law:

19 “‘(1) Lobbyist Gift Ban.—I will not accept
20 gifts from registered lobbyists or lobbying organiza-
21 tions for the duration of my service as an appointee.

22 “‘(2) Revolving Door Ban; Entering Govern-
23 ment.—

24 “‘(A) All Appointees Entering Govern-
25 ment.—I will not, for a period of 2 years from

1 the date of my appointment, participate in any
2 particular matter involving specific party or
3 parties that is directly and substantially related
4 to my former employer or former clients, in-
5 cluding regulations and contracts.

6 “(B) Lobbyists Entering Government.—If
7 I was a registered lobbyist within the 2 years
8 before the date of my appointment, in addition
9 to abiding by the limitations of subparagraph
10 (A), I will not for a period of 2 years after the
11 date of my appointment—

12 “(i) participate in any particular
13 matter on which I lobbied within the 2
14 years before the date of my appointment;

15 “(ii) participate in the specific issue
16 area in which that particular matter falls;
17 or

18 “(iii) seek or accept employment with
19 any executive agency that I lobbied within
20 the 2 years before the date of my appoint-
21 ment.

22 “(3) Revolving Door Ban; Appointees Leaving
23 Government.—

24 “(A) All Appointees Leaving Govern-
25 ment.—If, upon my departure from the Govern-

1 ment, I am covered by the post-employment re-
2 strictions on communicating with employees of
3 my former executive agency set forth in section
4 207(c) of title 18, United States Code, I agree
5 that I will abide by those restrictions for a pe-
6 riod of 2 years following the end of my appoint-
7 ment.

8 “(B) Appointees Leaving Government to
9 Lobby.—In addition to abiding by the limita-
10 tions of subparagraph (A), I also agree, upon
11 leaving Government service, not to lobby any
12 covered executive branch official or noncareer
13 Senior Executive Service appointee for the re-
14 mainder of the Administration.

15 “(4) Employment Qualification Commit-
16 ment.—I agree that any hiring or other employment
17 decisions I make will be based on the candidate’s
18 qualifications, competence, and experience.

19 “(5) Assent to Enforcement.—I acknowledge
20 that title II of the Ethics in Government Act of
21 1978, which I have read before signing this docu-
22 ment, defines certain of the terms applicable to the
23 foregoing obligations and sets forth the methods for
24 enforcing them. I expressly accept the provisions of
25 that title as a part of this agreement and as binding

1 on me. I understand that the terms of this pledge
2 are in addition to any statutory or other legal re-
3 strictions applicable to me by virtue of Federal Gov-
4 ernment service.’”.

5 **“SEC. 203. WAIVER.**

6 “(a) The President or the President’s designee may
7 grant to any current or former appointee a written waiver
8 of any restrictions contained in the pledge signed by such
9 appointee if, and to the extent that, the President or the
10 President’s designee certifies (in writing) that, in light of
11 all the relevant circumstances, the interest of the Federal
12 Government in the employee’s participation outweighs the
13 concern that a reasonable person may question the integ-
14 rity of the agency’s programs or operations.

15 “(b) Any waiver under this section shall take effect
16 when the certification is signed by the President or the
17 President’s designee.

18 “(c) For purposes of subsection (a), the public inter-
19 est shall include exigent circumstances relating to national
20 security or to the economy. De minimis contact with an
21 executive agency shall be cause for a waiver of the restric-
22 tions contained in paragraph (2)(B) of the pledge.

23 “(d) For any waiver granted under this section, the
24 individual who granted the waiver shall—

1 “(1) provide a copy of the waiver to the Direc-
2 tor of the Office of Government Ethics not later
3 than 48 hours after the waiver is granted; and

4 “(2) publish the waiver on the website of the
5 applicable agency within 30 calendar days after
6 granting such waiver.

7 “(e) Upon receiving a written waiver under sub-
8 section (d), the Director of the Office of Government Eth-
9 ics shall—

10 “(1) review the waiver to determine whether the
11 Director has any objection to the issuance of the
12 waiver; and

13 “(2) if the Director so objects—

14 “(A) provide reasons for the objection in
15 writing to the individual who granted the waiver
16 not less than 15 calendar days after the waiver
17 was granted; and

18 “(B) publish the written objection on the
19 website of the Office of Government Ethics not
20 less than 30 calendar days after the waiver was
21 granted.

22 **“SEC. 204. ADMINISTRATION.**

23 “(a) The head of each executive agency shall, in con-
24 sultation with the Director of the Office of Government
25 Ethics, establish such rules or procedures (conforming as

1 nearly as practicable to the agency's general ethics rules
2 and procedures, including those relating to designated
3 agency ethics officers) as are necessary or appropriate to
4 ensure—

5 “(1) that every appointee in the agency signs
6 the pledge upon assuming the appointed office or
7 otherwise becoming an appointee;

8 “(2) that compliance with paragraph (2)(B) of
9 the pledge is addressed in a written ethics agree-
10 ment with each appointee to whom it applies;

11 “(3) that spousal employment issues and other
12 conflicts not expressly addressed by the pledge are
13 addressed in ethics agreements with appointees or,
14 where no such agreements are required, through eth-
15 ics counseling; and

16 “(4) compliance with this title within the agen-
17 cy.

18 “(b) With respect to the Executive Office of the
19 President, the duties set forth in subsection (a) shall be
20 the responsibility of the Counsel to the President.

21 “(c) The Director of the Office of Government Ethics
22 shall—

23 “(1) ensure that the pledge and a copy of this
24 title are made available for use by agencies in ful-
25 filling their duties under subsection (a);

1 “(2) in consultation with the Attorney General
2 or the Counsel to the President, when appropriate,
3 assist designated agency ethics officers in providing
4 advice to current or former appointees regarding the
5 application of the pledge;

6 “(3) adopt such rules or procedures as are nec-
7 essary or appropriate—

8 “(A) to carry out the responsibilities as-
9 signed by this subsection;

10 “(B) to apply the lobbyist gift ban set
11 forth in paragraph 1 of the pledge to all execu-
12 tive branch employees;

13 “(C) to authorize limited exceptions to the
14 lobbyist gift ban for circumstances that do not
15 implicate the purposes of the ban;

16 “(D) to make clear that no person shall
17 have violated the lobbyist gift ban if the person
18 properly disposes of a gift;

19 “(E) to ensure that rules and procedures
20 for Government employees engaged in negotia-
21 tions for future employment with private busi-
22 nesses that are affected by their official actions
23 do not affect the integrity of the Government’s
24 programs and operations; and

1 “(F) to ensure, in consultation with the
2 Director of the Office of Personnel Manage-
3 ment, that the requirement set forth in para-
4 graph 4 of the pledge is honored by every em-
5 ployee of the executive branch;

6 “(4) in consultation with the Director of the
7 Office of Management and Budget, report to the
8 President, the Committee on Oversight and Reform
9 of the House of Representatives, and the Committee
10 on Homeland Security and Governmental Affairs of
11 the Senate on—

12 “(A) whether full compliance is being
13 achieved with laws and regulations governing
14 executive branch procurement lobbying disclo-
15 sure;

16 “(B) steps the executive branch can take
17 to expand to the fullest extent practicable dis-
18 closure of such executive branch procurement
19 lobbying and of lobbying for presidential par-
20 dons; and

21 “(C) immediate action the executive
22 branch can take and, if necessary, recommenda-
23 tions for legislation; and

24 “(5) provide an annual public report on the ad-
25 ministration of the pledge and this title.

1 “(d) All pledges signed by appointees, and all waiver
2 certifications with respect thereto, shall be filed with the
3 head of the appointee’s agency for permanent retention
4 in the appointee’s official personnel folder or equivalent
5 folder.”.

6 **Subtitle H—Travel on Private Air-**
7 **craft by Senior Political Ap-**
8 **pointees**

9 **SEC. 8701. SHORT TITLE.**

10 This subtitle may be cited as the “Stop Waste And
11 Misuse by Presidential Flyers Landing Yet Evading Rules
12 and Standards” or the “SWAMP FLYERS”.

13 **SEC. 8702. PROHIBITION ON USE OF FUNDS FOR TRAVEL**
14 **ON PRIVATE AIRCRAFT.**

15 (a) **IN GENERAL.**—On and after the date of enact-
16 ment of this Act, no Federal funds appropriated or other-
17 wise made available in any fiscal year may be used to pay
18 the travel expenses of any senior political appointee for
19 travel on official business on a non-commercial, private,
20 or chartered flight.

21 (b) **EXCEPTIONS.**—The limitation in subsection (a)
22 shall not apply—

23 (1) if no commercial flight was available for the
24 travel in question, consistent with subsection (c); or

1 (2) to any travel on aircraft owned or leased by
2 the Government.

3 (c) CERTIFICATION.—

4 (1) IN GENERAL.—Any senior political ap-
5 pointee who travels on a non-commercial, private, or
6 chartered flight under the exception under sub-
7 section (b)(1) shall, not later than 30 days after the
8 date of such travel, submit a written statement to
9 Congress certifying that no commercial flight was
10 available.

11 (2) PENALTY.—Any statement submitted under
12 paragraph (1) shall be considered a statement for
13 purposes of applying section 1001 of title 18, United
14 States Code.

15 (d) DEFINITION OF SENIOR POLITICAL AP-
16 POUNTEE.—In this subtitle, the term “senior political ap-
17 pountee” means any individual occupying—

18 (1) a position listed under the Executive Sched-
19 ule (subchapter II of chapter 53 of title 5, United
20 States Code);

21 (2) a Senior Executive Service position that is
22 not a career appointee as defined under section
23 3132(a)(4) of such title; or

1 (3) a position of a confidential or policy-deter-
2 mining character under schedule C of subpart C of
3 part 213 of title 5, Code of Federal Regulations.

4 **Subtitle I—Severability**

5 **SEC. 8801. SEVERABILITY.**

6 If any provision of this title or any amendment made
7 by this title, or any application of such provision or
8 amendment to any person or circumstance, is held to be
9 unconstitutional, the remainder of the provisions of this
10 title and the amendments made by this title, and the appli-
11 cation of the provision or amendment to any other person
12 or circumstance, shall not be affected.

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)), as amended by section
18 111(a) of the Congressional Accountability Act of 1995
19 Reform Act (Public Law 115–397), is amended to read
20 as follows:

21 “(i) a violation of section 201(a) or
22 section 206(a); or”.

23 (b) **CONFORMING AMENDMENT RELATING TO NOTI-**
24 **FICATION OF POSSIBILITY OF REIMBURSEMENT.**—Clause
25 (i) of section 402(b)(2)(B) of the Congressional Account-

1 ability Act of 1995 (2 U.S.C. 1402(b)(2)(B)), as amended
2 by section 102(a) of the Congressional Accountability Act
3 of 1995 Reform Act (Public Law 115–397), is amended
4 to read as follows:

5 “(i) a violation of section 201(a) or
6 section 206(a); or”.

7 (c) EFFECTIVE DATE.—The amendments made by
8 this section shall take effect as if enacted as part of the
9 Congressional Accountability Act of 1995 Reform Act
10 (Public Law 115–397).

11 **Subtitle B—Conflicts of Interests**

12 **SEC. 9101. CONFLICT OF INTEREST RULES FOR MEMBERS** 13 **OF CONGRESS AND CONGRESSIONAL STAFF.**

14 (a) SERVICE ON FOR-PROFIT COMPANY BOARDS.—
15 Paragraph 6(a) of rule XXXVII of the Standing Rules
16 of the Senate is amended—

- 17 (1) in clause (1), by adding “or” at the end;
18 (2) in clause (2), by striking “; or” and insert-
19 ing a period; and
20 (3) by striking clause (3).

21 (b) USE OF OFFICIAL POSITION.—No Member or of-
22 ficer of either House of Congress or employee of a com-
23 mittee or Member of either House of Congress may know-
24 ingly use his or her official position to introduce or aid
25 the progress or passage of legislation, a principal purpose

1 of which is to further only his or her pecuniary interest,
2 only the pecuniary interest of his or her immediate family,
3 or only the pecuniary interest of a limited class of persons
4 or enterprises, when he or she, or his or her immediate
5 family, or enterprises controlled by them, are members of
6 the affected class.

7 (c) EXERCISE OF RULEMAKING POWERS.—The pro-
8 visions of this section are enacted by the Congress—

9 (1) as an exercise of the rulemaking power of
10 the House of Representatives and the Senate, re-
11 spectively, and as such they shall be considered as
12 part of the rules of each House, respectively, or of
13 that House to which they specifically apply, and
14 such rules shall supersede other rules only to the ex-
15 tent that they are inconsistent therewith; and

16 (2) with full recognition of the constitutional
17 right of either House to change such rules (so far
18 as relating to such House) at any time, in the same
19 manner, and to the same extent as in the case of
20 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 a separate statement that such person is a reg-
24 istered lobbyist under such Act.”.

1 (b) REPORTS FILED BY PERSONS MAKING INDE-
2 PENDENT EXPENDITURES.—Section 304(c)(2) of such
3 Act (52 U.S.C. 30104(c)(2)) is amended—

4 (1) by striking “and” at the end of subpara-
5 graph (B);

6 (2) by striking the period at the end of sub-
7 paragraph (C) and inserting “; and”; and

8 (3) by adding at the end the following new sub-
9 paragraph:

10 “(D) if the person filing the statement, or a
11 person whose identification is required to be dis-
12 closed under subparagraph (C), is a registered lob-
13 byist under the Lobbying Disclosure Act of 1995, a
14 separate statement that such person is a registered
15 lobbyist under such Act.”.

16 (c) REPORTS FILED BY PERSONS MAKING DIS-
17 BURSEMENTS FOR ELECTIONEERING COMMUNICA-
18 TIONS.—Section 304(f)(2) of such Act (52 U.S.C.
19 30104(f)(2)) is amended by adding at the end the fol-
20 lowing new subparagraph:

21 “(G) If the person making the disburse-
22 ment, or a contributor described in subpara-
23 graph (E) or (F), is a registered lobbyist under
24 the Lobbying Disclosure Act of 1995, a sepa-

1 rate statement that such person or contributor
2 is a registered lobbyist under such Act.”.

3 (d) REQUIRING COMMISSION TO ESTABLISH LINK TO
4 WEBSITES OF CLERK OF HOUSE AND SECRETARY OF
5 SENATE.—Section 304 of such Act (52 U.S.C. 30104),
6 as amended by section 4208(a), is amended by adding at
7 the end the following new subsection:

8 “(k) REQUIRING INFORMATION ON REGISTERED
9 LOBBYISTS TO BE LINKED TO WEBSITES OF CLERK OF
10 HOUSE AND SECRETARY OF SENATE.—

11 “(1) LINKS TO WEBSITES.—The Commission
12 shall ensure that the Commission’s public database
13 containing information described in paragraph (2) is
14 linked electronically to the websites maintained by
15 the Secretary of the Senate and the Clerk of the
16 House of Representatives containing information
17 filed pursuant to the Lobbying Disclosure Act of
18 1995.

19 “(2) INFORMATION DESCRIBED.—The informa-
20 tion described in this paragraph is each of the fol-
21 lowing:

22 “(A) Information disclosed under para-
23 graph (9) of subsection (b).

24 “(B) Information disclosed under subpara-
25 graph (D) of subsection (c)(2).

1 “(C) Information disclosed under subpara-
2 graph (G) of subsection (f)(2).”.

3 **SEC. 9203. EFFECTIVE DATE.**

4 The amendments made by this subtitle shall apply
5 with respect to reports required to be filed under the Fed-
6 eral Election Campaign Act of 1971 on or after the expira-
7 tion of the 90-day period which begins on the date of the
8 enactment of this Act.

9 **Subtitle D—Access to**
10 **Congressionally Mandated Reports**

11 **SEC. 9301. SHORT TITLE.**

12 This subtitle may be cited as the “Access to Congres-
13 sionally Mandated Reports Act”.

14 **SEC. 9302. DEFINITIONS.**

15 In this subtitle:

16 (1) CONGRESSIONALLY MANDATED REPORT.—

17 The term “congressionally mandated report”—

18 (A) means a report that is required to be
19 submitted to either House of Congress or any
20 committee of Congress, or subcommittee there-
21 of, by a statute, resolution, or conference report
22 that accompanies legislation enacted into law;
23 and

1 (B) does not include a report required
2 under part B of subtitle II of title 36, United
3 States Code.

4 (2) DIRECTOR.—The term “Director” means
5 the Director of the Government Publishing Office.

6 (3) FEDERAL AGENCY.—The term “Federal
7 agency” has the meaning given that term under sec-
8 tion 102 of title 40, United States Code, but does
9 not include the Government Accountability Office.

10 (4) OPEN FORMAT.—The term “open format”
11 means a file format for storing digital data based on
12 an underlying open standard that—

13 (A) is not encumbered by any restrictions
14 that would impede reuse; and

15 (B) is based on an underlying open data
16 standard that is maintained by a standards or-
17 ganization.

18 (5) REPORTS ONLINE PORTAL.—The term “re-
19 ports online portal” means the online portal estab-
20 lished under section 9303(a).

21 **SEC. 9303. ESTABLISHMENT OF ONLINE PORTAL FOR CON-**
22 **GRESSIONALLY MANDATED REPORTS.**

23 (a) REQUIREMENT TO ESTABLISH ONLINE POR-
24 TAL.—

1 (1) IN GENERAL.—Not later than 1 year after
2 the date of enactment of this Act, the Director shall
3 establish and maintain an online portal accessible by
4 the public that allows the public to obtain electronic
5 copies of all congressionally mandated reports in one
6 place. The Director may publish other reports on the
7 online portal.

8 (2) EXISTING FUNCTIONALITY.—To the extent
9 possible, the Director shall meet the requirements
10 under paragraph (1) by using existing online portals
11 and functionality under the authority of the Direc-
12 tor.

13 (3) CONSULTATION.—In carrying out this sub-
14 title, the Director shall consult with the Clerk of the
15 House of Representatives, the Secretary of the Sen-
16 ate, and the Librarian of Congress regarding the re-
17 quirements for and maintenance of congressionally
18 mandated reports on the reports online portal.

19 (b) CONTENT AND FUNCTION.—The Director shall
20 ensure that the reports online portal includes the fol-
21 lowing:

22 (1) Subject to subsection (c), with respect to
23 each congressionally mandated report, each of the
24 following:

1 (A) A citation to the statute, conference
2 report, or resolution requiring the report.

3 (B) An electronic copy of the report, in-
4 cluding any transmittal letter associated with
5 the report, in an open format that is platform
6 independent and that is available to the public
7 without restrictions, including restrictions that
8 would impede the re-use of the information in
9 the report.

10 (C) The ability to retrieve a report, to the
11 extent practicable, through searches based on
12 each, and any combination, of the following:

13 (i) The title of the report.

14 (ii) The reporting Federal agency.

15 (iii) The date of publication.

16 (iv) Each congressional committee re-
17 ceiving the report, if applicable.

18 (v) The statute, resolution, or con-
19 ference report requiring the report.

20 (vi) Subject tags.

21 (vii) A unique alphanumeric identifier
22 for the report that is consistent across re-
23 port editions.

24 (viii) The serial number, Super-
25 intendent of Documents number, or other

1 identification number for the report, if ap-
2 plicable.

3 (ix) Key words.

4 (x) Full text search.

5 (xi) Any other relevant information
6 specified by the Director.

7 (D) The date on which the report was re-
8 quired to be submitted, and on which the report
9 was submitted, to the reports online portal.

10 (E) Access to the report not later than 30
11 calendar days after its submission to Congress.

12 (F) To the extent practicable, a permanent
13 means of accessing the report electronically.

14 (2) A means for bulk download of all congress-
15 sionally mandated reports.

16 (3) A means for downloading individual reports
17 as the result of a search.

18 (4) An electronic means for the head of each
19 Federal agency to submit to the reports online por-
20 tal each congressionally mandated report of the
21 agency, as required by section 9304.

22 (5) In tabular form, a list of all congressionally
23 mandated reports that can be searched, sorted, and
24 downloaded by—

1 (A) reports submitted within the required
2 time;

3 (B) reports submitted after the date on
4 which such reports were required to be sub-
5 mitted; and

6 (C) 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 congress-
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 congression-
8 ally mandated reports.

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), and (v) of section
19 9303(b)(1)(C) for 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—

3 (1) may redact information required to be dis-
4 closed under this subtitle if the information would be
5 properly withheld from disclosure under section 552
6 of title 5, United States Code; and

7 (2) shall—

8 (A) redact information required to be dis-
9 closed under this subtitle if disclosure of such
10 information is prohibited by law;

11 (B) redact information being withheld
12 under this subsection prior to submitting the
13 information to the Director;

14 (C) redact only such information properly
15 withheld under this subsection from the submis-
16 sion of information or from any congressionally
17 mandated report submitted under this subtitle;

18 (D) identify where any such redaction is
19 made in the submission or report; and

20 (E) identify the exemption under which
21 each such redaction is made.

22 **SEC. 9307. IMPLEMENTATION.**

23 Except as provided in section 9304(b), this subtitle
24 shall be implemented not later than 1 year after the date
25 of enactment of this Act and shall apply with respect to

1 congressionally mandated reports submitted to Congress
2 on or after the date that is 1 year after such date of enact-
3 ment.

4 **Subtitle E—Severability**

5 **SEC. 9501. SEVERABILITY.**

6 If any provision of this title or amendment made by
7 this title, or the application of a provision or amendment
8 to any person or circumstance, is held to be unconstitu-
9 tional, the remainder of this title and amendments made
10 by this title, and the application of the provisions and
11 amendment to any person or circumstance, shall not be
12 affected by the holding.

13 **TITLE X—PRESIDENTIAL AND** 14 **VICE PRESIDENTIAL TAX** 15 **TRANSPARENCY**

16 **SEC. 10001. PRESIDENTIAL AND VICE PRESIDENTIAL TAX** 17 **TRANSPARENCY.**

18 (a) DEFINITIONS.—In this section—

19 (1) The term “covered candidate” means a can-
20 didate of a major party in a general election for the
21 office of President or Vice President.

22 (2) The term “income tax return” means, with
23 respect to an individual, any return (as such term is
24 defined in section 6103(b)(1) of the Internal Rev-

1 enue Code of 1986, except that such term shall not
2 include declarations of estimated tax) of—

3 (A) such individual, other than information
4 returns issued to persons other than such indi-
5 vidual; or

6 (B) of any corporation, partnership, or
7 trust in which such individual holds, directly or
8 indirectly, a significant interest as the sole or
9 principal owner or the sole or principal bene-
10 ficial owner (as such terms are defined in regu-
11 lations prescribed by the Secretary).

12 (3) The term “major party” has the meaning
13 given the term in section 9002 of the Internal Rev-
14 enue Code of 1986.

15 (4) The term “Secretary” means the Secretary
16 of the Treasury or the delegate of the Secretary.

17 (b) DISCLOSURE.—

18 (1) IN GENERAL.—

19 (A) CANDIDATES FOR PRESIDENT AND
20 VICE PRESIDENT.—Not later than the date that
21 is 15 days after the date on which an individual
22 becomes a covered candidate, the individual
23 shall submit to the Federal Election Commis-
24 sion a copy of the individual’s income tax re-
25 turns for the 10 most recent taxable years for

1 which a return has been filed with the Internal
2 Revenue Service.

3 (B) PRESIDENT AND VICE PRESIDENT.—

4 With respect to an individual who is the Presi-
5 dent or Vice President, not later than the due
6 date for the return of tax for each taxable year,
7 such individual shall submit to the Federal
8 Election Commission a copy of the individual's
9 income tax returns for the taxable year and for
10 the 9 preceding taxable years.

11 (C) TRANSITION RULE FOR SITTING PRESI-

12 DENTS AND VICE PRESIDENTS.—Not later than
13 the date that is 30 days after the date of enact-
14 ment of this Act, an individual who is the Presi-
15 dent or Vice President on such date of enact-
16 ment shall submit to the Federal Election Com-
17 mission a copy of the income tax returns for the
18 10 most recent taxable years for which a return
19 has been filed with the Internal Revenue Serv-
20 ice.

21 (2) FAILURE TO DISCLOSE.—If any require-

22 ment under paragraph (1) to submit an income tax
23 return is not met, the chairman of the Federal Elec-
24 tion Commission shall submit to the Secretary a
25 written request that the Secretary provide the Fed-

1 eral Election Commission with the income tax re-
2 turn.

3 (3) PUBLICLY AVAILABLE.—The chairman of
4 the Federal Election Commission shall make publicly
5 available each income tax return submitted under
6 paragraph (1) in the same manner as a return pro-
7 vided under section 6103(l)(23) of the Internal Rev-
8 enue Code of 1986 (as added by this section).

9 (4) TREATMENT AS A REPORT UNDER THE
10 FEDERAL ELECTION CAMPAIGN ACT OF 1971.—For
11 purposes of the Federal Election Campaign Act of
12 1971, any income tax return submitted under para-
13 graph (1) or provided under section 6103(l)(23) of
14 the Internal Revenue Code of 1986 (as added by
15 this section) shall, after redaction under paragraph
16 (3) or subparagraph (B)(ii) of such section, be treat-
17 ed as a report filed under the Federal Election Cam-
18 paign Act of 1971.

19 (c) DISCLOSURE OF RETURNS OF PRESIDENTS AND
20 VICE PRESIDENTS AND CERTAIN CANDIDATES FOR
21 PRESIDENT AND VICE PRESIDENT.—

22 (1) IN GENERAL.—Section 6103(l) of the Inter-
23 nal Revenue Code of 1986 is amended by adding at
24 the end the following new paragraph:

1 “(23) DISCLOSURE OF RETURN INFORMATION
2 OF PRESIDENTS AND VICE PRESIDENTS AND CER-
3 TAIN CANDIDATES FOR PRESIDENT AND VICE PRESI-
4 DENT.—

5 “(A) IN GENERAL.—Upon written request
6 by the chairman of the Federal Election Com-
7 mission under section 10001(b)(2) of the For
8 the People Act of 2019, not later than the date
9 that is 15 days after the date of such request,
10 the Secretary shall provide copies of any return
11 which is so requested to officers and employees
12 of the Federal Election Commission whose offi-
13 cial duties include disclosure or redaction of
14 such return under this paragraph.

15 “(B) DISCLOSURE TO THE PUBLIC.—

16 “(i) IN GENERAL.—The chairman of
17 the Federal Election Commission shall
18 make publicly available any return which is
19 provided under subparagraph (A).

20 “(ii) REDACTION OF CERTAIN INFOR-
21 MATION.—Before making publicly available
22 under clause (i) any return, the chairman
23 of the Federal Election Commission shall
24 redact such information as the Federal
25 Election Commission and the Secretary

1 jointly determine is necessary for pro-
2 tecting against identity theft, such as so-
3 cial security numbers.”.

4 (2) CONFORMING AMENDMENTS.—Section
5 6103(p)(4) of such Code is amended—

6 (A) in the matter preceding subparagraph
7 (A) by striking “or (22)” and inserting “(22),
8 or (23)”; and

9 (B) in subparagraph (F)(ii) by striking “or
10 (22)” and inserting “(22), or (23)”.

11 (3) EFFECTIVE DATE.—The amendments made
12 by this subsection shall apply to disclosures made on
13 or after the date of enactment of this Act.