

117TH CONGRESS  
1ST SESSION

# H. R. 1

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

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## IN THE HOUSE OF REPRESENTATIVES

JANUARY 4, 2021

Mr. SARBANES (for himself, Ms. PELOSI, and Ms. LOFGREN) introduced the following bill; which was referred to the Committee on House Administration, and in addition to the Committees on Intelligence (Permanent Select), the Judiciary, Oversight and Reform, Science, Space, and Technology, Education and Labor, Ways and Means, Financial Services, Ethics, Homeland Security, and Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

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

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

1 **SECTION 1. SHORT TITLE.**

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

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

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

8           (1) Division A—Voting.

9           (2) Division B—Campaign Finance

10          (3) Division C—Ethics.

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

Sec. 1. Short title.

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

Sec. 3. Findings of general constitutional authority.

Sec. 4. Standards for judicial review.

Division A—Voting

Title I—Election Access

Sec. 1000. Short title; statement of policy.

Subtitle A—Voter Registration Modernization

Sec. 1000A. Short title.

PART 1—PROMOTING INTERNET REGISTRATION

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

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

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

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

Sec. 1005. Prohibiting State from requiring applicants to provide more than  
last 4 digits of Social Security number.

Sec. 1006. Effective date.

PART 2—AUTOMATIC VOTER REGISTRATION

Sec. 1011. Short title; findings and purpose.

Sec. 1012. Automatic registration of eligible individuals.

- Sec. 1013. Contributing agency assistance in registration.
- Sec. 1014. One-time contributing agency assistance in registration of eligible voters in existing records.
- Sec. 1015. Voter protection and security in automatic registration.
- Sec. 1016. Registration portability and correction.
- Sec. 1017. Payments and grants.
- Sec. 1018. Treatment of exempt States.
- Sec. 1019. Miscellaneous provisions.
- Sec. 1020. Definitions.
- Sec. 1021. Effective date.

#### PART 3—SAME DAY VOTER REGISTRATION

- Sec. 1031. Same day registration.

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

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

#### PART 5—OTHER INITIATIVES TO PROMOTE VOTER REGISTRATION

- Sec. 1051. Annual reports on voter registration statistics.
- Sec. 1052. Ensuring pre-election registration deadlines are consistent with timing of legal public holidays.
- Sec. 1053. Use of Postal Service hard copy change of address form to remind individuals to update voter registration.
- Sec. 1054. Grants to States for activities to encourage involvement of minors in election activities.

#### PART 6—AVAILABILITY OF HAVA REQUIREMENTS PAYMENTS

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

#### PART 7—PROHIBITING INTERFERENCE WITH VOTER REGISTRATION

- Sec. 1071. Prohibiting hindering, interfering with, or preventing voter registration.
- Sec. 1072. Establishment of best practices.

#### PART 8—VOTER REGISTRATION EFFICIENCY ACT

- Sec. 1081. Short title.
- Sec. 1082. Requiring applicants for motor vehicle driver's licenses in new state to indicate whether state serves as residence for voter registration purposes.

#### PART 9—PROVIDING VOTER REGISTRATION INFORMATION TO SECONDARY SCHOOL STUDENTS

- Sec. 1091. Pilot program for providing voter registration information to secondary school students prior to graduation.
- Sec. 1092. Reports.
- Sec. 1093. Authorization of appropriations.

#### PART 10—VOTER REGISTRATION OF MINORS

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

Subtitle B—Access to Voting for Individuals With Disabilities

- Sec. 1101. Requirements for States to promote access to voter registration and voting for individuals with disabilities.
- Sec. 1102. Expansion and reauthorization of grant program to assure voting access for individuals with disabilities.
- Sec. 1103. Pilot programs for enabling individuals with disabilities to register to vote privately and independently at residences.
- Sec. 1104. GAO analysis and report on voting access for individuals with disabilities.

Subtitle C—Prohibiting Voter Caging

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

Subtitle D—Prohibiting Deceptive Practices and Preventing Voter Intimidation

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

Subtitle E—Democracy Restoration

- Sec. 1401. Short title.
- Sec. 1402. Findings.
- Sec. 1403. Rights of citizens.
- Sec. 1404. Enforcement.
- Sec. 1405. Notification of restoration of voting rights.
- Sec. 1406. Definitions.
- Sec. 1407. Relation to other laws.
- Sec. 1408. Federal prison funds.
- Sec. 1409. Effective date.

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

- Sec. 1501. Short title.
- Sec. 1502. Paper ballot and manual counting requirements.
- Sec. 1503. Accessibility and ballot verification for individuals with disabilities.
- Sec. 1504. Durability and readability requirements for ballots.
- Sec. 1505. Study and report on optimal ballot design.
- Sec. 1506. Paper ballot printing requirements.
- Sec. 1507. Effective date for new requirements.

Subtitle G—Provisional Ballots

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

Subtitle H—Early Voting

Sec. 1611. Early voting.

#### Subtitle I—Voting by Mail

Sec. 1621. Voting by mail.

Sec. 1622. Absentee ballot tracking program.

Sec. 1623. Voting materials postage.

#### Subtitle J—Absent Uniformed Services Voters and Overseas Voters

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

Sec. 1702. Enforcement.

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

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

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

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

Sec. 1707. Effective date.

#### Subtitle K—Poll Worker Recruitment and Training

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

Sec. 1802. State defined.

#### Subtitle L—Enhancement of Enforcement

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

#### Subtitle M—Federal Election Integrity

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

#### Subtitle N—Promoting Voter Access Through Election Administration Improvements

### PART 1—PROMOTING VOTER ACCESS

Sec. 1901. Treatment of institutions of higher education.

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

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

Sec. 1904. Accommodations for voters residing in Indian lands.

Sec. 1905. Voter information response systems and hotline.

Sec. 1906. Ensuring equitable and efficient operation of polling places.

Sec. 1907. Requiring States to provide secured drop boxes for voted absentee ballots in elections for Federal office.

Sec. 1908. Prohibiting States from restricting curbside voting.

### PART 2—DISASTER AND EMERGENCY CONTINGENCY PLANS

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

### PART 3—IMPROVEMENTS IN OPERATION OF ELECTION ASSISTANCE COMMISSION

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

#### PART 3—MISCELLANEOUS PROVISIONS

- Sec. 1931. Application of laws to Commonwealth of Northern Mariana Islands.
- Sec. 1932. Definition of election for Federal office.
- Sec. 1933. No effect on other laws.

#### Subtitle O—Severability

- Sec. 1941. Severability.

#### Title II—Election Integrity

##### Subtitle A—Findings Reaffirming Commitment of Congress To Restore the Voting Rights Act

- Sec. 2001. Findings reaffirming commitment of Congress to restore the Voting Rights Act.

##### Subtitle B—Findings Relating to Native American Voting Rights

- Sec. 2101. Findings relating to Native American voting rights.

##### Subtitle C—Findings Relating to District of Columbia Statehood

- Sec. 2201. Findings relating to District of Columbia statehood.

##### Subtitle D—Territorial Voting Rights

- Sec. 2301. Findings relating to territorial voting rights.
- Sec. 2302. Congressional Task Force on Voting Rights of United States Citizen Residents of Territories of the United States.

##### Subtitle E—Redistricting Reform

- Sec. 2400. Short title; finding of constitutional authority.

#### PART 1—REQUIREMENTS FOR CONGRESSIONAL REDISTRICTING

- Sec. 2401. Requiring congressional redistricting to be conducted through plan of independent State commission.
- Sec. 2402. Ban on mid-decade redistricting.

#### PART 2—INDEPENDENT REDISTRICTING COMMISSIONS

- Sec. 2411. Independent redistricting commission.
- Sec. 2412. Establishment of selection pool of individuals eligible to serve as members of commission.
- Sec. 2413. Criteria for redistricting plan; public notice and input.
- Sec. 2414. Establishment of related entities.
- Sec. 2415. Report on diversity of memberships of independent redistricting commissions.

## PART 3—ROLE OF COURTS IN DEVELOPMENT OF REDISTRICTING PLANS

- Sec. 2421. Enactment of plan developed by 3-judge court.  
 Sec. 2422. Special rule for redistricting conducted under order of Federal court.

## PART 4—ADMINISTRATIVE AND MISCELLANEOUS PROVISIONS

- Sec. 2431. Payments to States for carrying out redistricting.  
 Sec. 2432. Civil enforcement.  
 Sec. 2433. State apportionment notice defined.  
 Sec. 2434. No effect on elections for State and local office.  
 Sec. 2435. Effective date.

## Subtitle F—Saving Eligible Voters From Voter Purging

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

## Subtitle G—No Effect on Authority of States To Provide Greater Opportunities for Voting

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

## Subtitle H—Residence of Incarcerated Individuals

- Sec. 2701. Residence of incarcerated individuals.

## Subtitle I—Severability

- Sec. 2801. Severability.

## Title III—Election Security

- Sec. 3000. Short title; sense of Congress.

## Subtitle A—Financial Support for Election Infrastructure

## PART 1—VOTING SYSTEM SECURITY IMPROVEMENT GRANTS

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

## PART 2—GRANTS FOR RISK-LIMITING AUDITS OF RESULTS OF ELECTIONS

- Sec. 3011. Grants to States for conducting risk-limiting audits of results of elections.  
 Sec. 3012. GAO analysis of effects of audits.

## PART 3—ELECTION INFRASTRUCTURE INNOVATION GRANT PROGRAM

- Sec. 3021. Election infrastructure innovation grant program.

## Subtitle B—Security Measures

- Sec. 3101. Election infrastructure designation.
- Sec. 3102. Timely threat information.
- Sec. 3103. Security clearance assistance for election officials.
- Sec. 3104. Security risk and vulnerability assessments.
- Sec. 3105. Annual reports.
- Sec. 3106. Pre-election threat assessments.

Subtitle C—Enhancing Protections for United States Democratic Institutions

- Sec. 3201. National strategy to protect United States democratic institutions.
- Sec. 3202. National Commission to Protect United States Democratic Institutions.

Subtitle D—Promoting Cybersecurity Through Improvements in Election Administration

- Sec. 3301. Testing of existing voting systems to ensure compliance with election cybersecurity guidelines and other guidelines.
- Sec. 3302. Treatment of electronic poll books as part of voting systems.
- Sec. 3303. Pre-election reports on voting system usage.
- Sec. 3304. Streamlining collection of election information.

Subtitle E—Preventing Election Hacking

- Sec. 3401. Short title.
- Sec. 3402. Election Security Bug Bounty Program.

Subtitle F—Election Security Grants Advisory Committee

- Sec. 3501. Establishment of advisory committee.

Subtitle G—Miscellaneous Provisions

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

Subtitle H—Use of Voting Machines Manufactured in the United States

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

Subtitle I—Severability

- Sec. 3801. Severability.

Division B—Campaign Finance

Title IV—Campaign Finance Transparency

Subtitle A—Establishing Duty To Report Foreign Election Interference

- Sec. 4001. Findings relating to illicit money undermining our democracy.
- Sec. 4002. Federal campaign reporting of foreign contacts.
- Sec. 4003. Federal campaign foreign contact reporting compliance system.
- Sec. 4004. Criminal penalties.
- Sec. 4005. Report to congressional intelligence committees.
- Sec. 4006. Rule of construction.

Subtitle B—DISCLOSE Act

- Sec. 4100. Short title.



PART 1—CLOSING LOOPHOLES ALLOWING SPENDING BY FOREIGN  
NATIONALS IN ELECTIONS

- Sec. 4101. Clarification of prohibition on participation by foreign nationals in election-related activities.
- Sec. 4102. Clarification of application of foreign money ban to certain disbursements and activities.
- Sec. 4103. Audit and report on illicit foreign money in Federal elections.
- Sec. 4104. Prohibition on contributions and donations by foreign nationals in connections with ballot initiatives and referenda.
- Sec. 4105. Disbursements and activities subject to foreign money ban.
- Sec. 4106. Prohibiting establishment of corporation to conceal election contributions and donations by foreign nationals.

PART 2—REPORTING OF CAMPAIGN-RELATED DISBURSEMENTS

- Sec. 4111. Reporting of campaign-related disbursements.
- Sec. 4112. Application of foreign money ban to disbursements for campaign-related disbursements consisting of covered transfers.
- Sec. 4113. Effective date.

PART 3—OTHER ADMINISTRATIVE REFORMS

- Sec. 4121. Petition for certiorari.
- Sec. 4122. Judicial review of actions related to campaign finance laws.

Subtitle C—Strengthening Oversight of Online Political Advertising

- Sec. 4201. Short title.
- Sec. 4202. Purpose.
- Sec. 4203. Findings.
- Sec. 4204. Sense of Congress.
- Sec. 4205. Expansion of definition of public communication.
- Sec. 4206. Expansion of definition of electioneering communication.
- Sec. 4207. Application of disclaimer statements to online communications.
- Sec. 4208. Political record requirements for online platforms.
- Sec. 4209. Preventing contributions, expenditures, independent expenditures, and disbursements for electioneering communications by foreign nationals in the form of online advertising.
- Sec. 4210. Independent study on media literacy and online political content consumption.

Subtitle D—Stand By Every Ad

- Sec. 4301. Short title.
- Sec. 4302. Stand by every ad.
- Sec. 4303. Disclaimer requirements for communications made through prerecorded telephone calls.
- Sec. 4304. No expansion of persons subject to disclaimer requirements on internet communications.
- Sec. 4305. Effective date.

Subtitle E—Deterring Foreign Interference in Elections

PART 1—DETERRENCE UNDER FEDERAL ELECTION CAMPAIGN ACT OF 1971

- Sec. 4401. Restrictions on exchange of campaign information between candidates and foreign powers.

- Sec. 4402. Clarification of standard for determining existence of coordination between campaigns and outside interests.
- Sec. 4403. Prohibition on provision of substantial assistance relating to contribution or donation by foreign nationals.

PART 2—INADMISSIBILITY AND DEPORTABILITY OF ALIENS ENGAGING IN IMPROPER ELECTION INTERFERENCE

- Sec. 4411. Inadmissibility and deportability of aliens engaging in improper interference in United States elections.

PART 3—NOTIFYING STATES OF DISINFORMATION CAMPAIGNS BY FOREIGN NATIONALS

- Sec. 4421. Notifying States of disinformation campaigns by foreign nationals.

PART 4—PROHIBITING USE OF DEEPPAKES IN ELECTION CAMPAIGNS

- Sec. 4431. Prohibition on distribution of materially deceptive audio or visual media prior to election.

PART 5—ASSESSMENT OF EXEMPTION OF REGISTRATION REQUIREMENTS UNDER FARA FOR REGISTERED LOBBYISTS

- Sec. 4441. Assessment of exemption of registration requirements under FARA for registered lobbyists.

Subtitle F—Secret Money Transparency

- Sec. 4501. Repeal of restriction of use of funds by Internal Revenue Service to bring transparency to political activity of certain nonprofit organizations.
- Sec. 4502. Repeal of revenue procedure that eliminated requirement to report information regarding contributors to certain tax-exempt organizations.

Subtitle G—Shareholder Right-to-Know

- Sec. 4601. Repeal of restriction on use of funds by Securities and Exchange Commission to ensure shareholders of corporations have knowledge of corporation political activity.
- Sec. 4602. Assessment of shareholder preferences for disbursements for political purposes.

Subtitle H—Disclosure of Political Spending by Government Contractors

- Sec. 4701. Repeal of restriction on use of funds to require disclosure of political spending by government contractors.

Subtitle I—Limitation and Disclosure Requirements for Presidential Inaugural Committees

- Sec. 4801. Short title.
- Sec. 4802. Limitations and disclosure of certain donations to, and disbursements by, Inaugural Committees.

Subtitle J—Miscellaneous Provisions

- Sec. 4901. Effective dates of provisions.

Sec. 4902. Severability.

Title V—Campaign Finance Empowerment

Subtitle A—Findings Relating to Citizens United Decision

Sec. 5001. Findings relating to Citizens United decision.

Subtitle B—Congressional Elections

Sec. 5100. Short title.

PART 1—MY VOICE VOUCHER PILOT PROGRAM

Sec. 5101. Establishment of pilot program.

Sec. 5102. Voucher program described.

Sec. 5103. Reports.

Sec. 5104. Definitions.

PART 2—SMALL DOLLAR FINANCING OF CONGRESSIONAL ELECTION CAMPAIGNS

Sec. 5111. Benefits and eligibility requirements for candidates.

“TITLE V—SMALL DOLLAR FINANCING OF CONGRESSIONAL ELECTION CAMPAIGNS

“Subtitle A—Benefits

“Sec. 501. Benefits for participating candidates.

“Sec. 502. Procedures for making payments.

“Sec. 503. Use of funds.

“Sec. 504. Qualified small dollar contributions described.

“Subtitle B—Eligibility and Certification

“Sec. 511. Eligibility.

“Sec. 512. Qualifying requirements.

“Sec. 513. Certification.

“Subtitle C—Requirements for Candidates Certified as Participating Candidates

“Sec. 521. Contribution and expenditure requirements.

“Sec. 522. Administration of campaign.

“Sec. 523. Preventing unnecessary spending of public funds.

“Sec. 524. Remitting unspent funds after election.

“Subtitle D—Enhanced Match Support

“Sec. 531. Enhanced support for general election.

“Sec. 532. Eligibility.

“Sec. 533. Amount.

“Sec. 534. Waiver of authority to retain portion of unspent funds after election.

“Subtitle E—Administrative Provisions

“Sec. 541. Freedom From Influence Fund.

“Sec. 542. Reviews and reports by Government Accountability Office.

“Sec. 543. Administration by Commission.

“Sec. 544. Violations and penalties.

“Sec. 545. Appeals process.

“Sec. 546. Indexing of amounts.

“Sec. 547. Election cycle defined.

Sec. 5112. Contributions and expenditures by multicandidate and political party committees on behalf of participating candidates.

Sec. 5113. Prohibiting use of contributions by participating candidates for purposes other than campaign for election.

Sec. 5114. Assessments against fines and penalties.

Sec. 5115. Study and report on small dollar financing program.

Sec. 5116. Effective date.

#### Subtitle C—Presidential Elections

Sec. 5200. Short title.

#### PART 1—PRIMARY ELECTIONS

Sec. 5201. Increase in and modifications to matching payments.

Sec. 5202. Eligibility requirements for matching payments.

Sec. 5203. Repeal of expenditure limitations.

Sec. 5204. Period of availability of matching payments.

Sec. 5205. Examination and audits of matchable contributions.

Sec. 5206. Modification to limitation on contributions for Presidential primary candidates.

Sec. 5207. Use of Freedom From Influence Fund as source of payments.

#### PART 2—GENERAL ELECTIONS

Sec. 5211. Modification of eligibility requirements for public financing.

Sec. 5212. Repeal of expenditure limitations and use of qualified campaign contributions.

Sec. 5213. Matching payments and other modifications to payment amounts.

Sec. 5214. Increase in limit on coordinated party expenditures.

Sec. 5215. Establishment of uniform date for release of payments.

Sec. 5216. Amounts in Presidential Election Campaign Fund.

Sec. 5217. Use of general election payments for general election legal and accounting compliance.

Sec. 5218. Use of Freedom From Influence Fund as source of payments.

#### PART 3—EFFECTIVE DATE

Sec. 5221. Effective date.

#### Subtitle D—Personal Use Services as Authorized Campaign Expenditures

Sec. 5301. Short title; findings; purpose.

Sec. 5302. Treatment of payments for child care and other personal use services as authorized campaign expenditure.

#### Subtitle E—Empowering Small Dollar Donations

Sec. 5401. Permitting political party committees to provide enhanced support for candidates through use of separate small dollar accounts.

#### Subtitle F—Severability

Sec. 5501. Severability.

## Title VI—Campaign Finance Oversight

### Subtitle A—Restoring Integrity to America’s Elections

- Sec. 6001. Short title.
- Sec. 6002. Membership of Federal Election Commission.
- Sec. 6003. Assignment of powers to Chair of Federal Election Commission.
- Sec. 6004. Revision to enforcement process.
- Sec. 6005. Permitting appearance at hearings on requests for advisory opinions by persons opposing the requests.
- Sec. 6006. Permanent extension of administrative penalty authority.
- Sec. 6007. Restrictions on ex parte communications.
- Sec. 6008. Clarifying Authority of FEC Attorneys to Represent FEC in Supreme Court.
- Sec. 6009. Requiring forms to permit use of accent marks.
- Sec. 6010. Effective date; transition.

### Subtitle B—Stopping Super PAC-Candidate Coordination

- Sec. 6101. Short title.
- Sec. 6102. Clarification of treatment of coordinated expenditures as contributions to candidates.
- Sec. 6103. Clarification of ban on fundraising for super PACs by Federal candidates and officeholders.

### Subtitle C—Disposal of Contributions or Donations

- Sec. 6201. Timeframe for and prioritization of disposal of contributions or donations.
- Sec. 6202. 1-year transition period for certain individuals.

### Subtitle D—Recommendations to Ensure Filing of Reports Before Date of Election

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

### Subtitle E—Severability

- Sec. 6401. Severability.

## Division C—Ethics

## Title VII—Ethical Standards

### Subtitle A—Supreme Court Ethics

- Sec. 7001. Code of conduct for Federal judges.

### Subtitle B—Foreign Agents Registration

- Sec. 7101. Establishment of FARA investigation and enforcement unit within Department of Justice.
- Sec. 7102. Authority to impose civil money penalties.
- Sec. 7103. Disclosure of transactions involving things of financial value conferred on officeholders.
- Sec. 7104. Ensuring online access to registration statements.

Subtitle C—Lobbying Disclosure Reform

- Sec. 7201. Expanding scope of individuals and activities subject to requirements of Lobbying Disclosure Act of 1995.
- Sec. 7202. Prohibiting receipt of compensation for lobbying activities on behalf of foreign countries violating human rights.
- Sec. 7203. Requiring lobbyists to disclose status as lobbyists upon making any lobbying contacts.

Subtitle D—Recusal of Presidential Appointees

- Sec. 7301. Recusal of appointees.

Subtitle E—Clearinghouse on Lobbying Information

- Sec. 7401. Establishment of clearinghouse.

Subtitle F—Severability

- Sec. 7501. Severability.

Title VIII—Ethics Reforms for the President, Vice President, and Federal Officers and Employees

Subtitle A—Executive Branch Conflict of Interest

- Sec. 8001. Short title.
- Sec. 8002. Restrictions on private sector payment for government service.
- Sec. 8003. Requirements relating to slowing the revolving door.
- Sec. 8004. Prohibition of procurement officers accepting employment from government contractors.
- Sec. 8005. Revolving door restrictions on employees moving into the private sector.
- Sec. 8006. Guidance on unpaid employees.
- Sec. 8007. Limitation on use of Federal funds and contracting at businesses owned by certain Government officers and employees.

Subtitle B—Presidential Conflicts of Interest

- Sec. 8011. Short title.
- Sec. 8012. Divestiture of personal financial interests of the President and Vice President that pose a potential conflict of interest.
- Sec. 8013. Initial financial disclosure.
- Sec. 8014. Contracts by the President or Vice President.
- Sec. 8015. Legal defense funds.

Subtitle C—White House Ethics Transparency

- Sec. 8021. Short title.
- Sec. 8022. Procedure for waivers and authorizations relating to ethics requirements.

Subtitle D—Executive Branch Ethics Enforcement

- Sec. 8031. Short title.
- Sec. 8032. Reauthorization of the Office of Government Ethics.
- Sec. 8033. Tenure of the Director of the Office of Government Ethics.
- Sec. 8034. Duties of Director of the Office of Government Ethics.
- Sec. 8035. Agency ethics officials training and duties.

- Sec. 8036. Prohibition on use of funds for certain Federal employee travel in contravention of certain regulations.
- Sec. 8037. Reports on cost of Presidential travel.
- Sec. 8038. Reports on cost of senior Federal official travel.

#### Subtitle E—Conflicts From Political Fundraising

- Sec. 8041. Short title.
- Sec. 8042. Disclosure of certain types of contributions.

#### Subtitle F—Transition Team Ethics

- Sec. 8051. Short title.
- Sec. 8052. Presidential transition ethics programs.

#### Subtitle G—Ethics Pledge For Senior Executive Branch Employees

- Sec. 8061. Short title.
- Sec. 8062. Ethics pledge requirement for senior executive branch employees.

#### Subtitle H—Travel on Private Aircraft by Senior Political Appointees

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

#### Subtitle I—Severability

- Sec. 8081. Severability.

### Title IX—Congressional Ethics Reform

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

- Sec. 9001. Requiring Members of Congress to reimburse Treasury for amounts paid as settlements and awards under Congressional Accountability Act of 1995 in all cases of employment discrimination acts by Members.

#### Subtitle B—Conflicts of Interests

- Sec. 9101. Prohibiting Members of House of Representatives from serving on boards of for-profit entities.
- Sec. 9102. Conflict of interest rules for Members of Congress and congressional staff.
- Sec. 9103. Exercise of rulemaking powers.

#### Subtitle C—Campaign Finance and Lobbying Disclosure

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

#### Subtitle D—Access to Congressionally Mandated Reports

- Sec. 9301. Short title.
- Sec. 9302. Definitions.
- Sec. 9303. Establishment of online portal for congressionally mandated reports.

Sec. 9304. Federal agency responsibilities.  
 Sec. 9305. Removing and altering reports.  
 Sec. 9306. Relationship to the Freedom of Information Act.  
 Sec. 9307. Implementation.

Subtitle E—Reports on Outside Compensation Earned by Congressional  
 Employees

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

Subtitle F—Severability

Sec. 9501. Severability.

Title X—Presidential and Vice Presidential Tax Transparency

Sec. 10001. Presidential and Vice Presidential tax transparency.

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

2 **ITY.**

3 Congress finds that the Constitution of the United  
 4 States grants explicit and broad authority to protect the  
 5 right to vote, to regulate elections for Federal office, and  
 6 to defend the Nation’s democratic process. Congress en-  
 7 acts the “For the People Act of 2021” pursuant to this  
 8 broad authority, including but not limited to the following:

9 (1) Congress finds that it has broad authority  
 10 to regulate the time, place, and manner of congres-  
 11 sional elections under the Elections Clause of the  
 12 Constitution, article I, section 4, clause 1. The Su-  
 13 preme Court has affirmed that the “substantive  
 14 scope” of the Elections Clause is “broad”; that  
 15 “Times, Places, and Manner” are “comprehensive  
 16 words which embrace authority to provide for a com-  
 17 plete code for congressional elections”; and “[t]he  
 18 power of Congress over the Times, Places and Man-



1       ner of congressional elections is paramount, and may  
2       be exercised at any time, and to any extent which  
3       it deems expedient; and so far as it is exercised, and  
4       no farther, the regulations effected supersede those  
5       of the State which are inconsistent therewith”. *Arizona v. Inter Tribal Council of Arizona*, 570 U.S. 1,  
6       8–9 (2013) (internal quotation marks and citations  
7       omitted). Indeed, “Congress has plenary and para-  
8       mount jurisdiction over the whole subject” of con-  
9       gressional elections, *Ex parte Siebold*, 100 U.S. (10  
10       Otto) 371, 388 (1879), and this power “may be ex-  
11       ercised as and when Congress sees fit”, and “so far  
12       as it extends and conflicts with the regulations of  
13       the State, necessarily supersedes them”. *Id.* At 384.  
14       Among other things, Congress finds that the Elec-  
15       tions Clause was intended to “vindicate the people’s  
16       right to equality of representation in the House”.  
17       *Wesberry v. Sanders*, 376 U.S. 1, 16 (1964).

18       (2) Congress also finds that it has both the au-  
19       thority and responsibility, as the legislative body for  
20       the United States, to fulfill the promise of article IV,  
21       section 4, of the Constitution, which states: “The  
22       United States shall guarantee to every State in this  
23       Union a Republican Form of Government[.]”. Con-  
24       gress finds that its authority and responsibility to  
25

1 enforce the Guarantee Clause is particularly strong  
2 given that Federal courts have not enforced this  
3 clause because they understood that its enforcement  
4 is committed to Congress by the Constitution.

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

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

1           (C) As a result, Congress finds that it has the  
2           authority pursuant to section 5 of the Fourteenth  
3           Amendment to protect the right to vote. Congress  
4           also finds that States and localities have eroded ac-  
5           cess to the right to vote through restrictions on the  
6           right to vote including excessively onerous voter  
7           identification requirements, burdensome voter reg-  
8           istration procedures, voter purges, limited and un-  
9           equal access to voting by mail, polling place closures,  
10          unequal distribution of election resources, and other  
11          impediments.

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

22          (4)(A) Congress also finds that it has authority  
23          to legislate to eliminate racial discrimination in vot-  
24          ing and the democratic process pursuant to both sec-  
25          tion 5 of the Fourteenth Amendment, which grants

1 equal protection of the laws, and section 2 of the  
2 Fifteenth Amendment, which explicitly bars denial  
3 or abridgment of the right to vote on account of  
4 race, color, or previous condition of servitude.

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

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

24 (D) Congress finds that racial disparities in dis-  
25 enfranchisement due to past felony convictions is

1 particularly stark. In 2020, according to the Sen-  
2 tencing Project, an estimated 5,200,000 Americans  
3 could not vote due to a felony conviction. One in 16  
4 African Americans of voting age is disenfranchised,  
5 a rate 3.7 times greater than that of non-African  
6 Americans. In seven States—Alabama, Florida, Ken-  
7 tucky, Mississippi, Tennessee, Virginia, and Wyo-  
8 ming—more than one in seven African Americans is  
9 disenfranchised, twice the national average for Afri-  
10 can Americans. Congress finds that felony disenfran-  
11 chisement was one of the tools of intentional racial  
12 discrimination during the Jim Crow era. Congress  
13 further finds that current racial disparities in felony  
14 disenfranchisement are linked to this history of voter  
15 suppression, structural racism in the criminal justice  
16 system, and ongoing effects of historical discrimina-  
17 tion.

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

23 (B) Congress finds that electoral practices in-  
24 cluding voting rights restoration conditions for peo-  
25 ple with convictions, voter identification require-

1       ments, and other restrictions to the franchise burden  
2       voters on account of their ability to pay.

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

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

9       (a) IN GENERAL.—If any action is brought for de-  
10      claratory or injunctive relief to challenge, whether facially  
11      or as-applied, the constitutionality of any provision of this  
12      Act or any amendment made by this Act or any rule or  
13      regulation promulgated under this Act, the following rules  
14      shall apply:

15             (1) The action shall be filed in the United  
16      States District Court for the District of Columbia  
17      and an appeal from the decision of the district court  
18      may be taken to the Court of Appeals for the Dis-  
19      trict of Columbia Circuit.

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

24             (3) It shall be the duty of the United States  
25      District Court for the District of Columbia, the

1 Court of Appeals for the District of Columbia Cir-  
 2 cuit, and the Supreme Court of the United States to  
 3 advance on the docket and to expedite to the great-  
 4 est possible extent the disposition of the action and  
 5 appeal.

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

18 **DIVISION A—VOTING**  
 19 **TITLE I—ELECTION ACCESS**

Sec. 1000. Short title; statement of policy.

Subtitle A—Voter Registration Modernization

Sec. 1000A. Short title.

PART 1—PROMOTING INTERNET REGISTRATION

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

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

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

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

- Sec. 1005. Prohibiting State from requiring applicants to provide more than last 4 digits of Social Security number.
- Sec. 1006. Effective date.

#### PART 2—AUTOMATIC VOTER REGISTRATION

- Sec. 1011. Short title; findings and purpose.
- Sec. 1012. Automatic registration of eligible individuals.
- Sec. 1013. Contributing agency assistance in registration.
- Sec. 1014. One-time contributing agency assistance in registration of eligible voters in existing records.
- Sec. 1015. Voter protection and security in automatic registration.
- Sec. 1016. Registration portability and correction.
- Sec. 1017. Payments and grants.
- Sec. 1018. Treatment of exempt States.
- Sec. 1019. Miscellaneous provisions.
- Sec. 1020. Definitions.
- Sec. 1021. Effective date.

#### PART 3—SAME DAY VOTER REGISTRATION

- Sec. 1031. Same day registration.

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

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

#### PART 5—OTHER INITIATIVES TO PROMOTE VOTER REGISTRATION

- Sec. 1051. Annual reports on voter registration statistics.
- Sec. 1052. Ensuring pre-election registration deadlines are consistent with timing of legal public holidays.
- Sec. 1053. Use of Postal Service hard copy change of address form to remind individuals to update voter registration.
- Sec. 1054. Grants to States for activities to encourage involvement of minors in election activities.

#### PART 6—AVAILABILITY OF HAVA REQUIREMENTS PAYMENTS

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

#### PART 7—PROHIBITING INTERFERENCE WITH VOTER REGISTRATION

- Sec. 1071. Prohibiting hindering, interfering with, or preventing voter registration.
- Sec. 1072. Establishment of best practices.

#### PART 8—VOTER REGISTRATION EFFICIENCY ACT

- Sec. 1081. Short title.
- Sec. 1082. Requiring applicants for motor vehicle driver's licenses in new state to indicate whether state serves as residence for voter registration purposes.

#### PART 9—PROVIDING VOTER REGISTRATION INFORMATION TO SECONDARY SCHOOL STUDENTS



- Sec. 1091. Pilot program for providing voter registration information to secondary school students prior to graduation.
- Sec. 1092. Reports.
- Sec. 1093. Authorization of appropriations.

#### PART 10—VOTER REGISTRATION OF MINORS

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

##### Subtitle B—Access to Voting for Individuals With Disabilities

- Sec. 1101. Requirements for States to promote access to voter registration and voting for individuals with disabilities.
- Sec. 1102. Expansion and reauthorization of grant program to assure voting access for individuals with disabilities.
- Sec. 1103. Pilot programs for enabling individuals with disabilities to register to vote privately and independently at residences.
- Sec. 1104. GAO analysis and report on voting access for individuals with disabilities.

##### Subtitle C—Prohibiting Voter Caging

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

##### Subtitle D—Prohibiting Deceptive Practices and Preventing Voter Intimidation

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

##### Subtitle E—Democracy Restoration

- Sec. 1401. Short title.
- Sec. 1402. Findings.
- Sec. 1403. Rights of citizens.
- Sec. 1404. Enforcement.
- Sec. 1405. Notification of restoration of voting rights.
- Sec. 1406. Definitions.
- Sec. 1407. Relation to other laws.
- Sec. 1408. Federal prison funds.
- Sec. 1409. Effective date.

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

- Sec. 1501. Short title.
- Sec. 1502. Paper ballot and manual counting requirements.
- Sec. 1503. Accessibility and ballot verification for individuals with disabilities.
- Sec. 1504. Durability and readability requirements for ballots.
- Sec. 1505. Study and report on optimal ballot design.
- Sec. 1506. Paper ballot printing requirements.
- Sec. 1507. Effective date for new requirements.

Subtitle G—Provisional Ballots

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

Subtitle H—Early Voting

Sec. 1611. Early voting.

Subtitle I—Voting by Mail

Sec. 1621. Voting by mail.

Sec. 1622. Absentee ballot tracking program.

Sec. 1623. Voting materials postage.

Subtitle J—Absent Uniformed Services Voters and Overseas Voters

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

Sec. 1702. Enforcement.

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

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

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

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

Sec. 1707. Effective date.

Subtitle K—Poll Worker Recruitment and Training

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

Sec. 1802. State defined.

Subtitle L—Enhancement of Enforcement

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

Subtitle M—Federal Election Integrity

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

Subtitle N—Promoting Voter Access Through Election Administration Improvements

PART 1—PROMOTING VOTER ACCESS

Sec. 1901. Treatment of institutions of higher education.

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

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

Sec. 1904. Accommodations for voters residing in Indian lands.

Sec. 1905. Voter information response systems and hotline.

Sec. 1906. Ensuring equitable and efficient operation of polling places.

Sec. 1907. Requiring States to provide secured drop boxes for voted absentee ballots in elections for Federal office.

Sec. 1908. Prohibiting States from restricting curbside voting.

## PART 2—DISASTER AND EMERGENCY CONTINGENCY PLANS

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

## PART 3—IMPROVEMENTS IN OPERATION OF ELECTION ASSISTANCE COMMISSION

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

## PART 3—MISCELLANEOUS PROVISIONS

- Sec. 1931. Application of laws to Commonwealth of Northern Mariana Islands.  
 Sec. 1932. Definition of election for Federal office.  
 Sec. 1933. No effect on other laws.

## Subtitle O—Severability

- Sec. 1941. Severability.

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

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

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

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

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

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

3   **SEC. 1000A. SHORT TITLE.**

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

6   **PART 1—PROMOTING INTERNET REGISTRATION**

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

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

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

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

22               “(1) Online application for voter registration.

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

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

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

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

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

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

25           “(c) SIGNATURE REQUIREMENTS.—

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

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

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

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

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

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

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

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

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

18          “(d) CONFIRMATION AND DISPOSITION.—

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

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

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

9 “(3) METHOD OF NOTIFICATION.—The appro-  
10 priate State or local election official shall send the  
11 notices required under this subsection by regular  
12 mail and—

13 “(A) in the case of an individual who has  
14 provided the official with an electronic mail ad-  
15 dress, by electronic mail; and

16 “(B) at the option of the individual, by  
17 text message.

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

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



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

6           “(f) PROTECTION OF SECURITY OF INFORMATION.—  
7           In meeting the requirements of this section, the State shall  
8           establish appropriate technological security measures to  
9           prevent to the greatest extent practicable any unauthor-  
10          ized access to information provided by individuals using  
11          the services made available under subsection (a).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

20                  (c) CONFORMING AMENDMENTS.—

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

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

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

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

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

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

18 **SEC. 1002. USE OF INTERNET TO UPDATE REGISTRATION**  
 19 **INFORMATION.**

20 (a) IN GENERAL.—

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

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

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

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

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

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

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

6 “(C) CONFIRMATION AND DISPOSITION.—

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

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

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

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

3                   “(I) in the case of an individual  
4                   who has requested that the State pro-  
5                   vide voter registration and voting in-  
6                   formation through electronic mail, by  
7                   electronic mail; and

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

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

15               (b) ABILITY OF REGISTRANT TO USE ONLINE UP-  
16               DATE TO PROVIDE INFORMATION ON RESIDENCE.—Sec-  
17               tion 8(d)(2)(A) of the National Voter Registration Act of  
18               1993 (52 U.S.C. 20507(d)(2)(A)) is amended—

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

14 **SEC. 1006. EFFECTIVE DATE.**

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

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

1 subsection to “January 1, 2022” were a reference to  
2 “January 1, 2024”.

3 **PART 2—AUTOMATIC VOTER REGISTRATION**

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

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

7 (b) FINDINGS AND PURPOSE.—

8 (1) FINDINGS.—Congress finds that—

9 (A) the right to vote is a fundamental  
10 right of citizens of the United States;

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

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

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

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

1 (A) to establish that it is the responsibility  
 2 of government at every level to ensure that all  
 3 eligible citizens are registered to vote in elec-  
 4 tions for Federal office;

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

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

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

15 **SEC. 1012. AUTOMATIC REGISTRATION OF ELIGIBLE INDI-**  
 16 **VIDUALS.**

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

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

1           (2) DEFINITION.—The term “automatic reg-  
2           istration” means a system that registers an indi-  
3           vidual to vote in elections for Federal office in a  
4           State, if eligible, by electronically transferring the  
5           information necessary for registration from govern-  
6           ment agencies to election officials of the State so  
7           that, unless the individual affirmatively declines to  
8           be registered, the individual will be registered to vote  
9           in such elections.

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

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

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



1       (c) ONE-TIME REGISTRATION OF VOTERS BASED ON  
2 EXISTING CONTRIBUTING AGENCY RECORDS.—The chief  
3 State election official shall—

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

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

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

17           (B) a statement offering the opportunity to  
18 decline voter registration through means con-  
19 sistent with the requirements of this part;

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

1 a political party or to decline to affiliate or en-  
2 roll with a political party, through means con-  
3 sistent with the requirements of this part;

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

13 (E) instructions for correcting any erro-  
14 neous information; and

15 (F) instructions for providing any addi-  
16 tional information which is listed in the mail  
17 voter registration application form for elections  
18 for Federal office prescribed pursuant to section  
19 9 of the National Voter Registration Act of  
20 1993;

21 (3) ensure that each such individual who is eli-  
22 gible to register to vote in elections for Federal of-  
23 fice in the State is promptly registered to vote not  
24 later than 45 days after the official sends the indi-  
25 vidual the written notice under paragraph (2), un-

1 less, during the 30-day period which begins on the  
2 date the election official sends the individual such  
3 written notice, the individual declines registration in  
4 writing, through a communication made over the  
5 internet, or by an officially logged telephone commu-  
6 nication; and

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

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

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

1 **SEC. 1013. CONTRIBUTING AGENCY ASSISTANCE IN REG-**  
2 **ISTRATION.**

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

7 (b) REQUIREMENTS FOR CONTRIBUTING AGEN-  
8 CIES.—

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

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

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

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

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

21 (2) OPPORTUNITY TO DECLINE REGISTRATION  
22 REQUIRED.—Each contributing agency shall ensure  
23 that each application for service or assistance, and  
24 each related recertification, renewal, or change of  
25 address, or, in the case of an institution of higher

1 education, each registration of a student for enroll-  
2 ment in a course of study, cannot be completed until  
3 the individual is given the opportunity to decline to  
4 be registered to vote.

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

16 (A) The individual's given name(s) and  
17 surname(s).

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

19 (C) The individual's residential address.

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

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

1 (F) If available, the individual's signature  
2 in electronic form.

3 (G) Information regarding the individual's  
4 affiliation or enrollment with a political party,  
5 if the individual provides such information.

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

14 (c) ALTERNATE PROCEDURE FOR CERTAIN CON-  
15 TRIBUTING AGENCIES.—With each application for service  
16 or assistance, and with each related recertification, re-  
17 newal, or change of address, any contributing agency that  
18 in the normal course of its operations does not request  
19 individuals applying for service or assistance to affirm  
20 United States citizenship (either directly or as part of the  
21 overall application for service or assistance) shall—

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

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

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

9           (d) REQUIRED AVAILABILITY OF AUTOMATIC REG-  
 10          ISTRATION OPPORTUNITY WITH EACH APPLICATION FOR  
 11          SERVICE OR ASSISTANCE.—Each contributing agency  
 12          shall offer each individual, with each application for serv-  
 13          ice or assistance, and with each related recertification, re-  
 14          newal, or change of address, or in the case of an institu-  
 15          tion of higher education, with each registration of a stu-  
 16          dent for enrollment in a course of study, the opportunity  
 17          to register to vote as prescribed by this section without  
 18          regard to whether the individual previously declined a reg-  
 19          istration opportunity.

20          (e) CONTRIBUTING AGENCIES.—

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

24                       (A) Each agency in a State that is re-  
 25                       quired by Federal law to provide voter registra-



1           tion services, including the State motor vehicle  
2           authority and other voter registration agencies  
3           under the National Voter Registration Act of  
4           1993.

5           (B) Each agency in a State that admin-  
6           isters a program pursuant to title III of the So-  
7           cial Security Act (42 U.S.C. 501 et seq.), title  
8           XIX of the Social Security Act (42 U.S.C. 1396  
9           et seq.), or the Patient Protection and Afford-  
10          able Care Act (Public Law 111–148).

11          (C) Each State agency primarily respon-  
12          sible for regulating the private possession of  
13          firearms.

14          (D) Each State agency primarily respon-  
15          sible for maintaining identifying information for  
16          students enrolled at public secondary schools,  
17          including, where applicable, the State agency  
18          responsible for maintaining the education data  
19          system described in section 6201(e)(2) of the  
20          America COMPETES Act (20 U.S.C.  
21          9871(e)(2)).

22          (E) In the case of a State in which an in-  
23          dividual disenfranchised by a criminal convic-  
24          tion may become eligible to vote upon comple-  
25          tion of a criminal sentence or any part thereof,

1 or upon formal restoration of rights, the State  
2 agency responsible for administering that sen-  
3 tence, or part thereof, or that restoration of  
4 rights.

5 (F) Any other agency of the State which is  
6 designated by the State as a contributing agen-  
7 cy.

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

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

21 (B) The Bureau of Citizenship and Immi-  
22 gration Services, but only with respect to indi-  
23 viduals who have completed the naturalization  
24 process.

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

14          (D) Any other agency of the Federal Gov-  
15          ernment which the State designates as a con-  
16          tributing agency, but only if the State and the  
17          head of the agency determine that the agency  
18          collects information sufficient to carry out the  
19          responsibilities of a contributing agency under  
20          this section.

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

23                (A) SPECIAL RULE.—For purposes of this  
24                part, each institution of higher education de-  
25                scribed in subparagraph (B) shall be treated as

1 a contributing agency in the State in which it  
2 is located, except that—

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

13 (ii) if the institution is treated as a  
14 contributing agency in a State pursuant to  
15 clause (i), the institution shall serve as a  
16 contributing agency only with respect to  
17 students, including students enrolled in a  
18 program of distance education, as defined  
19 in section 103(7) of the Higher Education  
20 Act of 1965 (20 U.S.C. 1003(7)), who re-  
21 side in the State.

22 (B) INSTITUTIONS DESCRIBED.—An insti-  
23 tution described in this subparagraph is an in-  
24 stitution of higher education which has a pro-  
25 gram participation agreement in effect with the

1 Secretary of Education under section 487 of the  
 2 Higher Education Act of 1965 (20 U.S.C.  
 3 1094) and which is located in a State to which  
 4 section 4(b) of the National Voter Registration  
 5 Act of 1993 (52 U.S.C. 20503(b)) does not  
 6 apply.

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

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

18 **SEC. 1014. ONE-TIME CONTRIBUTING AGENCY ASSISTANCE**  
 19 **IN REGISTRATION OF ELIGIBLE VOTERS IN**  
 20 **EXISTING RECORDS.**

21 (a) INITIAL TRANSMITTAL OF INFORMATION.—For  
 22 each individual already listed in a contributing agency's  
 23 records as of the date of enactment of this Act, and for  
 24 whom the agency has the information listed in section  
 25 1013(b)(3), the agency shall promptly transmit that infor-

1 mation to the appropriate State election official in accord-  
2 ance with section 1013(b)(3) not later than the effective  
3 date described in section 1021(a).

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

14 **SEC. 1015. VOTER PROTECTION AND SECURITY IN AUTO-**  
15 **MATIC REGISTRATION.**

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

23 (1) The individual notified an election office of  
24 the individual’s automatic registration to vote under  
25 this part.

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

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

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

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

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

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

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

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

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

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

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

17           (e) ELECTION OFFICIALS' PROTECTION OF INFOR-  
18           MATION.—

19           (1) PUBLIC DISCLOSURE PROHIBITED.—

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



1 (i) The identity of the contributing  
2 agency.

3 (ii) Any information not necessary to  
4 voter registration.

5 (iii) Any voter information otherwise  
6 shielded from disclosure under State law or  
7 section 8(a) of the National Voter Reg-  
8 istration Act of 1993 (52 U.S.C.  
9 20507(a)).

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

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

14 (vi) The individual's signature.

15 (vii) The individual's telephone num-  
16 ber.

17 (viii) The individual's email address.

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

1 (i) The identity of the contributing  
2 agency.

3 (ii) Any information not necessary to  
4 voter registration.

5 (iii) Any voter information otherwise  
6 shielded from disclosure under State law or  
7 section 8(a) of the National Voter Reg-  
8 istration Act of 1993 (52 U.S.C.  
9 20507(a)).

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

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

14 (vi) The individual's signature.

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

22 (3) DATABASE MANAGEMENT STANDARDS.—  
23 The Director of the National Institute of Standards  
24 and Technology shall, after providing the public with  
25 notice and the opportunity to comment—

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

10 (B) ensure that the standards developed  
11 pursuant to this paragraph are uniform and  
12 nondiscriminatory and are applied in a uniform  
13 and nondiscriminatory manner; and

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

20 (4) SECURITY POLICY.—The Director of the  
21 National Institute of Standards and Technology  
22 shall, after providing the public with notice and the  
23 opportunity to comment, publish privacy and secu-  
24 rity standards for voter registration information not  
25 later than 45 days after the deadline for public no-

1       tice and comment. The standards shall require the  
2       chief State election official of each State to adopt a  
3       policy that shall specify—

4               (A) each class of users who shall have au-  
5               thorized access to the computerized statewide  
6               voter registration list, specifying for each class  
7               the permission and levels of access to be grant-  
8               ed, and setting forth other safeguards to pro-  
9               tect the privacy, security, and accuracy of the  
10              information on the list; and

11             (B) security safeguards to protect personal  
12             information transmitted through the informa-  
13             tion transmittal processes of section 1013 or  
14             section 1014, the online system used pursuant  
15             to section 1017, any telephone interface, the  
16             maintenance of the voter registration database,  
17             and any audit procedure to track access to the  
18             system.

19       (5) STATE COMPLIANCE WITH NATIONAL  
20       STANDARDS.—

21             (A) CERTIFICATION.—The chief executive  
22             officer of the State shall annually file with the  
23             Election Assistance Commission a statement  
24             certifying to the Director of the National Insti-  
25             tute of Standards and Technology that the

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

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

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

23 (D) COMPLIANCE OF STATES THAT RE-  
24 QUIRE CHANGES TO STATE LAW.—In the case  
25 of a State that requires State legislation to

1           carry out an activity covered by any certifi-  
2           cation submitted under this paragraph, for a  
3           period of not more than 2 years the State shall  
4           be permitted to make the certification notwith-  
5           standing that the legislation has not been en-  
6           acted at the time the certification is submitted,  
7           and such State shall submit an additional cer-  
8           tification once such legislation is enacted.

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

14               (1) Voter registration records.

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

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

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

1 or local public office or the activities of political commit-  
2 tees (including committees of political parties) under the  
3 Federal Election Campaign Act of 1971.

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

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

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

15 (2) correct any incorrect information relating to  
16 the individual, including the individual’s name and  
17 political party affiliation, in the records of the elec-  
18 tion official; and

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

24 (b) UPDATES TO COMPUTERIZED STATEWIDE VOTER  
25 REGISTRATION LISTS.—If an election official at the poll-

1 ing place receives an updated address or corrected infor-  
2 mation from an individual under subsection (a), the offi-  
3 cial shall ensure that the address or information is  
4 promptly entered into the computerized statewide voter  
5 registration list in accordance with section  
6 303(a)(1)(A)(vi) of the Help America Vote Act of 2002  
7 (52 U.S.C. 21083(a)(1)(A)(vi)).

8 **SEC. 1017. PAYMENTS AND GRANTS.**

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

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

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

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

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



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

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

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

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

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

24       (d) AUTHORIZATION OF APPROPRIATIONS.—

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

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

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

6 (2) CONTINUING AVAILABILITY OF FUNDS.—

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

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

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

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

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

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

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

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

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

24 (a) ACCESSIBILITY OF REGISTRATION SERVICES.—

25 Each contributing agency shall ensure that the services

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

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

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

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

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

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

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

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

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

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

18 **SEC. 1020. DEFINITIONS.**

19       In this part, the following definitions apply:

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

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

3           (3) The term “exempt State” means a State  
4       which, under law which is in effect continuously on  
5       and after the date of the enactment of this Act, op-  
6       erates an automatic voter registration program  
7       under which an individual is automatically registered  
8       to vote in elections for Federal office in the State if  
9       the individual provides the motor vehicle authority of  
10      the State (or, in the case of a State in which an in-  
11      dividual is automatically registered to vote at the  
12      time the individual applies for benefits or services  
13      with a Permanent Dividend Fund of the State, pro-  
14      vides the appropriate official of such Fund) with  
15      such identifying information as the State may re-  
16      quire.

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

19   **SEC. 1021. EFFECTIVE DATE.**

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

23          (b) WAIVER.—Subject to the approval of the Com-  
24      mission, if a State certifies to the Commission that the  
25      State will not meet the deadline referred to in subsection

1 (a) because of extraordinary circumstances and includes  
 2 in the certification the reasons for the failure to meet the  
 3 deadline, subsection (a) shall apply to the State as if the  
 4 reference in such subsection to “January 1, 2023” were  
 5 a reference to “January 1, 2025”.

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

### 7 **SEC. 1031. SAME DAY REGISTRATION.**

8 (a) IN GENERAL.—Title III of the Help America  
 9 Vote Act of 2002 (52 U.S.C. 21081 et seq.) is amended—  
 10 (1) by redesignating sections 304 and 305 as  
 11 sections 305 and 306; and  
 12 (2) by inserting after section 303 the following  
 13 new section:

### 14 **“SEC. 304. SAME DAY REGISTRATION.**

15 **“(a) IN GENERAL.—**

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

20 **“(A) to register to vote in such election at**  
 21 **the polling place using a form that meets the**  
 22 **requirements under section 9(b) of the National**  
 23 **Voter Registration Act of 1993 (or, if the indi-**  
 24 **vidual is already registered to vote, to revise**

1 any of the individual’s voter registration infor-  
2 mation); and

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

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

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

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

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

23 (c) CLERICAL AMENDMENT.—The table of contents  
24 of such Act is amended—

1 (1) by redesignating the items relating to sec-  
 2 tions 304 and 305 as relating to sections 305 and  
 3 306; and

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

“Sec. 304. Same day registration.”.

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

8 **SEC. 1041. CONDITIONS ON REMOVAL OF REGISTRANTS**  
 9 **FROM OFFICIAL LIST OF ELIGIBLE VOTERS**  
 10 **ON BASIS OF INTERSTATE CROSS-CHECKS.**

11 (a) MINIMUM INFORMATION REQUIRED FOR RE-  
 12 MOVAL UNDER CROSS-CHECK.—Section 8(c)(2) of the  
 13 National Voter Registration Act of 1993 (52 U.S.C.  
 14 20507(c)(2)) is amended—

15 (1) by redesignating subparagraph (B) as sub-  
 16 paragraph (D); and

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

19 “(B) To the extent that the program carried out by  
 20 a State under subparagraph (A) to systematically remove  
 21 the names of ineligible voters from the official lists of eligi-  
 22 ble voters uses information obtained in an interstate cross-  
 23 check, in addition to any other conditions imposed under  
 24 this Act on the authority of the State to remove the name



1 of the voter from such a list, the State may not remove  
 2 the name of the voter from such a list unless—

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

7 “(ii) the State obtained documentation from the  
 8 ERIC system that the voter is no longer a resident  
 9 of the State.

10 “(C) In this paragraph—

11 “(i) the term ‘interstate cross-check’ means the  
 12 transmission of information from an election official  
 13 in one State to an election official of another State;  
 14 and

15 “(ii) the term ‘ERIC system’ means the system  
 16 operated by the Electronic Registration Information  
 17 Center to share voter registration information and  
 18 voter identification information among participating  
 19 States.”.

20 (b) REQUIRING COMPLETION OF CROSS-CHECKS NOT  
 21 LATER THAN 6 MONTHS PRIOR TO ELECTION.—Sub-  
 22 paragraph (A) of section 8(c)(2) of such Act (52 U.S.C.  
 23 20507(c)(2)) is amended by striking “not later than 90  
 24 days” and inserting the following: “not later than 90 days

1 (or, in the case of a program in which the State uses inter-  
 2 state cross-checks, not later than 6 months)”.

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

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

## 11 **PART 5—OTHER INITIATIVES TO PROMOTE**

### 12 **VOTER REGISTRATION**

#### 13 **SEC. 1051. ANNUAL REPORTS ON VOTER REGISTRATION**

##### 14 **STATISTICS.**

15 (a) ANNUAL REPORT.—Not later than 90 days after  
 16 the end of each year, each State shall submit to the Elec-  
 17 tion Assistance Commission and Congress a report con-  
 18 taining the following categories of information for the  
 19 year:

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

22 (2) The number of voter registration applica-  
 23 tion forms completed by individuals that were trans-  
 24 mitted by motor vehicle authorities in the State  
 25 (pursuant to section 5(d) of the National Voter Reg-

1       istration Act of 1993) and voter registration agen-  
2       cies in the State (as designated under section 7 of  
3       such Act) to the chief State election official of the  
4       State, broken down by each such authority and  
5       agency.

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

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

21          (5) The number of individuals on the statewide  
22      computerized voter registration list (as established  
23      and maintained under section 303 of the Help  
24      America Vote Act of 2002) whose voter registration  
25      information was revised by the chief State election

1        official as a result of the forms transmitted to the  
2        official by such motor vehicle authorities and voter  
3        registration agencies (as described in paragraph  
4        (3)), broken down by each such authority and agen-  
5        cy and the type of form transmitted.

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

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

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

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

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

7 **SEC. 1052. ENSURING PRE-ELECTION REGISTRATION DEAD-**  
8 **LINES ARE CONSISTENT WITH TIMING OF**  
9 **LEGAL PUBLIC HOLIDAYS.**

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

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

17 **SEC. 1053. USE OF POSTAL SERVICE HARD COPY CHANGE**  
18 **OF ADDRESS FORM TO REMIND INDIVIDUALS**  
19 **TO UPDATE VOTER REGISTRATION.**

20 (a) IN GENERAL.—Not later than 1 year after the  
21 date of the enactment of this Act, the Postmaster General  
22 shall modify any hard copy change of address form used  
23 by the United States Postal Service so that such form con-  
24 tains a reminder that any individual using such form

1 should update the individual's voter registration as a re-  
 2 sult of any change in address.

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

6 **SEC. 1054. GRANTS TO STATES FOR ACTIVITIES TO EN-**  
 7 **COURAGE INVOLVEMENT OF MINORS IN**  
 8 **ELECTION ACTIVITIES.**

9 (a) GRANTS.—

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

16 (2) CONTENTS OF PLANS.—A State's plan  
 17 under this subsection shall include—

18 (A) methods to promote the use of the pre-  
 19 registration process implemented under section  
 20 8A of the National Voter Registration Act of  
 21 1993 (as added by section 2(a));

22 (B) modifications to the curriculum of sec-  
 23 ondary schools in the State to promote civic en-  
 24 gagement; and

1 (C) such other activities to encourage the  
2 involvement of young people in the electoral  
3 process as the State considers appropriate.

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

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

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

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

15 (c) PERIOD OF GRANT; REPORT.—

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

20 (2) REPORT.—Not later than 6 months after  
21 the end of the 2-year period agreed to under para-  
22 graph (1), the State shall submit to the Commission  
23 a report on the activities the State carried out with  
24 the funds provided by the grant, and shall include  
25 in the report an analysis of the extent to which the

1 State met the performance measures and targets in-  
 2 cluded in its application under subsection (b)(2).

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

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

## 9 **PART 6—AVAILABILITY OF HAVA REQUIREMENTS**

### 10 **PAYMENTS**

#### 11 **SEC. 1061. AVAILABILITY OF REQUIREMENTS PAYMENTS**

#### 12 **UNDER HAVA TO COVER COSTS OF COMPLI-** 13 **ANCE WITH NEW REQUIREMENTS.**

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

16 (1) in paragraph (1), by striking “as provided  
 17 in paragraphs (2) and (3)” and inserting “as other-  
 18 wise provided in this subsection”; and

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

21 “(4) CERTAIN VOTER REGISTRATION ACTIVI-  
 22 TIES.—A State may use a requirements payment to  
 23 carry out any of the requirements of the Voter Reg-  
 24 istration Modernization Act of 2021, including the  
 25 requirements of the National Voter Registration Act



1 of 1993 which are imposed pursuant to the amend-  
 2 ments made to such Act by the Voter Registration  
 3 Modernization Act of 2021.”.

4 (b) CONFORMING AMENDMENT.—Section 254(a)(1)  
 5 of such Act (52 U.S.C. 21004(a)(1)) is amended by strik-  
 6 ing “section 251(a)(2)” and inserting “section  
 7 251(b)(2)”.

8 (c) EFFECTIVE DATE.—The amendments made by  
 9 this section shall apply with respect to fiscal year 2020  
 10 and each succeeding fiscal year.

11 **PART 7—PROHIBITING INTERFERENCE WITH**  
 12 **VOTER REGISTRATION**

13 **SEC. 1071. PROHIBITING HINDERING, INTERFERING WITH,**  
 14 **OR PREVENTING VOTER REGISTRATION.**

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

18 **“§ 612. Hindering, interfering with, or preventing**  
 19 **registering to vote**

20 “(a) PROHIBITION.—It shall be unlawful for any per-  
 21 son, whether acting under color of law or otherwise, to  
 22 corruptly hinder, interfere with, or prevent another person  
 23 from registering to vote or to corruptly hinder, interfere  
 24 with, or prevent another person from aiding another per-  
 25 son in registering to vote.

1       “(b) ATTEMPT.—Any person who attempts to commit  
2 any offense described in subsection (a) shall be subject to  
3 the same penalties as those prescribed for the offense that  
4 the person attempted to commit.

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

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

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

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

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

19       (a) BEST PRACTICES.—Not later than 180 days after  
20 the date of the enactment of this Act, the Election Assist-  
21 ance Commission shall develop and publish recommenda-  
22 tions for best practices for States to use to deter and pre-  
23 vent violations of section 612 of title 18, United States  
24 Code (as added by section 1071), and section 12 of the  
25 National Voter Registration Act of 1993 (52 U.S.C.

1 20511) (relating to the unlawful interference with reg-  
2 istering to vote, or voting, or attempting to register to vote  
3 or vote), including practices to provide for the posting of  
4 relevant information at polling places and voter registra-  
5 tion agencies under such Act, the training of poll workers  
6 and election officials, and relevant educational materials.  
7 For purposes of this subsection, the term “State” includes  
8 the District of Columbia, the Commonwealth of Puerto  
9 Rico, Guam, American Samoa, the United States Virgin  
10 Islands, and the Commonwealth of the Northern Mariana  
11 Islands.

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

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

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

19 (3) by adding at the end the following new sub-  
20 paragraph:

21 “(G) information relating to the prohibi-  
22 tions of section 612 of title 18, United States  
23 Code, and section 12 of the National Voter  
24 Registration Act of 1993 (52 U.S.C. 20511)  
25 (relating to the unlawful interference with reg-

1           istering to vote, or voting, or attempting to reg-  
 2           ister to vote or vote), including information on  
 3           how individuals may report allegations of viola-  
 4           tions of such prohibitions.”.

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

6 **SEC. 1081. SHORT TITLE.**

7           This part may be cited as the “Voter Registration  
 8 Efficiency Act”.

9 **SEC. 1082. REQUIRING APPLICANTS FOR MOTOR VEHICLE**  
 10 **DRIVER’S LICENSES IN NEW STATE TO INDI-**  
 11 **CATE WHETHER STATE SERVES AS RESI-**  
 12 **DENCE FOR VOTER REGISTRATION PUR-**  
 13 **POSES.**

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

17           (1) by striking “Any change” and inserting  
 18           “(1) Any change”; and

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

21           “(2)(A) A State motor vehicle authority shall  
 22 require each individual applying for a motor vehicle  
 23 driver’s license in the State—

24           “(i) to indicate whether the individual  
 25 resides in another State or resided in an-

1 other State prior to applying for the li-  
2 cense, and, if so, to identify the State in-  
3 volved; and

4 “(ii) to indicate whether the individual  
5 intends for the State to serve as the indi-  
6 vidual’s residence for purposes of reg-  
7 istering to vote in elections for Federal of-  
8 fice.

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

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

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

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

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

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

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

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

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

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

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

12 **SEC. 1092. REPORTS.**

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

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

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

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

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

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

8       (a) ACCEPTANCE OF APPLICATIONS.—Section 8 of  
9 the National Voter Registration Act of 1993 (52 U.S.C.  
10 20507), as amended by section 1004, is amended—

11           (1) by redesignating subsection (k) as sub-  
12 section (l); and

13           (2) by inserting after subsection (j) the fol-  
14 lowing new subsection:

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

20          “(e) HARDSHIP EXEMPTION.—

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

9 “(3) TIMING OF WAIVER.—

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

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

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

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

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

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

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

22          (b) CONFORMING AMENDMENT RELATING TO  
23          ISSUANCE OF VOLUNTARY GUIDANCE BY ELECTION AS-  
24          SISTANCE COMMISSION.—

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

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

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

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

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

11          (2) REDESIGNATION.—Title III of such Act (52  
12      U.S.C. 21081 et seq.) is amended by redesignating  
13      sections 311 and 312 as sections 321 and 322.

14          (c) CLERICAL AMENDMENTS.—The table of contents  
15      of such Act, as amended by section 1031(c)), is amend-  
16      ed—

17           (1) by redesignating the items relating to sec-  
18      tions 305 and 306 as relating to sections 306 and  
19      307;

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

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

22      and

1           (3) by redesignating the items relating to sec-  
2       tions 311 and 312 as relating to sections 321 and  
3       322.

4   **SEC. 1102. EXPANSION AND REAUTHORIZATION OF GRANT**  
5                   **PROGRAM TO ASSURE VOTING ACCESS FOR**  
6                   **INDIVIDUALS WITH DISABILITIES.**

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

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

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

1           “(3) providing solutions to problems of access  
2           to voting and elections for individuals with disabili-  
3           ties that are universally designed and provide the  
4           same opportunities for individuals with and without  
5           disabilities.”.

6           (b) REAUTHORIZATION.—Section 264(a) of such Act  
7           (52 U.S.C. 21024(a)) is amended by adding at the end  
8           the following new paragraph:

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

12          (c) PERIOD OF AVAILABILITY OF FUNDS.—Section  
13          264 of such Act (52 U.S.C. 21024) is amended—

14                 (1) in subsection (b), by striking “Any  
15                 amounts” and inserting “Except as provided in sub-  
16                 section (b), any amounts”; and

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

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

20                 “(1) DEADLINE FOR OBLIGATION AND EXPEND-  
21                 ITURE.—In the case of any amounts appropriated  
22                 pursuant to the authority of subsection (a) for a  
23                 payment to a State or unit of local government for  
24                 fiscal year 2022 or any succeeding fiscal year, any  
25                 portion of such amounts which have not been obli-

1       gated or expended by the State or unit of local gov-  
 2       ernment prior to the expiration of the 4-year period  
 3       which begins on the date the State or unit of local  
 4       government first received the amounts shall be  
 5       transferred to the Commission.

6           “(2)   REALLOCATION    OF    TRANSFERRED  
 7       AMOUNTS.—

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

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

20           “(i) amounts were appropriated pur-  
 21      suant to the authority of subsection (a);  
 22      and

23           “(ii) no amounts were transferred to  
 24      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 2022, or, at the option of a State, with respect to other  
 8 elections for public office held in the State in 2022.

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 disabil-  
24 ities, 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 of the Revised Statutes, as  
16 amended (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 “(H) information relating to the prohibi-  
2 tion against voter caging and other questionable  
3 challenges (as set forth in section 613 of title  
4 18, United States Code), including information  
5 on how individuals may report allegations of  
6 violations of such prohibition.”.

7 **Subtitle D—Prohibiting Deceptive**  
8 **Practices and Preventing Voter**  
9 **Intimidation**

10 **SEC. 1301. SHORT TITLE.**

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

13 **SEC. 1302. PROHIBITION ON DECEPTIVE PRACTICES IN**  
14 **FEDERAL ELECTIONS.**

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

17 (1) by striking “No person” and inserting the  
18 following:

19 “(1) IN GENERAL.—No person”; and

20 (2) by inserting at the end the following new  
21 paragraphs:

22 “(2) FALSE STATEMENTS REGARDING FEDERAL  
23 ELECTIONS.—

24 “(A) PROHIBITION.—No person, whether  
25 acting under color of law or otherwise, shall,

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(c))  
4 is amended—

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

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

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

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

18 (2) CONFORMING AMENDMENTS.—Section 2004  
19 of the Revised Statutes (52 U.S.C. 10101) is  
20 amended—

21 (A) in subsection (e), by striking “sub-  
22 section (c)” and inserting “subsection (c)(1)”;  
23 and

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

1 (c) CRIMINAL PENALTIES.—

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

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

6 “(a) INTIMIDATION.—Whoever”;

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

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

13 “(b) DECEPTIVE ACTS.—

14 “(1) FALSE STATEMENTS REGARDING FEDERAL  
15 ELECTIONS.—

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

1 intent that such information be communicated,  
2 if such person—

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

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

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

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

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

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

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

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



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

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

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

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

16       “(e) ELECTION DESCRIBED.—An election described  
17 in this subsection is any general, primary, run-off, or spe-  
18 cial election held solely or in part for the purpose of nomi-  
19 nating or electing a candidate for the office of President,  
20 Vice President, presidential elector, Senator, Member of  
21 the House of Representatives, or Delegate or Resident  
22 Commissioner to the Congress.”.

23           (2) MODIFICATION OF PENALTY FOR VOTER IN-  
24 TIMIDATION.—Section 594(a) of title 18, United  
25 States Code, as amended by paragraph (1), is

1 amended by striking “fined under this title or im-  
2 prisoned not more than one year” and inserting  
3 “fined not more than \$100,000, imprisoned for not  
4 more than 5 years”.

5 (3) SENTENCING GUIDELINES.—

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

17 (B) AUTHORIZATION.—The United States  
18 Sentencing Commission may amend the Federal  
19 Sentencing Guidelines in accordance with the  
20 procedures set forth in section 21(a) of the Sen-  
21 tencing Act of 1987 (28 U.S.C. 994 note) as  
22 though the authority under that section had not  
23 expired.

24 (4) PAYMENTS FOR REFRAINING FROM VOT-  
25 ING.—Subsection (c) of section 11 of the Voting

1 Rights Act of 1965 (52 U.S.C. 10307) is amended  
2 by striking “either for registration to vote or for vot-  
3 ing” and inserting “for registration to vote, for vot-  
4 ing, or for not voting”.

5 **SEC. 1303. CORRECTIVE ACTION.**

6 (a) CORRECTIVE ACTION.—

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

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

25 (A) shall—

1 (i) be accurate and objective;

2 (ii) consist of only the information  
3 necessary to correct the materially false in-  
4 formation that has been or is being com-  
5 municated; and

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

11 (B) shall not be designed to favor or dis-  
12 favor any particular candidate, organization, or  
13 political party.

14 (b) WRITTEN PROCEDURES AND STANDARDS FOR  
15 TAKING CORRECTIVE ACTION.—

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

21 (2) INCLUSION OF APPROPRIATE DEADLINES.—

22 The procedures and standards under paragraph (1)  
23 shall include appropriate deadlines, based in part on  
24 the number of days remaining before the upcoming  
25 election.

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

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

11   **SEC. 1304. REPORTS TO CONGRESS.**

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

22          (b) CONTENTS.—

23                (1) IN GENERAL.—Each report submitted  
24          under subsection (a) shall include—

1 (A) a description of each allegation of a  
2 deceptive practice described in subsection (a),  
3 including the geographic location, racial and  
4 ethnic composition, and language minority-  
5 group membership of the persons toward whom  
6 the alleged deceptive practice was directed;

7 (B) the status of the investigation of each  
8 allegation described in subparagraph (A);

9 (C) a description of each corrective action  
10 taken by the Attorney General under section  
11 4(a) in response to an allegation described in  
12 subparagraph (A);

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

16 (E) to the extent information is available,  
17 a description of any civil action instituted under  
18 section 2004(c)(2) of the Revised Statutes (52  
19 U.S.C. 10101(c)(2)), as added by section  
20 1302(b), in connection with an allegation de-  
21 scribed in subparagraph (A); and

22 (F) a description of any criminal prosecu-  
23 tion instituted under section 594 of title 18,  
24 United States Code, as amended by section  
25 1302(c), in connection with the receipt of an al-

1           legation described in subparagraph (A) by the  
2           Attorney General.

3           (2) EXCLUSION OF CERTAIN INFORMATION.—

4                 (A) IN GENERAL.—The Attorney General  
5           shall not include in a report submitted under  
6           subsection (a) any information protected from  
7           disclosure by rule 6(e) of the Federal Rules of  
8           Criminal Procedure or any Federal criminal  
9           statute.

10                (B) EXCLUSION OF CERTAIN OTHER IN-  
11           FORMATION.—The Attorney General may deter-  
12           mine that the following information shall not be  
13           included in a report submitted under subsection  
14           (a):

15                       (i) Any information that is privileged.

16                       (ii) Any information concerning an  
17           ongoing investigation.

18                       (iii) Any information concerning a  
19           criminal or civil proceeding conducted  
20           under seal.

21                       (iv) Any other nonpublic information  
22           that the Attorney General determines the  
23           disclosure of which could reasonably be ex-  
24           pected to infringe on the rights of any in-

1                   dividual or adversely affect the integrity of  
2                   a pending or future criminal investigation.

3           (c) REPORT MADE PUBLIC.—On the date that the  
4 Attorney General submits the report under subsection (a),  
5 the Attorney General shall also make the report publicly  
6 available through the internet and other appropriate  
7 means.

## 8 **Subtitle E—Democracy Restoration**

### 9 **SEC. 1401. SHORT TITLE.**

10           This subtitle may be cited as the “Democracy Res-  
11 toration Act of 2021”.

### 12 **SEC. 1402. FINDINGS.**

13           Congress makes the following findings:

14                   (1) The right to vote is the most basic constitu-  
15 tive act of citizenship. Regaining the right to vote  
16 reintegrates individuals with criminal convictions  
17 into free society, helping to enhance public safety.

18                   (2) Article I, section 4, of the Constitution  
19 grants Congress ultimate supervisory power over  
20 Federal elections, an authority which has repeatedly  
21 been upheld by the Supreme Court.

22                   (3) Basic constitutional principles of fairness  
23 and equal protection require an equal opportunity  
24 for citizens of the United States to vote in Federal  
25 elections. The right to vote may not be abridged or



1 denied by the United States or by any State on ac-  
2 count of race, color, gender, or previous condition of  
3 servitude. The 13th, 14th, 15th, 19th, 24th, and  
4 26th Amendments to the Constitution empower Con-  
5 gress to enact measures to protect the right to vote  
6 in Federal elections. The 8th Amendment to the  
7 Constitution provides for no excessive bail to be re-  
8 quired, nor excessive fines imposed, nor cruel and  
9 unusual punishments inflicted.

10 (4) There are 3 areas in which discrepancies in  
11 State laws regarding criminal convictions lead to un-  
12 fairness in Federal elections:

13 (A) The lack of a uniform standard for  
14 voting in Federal elections leads to an unfair  
15 disparity and unequal participation in Federal  
16 elections based solely on where a person lives.

17 (B) Laws governing the restoration of vot-  
18 ing rights after a criminal conviction vary  
19 throughout the country, and persons in some  
20 States can easily regain their voting rights  
21 while in other States persons effectively lose  
22 their right to vote permanently.

23 (C) State disenfranchisement laws dis-  
24 proportionately impact racial and ethnic minori-  
25 ties.

1           (5) Two States (Maine and Vermont), the Dis-  
2       trict of Columbia, and the Commonwealth of Puerto  
3       Rico do not disenfranchise individuals with criminal  
4       convictions at all, but 48 States have laws that deny  
5       convicted individuals the right to vote while they are  
6       in prison.

7           (6) In some States disenfranchisement results  
8       from varying State laws that restrict voting while in-  
9       dividuals are under the supervision of the criminal  
10      justice system or after they have completed a crimi-  
11      nal sentence. In 30 States, convicted individuals may  
12      not vote while they are on parole and 27 States dis-  
13      enfranchise individuals on felony probation as well.  
14      In 11 States, a conviction can result in lifetime dis-  
15      enfranchisement.

16          (7) Several States deny the right to vote to in-  
17      dividuals convicted of certain misdemeanors.

18          (8) An estimated 5,200,000 citizens of the  
19      United States, or about 1 in 44 adults in the United  
20      States, currently cannot vote as a result of a felony  
21      conviction. Of the 5,200,000 citizens barred from  
22      voting, only 24 percent are in prison. By contrast,  
23      75 percent of the disenfranchised reside in their  
24      communities while on probation or parole or after  
25      having completed their sentences. Approximately

1        2,200,000 citizens who have completed their sen-  
2        tences remain disenfranchised due to restrictive  
3        State laws. In at least 6 States—Alabama, Florida,  
4        Kentucky, Mississippi, Tennessee, and Virginia—  
5        more than 5 percent of the total voting-age popu-  
6        lation is disenfranchised.

7            (9) In those States that disenfranchise individ-  
8        uals post-sentence, the right to vote can be regained  
9        in theory, but in practice this possibility is often  
10       granted in a non-uniform and potentially discrimina-  
11       tory manner. Disenfranchised individuals must ei-  
12       ther obtain a pardon or an order from the Governor  
13       or an action by the parole or pardon board, depend-  
14       ing on the offense and State. Individuals convicted  
15       of a Federal offense often have additional barriers to  
16       regaining voting rights.

17           (10) State disenfranchisement laws dispropor-  
18       tionately impact racial and ethnic minorities. More  
19       than 6 percent of the African-American voting-age  
20       population, or 1,800,000 African Americans, are  
21       disenfranchised. Currently, 1 of every 16 voting-age  
22       African Americans are rendered unable to vote be-  
23       cause of felony disenfranchisement, which is a rate  
24       more than 3.7 times greater than non-African Amer-  
25       icans. Over 6 percent of African-American adults are

1 disenfranchised whereas only 1.7 percent of non-Af-  
2 rican Americans are. In 7 States (Alabama, 16 per-  
3 cent; Florida, 15 percent; Kentucky, 15 percent;  
4 Mississippi, 16 percent; Tennessee, 21 percent; Vir-  
5 ginia, 16 percent; and Wyoming, 36 percent), more  
6 than 1 in 7 African Americans are unable to vote  
7 because of prior convictions, twice the national aver-  
8 age for African Americans.

9 (11) Latino citizens are disproportionately  
10 disenfranchised based upon their disproportionate  
11 representation in the criminal justice system. In re-  
12 cent years, Latinos have been imprisoned at 2.5  
13 times the rate of Whites. More than 2 percent of the  
14 voting-age Latino population, or 560,000 Latinos,  
15 are disenfranchised due to a felony conviction. In 34  
16 states Latinos are disenfranchised at a higher rate  
17 than the general population. In 11 states 4 percent  
18 or more of Latino adults are disenfranchised due to  
19 a felony conviction (Alabama, 4 percent; Arizona, 7  
20 percent; Arkansas, 4 percent; Idaho, 4 percent;  
21 Iowa, 4 percent; Kentucky, 6 percent; Minnesota, 4  
22 percent; Mississippi, 5 percent; Nebraska, 6 percent;  
23 Tennessee, 11 percent, Wyoming, 4 percent), twice  
24 the national average for Latinos.

1           (12) Disenfranchising citizens who have been  
2 convicted of a criminal offense and who are living  
3 and working in the community serves no compelling  
4 State interest and hinders their rehabilitation and  
5 reintegration into society.

6           (13) State disenfranchisement laws can sup-  
7 press electoral participation among eligible voters by  
8 discouraging voting among family and community  
9 members of disenfranchised persons. Future elec-  
10 toral participation by the children of disenfranchised  
11 parents may be impacted as well.

12           (14) The United States is the only Western de-  
13 mocracy that permits the permanent denial of voting  
14 rights for individuals with felony convictions.

15 **SEC. 1403. RIGHTS OF CITIZENS.**

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

22 **SEC. 1404. ENFORCEMENT.**

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

1 (b) PRIVATE RIGHT OF ACTION.—

2 (1) IN GENERAL.—A person who is aggrieved  
3 by a violation of this subtitle may provide written  
4 notice of the violation to the chief election official of  
5 the State involved.

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

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

21 **SEC. 1405. NOTIFICATION OF RESTORATION OF VOTING**  
22 **RIGHTS.**

23 (a) STATE NOTIFICATION.—

24 (1) NOTIFICATION.—On the date determined  
25 under paragraph (2), each State shall notify in writ-

1       ing any individual who has been convicted of a  
2       criminal offense under the law of that State that  
3       such individual has the right to vote in an election  
4       for Federal office pursuant to the Democracy Res-  
5       toration Act of 2021 and may register to vote in any  
6       such election and provide such individual with any  
7       materials that are necessary to register to vote in  
8       any such election.

9               (2) DATE OF NOTIFICATION.—

10              (A) FELONY CONVICTION.—In the case of  
11              such an individual who has been convicted of a  
12              felony, the notification required under para-  
13              graph (1) shall be given on the date on which  
14              the individual—

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

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

22              (B) MISDEMEANOR CONVICTION.—In the  
23              case of such an individual who has been con-  
24              victed of a misdemeanor, the notification re-  
25              quired under paragraph (1) shall be given on

1           the date on which such individual is sentenced  
2           by a State court.

3       (b) FEDERAL NOTIFICATION.—

4           (1) NOTIFICATION.—Any individual who has  
5       been convicted of a criminal offense under Federal  
6       law shall be notified in accordance with paragraph  
7       (2) that such individual has the right to vote in an  
8       election for Federal office pursuant to the Democ-  
9       racy Restoration Act of 2021 and may register to  
10      vote in any such election and provide such individual  
11      with any materials that are necessary to register to  
12      vote in any such election.

13      (2) DATE OF NOTIFICATION.—

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

18           (i) in the case of an individual who is  
19      sentenced to serve only a term of proba-  
20      tion, by the Assistant Director for the Of-  
21      fice of Probation and Pretrial Services of  
22      the Administrative Office of the United  
23      States Courts on the date on which the in-  
24      dividual is sentenced; or



(ii) in the case of any individual committed to the custody of the Bureau of Prisons, by the Director of the Bureau of Prisons, during the period beginning on the date that is 6 months before such individual is released and ending on the date such individual is released from the custody of the Bureau of Prisons.

(B) MISDEMEANOR CONVICTION.—In the case of such an individual who has been convicted of a misdemeanor, the notification required under paragraph (1) shall be given on the date on which such individual is sentenced by a court established by an Act of Congress.

**SEC. 1406. DEFINITIONS.**

For purposes of this subtitle:

(1) CORRECTIONAL INSTITUTION OR FACILITY.—The term “correctional institution or facility” means any prison, penitentiary, jail, or other institution or facility for the confinement of individuals convicted of criminal offenses, whether publicly or privately operated, except that such term does not include any residential community treatment center (or similar public or private facility).

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

1 (A) a general, special, primary, or runoff  
2 election;

3 (B) a convention or caucus of a political  
4 party held to nominate a candidate;

5 (C) a primary election held for the selec-  
6 tion of delegates to a national nominating con-  
7 vention of a political party; or

8 (D) a primary election held for the expres-  
9 sion of a preference for the nomination of per-  
10 sons for election to the office of President.

11 (3) FEDERAL OFFICE.—The term “Federal of-  
12 fice” means the office of President or Vice President  
13 of the United States, or of Senator or Representa-  
14 tive in, or Delegate or Resident Commissioner to,  
15 the Congress of the United States.

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

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

21 (B) the payment of damages by the indi-  
22 vidual;

23 (C) periodic reporting by the individual to  
24 an officer of the court; or

1 (D) supervision of the individual by an of-  
2 ficer of the court.

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

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

9 (b) CERTAIN FEDERAL ACTS.—The rights and rem-  
10 edies established by this subtitle are in addition to all  
11 other rights and remedies provided by law, and neither  
12 rights and remedies established by this Act shall super-  
13 sede, restrict, or limit the application of the Voting Rights  
14 Act of 1965 (52 U.S.C. 10301 et seq.) or the National  
15 Voter Registration Act of 1993 (52 U.S.C. 20501 et seq.).

16 **SEC. 1408. FEDERAL PRISON FUNDS.**

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

1 **SEC. 1409. EFFECTIVE DATE.**

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

5 **Subtitle F—Promoting Accuracy,**  
6 **Integrity, and Security Through**  
7 **Voter-Verified Permanent Paper**  
8 **Ballot**

9 **SEC. 1501. SHORT TITLE.**

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

12 **SEC. 1502. PAPER BALLOT AND MANUAL COUNTING RE-**  
13 **QUIREMENTS.**

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

17 “(2) PAPER BALLOT REQUIREMENT.—

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

19 “(i) PAPER BALLOT REQUIREMENT.—

20 (I) The voting system shall require the use  
21 of an individual, durable, voter-verified  
22 paper ballot of the voter’s vote that shall  
23 be marked and made available for inspec-  
24 tion and verification by the voter before  
25 the voter’s vote is cast and counted, and  
26 which shall be counted by hand or read by

1 an optical character recognition device or  
2 other counting device. For purposes of this  
3 subclause, the term ‘individual, durable,  
4 voter-verified paper ballot’ means a paper  
5 ballot marked by the voter by hand or a  
6 paper ballot marked through the use of a  
7 nontabulating ballot marking device or sys-  
8 tem, so long as the voter shall have the op-  
9 tion to mark his or her ballot by hand.

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

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

21 “(ii) PRESERVATION AS OFFICIAL  
22 RECORD.—The individual, durable, voter-  
23 verified paper ballot used in accordance  
24 with clause (i) shall constitute the official  
25 ballot and shall be preserved and used as

1 the official ballot for purposes of any re-  
2 count or audit conducted with respect to  
3 any election for Federal office in which the  
4 voting system is used.

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

12 “(II) In the event of any inconsist-  
13 encies or irregularities between any elec-  
14 tronic vote tallies and the vote tallies de-  
15 termined by counting by hand the indi-  
16 vidual, durable, voter-verified paper ballots  
17 used pursuant to clause (i), and subject to  
18 subparagraph (B), the individual, durable,  
19 voter-verified paper ballots shall be the  
20 true and correct record of the votes cast.

21 “(iv) APPLICATION TO ALL BAL-  
22 LOTS.—The requirements of this subpara-  
23 graph shall apply to all ballots cast in elec-  
24 tions for Federal office, including ballots  
25 cast by absent uniformed services voters

1 and overseas voters under the Uniformed  
2 and Overseas Citizens Absentee Voting Act  
3 and other absentee voters.

4 “(B) SPECIAL RULE FOR TREATMENT OF  
5 DISPUTES WHEN PAPER BALLOTS HAVE BEEN  
6 SHOWN TO BE COMPROMISED.—

7 “(i) IN GENERAL.—In the event  
8 that—

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

17 “(II) it is demonstrated by clear  
18 and convincing evidence (as deter-  
19 mined in accordance with the applica-  
20 ble standards in the jurisdiction in-  
21 volved) in any recount, audit, or con-  
22 test of the result of the election that  
23 the paper ballots have been com-  
24 promised (by damage or mischief or  
25 otherwise) and that a sufficient num-

1                   ber of the ballots have been so com-  
2                   promised that the result of the elec-  
3                   tion could be changed,  
4                   the determination of the appropriate rem-  
5                   edy with respect to the election shall be  
6                   made in accordance with applicable State  
7                   law, except that the electronic tally shall  
8                   not be used as the exclusive basis for de-  
9                   termining the official certified result.

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

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



1 (c) OTHER CONFORMING AMENDMENTS.—Section  
 2 301(a)(1) of such Act (52 U.S.C. 21081(a)(1)) is amend-  
 3 ed—

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

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

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

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

16 **SEC. 1503. ACCESSIBILITY AND BALLOT VERIFICATION FOR**  
 17 **INDIVIDUALS WITH DISABILITIES.**

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

21 “(B)(i) ensure that individuals with dis-  
 22 abilities and others are given an equivalent op-  
 23 portunity to vote, including with privacy and  
 24 independence, in a manner that produces a  
 25 voter-verified paper ballot as for other voters;

1           “(ii) satisfy the requirement of subpara-  
2 graph (A) through the use of at least one voting  
3 system equipped for individuals with disabili-  
4 ties, including nonvisual and enhanced visual  
5 accessibility for the blind and visually impaired,  
6 and nonmanual and enhanced manual accessi-  
7 bility for the mobility and dexterity impaired, at  
8 each polling place; and

9           “(iii) meet the requirements of subpara-  
10 graph (A) and paragraph (2)(A) by using a sys-  
11 tem that—

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

19               “(II) allows the voter to privately and  
20 independently verify and cast the perma-  
21 nent paper ballot without requiring the  
22 voter to manually handle the paper bal-  
23 lot;”.

1 (b) SPECIFIC REQUIREMENT OF STUDY, TESTING,  
 2 AND DEVELOPMENT OF ACCESSIBLE PAPER BALLOT  
 3 VERIFICATION MECHANISMS.—

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

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

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

11 **“SEC. 247. STUDY AND REPORT ON ACCESSIBLE PAPER**  
 12 **BALLOT VERIFICATION MECHANISMS.**

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

24 “(b) ELIGIBILITY.—An entity is eligible to receive a  
 25 grant under this part if it submits to the Director (at such

1 time and in such form as the Director may require) an  
2 application containing—

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

10 “(2) a certification that the entity shall com-  
11 plete the activities carried out with the grant not  
12 later than December 31, 2022; and

13 “(3) such other information and certifications  
14 as the Director may require.

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

20 “(d) COORDINATION WITH GRANTS FOR TECH-  
21 NOLOGY IMPROVEMENTS.—The Director shall carry out  
22 this section so that the activities carried out with the  
23 grants made under subsection (a) are coordinated with the  
24 research conducted under the grant program carried out  
25 by the Commission under section 271, to the extent that

1 the Director and Commission determine necessary to pro-  
 2 vide for the advancement of accessible voting technology.

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

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

8 (A) by redesignating the item relating to  
 9 section 247 as relating to section 248; and

10 (B) by inserting after the item relating to  
 11 section 246 the following new item:

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

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

21 (d) PERMITTING USE OF FUNDS FOR PROTECTION  
 22 AND ADVOCACY SYSTEMS TO SUPPORT ACTIONS TO EN-  
 23 FORCE ELECTION-RELATED DISABILITY ACCESS.—Sec-  
 24 tion 292(a) of the Help America Vote Act of 2002 (52

1 U.S.C. 21062(a)) is amended by striking “; except that”  
2 and all that follows and inserting a period.

3 **SEC. 1504. DURABILITY AND READABILITY REQUIREMENTS**  
4 **FOR BALLOTS.**

5 Section 301(a) of the Help America Vote Act of 2002  
6 (52 U.S.C. 21081(a)) is amended by adding at the end  
7 the following new paragraph:

8 “(7) DURABILITY AND READABILITY REQUIRE-  
9 MENTS FOR BALLOTS.—

10 “(A) DURABILITY REQUIREMENTS FOR  
11 PAPER BALLOTS.—

12 “(i) IN GENERAL.—All voter-verified  
13 paper ballots required to be used under  
14 this Act shall be marked or printed on du-  
15 rable paper.

16 “(ii) DEFINITION.—For purposes of  
17 this Act, paper is ‘durable’ if it is capable  
18 of withstanding multiple counts and re-  
19 counts by hand without compromising the  
20 fundamental integrity of the ballots, and  
21 capable of retaining the information  
22 marked or printed on them for the full du-  
23 ration of a retention and preservation pe-  
24 riod of 22 months.

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

11 **SEC. 1505. STUDY AND REPORT ON OPTIMAL BALLOT DE-**  
 12 **SIGN.**

13           (a) STUDY.—The Election Assistance Commission  
 14 shall conduct a study of the best ways to design ballots  
 15 used in elections for public office, including paper ballots  
 16 and electronic or digital ballots, to minimize confusion and  
 17 user errors.

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

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

22           Section 301(a) of the Help America Vote Act of 2002  
 23 (52 U.S.C. 21081(a)), as amended by section 1504, is fur-  
 24 ther amended by adding at the end the following new para-  
 25 graph:

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

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

6       Section 301(d) of the Help America Vote Act of 2002  
7   (52 U.S.C. 21081(d)) is amended to read as follows:

8       “(d) EFFECTIVE DATE.—

9           “(1) IN GENERAL.—Except as provided in para-  
10      graph (2), each State and jurisdiction shall be re-  
11      quired to comply with the requirements of this sec-  
12      tion on and after January 1, 2006.

13       “(2) SPECIAL RULE FOR CERTAIN REQUIRE-  
14      MENTS.—

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

24           “(B) DELAY FOR JURISDICTIONS USING  
25      CERTAIN PAPER RECORD PRINTERS OR CERTAIN



1           SYSTEMS    USING    OR    PRODUCING    VOTER-  
2           VERIFIABLE PAPER RECORDS IN 2020.—

3                   “(i) DELAY.—In the case of a juris-  
4                   diction described in clause (ii), subpara-  
5                   graph (A) shall apply to a voting system in  
6                   the jurisdiction as if the reference in such  
7                   subparagraph to ‘2022’ were a reference to  
8                   ‘2024’, but only with respect to the fol-  
9                   lowing requirements of this section:

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

13                   “(II) Paragraph (3)(B)(ii)(I) and  
14                   (II) of subsection (a) (relating to ac-  
15                   cess to verification from and casting  
16                   of the durable paper ballot).

17                   “(III) Paragraph (7) of sub-  
18                   section (a) (relating to durability and  
19                   readability requirements for ballots).

20                   “(ii) JURISDICTIONS DESCRIBED.—A  
21                   jurisdiction described in this clause is a ju-  
22                   risdiction—

23                   “(I) which used voter verifiable  
24                   paper record printers attached to di-  
25                   rect recording electronic voting ma-

1 chines, or which used other voting  
2 systems that used or produced paper  
3 records of the vote verifiable by voters  
4 but that are not in compliance with  
5 paragraphs (2)(A)(i)(I), (3)(B)(iii)(i)  
6 and (II), and (7) of subsection (a) (as  
7 amended or added by the Voter Con-  
8 fidence and Increased Accessibility  
9 Act of 2021), for the administration  
10 of the regularly scheduled general  
11 election for Federal office held in No-  
12 vember 2020; and

13 “(II) which will continue to use  
14 such printers or systems for the ad-  
15 ministration of elections for Federal  
16 office held in years before 2024.

17 “(iii) MANDATORY AVAILABILITY OF  
18 PAPER BALLOTS AT POLLING PLACES  
19 USING GRANDFATHERED PRINTERS AND  
20 SYSTEMS.—

21 “(I) REQUIRING BALLOTS TO BE  
22 OFFERED AND PROVIDED.—The ap-  
23 propriate election official at each poll-  
24 ing place that uses a printer or sys-  
25 tem described in clause (ii)(I) for the

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

20 “(II) TREATMENT OF BALLOT.—

21 Any paper ballot which is cast by an  
22 individual under this clause shall be  
23 counted and otherwise treated as a  
24 regular ballot for all purposes (includ-  
25 ing by incorporating it into the final

1           unofficial vote count (as defined by  
2           the State) for the precinct) and not as  
3           a provisional ballot, unless the indi-  
4           vidual casting the ballot would have  
5           otherwise been required to cast a pro-  
6           visional ballot.

7                   “(III) POSTING OF NOTICE.—

8           The appropriate election official shall  
9           ensure there is prominently displayed  
10          at each polling place a notice that de-  
11          scribes the obligation of the official to  
12          offer individuals the opportunity to  
13          cast votes using a pre-printed blank  
14          paper ballot.

15                   “(IV) TRAINING OF ELECTION

16          OFFICIALS.—The chief State election  
17          official shall ensure that election offi-  
18          cials at polling places in the State are  
19          aware of the requirements of this  
20          clause, including the requirement to  
21          display a notice under subclause (III),  
22          and are aware that it is a violation of  
23          the requirements of this title for an  
24          election official to fail to offer an indi-

1                   vidual the opportunity to cast a vote  
2                   using a blank pre-printed paper ballot.

3                   “(V) PERIOD OF APPLICA-  
4                   BILITY.—The requirements of this  
5                   clause apply only during the period in  
6                   which the delay is in effect under  
7                   clause (i).

8                   “(C) SPECIAL RULE FOR JURISDICTIONS  
9                   USING CERTAIN NONTABULATING BALLOT  
10                  MARKING DEVICES.—In the case of a jurisdic-  
11                  tion which uses a nontabulating ballot marking  
12                  device which automatically deposits the ballot  
13                  into a privacy sleeve, subparagraph (A) shall  
14                  apply to a voting system in the jurisdiction as  
15                  if the reference in such subparagraph to ‘any  
16                  election for Federal office held in 2022 or any  
17                  succeeding year’ were a reference to ‘elections  
18                  for Federal office occurring held in 2024 or  
19                  each succeeding year’, but only with respect to  
20                  paragraph (3)(B)(iii)(II) of subsection (a) (re-  
21                  lating to nonmanual casting of the durable  
22                  paper ballot).”.

# 1       **Subtitle G—Provisional Ballots**

## 2       **SEC. 1601. REQUIREMENTS FOR COUNTING PROVISIONAL** 3                   **BALLOTS; ESTABLISHMENT OF UNIFORM AND** 4                   **NONDISCRIMINATORY STANDARDS.**

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

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

9                   (2) by inserting after subsection (c) the fol-  
 10       lowing new subsections:

11       “(d) STATEWIDE COUNTING OF PROVISIONAL BAL-  
 12       LOTS.—

13                   “(1) IN GENERAL.—For purposes of subsection  
 14       (a)(4), notwithstanding the precinct or polling place  
 15       at which a provisional ballot is cast within the State,  
 16       the appropriate election official shall count each vote  
 17       on such ballot for each election in which the indi-  
 18       vidual who cast such ballot is eligible to vote.

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

22       “(e) UNIFORM AND NONDISCRIMINATORY STAND-  
 23       ARDS.—

24                   “(1) IN GENERAL.—Consistent with the re-  
 25       quirements of this section, each State shall establish

1 uniform and nondiscriminatory standards for the  
 2 issuance, handling, and counting of provisional bal-  
 3 lots.

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

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

## 12 **Subtitle H—Early Voting**

### 13 **SEC. 1611. EARLY VOTING.**

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

18 (1) by redesignating sections 306 and 307 as  
 19 sections 307 and 308; and

20 (2) by inserting after section 305 the following  
 21 new section:

### 22 **“SEC. 306. EARLY VOTING.**

23 “(a) REQUIRING VOTING PRIOR TO DATE OF ELEC-  
 24 TION.—

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

6           “(2) LENGTH OF PERIOD.—The early voting  
7           period required under this subsection with respect to  
8           an election shall consist of a period of consecutive  
9           days (including weekends) which begins on the 15th  
10          day before the date of the election (or, at the option  
11          of the State, on a day prior to the 15th day before  
12          the date of the election) and ends on the date of the  
13          election.

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

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

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

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

24          “(c) LOCATION OF POLLING PLACES.—



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

7           “(2) AVAILABILITY IN RURAL AREAS.—The  
8           State shall ensure that polling places which allow  
9           voting during an early voting period under sub-  
10          section (a) will be located in rural areas of the State,  
11          and shall ensure that such polling places are located  
12          in communities which will provide the greatest op-  
13          portunity for residents of rural areas to vote during  
14          the early voting period.

15          “(d) STANDARDS.—

16               “(1) IN GENERAL.—The Commission shall issue  
17               standards for the administration of voting prior to  
18               the day scheduled for a Federal election. Such  
19               standards shall include the nondiscriminatory geo-  
20               graphic placement of polling places at which such  
21               voting occurs.

22               “(2) DEVIATION.—The standards described in  
23               paragraph (1) shall permit States, upon providing  
24               adequate public notice, to deviate from any require-  
25               ment in the case of unforeseen circumstances such

1 as a natural disaster, terrorist attack, or a change  
2 in voter turnout.

3 “(e) BALLOT PROCESSING AND SCANNING REQUIRE-  
4 MENTS.—

5 “(1) IN GENERAL.—The State shall begin proc-  
6 essing and scanning ballots cast during early voting  
7 for tabulation at least 14 days prior to the date of  
8 the election involved.

9 “(2) LIMITATION.—Nothing in this subsection  
10 shall be construed to permit a State to tabulate bal-  
11 lots in an election before the closing of the polls on  
12 the date of the election.

13 “(f) EFFECTIVE DATE.—This section shall apply  
14 with respect to the regularly scheduled general election for  
15 Federal office held in November 2022 and each succeeding  
16 election for Federal office.”.

17 (b) CONFORMING AMENDMENT RELATING TO  
18 ISSUANCE OF VOLUNTARY GUIDANCE BY ELECTION AS-  
19 SISTANCE COMMISSION.—Section 321(b) of such Act (52  
20 U.S.C. 21101(b)), as redesignated and amended by sec-  
21 tion 1101(b), is amended—

22 (1) by striking “and” at the end of paragraph  
23 (3);

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

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

3 “(5) except as provided in paragraph (4), in the  
4 case of the recommendations with respect to any sec-  
5 tion added by the For the People Act of 2021, June  
6 30, 2022.”.

7 (c) CLERICAL AMENDMENT.—The table of contents  
8 of such Act, as amended by section 1031(c) and section  
9 1101(d), is amended—

10 (1) by redesignating the items relating to sec-  
11 tions 306 and 307 as relating to sections 307 and  
12 308; and

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

“Sec. 306. Early voting.”.

## 15 **Subtitle I—Voting by Mail**

### 16 **SEC. 1621. VOTING BY MAIL.**

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

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

23 (2) by inserting after section 306 the following  
24 new section:

1   **“SEC. 307. PROMOTING ABILITY OF VOTERS TO VOTE BY**  
2                   **MAIL.**

3           “(a) UNIFORM AVAILABILITY OF ABSENTEE VOTING  
4 TO ALL VOTERS.—

5                   “(1) IN GENERAL.—If an individual in a State  
6 is eligible to cast a vote in an election for Federal  
7 office, the State may not impose any additional con-  
8 ditions or requirements on the eligibility of the indi-  
9 vidual to cast the vote in such election by absentee  
10 ballot by mail.

11                   “(2) ADMINISTRATION OF VOTING BY MAIL.—

12                           “(A) PROHIBITING IDENTIFICATION RE-  
13 QUIREMENT AS CONDITION OF OBTAINING BAL-  
14 LOT.—A State may not require an individual to  
15 provide any form of identification as a condition  
16 of obtaining an absentee ballot, except that  
17 nothing in this paragraph may be construed to  
18 prevent a State from requiring a signature of  
19 the individual or similar affirmation as a condi-  
20 tion of obtaining an absentee ballot.

21                           “(B) PROHIBITING REQUIREMENT TO PRO-  
22 VIDE NOTARIZATION OR WITNESS SIGNATURE  
23 AS CONDITION OF OBTAINING OR CASTING BAL-  
24 LOT.—A State may not require notarization or  
25 witness signature or other formal authentica-

1           tion (other than voter attestation) as a condi-  
2           tion of obtaining or casting an absentee ballot.

3           “(C) DEADLINE FOR RETURNING BAL-  
4           LOT.—A State may impose a reasonable dead-  
5           line for requesting the absentee ballot and re-  
6           lated voting materials from the appropriate  
7           State or local election official and for returning  
8           the ballot to the appropriate State or local elec-  
9           tion official.

10          “(3) APPLICATION FOR ALL FUTURE ELEC-  
11          TIONS.—At the option of an individual, a State shall  
12          treat the individual’s application to vote by absentee  
13          ballot by mail in an election for Federal office as an  
14          application for an absentee ballot by mail in all sub-  
15          sequent Federal elections held in the State.

16          “(4) NO EFFECT ON IDENTIFICATION REQUIRE-  
17          MENTS FOR FIRST-TIME VOTERS REGISTERING BY  
18          MAIL.—Nothing in this subsection may be construed  
19          to exempt any individual described in paragraph (1)  
20          of section 303(b) from meeting the requirements of  
21          paragraph (2) of such section.

22          “(b) DUE PROCESS REQUIREMENTS FOR STATES  
23          REQUIRING SIGNATURE VERIFICATION.—

24          “(1) REQUIREMENT.—

1           “(A) IN GENERAL.—A State may not im-  
2           pose a signature verification requirement as a  
3           condition of accepting and counting an absentee  
4           ballot submitted by any individual with respect  
5           to an election for Federal office unless the  
6           State meets the due process requirements de-  
7           scribed in paragraph (2).

8           “(B) SIGNATURE VERIFICATION REQUIRE-  
9           MENT DESCRIBED.—In this subsection, a ‘sig-  
10          nature verification requirement’ is a require-  
11          ment that an election official verify the identi-  
12          fication of an individual by comparing the indi-  
13          vidual’s signature on the absentee ballot with  
14          the individual’s signature on the official list of  
15          registered voters in the State or another official  
16          record or other document used by the State to  
17          verify the signatures of voters.

18          “(2) DUE PROCESS REQUIREMENTS.—

19               “(A) NOTICE AND OPPORTUNITY TO CURE  
20               DISCREPANCY IN SIGNATURES.—If an indi-  
21               vidual submits an absentee ballot and the ap-  
22               propriate State or local election official deter-  
23               mines that a discrepancy exists between the sig-  
24               nature on such ballot and the signature of such  
25               individual on the official list of registered voters

1 in the State or other official record or document  
2 used by the State to verify the signatures of  
3 voters, such election official, prior to making a  
4 final determination as to the validity of such  
5 ballot, shall—

6 “(i) make a good faith effort to imme-  
7 diately notify the individual by mail, tele-  
8 phone, and (if available) text message and  
9 electronic mail that—

10 “(I) a discrepancy exists between  
11 the signature on such ballot and the  
12 signature of the individual on the offi-  
13 cial list of registered voters in the  
14 State or other official record or docu-  
15 ment used by the State to verify the  
16 signatures of voters, and

17 “(II) if such discrepancy is not  
18 cured prior to the expiration of the  
19 10-day period which begins on the  
20 date the official notifies the individual  
21 of the discrepancy, such ballot will not  
22 be counted; and

23 “(ii) cure such discrepancy and count  
24 the ballot if, prior to the expiration of the  
25 10-day period described in clause (i)(II),

1 the individual provides the official with in-  
2 formation to cure such discrepancy, either  
3 in person, by telephone, or by electronic  
4 methods.

5 “(B) NOTICE AND OPPORTUNITY TO CURE  
6 MISSING SIGNATURE OR OTHER DEFECT.—If an  
7 individual submits an absentee ballot without a  
8 signature or submits an absentee ballot with  
9 another defect which, if left uncured, would  
10 cause the ballot to not be counted, the appro-  
11 priate State or local election official, prior to  
12 making a final determination as to the validity  
13 of the ballot, shall—

14 “(i) make a good faith effort to imme-  
15 diately notify the individual by mail, tele-  
16 phone, and (if available) text message and  
17 electronic mail that—

18 “(I) the ballot did not include a  
19 signature or has some other defect,  
20 and

21 “(II) if the individual does not  
22 provide the missing signature or cure  
23 the other defect prior to the expira-  
24 tion of the 10-day period which begins  
25 on the date the official notifies the in-



1           dividual that the ballot did not include  
2           a signature or has some other defect,  
3           such ballot will not be counted; and

4           “(ii) count the ballot if, prior to the  
5           expiration of the 10-day period described  
6           in clause (i)(II), the individual provides the  
7           official with the missing signature on a  
8           form proscribed by the State or cures the  
9           other defect.

10          This subparagraph does not apply with respect  
11          to a defect consisting of the failure of a ballot  
12          to meet the applicable deadline for the accept-  
13          ance of the ballot, as described in subsection  
14          (e).

15          “(C) OTHER REQUIREMENTS.—An election  
16          official may not make a determination that a  
17          discrepancy exists between the signature on an  
18          absentee ballot and the signature of the indi-  
19          vidual who submits the ballot on the official list  
20          of registered voters in the State or other official  
21          record or other document used by the State to  
22          verify the signatures of voters unless—

23                 “(i) at least 2 election officials make  
24                 the determination; and

1           “(ii) each official who makes the de-  
2           termination has received training in proce-  
3           dures used to verify signatures.

4           “(3) REPORT.—

5           “(A) IN GENERAL.—Not later than 120  
6           days after the end of a Federal election cycle,  
7           each chief State election official shall submit to  
8           Congress a report containing the following in-  
9           formation for the applicable Federal election  
10          cycle in the State:

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

13           “(ii) Description of attempts to con-  
14           tact voters to provide notice as required by  
15           this subsection.

16           “(iii) Description of the cure process  
17           developed by such State pursuant to this  
18           subsection, including the number of ballots  
19           determined valid as a result of such proc-  
20           ess.

21           “(B) FEDERAL ELECTION CYCLE DE-  
22           FINED.—For purposes of this subsection, the  
23           term ‘Federal election cycle’ means the period  
24           beginning on January 1 of any odd numbered

1 year and ending on December 31 of the fol-  
2 lowing year.

3 “(4) RULE OF CONSTRUCTION.—Nothing in  
4 this subsection shall be construed—

5 “(A) to prohibit a State from rejecting a  
6 ballot attempted to be cast in an election for  
7 Federal office by an individual who is not eligi-  
8 ble to vote in the election; or

9 “(B) to prohibit a State from providing an  
10 individual with more time and more methods  
11 for curing a discrepancy in the individual’s sig-  
12 nature, providing a missing signature, or curing  
13 any other defect than the State is required to  
14 provide under this subsection.

15 “(c) METHODS AND TIMING FOR TRANSMISSION OF  
16 BALLOTS AND BALLOTING MATERIALS TO VOTERS.—

17 “(1) METHODS FOR REQUESTING BALLOT.—

18 “(A) IN GENERAL.—In addition to such  
19 other methods as the State may establish for an  
20 individual to request an absentee ballot, the  
21 State shall permit an individual—

22 “(i) to submit a request for an absen-  
23 tee ballot online; and

24 “(ii) to submit a request for an absen-  
25 tee ballot through the use of an automated

1 telephone-based system, subject to the  
2 same terms and conditions applicable  
3 under this paragraph to the services made  
4 available online.

5 “(B) TREATMENT OF WEBSITES.—The  
6 State shall be considered to meet the require-  
7 ments of subparagraph (A)(i) if the website of  
8 the appropriate State or local election official  
9 allows an absentee ballot request application to  
10 be completed and submitted online and if the  
11 website permits the individual—

12 “(i) to print the application so that  
13 the individual may complete the application  
14 and return it to the official; or

15 “(ii) request that a paper copy of the  
16 application be transmitted to the individual  
17 by mail or electronic mail so that the indi-  
18 vidual may complete the application and  
19 return it to the official.

20 “(2) ENSURING DELIVERY PRIOR TO ELEC-  
21 TION.—If an individual requests to vote by absentee  
22 ballot in an election for Federal office, the appro-  
23 priate State or local election official shall ensure  
24 that the ballot and relating voting materials are re-  
25 ceived by the individual prior to the date of the elec-

1       tion so long as the individual’s request is received by  
2       the official not later than 5 days (excluding Satur-  
3       days, Sundays, and legal public holidays) before the  
4       date of the election, except that nothing in this para-  
5       graph shall preclude a State or local jurisdiction  
6       from allowing for the acceptance and processing of  
7       ballot requests submitted or received after such re-  
8       quired period.

9       “(d) ACCESSIBILITY FOR INDIVIDUALS WITH DIS-  
10      ABILITIES.—The State shall ensure that all absentee bal-  
11      lot applications, absentee ballots, and related voting mate-  
12      rials in elections for Federal office are accessible to indi-  
13      viduals with disabilities in a manner that provides the  
14      same opportunity for access and participation (including  
15      with privacy and independence) as for other voters.

16      “(e) UNIFORM DEADLINE FOR ACCEPTANCE OF  
17      MAILED BALLOTS.—

18               “(1) IN GENERAL.—A State may not refuse to  
19      accept or process a ballot submitted by an individual  
20      by mail with respect to an election for Federal office  
21      in the State on the grounds that the individual did  
22      not meet a deadline for returning the ballot to the  
23      appropriate State or local election official if—

24                       “(A) the ballot is postmarked, signed, or  
25                       otherwise indicated by the United States Postal

1 Service to have been mailed on or before the  
2 date of the election; and

3 “(B) the ballot is received by the appro-  
4 priate election official prior to the expiration of  
5 the 10-day period which begins on the date of  
6 the election.

7 “(2) RULE OF CONSTRUCTION.—Nothing in  
8 this subsection shall be construed to prohibit a State  
9 from having a law that allows for counting of ballots  
10 in an election for Federal office that are received  
11 through the mail after the date that is 10 days after  
12 the date of the election.

13 “(f) ALTERNATIVE METHODS OF RETURNING BAL-  
14 LOTS.—

15 “(1) IN GENERAL.—In addition to permitting  
16 an individual to whom a ballot in an election was  
17 provided under this section to return the ballot to an  
18 election official by mail, the State shall permit the  
19 individual to cast the ballot by delivering the ballot  
20 at such times and to such locations as the State may  
21 establish, including—

22 “(A) permitting the individual to deliver  
23 the ballot to a polling place on any date on  
24 which voting in the election is held at the poll-  
25 ing place; and

1           “(B) permitting the individual to deliver  
2           the ballot to a designated ballot drop-off loca-  
3           tion, a tribally designated building, or the office  
4           of a State or local election official.

5           “(2) PERMITTING VOTERS TO DESIGNATE  
6           OTHER PERSON TO RETURN BALLOT.—The State—

7           “(A) shall permit a voter to designate any  
8           person to return a voted and sealed absentee  
9           ballot to the post office, a ballot drop-off loca-  
10          tion, tribally designated building, or election of-  
11          fice so long as the person designated to return  
12          the ballot does not receive any form of com-  
13          pensation based on the number of ballots that  
14          the person has returned and no individual,  
15          group, or organization provides compensation  
16          on this basis; and

17          “(B) may not put any limit on how many  
18          voted and sealed absentee ballots any des-  
19          ignated person can return to the post office, a  
20          ballot drop off location, tribally designated  
21          building, or election office.

22          “(g) BALLOT PROCESSING AND SCANNING REQUIRE-  
23          MENTS.—

24          “(1) IN GENERAL.—The State shall begin proc-  
25          essing and scanning ballots cast by mail for tabula-

1       tion at least 14 days prior to the date of the election  
2       involved.

3           “(2) LIMITATION.—Nothing in this subsection  
4       shall be construed to permit a State to tabulate bal-  
5       lots in an election before the closing of the polls on  
6       the date of the election.

7           “(h) RULE OF CONSTRUCTION.—Nothing in this sec-  
8       tion shall be construed to affect the authority of States  
9       to conduct elections for Federal office through the use of  
10      polling places at which individuals cast ballots.

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

17          “(j) EFFECTIVE DATE.—This section shall apply  
18      with respect to the regularly scheduled general election for  
19      Federal office held in November 2022 and each succeeding  
20      election for Federal office.”.

21          (b) CLERICAL AMENDMENT.—The table of contents  
22      of such Act, as amended by section 1031(c), section  
23      1101(d), and section 1611(c), is amended—



1           (1) by redesignating the items relating to sec-  
2       tions 307 and 308 as relating to sections 308 and  
3       309; and

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

“Sec. 307. Promoting ability of voters to vote by mail.”.

6       (c) DEVELOPMENT OF ALTERNATIVE VERIFICATION  
7       METHODS.—

8           (1) DEVELOPMENT OF STANDARDS.—The Na-  
9       tional Institute of Standards, in consultation with  
10      the Election Assistance Commission, shall develop  
11      standards for the use of alternative methods which  
12      could be used in place of signature verification re-  
13      quirements for purposes of verifying the identifica-  
14      tion of an individual voting by absentee ballot in  
15      elections for Federal office.

16          (2) PUBLIC NOTICE AND COMMENT.—The Na-  
17      tional Institute of Standards shall solicit comments  
18      from the public in the development of standards  
19      under paragraph (1).

20          (3) DEADLINE.—Not later than one year after  
21      the date of the enactment of this Act, the National  
22      Institute of Standards shall publish the standards  
23      developed under paragraph (1).

1 **SEC. 1622. ABSENTEE BALLOT TRACKING PROGRAM.**

2 (a) REQUIREMENTS.—Subtitle A of title III of the  
3 Help America Vote Act of 2002 (52 U.S.C. 21081 et seq.),  
4 as amended by section 1031(a), section 1101(a), section  
5 1611(a), and section 1621(a), is amended—

6 (1) by redesignating sections 308 and 309 as  
7 sections 309 and 310; and

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

10 **“SEC. 308. ABSENTEE BALLOT TRACKING PROGRAM.**

11 “(a) REQUIREMENT.—Each State shall carry out a  
12 program to track and confirm the receipt of absentee bal-  
13 lots in an election for Federal office under which the State  
14 or local election official responsible for the receipt of voted  
15 absentee ballots in the election carries out procedures to  
16 track and confirm the receipt of such ballots, and makes  
17 information on the receipt of such ballots available to the  
18 individual who cast the ballot, by means of online access  
19 using the Internet site of the official’s office.

20 “(b) INFORMATION ON WHETHER VOTE WAS  
21 COUNTED.—The information referred to under subsection  
22 (a) with respect to the receipt of an absentee ballot shall  
23 include information regarding whether the vote cast on the  
24 ballot was counted, and, in the case of a vote which was  
25 not counted, the reasons therefor.

1       “(c) USE OF TOLL-FREE TELEPHONE NUMBER BY  
 2 OFFICIALS WITHOUT INTERNET SITE.—A program estab-  
 3 lished by a State or local election official whose office does  
 4 not have an Internet site may meet the requirements of  
 5 subsection (a) if the official has established a toll-free tele-  
 6 phone number that may be used by an individual who cast  
 7 an absentee ballot to obtain the information on the receipt  
 8 of the voted absentee ballot as provided under such sub-  
 9 section.

10       “(d) EFFECTIVE DATE.—This section shall apply  
 11 with respect to the regularly scheduled general election for  
 12 Federal office held in November 2022 and each succeeding  
 13 election for Federal office.”.

14       (b) REIMBURSEMENT FOR COSTS INCURRED BY  
 15 STATES IN ESTABLISHING PROGRAM.—Subtitle D of title  
 16 II of the Help America Vote Act of 2002 (42 U.S.C.  
 17 15401 et seq.) is amended by adding at the end the fol-  
 18 lowing new part:

19 **“PART 7—PAYMENTS TO REIMBURSE STATES**  
 20 **FOR COSTS INCURRED IN ESTABLISHING**  
 21 **PROGRAM TO TRACK AND CONFIRM RE-**  
 22 **CEIPT OF ABSENTEE BALLOTS**

23 **“SEC. 297. PAYMENTS TO STATES.**

24       “(a) PAYMENTS FOR COSTS OF PROGRAM.—In ac-  
 25 cordance with this section, the Commission shall make a

1 payment to a State to reimburse the State for the costs  
2 incurred in establishing the absentee ballot tracking pro-  
3 gram under section 308 (including costs incurred prior to  
4 the date of the enactment of this part).

5 “(b) CERTIFICATION OF COMPLIANCE AND COSTS.—

6 “(1) CERTIFICATION REQUIRED.—In order to  
7 receive a payment under this section, a State shall  
8 submit to the Commission a statement containing—

9 “(A) a certification that the State has es-  
10 tablished an absentee ballot tracking program  
11 with respect to elections for Federal office held  
12 in the State; and

13 “(B) a statement of the costs incurred by  
14 the State in establishing the program.

15 “(2) AMOUNT OF PAYMENT.—The amount of a  
16 payment made to a State under this section shall be  
17 equal to the costs incurred by the State in estab-  
18 lishing the absentee ballot tracking program, as set  
19 forth in the statement submitted under paragraph  
20 (1), except that such amount may not exceed the  
21 product of—

22 “(A) the number of jurisdictions in the  
23 State which are responsible for operating the  
24 program; and

25 “(B) \$3,000.

1           “(3) LIMIT ON NUMBER OF PAYMENTS RE-  
2           CEIVED.—A State may not receive more than one  
3           payment under this part.

4   **“SEC. 297A. AUTHORIZATION OF APPROPRIATIONS.**

5           “(a) AUTHORIZATION.—There are authorized to be  
6           appropriated to the Commission for fiscal year 2022 and  
7           each succeeding fiscal year such sums as may be necessary  
8           for payments under this part.

9           “(b) CONTINUING AVAILABILITY OF FUNDS.—Any  
10          amounts appropriated pursuant to the authorization under  
11          this section shall remain available until expended.”.

12          (c) CLERICAL AMENDMENTS.—The table of contents  
13          of such Act, as amended by section 1031(c), section  
14          1101(d), section 1611(c), and section 1621(b), is amend-  
15          ed—

16                 (1) by adding at the end of the items relating  
17          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.”;

18                 (2) by redesignating the items relating to sec-  
19          tions 308 and 309 as relating to sections 309 and  
20          310; and

21                 (3) by inserting after the item relating to sec-  
22          tion 307 the following new item:

“Sec. 308. Absentee ballot tracking program.”.

1 **SEC. 1623. VOTING MATERIALS POSTAGE.**

2 (a) PREPAYMENT OF POSTAGE ON RETURN ENVE-  
3 LOPES.—

4 (1) IN GENERAL.—Subtitle A of title III of the  
5 Help America Vote Act of 2002 (52 U.S.C. 21081  
6 et seq.), as amended by section 1031(a), section  
7 1101(a), section 1611(a), section 1621(a), and sec-  
8 tion 1622(a), is amended—

9 (A) by redesignating sections 309 and 310  
10 as sections 310 and 311; and

11 (B) by inserting after section 308 the fol-  
12 lowing new section:

13 **“SEC. 309. PREPAYMENT OF POSTAGE ON RETURN ENVE-  
14 LOPES FOR VOTING MATERIALS.**

15 “(a) PROVISION OF RETURN ENVELOPES.—The ap-  
16 propriate State or local election official shall provide a  
17 self-sealing return envelope with—

18 “(1) any voter registration application form  
19 transmitted to a registrant by mail;

20 “(2) any application for an absentee ballot  
21 transmitted to an applicant by mail; and

22 “(3) any blank absentee ballot transmitted to a  
23 voter by mail.

24 “(b) PREPAYMENT OF POSTAGE.—Consistent with  
25 regulations of the United States Postal Service, the State  
26 or the unit of local government responsible for the admin-

1   istration of the election involved shall prepay the postage  
2   on any envelope provided under subsection (a).

3       “(c) NO EFFECT ON BALLOTS OR BALLOTING MATE-  
4   RIALS TRANSMITTED TO ABSENT MILITARY AND OVER-  
5   SEAS VOTERS.—Nothing in this section may be construed  
6   to affect the treatment of any ballot or balloting materials  
7   transmitted to an individual who is entitled to vote by ab-  
8   sentee ballot under the Uniformed and Overseas Citizens  
9   Absentee Voting Act (52 U.S.C. 20301 et seq.).

10       “(d) EFFECTIVE DATE.—This section shall take ef-  
11   fect on the date that is 90 days after the date of the enact-  
12   ment of this section, except that—

13           “(1) State and local jurisdictions shall make ar-  
14   rangements with the United States Postal Service to  
15   pay for all postage costs that such jurisdictions  
16   would be required to pay under this section if this  
17   section took effect on the date of enactment; and

18           “(2) States shall take all reasonable efforts to  
19   provide self-sealing return envelopes as provided in  
20   this section.”.

21       (2) CLERICAL AMENDMENT.—The table of con-  
22   tents of such Act, as amended by section 1031(c),  
23   section 1101(d), section 1611(c), and section  
24   1621(b), is amended—

1 (A) by redesignating the items relating to  
 2 sections 309 and 310 as relating to sections  
 3 310 and 311; and

4 (B) by inserting after the item relating to  
 5 section 308 the following new item:

“Sec. 309. Prepayment of postage on return envelopes for voting materials.”.

6 (b) ROLE OF UNITED STATES POSTAL SERVICE.—

7 (1) IN GENERAL.—Chapter 34 of title 39,  
 8 United States Code, is amended by adding after sec-  
 9 tion 3406 the following:

10 **“§ 3407. Voting materials**

11 “(a) Any voter registration application, absentee bal-  
 12 lot application, or absentee ballot with respect to any elec-  
 13 tion for Federal office shall be carried in accordance with  
 14 the service standards established for first-class mail, re-  
 15 gardless of the class of postage prepaid.

16 “(b) As used in this section—

17 “(1) the term ‘absentee ballot’ means any ballot  
 18 transmitted by a voter by mail in an election for  
 19 Federal office, but does not include any ballot cov-  
 20 ered by section 3406; and

21 “(2) the term ‘election for Federal office’ means  
 22 a general, special, primary, or runoff election for the  
 23 office of President or Vice President, or of Senator  
 24 or Representative in, or Delegate or Resident Com-  
 25 missioner to, the Congress.



1       “(c) Nothing in this section may be construed to af-  
 2       fect the treatment of any ballot or balloting materials  
 3       transmitted to an individual who is entitled to vote by ab-  
 4       sentee ballot under the Uniformed and Overseas Citizens  
 5       Absentee Voting Act (52 U.S.C. 20301 et seq.).”.

6               (2) CLERICAL AMENDMENT.—The table of sec-  
 7       tions for chapter 34 of such title is amended by in-  
 8       serting after the item relating to section 3406 the  
 9       following:

“3407. Voting materials.”.

10   **Subtitle     J—Absent     Uniformed**  
 11       **Services   Voters   and   Overseas**  
 12       **Voters**

13   **SEC. 1701. PRE-ELECTION REPORTS ON AVAILABILITY AND**  
 14       **TRANSMISSION OF ABSENTEE BALLOTS.**

15       Section 102(c) of the Uniformed and Overseas Citi-  
 16       zens Absentee Voting Act (52 U.S.C. 20302(c)) is amend-  
 17       ed to read as follows:

18       “(c) REPORTS ON AVAILABILITY, TRANSMISSION,  
 19       AND RECEIPT OF ABSENTEE BALLOTS.—

20               “(1) PRE-ELECTION REPORT ON ABSENTEE  
 21       BALLOT AVAILABILITY.—Not later than 55 days be-  
 22       fore any regularly scheduled general election for  
 23       Federal office, each State shall submit a report to  
 24       the Attorney General, the Election Assistance Com-  
 25       mission (hereafter in this subsection referred to as

1 the ‘Commission’), and the Presidential Designee,  
2 and make that report publicly available that same  
3 day, certifying that absentee ballots for the election  
4 are or will be available for transmission to absent  
5 uniformed services voters and overseas voters by not  
6 later than 45 days before the election. The report  
7 shall be in a form prescribed jointly by the Attorney  
8 General and the Commission and shall require the  
9 State to certify specific information about ballot  
10 availability from each unit of local government which  
11 will administer the election.

12 “(2) PRE-ELECTION REPORT ON ABSENTEE  
13 BALLOT TRANSMISSION.—Not later than 43 days be-  
14 fore any regularly scheduled general election for  
15 Federal office, each State shall submit a report to  
16 the Attorney General, the Commission, and the  
17 Presidential Designee, and make that report publicly  
18 available that same day, certifying whether all ab-  
19 sentee ballots have been transmitted by not later  
20 than 45 days before the election to all qualified ab-  
21 sent uniformed services and overseas voters whose  
22 requests were received at least 45 days before the  
23 election. The report shall be in a form prescribed  
24 jointly by the Attorney General and the Commission,  
25 and shall require the State to certify specific infor-

1 mation about ballot transmission, including the total  
2 numbers of ballot requests received and ballots  
3 transmitted, from each unit of local government  
4 which will administer the election.

5 “(3) POST-ELECTION REPORT ON NUMBER OF  
6 ABSENTEE BALLOTS TRANSMITTED AND RE-  
7 CEIVED.—Not later than 90 days after the date of  
8 each regularly scheduled general election for Federal  
9 office, each State and unit of local government  
10 which administered the election shall (through the  
11 State, in the case of a unit of local government) sub-  
12 mit a report to the Attorney General, the Commis-  
13 sion, and the Presidential Designee on the combined  
14 number of absentee ballots transmitted to absent  
15 uniformed services voters and overseas voters for the  
16 election and the combined number of such ballots  
17 which were returned by such voters and cast in the  
18 election, and shall make such report available to the  
19 general public that same day.”.

20 **SEC. 1702. ENFORCEMENT.**

21 (a) AVAILABILITY OF CIVIL PENALTIES AND PRI-  
22 VATE RIGHTS OF ACTION.—Section 105 of the Uniformed  
23 and Overseas Citizens Absentee Voting Act (52 U.S.C.  
24 20307) is amended to read as follows:

1 **“SEC. 105. ENFORCEMENT.**

2 “(a) ACTION BY ATTORNEY GENERAL.—

3 “(1) IN GENERAL.—The Attorney General may  
4 bring civil action in an appropriate district court for  
5 such declaratory or injunctive relief as may be nec-  
6 essary to carry out this title.

7 “(2) PENALTY.—In a civil action brought under  
8 paragraph (1), if the court finds that the State vio-  
9 lated any provision of this title, it may, to vindicate  
10 the public interest, assess a civil penalty against the  
11 State—

12 “(A) in an amount not to exceed \$110,000  
13 for each such violation, in the case of a first  
14 violation; or

15 “(B) in an amount not to exceed \$220,000  
16 for each such violation, for any subsequent vio-  
17 lation.

18 “(3) REPORT TO CONGRESS.—Not later than  
19 December 31 of each year, the Attorney General  
20 shall submit to Congress an annual report on any  
21 civil action brought under paragraph (1) during the  
22 preceding year.

23 “(b) PRIVATE RIGHT OF ACTION.—A person who is  
24 aggrieved by a State’s violation of this title may bring a  
25 civil action in an appropriate district court for such declar-

1 atory or injunctive relief as may be necessary to carry out  
2 this title.

3 “(c) STATE AS ONLY NECESSARY DEFENDANT.—In  
4 any action brought under this section, the only necessary  
5 party defendant is the State, and it shall not be a defense  
6 to any such action that a local election official or a unit  
7 of local government is not named as a defendant, notwith-  
8 standing that a State has exercised the authority described  
9 in section 576 of the Military and Overseas Voter Em-  
10 powerment Act to delegate to another jurisdiction in the  
11 State any duty or responsibility which is the subject of  
12 an action brought under this section.”.

13 (b) EFFECTIVE DATE.—The amendments made by  
14 this section shall apply with respect to violations alleged  
15 to have occurred on or after the date of the enactment  
16 of this Act.

17 **SEC. 1703. REVISIONS TO 45-DAY ABSENTEE BALLOT**  
18 **TRANSMISSION RULE.**

19 (a) REPEAL OF WAIVER AUTHORITY.—

20 (1) IN GENERAL.—Section 102 of the Uni-  
21 formed and Overseas Citizens Absentee Voting Act  
22 (52 U.S.C. 20302) is amended by striking sub-  
23 section (g).

24 (2) CONFORMING AMENDMENT.—Section  
25 102(a)(8)(A) of such Act (52 U.S.C.

1       20302(a)(8)(A)) is amended by striking “except as  
2       provided in subsection (g),”.

3       (b) REQUIRING USE OF EXPRESS DELIVERY IN CASE  
4 OF FAILURE TO MEET REQUIREMENT.—Section 102 of  
5 such Act (52 U.S.C. 20302), as amended by subsection  
6 (a), is amended by inserting after subsection (f) the fol-  
7 lowing new subsection:

8       “(g) REQUIRING USE OF EXPRESS DELIVERY IN  
9 CASE OF FAILURE TO TRANSMIT BALLOTS WITHIN  
10 DEADLINES.—

11           “(1) TRANSMISSION OF BALLOT BY EXPRESS  
12 DELIVERY.—If a State fails to meet the requirement  
13 of subsection (a)(8)(A) to transmit a validly re-  
14 quested absentee ballot to an absent uniformed serv-  
15 ices voter or overseas voter not later than 45 days  
16 before the election (in the case in which the request  
17 is received at least 45 days before the election)—

18           “(A) the State shall transmit the ballot to  
19 the voter by express delivery; or

20           “(B) in the case of a voter who has des-  
21 ignated that absentee ballots be transmitted  
22 electronically in accordance with subsection  
23 (f)(1), the State shall transmit the ballot to the  
24 voter electronically.

1           “(2) SPECIAL RULE FOR TRANSMISSION FEWER  
2           THAN 40 DAYS BEFORE THE ELECTION.—If, in car-  
3           rying out paragraph (1), a State transmits an ab-  
4           sentee ballot to an absent uniformed services voter  
5           or overseas voter fewer than 40 days before the elec-  
6           tion, the State shall enable the ballot to be returned  
7           by the voter by express delivery, except that in the  
8           case of an absentee ballot of an absent uniformed  
9           services voter for a regularly scheduled general elec-  
10          tion for Federal office, the State may satisfy the re-  
11          quirement of this paragraph by notifying the voter  
12          of the procedures for the collection and delivery of  
13          such ballots under section 103A.

14           “(3) PAYMENT FOR USE OF EXPRESS DELIV-  
15          ERY.—The State shall be responsible for the pay-  
16          ment of the costs associated with the use of express  
17          delivery for the transmittal of ballots under this sub-  
18          section.”.

19          (c) CLARIFICATION OF TREATMENT OF WEEK-  
20          ENDS.—Section 102(a)(8)(A) of such Act (52 U.S.C.  
21          20302(a)(8)(A)) is amended by striking “the election;”  
22          and inserting the following: “the election (or, if the 45th  
23          day preceding the election is a weekend or legal public hol-  
24          iday, not later than the most recent weekday which pre-  
25          cedes such 45th day and which is not a legal public holi-

1 day, but only if the request is received by at least such  
2 most recent weekday);”.

3 **SEC. 1704. USE OF SINGLE ABSENTEE BALLOT APPLICA-**  
4 **TION FOR SUBSEQUENT ELECTIONS.**

5 (a) IN GENERAL.—Section 104 of the Uniformed and  
6 Overseas Citizens Absentee Voting Act (52 U.S.C. 20306)  
7 is amended to read as follows:

8 **“SEC. 104. USE OF SINGLE APPLICATION FOR SUBSEQUENT**  
9 **ELECTIONS.**

10 “(a) IN GENERAL.—If a State accepts and processes  
11 an official post card form (prescribed under section 101)  
12 submitted by an absent uniformed services voter or over-  
13 seas voter for simultaneous voter registration and absen-  
14 tee ballot application (in accordance with section  
15 102(a)(4)) and the voter requests that the application be  
16 considered an application for an absentee ballot for each  
17 subsequent election for Federal office held in the State  
18 through the next regularly scheduled general election for  
19 Federal office (including any runoff elections which may  
20 occur as a result of the outcome of such general election),  
21 the State shall provide an absentee ballot to the voter for  
22 each such subsequent election.

23 “(b) EXCEPTION FOR VOTERS CHANGING REGISTRA-  
24 TION.—Subsection (a) shall not apply with respect to a  
25 voter registered to vote in a State for any election held



1 after the voter notifies the State that the voter no longer  
2 wishes to be registered to vote in the State or after the  
3 State determines that the voter has registered to vote in  
4 another State or is otherwise no longer eligible to vote in  
5 the State.

6 “(c) PROHIBITION OF REFUSAL OF APPLICATION ON  
7 GROUNDS OF EARLY SUBMISSION.—A State may not  
8 refuse to accept or to process, with respect to any election  
9 for Federal office, any otherwise valid voter registration  
10 application or absentee ballot application (including the  
11 postcard form prescribed under section 101) submitted by  
12 an absent uniformed services voter or overseas voter on  
13 the grounds that the voter submitted the application be-  
14 fore the first date on which the State otherwise accepts  
15 or processes such applications for that election which are  
16 submitted by absentee voters who are not members of the  
17 uniformed services or overseas citizens.”.

18 (b) EFFECTIVE DATE.—The amendment made by  
19 subsection (a) shall apply with respect to voter registration  
20 and absentee ballot applications which are submitted to  
21 a State or local election official on or after the date of  
22 the enactment of this Act.

1 **SEC. 1705. EXTENDING GUARANTEE OF RESIDENCY FOR**  
2 **VOTING PURPOSES TO FAMILY MEMBERS OF**  
3 **ABSENT MILITARY PERSONNEL.**

4 Section 102 of the Uniformed and Overseas Citizens  
5 Absentee Voting Act (52 U.S.C. 20302) is amended by  
6 adding at the end the following new subsection:

7 “(j) GUARANTEE OF RESIDENCY FOR SPOUSES AND  
8 DEPENDENTS OF ABSENT MEMBERS OF UNIFORMED  
9 SERVICE.—For the purposes of voting for in any election  
10 for any Federal office or any State or local office, a spouse  
11 or dependent of an individual who is an absent uniformed  
12 services voter described in subparagraph (A) or (B) of sec-  
13 tion 107(1) shall not, solely by reason of that individual’s  
14 absence and without regard to whether or not such spouse  
15 or dependent is accompanying that individual—

16 “(1) be deemed to have lost a residence or  
17 domicile in that State, without regard to whether or  
18 not that individual intends to return to that State;

19 “(2) be deemed to have acquired a residence or  
20 domicile in any other State; or

21 “(3) be deemed to have become a resident in or  
22 a resident of any other State.”.

1 **SEC. 1706. REQUIRING TRANSMISSION OF BLANK ABSEN-**  
2 **TEE BALLOTS UNDER UOCAVA TO CERTAIN**  
3 **VOTERS.**

4 (a) IN GENERAL.—The Uniformed and Overseas  
5 Citizens Absentee Voting Act (52 U.S.C. 20301 et seq.)  
6 is amended by inserting after section 103B the following  
7 new section:

8 **“SEC. 103C. TRANSMISSION OF BLANK ABSENTEE BALLOTS**  
9 **TO CERTAIN OTHER VOTERS.**

10 “(a) IN GENERAL.—

11 “(1) STATE RESPONSIBILITIES.—Subject to the  
12 provisions of this section, each State shall transmit  
13 blank absentee ballots electronically to qualified indi-  
14 viduals who request such ballots in the same manner  
15 and under the same terms and conditions under  
16 which the State transmits such ballots electronically  
17 to absent uniformed services voters and overseas vot-  
18 ers under the provisions of section 102(f), except  
19 that no such marked ballots shall be returned elec-  
20 tronically.

21 “(2) REQUIREMENTS.—Any blank absentee bal-  
22 lot transmitted to a qualified individual under this  
23 section—

24 “(A) must comply with the language re-  
25 quirements under section 203 of the Voting  
26 Rights Act of 1965 (52 U.S.C. 10503); and

1           “(B) must comply with the disability re-  
2           quirements under section 508 of the Rehabilita-  
3           tion Act of 1973 (29 U.S.C. 794d).

4           “(3) AFFIRMATION.—The State may not trans-  
5           mit a ballot to a qualified individual under this sec-  
6           tion unless the individual provides the State with a  
7           signed affirmation in electronic form that—

8           “(A) the individual is a qualified individual  
9           (as defined in subsection (b));

10          “(B) the individual has not and will not  
11          cast another ballot with respect to the election;  
12          and

13          “(C) acknowledges that a material  
14          misstatement of fact in completing the ballot  
15          may constitute grounds for conviction of per-  
16          jury.

17          “(4) CLARIFICATION REGARDING FREE POST-  
18          AGE.—An absentee ballot obtained by a qualified in-  
19          dividual under this section shall be considered bal-  
20          lotting materials as defined in section 107 for pur-  
21          poses of section 3406 of title 39, United States  
22          Code.

23          “(5) PROHIBITING REFUSAL TO ACCEPT BAL-  
24          LOT FOR FAILURE TO MEET CERTAIN REQUIRE-  
25          MENTS.—A State shall not refuse to accept and

1 process any otherwise valid blank absentee ballot  
2 which was transmitted to a qualified individual  
3 under this section and used by the individual to vote  
4 in the election solely on the basis of the following:

5 “(A) Notarization or witness signature re-  
6 quirements.

7 “(B) Restrictions on paper type, including  
8 weight and size.

9 “(C) Restrictions on envelope type, includ-  
10 ing weight and size.

11 “(b) QUALIFIED INDIVIDUAL.—

12 “(1) IN GENERAL.—In this section, except as  
13 provided in paragraph (2), the term ‘qualified indi-  
14 vidual’ means any individual who is otherwise quali-  
15 fied to vote in an election for Federal office and who  
16 meets any of the following requirements:

17 “(A) The individual—

18 “(i) has previously requested an ab-  
19 sentee ballot from the State or jurisdiction  
20 in which such individual is registered to  
21 vote; and

22 “(ii) has not received such absentee  
23 ballot at least 2 days before the date of the  
24 election.

25 “(B) The individual—

1           “(i) resides in an area of a State with  
2           respect to which an emergency or public  
3           health emergency has been declared by the  
4           chief executive of the State or of the area  
5           involved within 5 days of the date of the  
6           election under the laws of the State due to  
7           reasons including a natural disaster, in-  
8           cluding severe weather, or an infectious  
9           disease; and

10           “(ii) has not previously requested an  
11           absentee ballot.

12           “(C) The individual expects to be absent  
13           from such individual’s jurisdiction on the date  
14           of the election due to professional or volunteer  
15           service in response to a natural disaster or  
16           emergency as described in subparagraph (B).

17           “(D) The individual is hospitalized or ex-  
18           pects to be hospitalized on the date of the elec-  
19           tion.

20           “(E) The individual is an individual with a  
21           disability (as defined in section 3 of the Ameri-  
22           cans with Disabilities Act of 1990 (42 U.S.C.  
23           12102)) and resides in a State which does not  
24           offer voters the ability to use secure and acces-  
25           sible remote ballot marking. For purposes of

1           this subparagraph, a State shall permit an indi-  
2           vidual to self-certify that the individual is an in-  
3           dividual with a disability.

4           “(2) EXCLUSION OF ABSENT UNIFORMED SERV-  
5           ICES AND OVERSEAS VOTERS.—The term ‘qualified  
6           individual’ shall not include an absent uniformed  
7           services voter or an overseas voter.

8           “(c) STATE.—For purposes of this section, the term  
9           ‘State’ includes the District of Columbia, the Common-  
10          wealth of Puerto Rico, Guam, American Samoa, the  
11          United States Virgin Islands, and the Commonwealth of  
12          the Northern Mariana Islands.

13          “(d) EFFECTIVE DATE.—This section shall apply  
14          with respect to the regularly scheduled general election for  
15          Federal office held in November 2020 and each succeeding  
16          election for Federal office.”.

17          (b) CONFORMING AMENDMENT.—Section 102(a) of  
18          such Act (52 U.S.C. 20302(a)) is amended—

19               (1) by striking “and” at the end of paragraph  
20               (10);

21               (2) by striking the period at the end of para-  
22               graph (11) and inserting “; and”; and

23               (3) by adding at the end the following new  
24               paragraph:

1 “(12) meet the requirements of section 103C  
 2 with respect to the provision of blank absentee bal-  
 3 lots for the use of qualified individuals described in  
 4 such section.”.

5 (c) CLERICAL AMENDMENTS.—The table of contents  
 6 of such Act is amended by inserting the following after  
 7 section 103:

“Sec. 103A. Procedures for collection and delivery of marked absentee ballots  
 of absent overseas uniformed services voters.

“Sec. 103B. Federal voting assistance program improvements.

“Sec. 103C. Transmission of blank absentee ballots to certain other voters.”.

8 **SEC. 1707. EFFECTIVE DATE.**

9 Except as provided in section 1702(b) and section  
 10 1704(b), the amendments made by this subtitle shall apply  
 11 with respect to elections occurring on or after January 1,  
 12 2022.

13 **Subtitle K—Poll Worker**  
 14 **Recruitment and Training**

15 **SEC. 1801. GRANTS TO STATES FOR POLL WORKER RE-**  
 16 **CRUITMENT AND TRAINING.**

17 (a) GRANTS BY ELECTION ASSISTANCE COMMIS-  
 18 SION.—

19 (1) IN GENERAL.—The Election Assistance  
 20 Commission (hereafter referred to as the “Commis-  
 21 sion”) shall, subject to the availability of appropria-  
 22 tions provided to carry out this section, make a  
 23 grant to each eligible State for recruiting and train-



1 ing individuals to serve as poll workers on dates of  
2 elections for public office.

3 (2) USE OF COMMISSION MATERIALS.—In car-  
4 rying out activities with a grant provided under this  
5 section, the recipient of the grant shall use the man-  
6 ual prepared by the Commission on successful prac-  
7 tices for poll worker recruiting, training and reten-  
8 tion as an interactive training tool, and shall develop  
9 training programs with the participation and input  
10 of experts in adult learning.

11 (3) ACCESS AND CULTURAL CONSIDER-  
12 ATIONS.—The Commission shall ensure that the  
13 manual described in paragraph (2) provides training  
14 in methods that will enable poll workers to provide  
15 access and delivery of services in a culturally com-  
16 petent manner to all voters who use their services,  
17 including those with limited English proficiency, di-  
18 verse cultural and ethnic backgrounds, disabilities,  
19 and regardless of gender, sexual orientation, or gen-  
20 der identity. These methods must ensure that each  
21 voter will have access to poll worker services that are  
22 delivered in a manner that meets the unique needs  
23 of the voter.

24 (b) REQUIREMENTS FOR ELIGIBILITY.—

1           (1) APPLICATION.—Each State that desires to  
2       receive a payment under this section shall submit an  
3       application for the payment to the Commission at  
4       such time and in such manner and containing such  
5       information as the Commission shall require.

6           (2) CONTENTS OF APPLICATION.—Each appli-  
7       cation submitted under paragraph (1) shall—

8                 (A) describe the activities for which assist-  
9       ance under this section is sought;

10                (B) provide assurances that the funds pro-  
11       vided under this section will be used to supple-  
12       ment and not supplant other funds used to  
13       carry out the activities;

14                (C) provide assurances that the State will  
15       furnish the Commission with information on the  
16       number of individuals who served as poll work-  
17       ers after recruitment and training with the  
18       funds provided under this section; and

19                (D) provide such additional information  
20       and certifications as the Commission deter-  
21       mines to be essential to ensure compliance with  
22       the requirements of this section.

23       (c) AMOUNT OF GRANT.—

1           (1) IN GENERAL.—The amount of a grant  
2       made to a State under this section shall be equal to  
3       the product of—

4           (A) the aggregate amount made available  
5       for grants to States under this section; and

6           (B) the voting age population percentage  
7       for the State.

8           (2) VOTING AGE POPULATION PERCENTAGE DE-  
9       FINED.—In paragraph (1), the “voting age popu-  
10      lation percentage” for a State is the quotient of—

11           (A) the voting age population of the State  
12      (as determined on the basis of the most recent  
13      information available from the Bureau of the  
14      Census); and

15           (B) the total voting age population of all  
16      States (as determined on the basis of the most  
17      recent information available from the Bureau of  
18      the Census).

19       (d) REPORTS TO CONGRESS.—

20           (1) REPORTS BY RECIPIENTS OF GRANTS.—Not  
21      later than 6 months after the date on which the  
22      final grant is made under this section, each recipient  
23      of a grant shall submit a report to the Commission  
24      on the activities conducted with the funds provided  
25      by the grant.

1           (2) REPORTS BY COMMISSION.—Not later than  
2       1 year after the date on which the final grant is  
3       made under this section, the Commission shall sub-  
4       mit a report to Congress on the grants made under  
5       this section and the activities carried out by recipi-  
6       ents with the grants, and shall include in the report  
7       such recommendations as the Commission considers  
8       appropriate.

9       (e) FUNDING.—

10           (1) CONTINUING AVAILABILITY OF AMOUNT AP-  
11       PROPRIATED.—Any amount appropriated to carry  
12       out this section shall remain available without fiscal  
13       year limitation until expended.

14           (2) ADMINISTRATIVE EXPENSES.—Of the  
15       amount appropriated for any fiscal year to carry out  
16       this section, not more than 3 percent shall be avail-  
17       able for administrative expenses of the Commission.

18 **SEC. 1802. STATE DEFINED.**

19       In this subtitle, the term “State” includes the Dis-  
20       trict of Columbia, the Commonwealth of Puerto Rico,  
21       Guam, American Samoa, the United States Virgin Is-  
22       lands, and the Commonwealth of the Northern Mariana  
23       Islands.

**Subtitle L—Enhancement of  
Enforcement**

**SEC. 1811. ENHANCEMENT OF ENFORCEMENT OF HELP  
AMERICA VOTE ACT OF 2002.**

(a) COMPLAINTS; AVAILABILITY OF PRIVATE RIGHT  
OF ACTION.—Section 401 of the Help America Vote Act  
of 2002 (52 U.S.C. 21111) is amended—

(1) by striking “The Attorney General” and in-  
serting “(a) IN GENERAL.—The Attorney General”;  
and

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

“(b) FILING OF COMPLAINTS BY AGGRIEVED PER-  
SONS.—

“(1) IN GENERAL.—A person who is aggrieved  
by a violation of title III which has occurred, is oc-  
curring, or is about to occur may file a written,  
signed, notarized complaint with the Attorney Gen-  
eral describing the violation and requesting the At-  
torney General to take appropriate action under this  
section. The Attorney General shall immediately pro-  
vide a copy of a complaint filed under the previous  
sentence to the entity responsible for administering  
the State-based administrative complaint procedures  
described in section 402(a) for the State involved.

1           “(2) RESPONSE BY ATTORNEY GENERAL.—The  
2       Attorney General shall respond to each complaint  
3       filed under paragraph (1), in accordance with proce-  
4       dures established by the Attorney General that re-  
5       quire responses and determinations to be made with-  
6       in the same (or shorter) deadlines which apply to a  
7       State under the State-based administrative com-  
8       plaint procedures described in section 402(a)(2).  
9       The Attorney General shall immediately provide a  
10      copy of the response made under the previous sen-  
11      tence to the entity responsible for administering the  
12      State-based administrative complaint procedures de-  
13      scribed in section 402(a) for the State involved.

14      “(c) AVAILABILITY OF PRIVATE RIGHT OF AC-  
15      TION.—Any person who is authorized to file a complaint  
16      under subsection (b)(1) (including any individual who  
17      seeks to enforce the individual’s right to a voter-verified  
18      paper ballot, the right to have the voter-verified paper bal-  
19      lot counted in accordance with this Act, or any other right  
20      under title III) may file an action under section 1979 of  
21      the Revised Statutes of the United States (42 U.S.C.  
22      1983) to enforce the uniform and nondiscriminatory elec-  
23      tion technology and administration requirements under  
24      subtitle A of title III.

1 “(d) NO EFFECT ON STATE PROCEDURES.—Nothing  
 2 in this section may be construed to affect the availability  
 3 of the State-based administrative complaint procedures re-  
 4 quired under section 402 to any person filing a complaint  
 5 under this subsection.”.

6 (b) EFFECTIVE DATE.—The amendments made by  
 7 this section shall apply with respect to violations occurring  
 8 with respect to elections for Federal office held in 2022  
 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) holding any position (including any unpaid  
10 or honorary position) with an authorized committee  
11 of a candidate, or participating in any decision-mak-  
12 ing of an authorized committee of a candidate;

13              “(2) the use of official authority or influence  
14 for the purpose of interfering with or affecting the  
15 result of an election for Federal office;

16              “(3) the solicitation, acceptance, or receipt of a  
17 contribution from any person on behalf of a can-  
18 didate for Federal office; and

19              “(4) any other act which would be prohibited  
20 under paragraph (2) or (3) of section 7323(b) of  
21 title 5, United States Code, if taken by an individual  
22 to whom such paragraph applies (other than any  
23 prohibition on running for public office).



1       “(d) EXCEPTION IN CASE OF RECUSAL FROM AD-  
2 MINISTRATION OF ELECTIONS INVOLVING OFFICIAL OR  
3 IMMEDIATE FAMILY MEMBER.—

4               “(1) IN GENERAL.—This section does not apply  
5 to a chief State election administration official with  
6 respect to an election for Federal office in which the  
7 official or an immediate family member of the offi-  
8 cial is a candidate, but only if—

9               “(A) such official recuses himself or herself  
10 from all of the official’s responsibilities for the  
11 administration of such election; and

12               “(B) the official who assumes responsi-  
13 bility for supervising the administration of the  
14 election does not report directly to such official.

15               “(2) IMMEDIATE FAMILY MEMBER DEFINED.—  
16 In paragraph (1), the term ‘immediate family mem-  
17 ber’ means, with respect to a candidate, a father,  
18 mother, son, daughter, brother, sister, husband,  
19 wife, father-in-law, or mother-in-law.”.

20       (b) EFFECTIVE DATE.—The amendments made by  
21 subsection (a) shall apply with respect to elections for  
22 Federal office held after December 2021.

1 **Subtitle N—Promoting Voter Ac-**  
2 **cess Through Election Adminis-**  
3 **tration Improvements**

4 **PART 1—PROMOTING VOTER ACCESS**

5 **SEC. 1901. TREATMENT OF INSTITUTIONS OF HIGHER EDU-**  
6 **CATION.**

7 (a) TREATMENT OF CERTAIN INSTITUTIONS AS  
8 VOTER REGISTRATION AGENCIES UNDER NATIONAL  
9 VOTER REGISTRATION ACT OF 1993.—Section 7(a) of the  
10 National Voter Registration Act of 1993 (52 U.S.C.  
11 20506(a)) is amended—

12 (1) in paragraph (2)—

13 (A) by striking “and” at the end of sub-  
14 paragraph (A);

15 (B) by striking the period at the end of  
16 subparagraph (B) and inserting “; and”; and

17 (C) by adding at the end the following new  
18 subparagraph:

19 “(C) each institution of higher education  
20 which has a program participation agreement in  
21 effect with the Secretary of Education under  
22 section 487 of the Higher Education Act of  
23 1965 (20 U.S.C. 1094), other than an institu-  
24 tion which is treated as a contributing agency

1 under the Automatic Voter Registration Act of  
2 2021.”; 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 2021.

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, 2022.

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 2022 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) METHODS OF NOTIFICATION.—The State  
2       shall notify an individual under subparagraph (A) of  
3       paragraph (1) by mail, telephone, and (if available)  
4       text message and electronic mail.

5           “(3) PLACEMENT OF SIGNS AT CLOSED POLL-  
6       ING PLACES.—If a location which served as a polling  
7       place in an election for Federal office does not serve  
8       as a polling place in the next election for Federal of-  
9       fice held in the jurisdiction involved, the State shall  
10      ensure that signs are posted at such location on the  
11      date of the election and during any early voting pe-  
12      riod for the election containing the following infor-  
13      mation:

14           “(A) A statement that the location is not  
15      serving as a polling place in the election.

16           “(B) The locations serving as polling  
17      places in the election in the jurisdiction in-  
18      volved.

19           “(C) Contact information, including a tele-  
20      phone number and website, for the appropriate  
21      State or local election official through which an  
22      individual may find the polling place to which  
23      the individual is assigned for the election.

1           “(4) 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)(4)”.

9   **SEC. 1903. PERMITTING USE OF SWORN WRITTEN STATE-**  
10                   **MENT TO MEET IDENTIFICATION REQUIRE-**  
11                   **MENTS FOR VOTING.**

12           (a) PERMITTING USE OF STATEMENT.—Title III of  
13           the Help America Vote Act of 2002 (52 U.S.C. 21081 et  
14           seq.) is amended by inserting after section 303 the fol-  
15           lowing new section:

16   **“SEC. 303A. PERMITTING USE OF SWORN WRITTEN STATE-**  
17                   **MENT TO MEET IDENTIFICATION REQUIRE-**  
18                   **MENTS.**

19           “(a) USE OF STATEMENT.—

20                   “(1) IN GENERAL.—Except as provided in sub-  
21                   section (c), if a State has in effect a requirement  
22                   that an individual present identification as a condi-  
23                   tion of receiving and casting a ballot in an election  
24                   for Federal office, the State shall permit the indi-  
25                   vidual to meet the requirement—

1           “(A) in the case of an individual who de-  
2           sires to vote in person, by presenting the appro-  
3           priate State or local election official with a  
4           sworn written statement, signed by the indi-  
5           vidual under penalty of perjury, attesting to the  
6           individual’s identity and attesting that the indi-  
7           vidual is eligible to vote in the election; or

8           “(B) in the case of an individual who de-  
9           sires to vote by mail, by submitting with the  
10          ballot the statement described in subparagraph  
11          (A).

12          “(2) DEVELOPMENT OF PRE-PRINTED VERSION  
13          OF STATEMENT BY COMMISSION.—The Commission  
14          shall develop a pre-printed version of the statement  
15          described in paragraph (1)(A) which includes a  
16          blank space for an individual to provide a name and  
17          signature for use by election officials in States which  
18          are subject to paragraph (1).

19          “(3) PROVIDING PRE-PRINTED COPY OF STATE-  
20          MENT.—A State which is subject to paragraph (1)  
21          shall—

22               “(A) make copies of the pre-printed  
23               version of the statement described in paragraph  
24               (1)(A) which is prepared by the Commission  
25               available at polling places for election officials

1 to distribute to individuals who desire to vote in  
2 person; and

3 “(B) include a copy of such pre-printed  
4 version of the statement with each blank absen-  
5 tee or other ballot transmitted to an individual  
6 who desires to vote by mail.

7 “(b) REQUIRING USE OF BALLOT IN SAME MANNER  
8 AS INDIVIDUALS PRESENTING IDENTIFICATION.—An in-  
9 dividual who presents or submits a sworn written state-  
10 ment in accordance with subsection (a)(1) shall be per-  
11 mitted to cast a ballot in the election in the same manner  
12 as an individual who presents identification.

13 “(c) EXCEPTION FOR FIRST-TIME VOTERS REG-  
14 ISTERING BY MAIL.—Subsections (a) and (b) do not apply  
15 with respect to any individual described in paragraph (1)  
16 of section 303(b) who is required to meet the requirements  
17 of paragraph (2) of such section.”.

18 (b) REQUIRING STATES TO INCLUDE INFORMATION  
19 ON USE OF SWORN WRITTEN STATEMENT IN VOTING IN-  
20 FORMATION MATERIAL POSTED AT POLLING PLACES.—  
21 Section 302(b)(2) of such Act (52 U.S.C. 21082(b)(2)),  
22 as amended by section 1072(b) and section 1202(b), is  
23 amended—

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

1           (2) by striking the period at the end of sub-  
2       paragraph (H) and inserting “; and”; and

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

5           “(I) in the case of a State that has in ef-  
6       fect a requirement that an individual present  
7       identification as a condition of receiving and  
8       casting a ballot in an election for Federal office,  
9       information on how an individual may meet  
10      such requirement by presenting a sworn written  
11      statement in accordance with section 303A.”.

12      (c) CLERICAL AMENDMENT.—The table of contents  
13   of such Act is amended by inserting after the item relating  
14   to section 303 the following new item:

“Sec. 303A. Permitting use of sworn written statement to meet identification  
requirements.”.

15      (e) EFFECTIVE DATE.—The amendments made by  
16   this section shall apply with respect to elections occurring  
17   on or after the date of the enactment of this Act.

18   **SEC. 1904. ACCOMMODATIONS FOR VOTERS RESIDING IN**  
19                           **INDIAN LANDS.**

20      (a) ACCOMMODATIONS DESCRIBED.—

21           (1) DESIGNATION OF BALLOT PICKUP AND COL-  
22      LECTION LOCATIONS.—Given the widespread lack of  
23      residential mail delivery in Indian Country, an In-  
24      dian Tribe may designate buildings as ballot pickup

1 and collection locations with respect to an election  
2 for Federal office at no cost to the Indian Tribe. An  
3 Indian Tribe may designate one building per pre-  
4 cinct located within Indian lands. The applicable  
5 State or political subdivision shall collect ballots  
6 from those locations. The applicable State or polit-  
7 ical subdivision shall provide the Indian Tribe with  
8 accurate precinct maps for all precincts located with-  
9 in Indian lands 60 days before the election.

10 (2) PROVISION OF MAIL-IN AND ABSENTEE  
11 BALLOTS.—The State or political subdivision shall  
12 provide mail-in and absentee ballots with respect to  
13 an election for Federal office to each individual who  
14 is registered to vote in the election who resides on  
15 Indian lands in the State or political subdivision in-  
16 volved without requiring a residential address or a  
17 mail-in or absentee ballot request.

18 (3) USE OF DESIGNATED BUILDING AS RESI-  
19 DENTIAL AND MAILING ADDRESS.—The address of a  
20 designated building that is a ballot pickup and col-  
21 lection location with respect to an election for Fed-  
22 eral office may serve as the residential address and  
23 mailing address for voters living on Indian lands if  
24 the tribally designated building is in the same pre-  
25 cinct as that voter. If there is no tribally designated

1 building within a voter's precinct, the voter may use  
2 another tribally designated building within the In-  
3 dian lands where the voter is located. Voters using  
4 a tribally designated building outside of the voter's  
5 precinct may use the tribally designated building as  
6 a mailing address and may separately designate the  
7 voter's appropriate precinct through a description of  
8 the voter's address, as specified in section  
9 9428.4(a)(2) of title 11, Code of Federal Regula-  
10 tions.

11 (4) LANGUAGE ACCESSIBILITY.—In the case of  
12 a State or political subdivision that is a covered  
13 State or political subdivision under section 203 of  
14 the Voting Rights Act of 1965 (52 U.S.C. 10503),  
15 that State or political subdivision shall provide ab-  
16 sentee or mail-in voting materials with respect to an  
17 election for Federal office in the language of the ap-  
18 plicable minority group as well as in the English lan-  
19 guage, bilingual election voting assistance, and writ-  
20 ten translations of all voting materials in the lan-  
21 guage of the applicable minority group, as required  
22 by section 203 of the Voting Rights Act of 1965 (52  
23 U.S.C. 10503), as amended by subsection (b).

24 (5) CLARIFICATION.—Nothing in this section  
25 alters the ability of an individual voter residing on

1 Indian lands to request a ballot in a manner avail-  
2 able to all other voters in the State.

3 (6) DEFINITIONS.—In this section:

4 (A) ELECTION FOR FEDERAL OFFICE.—

5 The term “election for Federal office” means a  
6 general, special, primary or runoff election for  
7 the office of President or Vice President, or of  
8 Senator or Representative in, or Delegate or  
9 Resident Commissioner to, the Congress.

10 (B) INDIAN.—The term “Indian” has the  
11 meaning given the term in section 4 of the In-  
12 dian Self-Determination and Education Assist-  
13 ance Act (25 U.S.C. 5304).

14 (C) INDIAN LANDS.—The term “Indian  
15 lands” includes—

16 (i) any Indian country of an Indian  
17 Tribe, as defined under section 1151 of  
18 title 18, United States Code;

19 (ii) any land in Alaska owned, pursu-  
20 ant to the Alaska Native Claims Settle-  
21 ment Act (43 U.S.C. 1601 et seq.), by an  
22 Indian Tribe that is a Native village (as  
23 defined in section 3 of that Act (43 U.S.C.  
24 1602)) or by a Village Corporation that is  
25 associated with an Indian Tribe (as de-



1            fined in section 3 of that Act (43 U.S.C.  
2            1602));

3            (iii) any land on which the seat of the  
4            Tribal Government is located; and

5            (iv) any land that is part or all of a  
6            Tribal designated statistical area associ-  
7            ated with an Indian Tribe, or is part or all  
8            of an Alaska Native village statistical area  
9            associated with an Indian Tribe, as defined  
10          by the Census Bureau for the purposes of  
11          the most recent decennial census.

12          (D) INDIAN TRIBE.—The term “Indian  
13          Tribe” has the meaning given the term “Indian  
14          tribe” in section 4 of the Indian Self-Deter-  
15          mination and Education Assistance Act (25  
16          U.S.C. 5304).

17          (E) TRIBAL GOVERNMENT.—The term  
18          “Tribal Government” means the recognized  
19          governing body of an Indian Tribe.

20          (7) ENFORCEMENT.—

21          (A) ATTORNEY GENERAL.—The Attorney  
22          General may bring a civil action in an appro-  
23          priate district court for such declaratory or in-  
24          junctive relief as is necessary to carry out this  
25          subsection.

(B) PRIVATE RIGHT OF ACTION.—

(i) A person or Tribal Government who is aggrieved by a violation of this subsection may provide written notice of the violation to the chief election official of the State involved.

(ii) An aggrieved person or Tribal Government may bring a civil action in an appropriate district court for declaratory or injunctive relief with respect to a violation of this subsection, if—

(I) that person or Tribal Government provides the notice described in clause (i); and

(II)(aa) in the case of a violation that occurs more than 120 days before the date of an election for Federal office, the violation remains and 90 days or more have passed since the date on which the chief election official of the State receives the notice under clause (i); or

(bb) in the case of a violation that occurs 120 days or less before the date of an election for Federal of-

1                   fice, the violation remains and 20  
 2                   days or more have passed since the  
 3                   date on which the chief election offi-  
 4                   cial of the State receives the notice  
 5                   under clause (i).

6                   (iii) In the case of a violation of this  
 7                   section that occurs 30 days or less before  
 8                   the date of an election for Federal office,  
 9                   an aggrieved person or Tribal Government  
 10                  may bring a civil action in an appropriate  
 11                  district court for declaratory or injunctive  
 12                  relief with respect to the violation without  
 13                  providing notice to the chief election offi-  
 14                  cial of the State under clause (i).

15           (b) BILINGUAL ELECTION REQUIREMENTS.—Section  
 16 203 of the Voting Rights Act of 1965 (52 U.S.C. 10503)  
 17 is amended—

18                   (1) in subsection (b)(3)(C)), by striking “1990”  
 19                   and inserting “2010”; and

20                   (2) by striking subsection (c) and inserting the  
 21                   following:

22           “(c) PROVISION OF VOTING MATERIALS IN THE LAN-  
 23 GUAGE OF A MINORITY GROUP.—

24                   “(1) IN GENERAL.—Whenever any State or po-  
 25                   litical subdivision subject to the prohibition of sub-

1 section (b) of this section provides any registration  
2 or voting notices, forms, instructions, assistance, or  
3 other materials or information relating to the elec-  
4 toral process, including ballots, it shall provide them  
5 in the language of the applicable minority group as  
6 well as in the English language.

7 “(2) EXCEPTIONS.—

8 “(A) In the case of a minority group that  
9 is not American Indian or Alaska Native and  
10 the language of that minority group is oral or  
11 unwritten, the State or political subdivision  
12 shall only be required to furnish, in the covered  
13 language, oral instructions, assistance, trans-  
14 lation of voting materials, or other information  
15 relating to registration and voting.

16 “(B) In the case of a minority group that  
17 is American Indian or Alaska Native, the State  
18 or political subdivision shall only be required to  
19 furnish in the covered language oral instruc-  
20 tions, assistance, or other information relating  
21 to registration and voting, including all voting  
22 materials, if the Tribal Government of that mi-  
23 nority group has certified that the language of  
24 the applicable American Indian or Alaska Na-  
25 tive language is presently unwritten or the

1 Tribal Government does not want written trans-  
2 lations in the minority language.

3 “(3) WRITTEN TRANSLATIONS FOR ELECTION  
4 WORKERS.—Notwithstanding paragraph (2), the  
5 State or political division may be required to provide  
6 written translations of voting materials, with the  
7 consent of any applicable Indian Tribe, to election  
8 workers to ensure that the translations from English  
9 to the language of a minority group are complete,  
10 accurate, and uniform.”.

11 (c) EFFECTIVE DATE.—This section and the amend-  
12 ments made by this section shall apply with respect to the  
13 regularly scheduled general election for Federal office held  
14 in November 2022 and each succeeding election for Fed-  
15 eral office.

16 **SEC. 1905. VOTER INFORMATION RESPONSE SYSTEMS AND**  
17 **HOTLINE.**

18 (a) ESTABLISHMENT AND OPERATION OF SYSTEMS  
19 AND SERVICES.—

20 (1) STATE-BASED RESPONSE SYSTEMS.—The  
21 Attorney General shall coordinate the establishment  
22 of a State-based response system for responding to  
23 questions and complaints from individuals voting or  
24 seeking to vote, or registering to vote or seeking to

1 register to vote, in elections for Federal office. Such  
2 system shall provide—

3 (A) State-specific, same-day, and imme-  
4 diate assistance to such individuals, including  
5 information on how to register to vote, the loca-  
6 tion and hours of operation of polling places,  
7 and how to obtain absentee ballots; and

8 (B) State-specific, same-day, and imme-  
9 diate assistance to individuals encountering  
10 problems with registering to vote or voting, in-  
11 cluding individuals encountering intimidation or  
12 deceptive practices.

13 (2) HOTLINE.—The Attorney General, in con-  
14 sultation with State election officials, shall establish  
15 and operate a toll-free telephone service, using a  
16 telephone number that is accessible throughout the  
17 United States and that uses easily identifiable nu-  
18 merals, through which individuals throughout the  
19 United States—

20 (A) may connect directly to the State-  
21 based response system described in paragraph  
22 (1) with respect to the State involved;

23 (B) may obtain information on voting in  
24 elections for Federal office, including informa-  
25 tion on how to register to vote in such elections,

1 the locations and hours of operation of polling  
2 places, and how to obtain absentee ballots; and

3 (C) may report information to the Attor-  
4 ney General on problems encountered in reg-  
5 istering to vote or voting, including incidences  
6 of voter intimidation or suppression.

7 (3) COLLABORATION WITH STATE AND LOCAL  
8 ELECTION OFFICIALS.—

9 (A) COLLECTION OF INFORMATION FROM  
10 STATES.—The Attorney General shall coordi-  
11 nate the collection of information on State and  
12 local election laws and policies, including infor-  
13 mation on the statewide computerized voter reg-  
14 istration lists maintained under title III of the  
15 Help America Vote Act of 2002, so that indi-  
16 viduals who contact the free telephone service  
17 established under paragraph (2) on the date of  
18 an election for Federal office may receive an  
19 immediate response on that day.

20 (B) FORWARDING QUESTIONS AND COM-  
21 PLAINTS TO STATES.—If an individual contacts  
22 the free telephone service established under  
23 paragraph (2) on the date of an election for  
24 Federal office with a question or complaint with  
25 respect to a particular State or jurisdiction

1           within a State, the Attorney General shall for-  
2           ward the question or complaint immediately to  
3           the appropriate election official of the State or  
4           jurisdiction so that the official may answer the  
5           question or remedy the complaint on that date.

6           (4) CONSULTATION REQUIREMENTS FOR DE-  
7           VELOPMENT OF SYSTEMS AND SERVICES.—The At-  
8           torney General shall ensure that the State-based re-  
9           sponse system under paragraph (1) and the free  
10          telephone service under paragraph (2) are each de-  
11          veloped in consultation with civil rights organiza-  
12          tions, voting rights groups, State and local election  
13          officials, voter protection groups, and other inter-  
14          ested community organizations, especially those that  
15          have experience in the operation of similar systems  
16          and services.

17          (b) USE OF SERVICE BY INDIVIDUALS WITH DIS-  
18          ABILITIES AND INDIVIDUALS WITH LIMITED ENGLISH  
19          LANGUAGE PROFICIENCY.—The Attorney General shall  
20          design and operate the telephone service established under  
21          this section in a manner that ensures that individuals with  
22          disabilities are fully able to use the service, and that as-  
23          sistance is provided in any language in which the State  
24          (or any jurisdiction in the State) is required to provide



1 election materials under section 203 of the Voting Rights  
2 Act of 1965.

3 (c) VOTER HOTLINE TASK FORCE.—

4 (1) APPOINTMENT BY ATTORNEY GENERAL.—

5 The Attorney General shall appoint individuals (in  
6 such number as the Attorney General considers ap-  
7 propriate but in no event fewer than 3) to serve on  
8 a Voter Hotline Task Force to provide ongoing anal-  
9 ysis and assessment of the operation of the tele-  
10 phone service established under this section, and  
11 shall give special consideration in making appoint-  
12 ments to the Task Force to individuals who rep-  
13 resent civil rights organizations. At least one mem-  
14 ber of the Task Force shall be a representative of  
15 an organization promoting voting rights or civil  
16 rights which has experience in the operation of simi-  
17 lar telephone services or in protecting the rights of  
18 individuals to vote, especially individuals who are  
19 members of racial, ethnic, or linguistic minorities or  
20 of communities who have been adversely affected by  
21 efforts to suppress voting rights.

22 (2) ELIGIBILITY.—An individual shall be eligi-  
23 ble to serve on the Task Force under this subsection  
24 if the individual meets such criteria as the Attorney  
25 General may establish, except that an individual may

1 not serve on the task force if the individual has been  
2 convicted of any criminal offense relating to voter in-  
3 timidation or voter suppression.

4 (3) TERM OF SERVICE.—An individual ap-  
5 pointed to the Task Force shall serve a single term  
6 of 2 years, except that the initial terms of the mem-  
7 bers first appointed to the Task Force shall be stag-  
8 gered so that there are at least 3 individuals serving  
9 on the Task Force during each year. A vacancy in  
10 the membership of the Task Force shall be filled in  
11 the same manner as the original appointment.

12 (4) NO COMPENSATION FOR SERVICE.—Mem-  
13 bers of the Task Force shall serve without pay, but  
14 shall receive travel expenses, including per diem in  
15 lieu of subsistence, in accordance with applicable  
16 provisions under subchapter I of chapter 57 of title  
17 5, United States Code.

18 (d) BI-ANNUAL REPORT TO CONGRESS.—Not later  
19 than March 1 of each odd-numbered year, the Attorney  
20 General shall submit a report to Congress on the operation  
21 of the telephone service established under this section dur-  
22 ing the previous 2 years, and shall include in the report—

23 (1) an enumeration of the number and type of  
24 calls that were received by the service;

1           (2) a compilation and description of the reports  
2           made to the service by individuals citing instances of  
3           voter intimidation or suppression, together with a  
4           description of any actions taken in response to such  
5           instances of voter intimidation or suppression;

6           (3) an assessment of the effectiveness of the  
7           service in making information available to all house-  
8           holds in the United States with telephone service;

9           (4) any recommendations developed by the  
10          Task Force established under subsection (c) with re-  
11          spect to how voting systems may be maintained or  
12          upgraded to better accommodate voters and better  
13          ensure the integrity of elections, including but not  
14          limited to identifying how to eliminate coordinated  
15          voter suppression efforts and how to establish effec-  
16          tive mechanisms for distributing updates on changes  
17          to voting requirements; and

18          (5) any recommendations on best practices for  
19          the State-based response systems established under  
20          subsection (a)(1).

21          (e) AUTHORIZATION OF APPROPRIATIONS.—

22               (1) AUTHORIZATION.—There are authorized to  
23               be appropriated to the Attorney General for fiscal  
24               year 2021 and each succeeding fiscal year such sums  
25               as may be necessary to carry out this section.

1           (2) SET-ASIDE FOR OUTREACH.—Of the  
2           amounts appropriated to carry out this section for a  
3           fiscal year pursuant to the authorization under para-  
4           graph (1), not less than 15 percent shall be used for  
5           outreach activities to make the public aware of the  
6           availability of the telephone service established under  
7           this section, with an emphasis on outreach to indi-  
8           viduals with disabilities and individuals with limited  
9           proficiency in the English language.

10 **SEC. 1906. ENSURING EQUITABLE AND EFFICIENT OPER-**  
11 **ATION OF POLLING PLACES.**

12           (a) IN GENERAL.—Subtitle A of title III of the Help  
13           America Vote Act of 2002 (52 U.S.C. 21081 et seq.), as  
14           amended by section 1031(a), section 1101(a), section  
15           1611(a), section 1621(a), section 1622(a), and section  
16           1623(a), is amended—

17           (1) by redesignating sections 310 and 311 as  
18           sections 311 and 312; and

19           (2) by inserting after section 309 the following  
20           new section:

21 **“SEC. 310. ENSURING EQUITABLE AND EFFICIENT OPER-**  
22 **ATION OF POLLING PLACES.**

23           “(a) PREVENTING UNREASONABLE WAITING TIMES  
24           FOR VOTERS.—

1           “(1) IN GENERAL.—Each State shall provide a  
2           sufficient number of voting systems, poll workers,  
3           and other election resources (including physical re-  
4           sources) at a polling place used in any election for  
5           Federal office, including a polling place at which in-  
6           dividuals may cast ballots prior to the date of the  
7           election, to ensure—

8                   “(A) a fair and equitable waiting time for  
9                   all voters in the State; and

10                   “(B) that no individual will be required to  
11                   wait longer than 30 minutes to cast a ballot at  
12                   the polling place.

13           “(2) CRITERIA.—In determining the number of  
14           voting systems, poll workers, and other election re-  
15           sources provided at a polling place for purposes of  
16           paragraph (1), the State shall take into account the  
17           following factors:

18                   “(A) The voting age population.

19                   “(B) Voter turnout in past elections.

20                   “(C) The number of voters registered.

21                   “(D) The number of voters who have reg-  
22                   istered since the most recent Federal election.

23                   “(E) Census data for the population served  
24                   by the polling place, such as the proportion of

1           the voting-age population who are under 25  
2           years of age or who are naturalized citizens.

3           “(F) The needs and numbers of voters  
4           with disabilities and voters with limited English  
5           proficiency.

6           “(G) The type of voting systems used.

7           “(H) The length and complexity of initia-  
8           tives, referenda, and other questions on the bal-  
9           lot.

10          “(I) Such other factors, including relevant  
11          demographic factors relating to the population  
12          served by the polling place, as the State con-  
13          siders appropriate.

14          “(3) RULE OF CONSTRUCTION.—Nothing in  
15          this subsection may be construed to authorize a  
16          State to meet the requirements of this subsection by  
17          closing any polling place, prohibiting an individual  
18          from entering a line at a polling place, or refusing  
19          to permit an individual who has arrived at a polling  
20          place prior to closing time from voting at the polling  
21          place.

22          “(4) GUIDELINES.—Not later than 180 days  
23          after the date of the enactment of this section, the  
24          Commission shall establish and publish guidelines to

1 assist States in meeting the requirements of this  
2 subsection.

3 “(5) EFFECTIVE DATE.—This subsection shall  
4 take effect upon the expiration of the 180-day period  
5 which begins on the date of the enactment of this  
6 subsection, without regard to whether or not the  
7 Commission has established and published guidelines  
8 under paragraph (4).

9 “(b) LIMITING VARIATIONS ON NUMBER OF HOURS  
10 OF OPERATION OF POLLING PLACES WITHIN A STATE.—

11 “(1) LIMITATION.—

12 “(A) IN GENERAL.—Except as provided in  
13 subparagraph (B) and paragraph (2), each  
14 State shall establish hours of operation for all  
15 polling places in the State on the date of any  
16 election for Federal office held in the State  
17 such that the polling place with the greatest  
18 number of hours of operation on such date is  
19 not in operation for more than 2 hours longer  
20 than the polling place with the fewest number  
21 of hours of operation on such date.

22 “(B) PERMITTING VARIANCE ON BASIS OF  
23 POPULATION.—Subparagraph (A) does not  
24 apply to the extent that the State establishes  
25 variations in the hours of operation of polling

1 places on the basis of the overall population or  
 2 the voting age population (as the State may se-  
 3 lect) of the unit of local government in which  
 4 such polling places are located.

5 “(2) EXCEPTIONS FOR POLLING PLACES WITH  
 6 HOURS ESTABLISHED BY UNITS OF LOCAL GOVERN-  
 7 MENT.—Paragraph (1) does not apply in the case of  
 8 a polling place—

9 “(A) whose hours of operation are estab-  
 10 lished, in accordance with State law, by the unit  
 11 of local government in which the polling place  
 12 is located; or

13 “(B) which is required pursuant to an  
 14 order by a court to extend its hours of oper-  
 15 ation beyond the hours otherwise established.”.

16 (b) CLERICAL AMENDMENT.—The table of contents  
 17 of such Act, as amended by section 1031(c), section  
 18 1101(d), section 1611(c), section 1621(c), section  
 19 1622(c), and section 1623(a), is amended—

20 (1) by redesignating the items relating to sec-  
 21 tions 310 and 311 as relating to sections 311 and  
 22 312; and

23 (2) by inserting after the item relating to sec-  
 24 tion 309 the following new item:

“Sec. 310. Ensuring equitable and efficient operation of polling places.”.



1 **SEC. 1907. REQUIRING STATES TO PROVIDE SECURED**  
2 **DROP BOXES FOR VOTED ABSENTEE BAL-**  
3 **LOTS IN ELECTIONS FOR FEDERAL OFFICE.**

4 (a) REQUIREMENT.—Subtitle A of title III of the  
5 Help America Vote Act of 2002 (52 U.S.C. 21081 et seq.),  
6 as amended by section 1031(a), section 1101(a), section  
7 1611(a), section 1621(a), section 1622(a), section  
8 1623(a), and section 1906(a), is amended—

9 (1) by redesignating sections 311 and 312 as  
10 sections 312 and 313; and

11 (2) by inserting after section 310 the following  
12 new section:

13 **“SEC. 311. USE OF SECURED DROP BOXES FOR VOTED AB-**  
14 **SENTEE BALLOTS.**

15 “(a) REQUIREING USE OF DROP BOXES.—In each  
16 county in the State, each State shall provide in-person,  
17 secured, and clearly labeled drop boxes at which individ-  
18 uals may, at any time during the period described in sub-  
19 section (b), drop off voted absentee ballots in an election  
20 for Federal office.

21 “(b) MINIMUM PERIOD FOR AVAILABILITY OF DROP  
22 BOXES.—The period described in this subsection is, with  
23 respect to an election, the period which begins 45 days  
24 before the date of the election and which ends at the time  
25 the polls close for the election in the county involved.

26 “(c) ACCESSIBILITY.—

1           “(1) IN GENERAL.—Each State shall ensure  
2           that the drop boxes provided under this section are  
3           accessible for use—

4                   “(A) by individuals with disabilities, as de-  
5           termined in consultation with the protection  
6           and advocacy systems (as defined in section 102  
7           of the Developmental Disabilities Assistance  
8           and Bill of Rights Act of 2000 (42 U.S.C.  
9           15002)) of the State; and

10                   “(B) by individuals with limited proficiency  
11           in the English language.

12           “(2) DETERMINATION OF ACCESSIBILITY FOR  
13           INDIVIDUALS WITH DISABILITIES.—For purposes of  
14           this subsection, drop boxes shall be considered to be  
15           accessible for use by individuals with disabilities if  
16           the drop boxes meet such criteria as the Attorney  
17           General may establish for such purposes.

18           “(3) RULE OF CONSTRUCTION.—If a State pro-  
19           vides a drop box under this section on the grounds  
20           of or inside a building or facility which serves as a  
21           polling place for an election during the period de-  
22           scribed in subsection (b), nothing in this subsection  
23           may be construed to waive any requirements regard-  
24           ing the accessibility of such polling place for the use

1 of individuals with disabilities or individuals with  
2 limited proficiency in the English language.

3 “(d) NUMBER OF DROP BOXES.—

4 “(1) FORMULA FOR DETERMINATION OF NUM-  
5 BER.—The number of drop boxes provided under  
6 this section in a county with respect to an election  
7 shall be determined as follows:

8 “(A) In the case of a county in which the  
9 number of individuals who are residents of the  
10 county and who are registered to vote in the  
11 election is equal to or greater than 20,000, the  
12 number of drop boxes shall be a number equal  
13 to or greater than the number of such individ-  
14 uals divided by 20,000 (rounded to the nearest  
15 whole number).

16 “(B) In the case of any other county, the  
17 number of drop boxes shall be equal to or  
18 greater than one.

19 “(2) TIMING.—For purposes of this subsection,  
20 the number of individuals who reside in a county  
21 and who are registered to vote in the election shall  
22 be determined as of the 90th day before the date of  
23 the election.

24 “(e) LOCATION OF DROP BOXES.—The State shall  
25 determine the location of drop boxes provided under this

1 section in a county on the basis of criteria which ensure  
2 that the drop boxes are—

3 “(1) available to all voters on a non-discrimina-  
4 tory basis;

5 “(2) accessible to voters with disabilities (in ac-  
6 cordance with subsection (c));

7 “(3) accessible by public transportation to the  
8 greatest extent possible;

9 “(4) available during all hours of the day; and

10 “(5) sufficiently available in all communities in  
11 the county, including rural communities and on  
12 Tribal lands within the county (subject to subsection  
13 (f)).

14 “(f) RULES FOR DROP BOXES ON TRIBAL LANDS.—  
15 In making a determination of the number and location of  
16 drop boxes provided under this section on Tribal lands in  
17 a county, the appropriate State and local election officials  
18 shall—

19 “(1) consult with Tribal leaders prior to making  
20 the determination; and

21 “(2) take into account criteria such as the  
22 availability of direct-to-door residential mail delivery,  
23 the distance and time necessary to travel to the drop  
24 box locations (including in inclement weather),  
25 modes of transportation available, conditions of

1 roads, and the availability (if any) of public trans-  
2 portation.

3 “(g) TIMING OF SCANNING AND PROCESSING OF  
4 BALLOTS.—For purposes of section 306(e) (relating to  
5 the timing of the processing and scanning of ballots for  
6 tabulation), a vote cast using a drop box provided under  
7 this section shall be treated in the same manner as any  
8 other vote cast during early voting.

9 “(h) POSTING OF INFORMATION.—On or adjacent to  
10 each drop box provided under this section, the State shall  
11 post information on the requirements that voted absentee  
12 ballots must meet in order to be counted and tabulated  
13 in the election.

14 “(i) EFFECTIVE DATE.—This section shall apply  
15 with respect to the regularly scheduled general election for  
16 Federal office held in November 2022 and each succeeding  
17 election for Federal office.”.

18 (b) CLERICAL AMENDMENT.—The table of contents  
19 of such Act, as amended by section 1031(c), section  
20 1101(d), section 1611(c), section 1621(c), section  
21 1622(c), section 1623(a), and section 1906(b), is amend-  
22 ed—

23 (1) by redesignating the items relating to sec-  
24 tions 311 and 312 as relating to sections 312 and  
25 313; and

1           (2) by inserting after the item relating to sec-  
2           tion 310 the following new item:

“Sec. 311. Use of secured drop boxes for voted absentee ballots.”.

3   **SEC. 1908. PROHIBITING STATES FROM RESTRICTING**  
4                           **CURBSIDE VOTING.**

5           (a) REQUIREMENT.—Subtitle A of title III of the  
6   Help America Vote Act of 2002 (52 U.S.C. 21081 et seq.),  
7   as amended by section 1031(a), section 1101(a), section  
8   1611(a), section 1621(a), section 1622(a), section  
9   1623(a), section 1906(a), and section 1907(a), is amend-  
10   ed—

11           (1) by redesignating sections 312 and 313 as  
12           sections 313 and 314; and

13           (2) by inserting after section 311 the following  
14           new section:

15   **“SEC. 312. PROHIBITING STATES FROM RESTRICTING**  
16                           **CURBSIDE VOTING.**

17           “(a) PROHIBITION.—A State may not—

18                   “(1) prohibit any jurisdiction administering an  
19           election for Federal office in the State from utilizing  
20           curbside voting as a method by which individuals  
21           may cast ballots in the election; or

22                   “(2) impose any restrictions which would ex-  
23           clude any individual who is eligible to vote in such  
24           an election in a jurisdiction which utilizes curbside

1 voting from casting a ballot in the election by the  
2 method of curbside voting.

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

7 (b) CLERICAL AMENDMENT.—The table of contents  
8 of such Act, as amended by section 1031(c), section  
9 1101(d), section 1611(c), section 1621(c), section  
10 1622(c), section 1623(a), section 1906(b), and section  
11 1907(b), is amended—

12 (1) by redesignating the items relating to sec-  
13 tions 312 and 313 as relating to sections 313 and  
14 314; and

15 (2) by inserting after the item relating to sec-  
16 tion 311 the following new item:

“Sec. 312. Prohibiting States from restricting curbside voting.”.

## 17 **PART 2—DISASTER AND EMERGENCY**

### 18 **CONTINGENCY PLANS**

#### 19 **SEC. 1911. REQUIREMENTS FOR FEDERAL ELECTION CON-** 20 **TINGENCY PLANS IN RESPONSE TO NATURAL** 21 **DISASTERS AND EMERGENCIES.**

22 (a) IN GENERAL.—

23 (1) ESTABLISHMENT.—Not later than 90 days  
24 after the date of the enactment of this Act, each  
25 State and each jurisdiction in a State which is re-

1       sponsible for administering elections for Federal of-  
2       fice shall establish and make publicly available a  
3       contingency plan to enable individuals to vote in  
4       elections for Federal office during a state of emer-  
5       gency, public health emergency, or national emer-  
6       gency which has been declared for reasons includ-  
7       ing—

8                   (A) a natural disaster; or

9                   (B) an infectious disease.

10           (2) UPDATING.—Each State and jurisdiction  
11       shall update the contingency plan established under  
12       this subsection not less frequently than every 5  
13       years.

14       (b) REQUIREMENTS RELATING TO SAFETY.—The  
15       contingency plan established under subsection (a) shall in-  
16       clude initiatives to provide equipment and resources need-  
17       ed to protect the health and safety of poll workers and  
18       voters when voting in person.

19       (c) REQUIREMENTS RELATING TO RECRUITMENT OF  
20       POLL WORKERS.—The contingency plan established  
21       under subsection (a) shall include initiatives by the chief  
22       State election official and local election officials to recruit  
23       poll workers from resilient or unaffected populations,  
24       which may include—



1           (1) employees of other State and local govern-  
2           ment offices; and

3           (2) in the case in which an infectious disease  
4           poses significant increased health risks to elderly in-  
5           dividuals, students of secondary schools and institu-  
6           tions of higher education in the State.

7           (d) ENFORCEMENT.—

8           (1) ATTORNEY GENERAL.—The Attorney Gen-  
9           eral may bring a civil action against any State or ju-  
10          risdiction in an appropriate United States District  
11          Court for such declaratory and injunctive relief (in-  
12          cluding a temporary restraining order, a permanent  
13          or temporary injunction, or other order) as may be  
14          necessary to carry out the requirements of this sec-  
15          tion.

16          (2) PRIVATE RIGHT OF ACTION.—

17                (A) IN GENERAL.—In the case of a viola-  
18                tion of this section, any person who is aggrieved  
19                by such violation may provide written notice of  
20                the violation to the chief election official of the  
21                State involved.

22                (B) RELIEF.—If the violation is not cor-  
23                rected within 20 days after receipt of a notice  
24                under subparagraph (A), or within 5 days after  
25                receipt of the notice if the violation occurred

1           within 120 days before the date of an election  
2           for Federal office, the aggrieved person may, in  
3           a civil action, obtain declaratory or injunctive  
4           relief with respect to the violation.

5           (C) SPECIAL RULE.—If the violation oc-  
6           curred within 5 days before the date of an elec-  
7           tion for Federal office, the aggrieved person  
8           need not provide notice to the chief election of-  
9           ficial of the State involved under subparagraph  
10          (A) before bringing a civil action under sub-  
11          paragraph (B).

12       (e) DEFINITIONS.—

13           (1) ELECTION FOR FEDERAL OFFICE.—For  
14           purposes of this section, the term “election for Fed-  
15           eral office” means a general, special, primary, or  
16           runoff election for the office of President or Vice  
17           President, or of Senator or Representative in, or  
18           Delegate or Resident Commissioner to, the Con-  
19           gress.

20           (2) STATE.—For purposes of this section, the  
21           term “State” includes the District of Columbia, the  
22           Commonwealth of Puerto Rico, Guam, American  
23           Samoa, the United States Virgin Islands, and the  
24           Commonwealth of the Northern Mariana Islands.

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

5 **PART 3—IMPROVEMENTS IN OPERATION OF**  
6 **ELECTION ASSISTANCE COMMISSION**

7 **SEC. 1921. REAUTHORIZATION OF ELECTION ASSISTANCE**  
8 **COMMISSION.**

9 Section 210 of the Help America Vote Act of 2002  
10 (52 U.S.C. 20930) is amended—

11 (1) by striking “for each of the fiscal years  
12 2003 through 2005” and inserting “for fiscal year  
13 2021 and each succeeding fiscal year”; and

14 (2) by striking “(but not to exceed \$10,000,000  
15 for each such year)”.

16 **SEC. 1922. REQUIRING STATES TO PARTICIPATE IN POST-**  
17 **GENERAL ELECTION SURVEYS.**

18 (a) REQUIREMENT.—Title III of the Help America  
19 Vote Act of 2002 (52 U.S.C. 21081 et seq.), as amended  
20 by section 1903(a), is further amended by inserting after  
21 section 303A the following new section:

22 **“SEC. 303B. REQUIRING PARTICIPATION IN POST-GENERAL**  
23 **ELECTION SURVEYS.**

24 “(a) REQUIREMENT.—Each State shall furnish to the  
25 Commission such information as the Commission may re-

1 quest for purposes of conducting any post-election survey  
 2 of the States with respect to the administration of a regu-  
 3 larly scheduled general election for Federal office.

4 “(b) EFFECTIVE DATE.—This section shall apply  
 5 with respect to the regularly scheduled general election for  
 6 Federal office held in November 2022 and any succeeding  
 7 election.”.

8 (b) CLERICAL AMENDMENT.—The table of contents  
 9 of such Act, as amended by section 1903(c), is further  
 10 amended by inserting after the item relating to section  
 11 303A the following new item:

“Sec. 303B. Requiring participation in post-general election surveys.”.

12 **SEC. 1923. REPORTS BY NATIONAL INSTITUTE OF STAND-**  
 13 **ARDS AND TECHNOLOGY ON USE OF FUNDS**  
 14 **TRANSFERRED FROM ELECTION ASSISTANCE**  
 15 **COMMISSION.**

16 (a) REQUIRING REPORTS ON USE FUNDS AS CONDI-  
 17 TION OF RECEIPT.—Section 231 of the Help America  
 18 Vote Act of 2002 (52 U.S.C. 20971) is amended by adding  
 19 at the end the following new subsection:

20 “(e) REPORT ON USE OF FUNDS TRANSFERRED  
 21 FROM COMMISSION.—To the extent that funds are trans-  
 22 ferred from the Commission to the Director of the Na-  
 23 tional Institute of Standards and Technology for purposes  
 24 of carrying out this section during any fiscal year, the Di-  
 25 rector may not use such funds unless the Director certifies

1 at the time of transfer that the Director will submit a re-  
2 port to the Commission not later than 90 days after the  
3 end of the fiscal year detailing how the Director used such  
4 funds during the year.”.

5 (b) EFFECTIVE DATE.—The amendment made by  
6 subsection (a) shall apply with respect to fiscal year 2022  
7 and each succeeding fiscal year.

8 **SEC. 1924. RECOMMENDATIONS TO IMPROVE OPERATIONS**  
9 **OF ELECTION ASSISTANCE COMMISSION.**

10 (a) ASSESSMENT OF INFORMATION TECHNOLOGY  
11 AND CYBERSECURITY.—Not later than December 31,  
12 2021, the Election Assistance Commission shall carry out  
13 an assessment of the security and effectiveness of the  
14 Commission’s information technology systems, including  
15 the cybersecurity of such systems.

16 (b) IMPROVEMENTS TO ADMINISTRATIVE COMPLAINT  
17 PROCEDURES.—

18 (1) REVIEW OF PROCEDURES.—The Election  
19 Assistance Commission shall carry out a review of  
20 the effectiveness and efficiency of the State-based  
21 administrative complaint procedures established and  
22 maintained under section 402 of the Help America  
23 Vote Act of 2002 (52 U.S.C. 21112) for the inves-  
24 tigation and resolution of allegations of violations of  
25 title III of such Act.

1           (2) RECOMMENDATIONS TO STREAMLINE PRO-  
2           CEDURES.—Not later than December 31, 2021, the  
3           Commission shall submit to Congress a report on  
4           the review carried out under paragraph (1), and  
5           shall include in the report such recommendations as  
6           the Commission considers appropriate to streamline  
7           and improve the procedures which are the subject of  
8           the review.

9   **SEC. 1925. REPEAL OF EXEMPTION OF ELECTION ASSIST-**  
10                   **ANCE COMMISSION FROM CERTAIN GOVERN-**  
11                   **MENT CONTRACTING REQUIREMENTS.**

12           (a) IN GENERAL.—Section 205 of the Help America  
13   Vote Act of 2002 (52 U.S.C. 20925) is amended by strik-  
14   ing subsection (e).

15           (b) EFFECTIVE DATE.—The amendment made by  
16   subsection (a) shall apply with respect to contracts entered  
17   into by the Election Assistance Commission on or after  
18   the date of the enactment of this Act.

19           **PART 3—MISCELLANEOUS PROVISIONS**

20   **SEC. 1931. APPLICATION OF LAWS TO COMMONWEALTH OF**  
21                   **NORTHERN MARIANA ISLANDS.**

22           (a) NATIONAL VOTER REGISTRATION ACT OF  
23   1993.—Section 3(4) of the National Voter Registration  
24   Act of 1993 (52 U.S.C. 20502(4)) is amended by striking  
25   “States and the District of Columbia” and inserting

1 “States, the District of Columbia, and the Commonwealth  
2 of the Northern Mariana Islands”.

3 (b) HELP AMERICA VOTE ACT OF 2002.—

4 (1) COVERAGE OF COMMONWEALTH OF THE  
5 NORTHERN MARIANA ISLANDS.—Section 901 of the  
6 Help America Vote Act of 2002 (52 U.S.C. 21141)  
7 is amended by striking “and the United States Vir-  
8 gin Islands” and inserting “the United States Virgin  
9 Islands, and the Commonwealth of the Northern  
10 Mariana Islands”.

11 (2) CONFORMING AMENDMENTS TO HELP  
12 AMERICA VOTE ACT OF 2002.—Such Act is further  
13 amended as follows:

14 (A) The second sentence of section  
15 213(a)(2) (52 U.S.C. 20943(a)(2)) is amended  
16 by striking “and American Samoa” and insert-  
17 ing “American Samoa, and the Commonwealth  
18 of the Northern Mariana Islands”.

19 (B) Section 252(c)(2) (52 U.S.C.  
20 21002(c)(2)) is amended by striking “or the  
21 United States Virgin Islands” and inserting  
22 “the United States Virgin Islands, or the Com-  
23 monwealth of the Northern Mariana Islands”.

24 (3) CONFORMING AMENDMENT RELATING TO  
25 CONSULTATION OF HELP AMERICA VOTE FOUNDA-

1 TION WITH LOCAL ELECTION OFFICIALS.—Section  
 2 90102(c) of title 36, United States Code, is amend-  
 3 ed by striking “and the United States Virgin Is-  
 4 lands” and inserting “the United States Virgin Is-  
 5 lands, and the Commonwealth of the Northern Mar-  
 6 iana Islands”.

7 **SEC. 1932. DEFINITION OF ELECTION FOR FEDERAL OF-**  
 8 **FICE.**

9 (a) DEFINITION.—Title IX of the Help America Vote  
 10 Act of 2002 (52 U.S.C. 21141 et seq.) is amended by add-  
 11 ing at the end the following new section:

12 **“SEC. 907. ELECTION FOR FEDERAL OFFICE DEFINED.**

13 “For purposes of titles I through III, the term ‘elec-  
 14 tion for Federal office’ means a general, special, primary,  
 15 or runoff election for the office of President or Vice Presi-  
 16 dent, or of Senator or Representative in, or Delegate or  
 17 Resident Commissioner to, the Congress.”.

18 (b) CLERICAL AMENDMENT.—The table of contents  
 19 of such Act is amended by adding at the end of the items  
 20 relating to title IX the following new item:

“Sec. 907. Election for Federal office defined.”.

21 **SEC. 1933. NO EFFECT ON OTHER LAWS.**

22 (a) IN GENERAL.—Except as specifically provided,  
 23 nothing in this title may be construed to authorize or re-  
 24 quire conduct prohibited under any of the following laws,



1 or to supersede, restrict, or limit the application of such  
2 laws:

3 (1) The Voting Rights Act of 1965 (52 U.S.C.  
4 10301 et seq.).

5 (2) The Voting Accessibility for the Elderly and  
6 Handicapped Act (52 U.S.C. 20101 et seq.).

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

9 (4) The National Voter Registration Act of  
10 1993 (52 U.S.C. 20501 et seq.).

11 (5) The Americans with Disabilities Act of  
12 1990 (42 U.S.C. 12101 et seq.).

13 (6) The Rehabilitation Act of 1973 (29 U.S.C.  
14 701 et seq.).

15 (b) NO EFFECT ON PRECLEARANCE OR OTHER RE-  
16 QUIREMENTS UNDER VOTING RIGHTS ACT.—The ap-  
17 proval by any person of a payment or grant application  
18 under this title, or any other action taken by any person  
19 under this title, shall not be considered to have any effect  
20 on requirements for preclearance under section 5 of the  
21 Voting Rights Act of 1965 (52 U.S.C. 10304) or any other  
22 requirements of such Act.

23 (c) NO EFFECT ON AUTHORITY OF STATES TO PRO-  
24 VIDE GREATER OPPORTUNITIES FOR VOTING.—Nothing  
25 in this title or the amendments made by this title may

**7 SEC. 1941. 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.

Subtitle A—Findings Reaffirming Commitment of Congress To Restore the Voting Rights Act

Sec. 2001. Findings reaffirming commitment of Congress to restore the Voting Rights Act.

Sec. 2101. Findings relating to Native American voting rights.

Sec. 2201. Findings relating to District of Columbia statehood.

Sec. 2301. Findings relating to territorial voting rights.

Sec. 2302. Congressional Task Force on Voting Rights of United States Citizen Residents of Territories of the United States.

Sec. 2400. Short title; finding of constitutional authority.

•HR 1 IH

- Sec. 2401. Requiring congressional redistricting to be conducted through plan of independent State commission.
- Sec. 2402. Ban on mid-decade redistricting.

PART 2—INDEPENDENT REDISTRICTING COMMISSIONS

- Sec. 2411. Independent redistricting commission.
- Sec. 2412. Establishment of selection pool of individuals eligible to serve as members of commission.
- Sec. 2413. Criteria for redistricting plan; public notice and input.
- Sec. 2414. Establishment of related entities.
- Sec. 2415. Report on diversity of memberships of independent redistricting commissions.

PART 3—ROLE OF COURTS IN DEVELOPMENT OF REDISTRICTING PLANS

- Sec. 2421. Enactment of plan developed by 3-judge court.
- Sec. 2422. Special rule for redistricting conducted under order of Federal court.

PART 4—ADMINISTRATIVE AND MISCELLANEOUS PROVISIONS

- Sec. 2431. Payments to States for carrying out redistricting.
- Sec. 2432. Civil enforcement.
- Sec. 2433. State apportionment notice defined.
- Sec. 2434. No effect on elections for State and local office.
- Sec. 2435. Effective date.

Subtitle F—Saving Eligible Voters From Voter Purging

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

Subtitle G—No Effect on Authority of States To Provide Greater Opportunities for Voting

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

Subtitle H—Residence of Incarcerated Individuals

- Sec. 2701. Residence of incarcerated individuals.

Subtitle I—Severability

- Sec. 2801. Severability.

1 **Subtitle A—Findings Reaffirming**  
2 **Commitment of Congress to Re-**  
3 **store the Voting Rights Act**

4 **SEC. 2001. FINDINGS REAFFIRMING COMMITMENT OF CON-**  
5 **GRESS TO RESTORE THE VOTING RIGHTS**  
6 **ACT.**

7 Congress finds the following:

8 (1) The right to vote for all Americans is sac-  
9 rosanct and rules for voting and election administra-  
10 tion should protect the right to vote and promote  
11 voter participation.

12 (2) The Voting Rights Act has empowered the  
13 Department of Justice and Federal courts for nearly  
14 a half a century to block discriminatory voting prac-  
15 tices before their implementation in States and local-  
16 ities with the most troubling histories and ongoing  
17 records of racial discrimination.

18 (3) There continues to be an alarming move-  
19 ment to erect barriers to make it more difficult for  
20 Americans to participate in our Nation's democratic  
21 process. The Nation has witnessed unprecedented ef-  
22 forts to turn back the clock and erect barriers to  
23 voting for communities of color which have faced  
24 historic and continuing discrimination, as well as  
25 disabled, young, elderly, and low-income Americans.

1           (4) The Supreme Court’s 2013 Shelby County  
2       v. Holder decision gutted decades-long Federal pro-  
3       tections for communities of color that face historic  
4       and continuing discrimination, emboldening States  
5       and local jurisdictions to pass voter suppression laws  
6       and implement procedures, such as those requiring  
7       photo identification, limiting early voting hours,  
8       eliminating same-day registration, purging voters  
9       from the rolls, and reducing the number of polling  
10      places. Congress is committed to reversing the dev-  
11      astating impact of this decision.

12          (5) Racial discrimination in voting is a clear  
13      and persistent problem. The actions of States and  
14      localities around the country post-Shelby County, in-  
15      cluding at least 10 findings by Federal courts of in-  
16      tentional discrimination, underscore the need for  
17      Congress to conduct investigatory and evidentiary  
18      hearings to determine the legislation necessary to re-  
19      store the Voting Rights Act and combat continuing  
20      efforts in America that suppress the free exercise of  
21      the franchise in communities of color.

22          (6) The 2018 midterm and 2020 general elec-  
23      tions provide further evidence that systemic voter  
24      discrimination and intimidation continues to occur in  
25      communities of color across the country, making it

1 clear that democracy reform cannot be achieved  
2 until Congress restores key provisions of the Voting  
3 Rights Act.

4 (7) Congress must remain vigilant in protecting  
5 every eligible citizen's right to vote. Congress should  
6 respond by modernizing the electoral system to—

7 (A) improve access to the ballot;

8 (B) enhance the integrity and security of  
9 our voting systems;

10 (C) ensure greater accountability for the  
11 administration of elections;

12 (D) restore protections for voters against  
13 practices in States and localities plagued by the  
14 persistence of voter disenfranchisement; and

15 (E) ensure that Federal civil rights laws  
16 protect the rights of voters against discrimina-  
17 tory and deceptive practices.

18 **Subtitle B—Findings Relating to**  
19 **Native American Voting Rights**

20 **SEC. 2101. FINDINGS RELATING TO NATIVE AMERICAN VOT-**  
21 **ING RIGHTS.**

22 Congress finds the following:

23 (1) The right to vote for all Americans is sa-  
24 cred. Congress must fulfill the Federal Government's  
25 trust responsibility to protect and promote Native

1 Americans' exercise of their fundamental right to  
2 vote, including equal access to voter registration vot-  
3 ing mechanisms and locations, and the ability to  
4 serve as election officials.

5 (2) The Native American Voting Rights Coali-  
6 tion's four-State survey of voter discrimination  
7 (2016) and nine field hearings in Indian Country  
8 (2017–2018) revealed obstacles that Native Ameri-  
9 cans must overcome, including a lack of accessible  
10 and proximate registration and polling sites, non-  
11 traditional addresses for residents on Indian reserva-  
12 tions, inadequate language assistance for Tribal  
13 members, and voter identification laws that discrimi-  
14 nate against Native Americans. The Department of  
15 Justice and courts have recognized that some juris-  
16 dictions have been unresponsive to reasonable re-  
17 quests from federally recognized Indian Tribes for  
18 more accessible and proximate voter registration  
19 sites and in-person voting locations.

20 (3) The 2018 midterm and 2020 general elec-  
21 tions provide further evidence that systemic voter  
22 discrimination and intimidation continues to occur in  
23 communities of color and Tribal lands across the  
24 country, making it clear that democracy reform can-  
25 not be achieved until Congress restores key provi-

1 sions of the Voting Rights Act and passes additional  
2 protections.

3 (4) Congress has broad, plenary authority to  
4 enact legislation to safeguard the voting rights of  
5 Native American voters.

6 (5) Congress must conduct investigatory and  
7 evidentiary hearings to determine the necessary leg-  
8 islation to restore the Voting Rights Act and combat  
9 continuous efforts that suppress the voter franchise  
10 within Tribal lands, to include, but not to be limited  
11 to, the Native American Voting Rights Act  
12 (NAVRA) and the Voting Rights Advancement Act  
13 (VRAA).

14 **Subtitle C—Findings Relating to**  
15 **District of Columbia Statehood**

16 **SEC. 2201. FINDINGS RELATING TO DISTRICT OF COLUMBIA**  
17 **STATEHOOD.**

18 Congress finds the following:

19 (1) The 705,000 District of Columbia residents  
20 deserve voting representation in Congress and local  
21 self-government, which only statehood can provide.

22 (2) The United States is the only democratic  
23 country that denies both voting representation in the  
24 national legislature and local self-government to the  
25 residents of its Nation's capital.



1           (3) There are no constitutional, historical, fis-  
2           cal, or economic reasons why the Americans who live  
3           in the District of Columbia should not be granted  
4           statehood.

5           (4) Since the founding of the United States, the  
6           residents of the District of Columbia have always  
7           carried all of the obligations of citizenship, including  
8           serving in all of the Nation's wars and paying Fed-  
9           eral taxes, but have been denied voting representa-  
10          tion in Congress and freedom from congressional in-  
11          terference in purely local matters.

12          (5) The District of Columbia pays more Federal  
13          taxes per capita than any State and more Federal  
14          taxes than 22 States.

15          (6) The District of Columbia has a larger popu-  
16          lation than 2 States (Wyoming and Vermont), and  
17          6 States have a population under one million.

18          (7) The District of Columbia has a larger budg-  
19          et than 12 States.

20          (8) The Constitution of the United States gives  
21          Congress the authority to admit new States (clause  
22          1, section 3, article IV) and reduce the size of the  
23          seat of the Government of the United States (clause  
24          17, section 8, article I). All 37 new States have been  
25          admitted by an Act of Congress, and Congress has

1 previously reduced the size of the seat of the Gov-  
2 ernment of the United States.

3 (9) On June 26, 2020, by a vote of 232–180,  
4 the House of Representatives passed H.R. 51, the  
5 Washington, D.C. Admission Act, which would have  
6 admitted the State of Washington, Douglass Com-  
7 monwealth from the residential portions of the Dis-  
8 trict of Columbia and reduced the size of the seat  
9 of the Government of the United States to the  
10 United States Capitol, the White House, the United  
11 States Supreme Court, the National Mall, and the  
12 principal Federal monuments and buildings.

## 13 **Subtitle D—Territorial Voting** 14 **Rights**

### 15 **SEC. 2301. FINDINGS RELATING TO TERRITORIAL VOTING** 16 **RIGHTS.**

17 Congress finds the following:

18 (1) The right to vote is one of the most power-  
19 ful instruments residents of the territories of the  
20 United States have to ensure that their voices are  
21 heard.

22 (2) These Americans have played an important  
23 part in the American democracy for more than 120  
24 years.

1           (3) Political participation and the right to vote  
 2           are among the highest concerns of territorial resi-  
 3           dents in part because they were not always afforded  
 4           these rights.

5           (4) Voter participation in the territories consist-  
 6           ently ranks higher than many communities on the  
 7           mainland.

8           (5) Territorial residents serve and die, on a per  
 9           capita basis, at a higher rate in every United States  
 10          war and conflict since WWI, as an expression of  
 11          their commitment to American democratic principles  
 12          and patriotism.

13 **SEC. 2302. CONGRESSIONAL TASK FORCE ON VOTING**  
 14                   **RIGHTS OF UNITED STATES CITIZEN RESI-**  
 15                   **DENTS OF TERRITORIES OF THE UNITED**  
 16                   **STATES.**

17          (a) **ESTABLISHMENT.**—There is established within  
 18          the legislative branch a Congressional Task Force on Vot-  
 19          ing Rights of United States Citizen Residents of Terri-  
 20          tories of the United States (in this section referred to as  
 21          the “Task Force”).

22          (b) **MEMBERSHIP.**—The Task Force shall be com-  
 23          posed of 12 members as follows:

24                  (1) One Member of the House of Representa-  
 25          tives, who shall be appointed by the Speaker of the

1 House of Representatives, in coordination with the  
2 Chairman of the Committee on Natural Resources of  
3 the House of Representatives.

4 (2) One Member of the House of Representa-  
5 tives, who shall be appointed by the Speaker of the  
6 House of Representatives, in coordination with the  
7 Chairman of the Committee on the Judiciary of the  
8 House of Representatives.

9 (3) One Member of the House of Representa-  
10 tives, who shall be appointed by the Speaker of the  
11 House of Representatives, in coordination with the  
12 Chairman of the Committee on House Administra-  
13 tion of the House of Representatives.

14 (4) One Member of the House of Representa-  
15 tives, who shall be appointed by the minority leader  
16 of the House of Representatives, in coordination  
17 with the ranking minority member of the Committee  
18 on Natural Resources of the House of Representa-  
19 tives.

20 (5) One Member of the House of Representa-  
21 tives, who shall be appointed by the minority leader  
22 of the House of Representatives, in coordination  
23 with the ranking minority member of the Committee  
24 on the Judiciary of the House of Representatives.

1           (6) 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 House Administration of the House of Represent-  
6           atives.

7           (7) One Member of the Senate, who shall be ap-  
8           pointed by the majority leader of the Senate, in co-  
9           ordination with the Chairman of the Committee on  
10          Energy and Natural Resources of the Senate.

11          (8) One Member of the Senate, who shall be ap-  
12          pointed by the majority leader of the Senate, in co-  
13          ordination with the Chairman of the Committee on  
14          the Judiciary of the Senate.

15          (9) One Member of the Senate, who shall be ap-  
16          pointed by the majority leader of the Senate, in co-  
17          ordination with the Chairman of the Committee on  
18          Rules and Administration of the Senate.

19          (10) One Member of the Senate, who shall be  
20          appointed by the minority leader of the Senate, in  
21          coordination with the ranking minority member of  
22          the Committee on Energy and Natural Resources of  
23          the Senate.

24          (11) One Member of the Senate, who shall be  
25          appointed by the minority leader of the Senate, in

1 coordination with the ranking minority member of  
2 the Committee on the Judiciary of the Senate.

3 (12) One Member of the Senate, who shall be  
4 appointed by the minority leader of the Senate, in  
5 coordination with the ranking minority member of  
6 the Committee on Rules and Administration of the  
7 Senate.

8 (c) DEADLINE FOR APPOINTMENT.—All appoint-  
9 ments to the Task Force shall be made not later than 30  
10 days after the date of enactment of this Act.

11 (d) CHAIR.—The Speaker shall designate one Mem-  
12 ber to serve as chair of the Task Force.

13 (e) VACANCIES.—Any vacancy in the Task Force  
14 shall be filled in the same manner as the original appoint-  
15 ment.

16 (f) STATUS UPDATE.—Between September 1, 2021,  
17 and September 30, 2021, the Task Force shall provide a  
18 status update to the House of Representatives and the  
19 Senate that includes—

20 (1) information the Task Force has collected;  
21 and

22 (2) a discussion on matters that the chairman  
23 of the Task Force deems urgent for consideration by  
24 Congress.

1 (g) REPORT.—Not later than December 31, 2021,  
2 the Task Force shall issue a report of its findings to the  
3 House of Representatives and the Senate regarding—

4 (1) the economic and societal consequences  
5 (through statistical data and other metrics) that  
6 come with political disenfranchisement of United  
7 States citizens in territories of the United States;

8 (2) impediments to full and equal voting rights  
9 for United States citizens who are residents of terri-  
10 tories of the United States in Federal elections, in-  
11 cluding the election of the President and Vice Presi-  
12 dent of the United States;

13 (3) impediments to full and equal voting rep-  
14 resentation in the House of Representatives for  
15 United States citizens who are residents of terri-  
16 tories of the United States;

17 (4) recommended changes that, if adopted,  
18 would allow for full and equal voting rights for  
19 United States citizens who are residents of terri-  
20 tories of the United States in Federal elections, in-  
21 cluding the election of the President and Vice Presi-  
22 dent of the United States;

23 (5) recommended changes that, if adopted,  
24 would allow for full and equal voting representation  
25 in the House of Representatives for United States

1 citizens who are residents of territories of the United  
2 States; and

3 (6) additional information the Task Force  
4 deems appropriate.

5 (h) CONSENSUS VIEWS.—To the greatest extent  
6 practicable, the report issued under subsection (g) shall  
7 reflect the shared views of all 12 Members, except that  
8 the report may contain dissenting views.

9 (i) HEARINGS AND SESSIONS.—The Task Force may,  
10 for the purpose of carrying out this section, hold hearings,  
11 sit and act at times and places, take testimony, and re-  
12 ceive evidence as the Task Force considers appropriate.

13 (j) STAKEHOLDER PARTICIPATION.—In carrying out  
14 its duties, the Task Force shall consult with the govern-  
15 ments of American Samoa, Guam, the Commonwealth of  
16 the Northern Mariana Islands, the Commonwealth of  
17 Puerto Rico, and the United States Virgin Islands.

18 (k) RESOURCES.—The Task Force shall carry out its  
19 duties by utilizing existing facilities, services, and staff of  
20 the House of Representatives and the Senate.

21 (l) TERMINATION.—The Task Force shall terminate  
22 upon issuing the report required under subsection (g).



1     **Subtitle E—Redistricting Reform**

2     **SEC. 2400. SHORT TITLE; FINDING OF CONSTITUTIONAL AU-**  
3                   **THORITY.**

4           (a) SHORT TITLE.—This subtitle may be cited as the  
5     “Redistricting Reform Act of 2021”.

6           (b) FINDING OF CONSTITUTIONAL AUTHORITY.—  
7     Congress finds that it has the authority to establish the  
8     terms and conditions States must follow in carrying out  
9     congressional redistricting after an apportionment of  
10    Members of the House of Representatives because—

11           (1) the authority granted to Congress under ar-  
12    ticle I, section 4 of the Constitution of the United  
13    States gives Congress the power to enact laws gov-  
14    erning the time, place, and manner of elections for  
15    Members of the House of Representatives; and

16           (2) the authority granted to Congress under  
17    section 5 of the fourteenth amendment to the Con-  
18    stitution gives Congress the power to enact laws to  
19    enforce section 2 of such amendment, which requires  
20    Representatives to be apportioned among the several  
21    States according to their number.

1   **PART 1—REQUIREMENTS FOR CONGRESSIONAL**  
2                                   **REDISTRICTING**

3   **SEC. 2401. REQUIRING CONGRESSIONAL REDISTRICTING**  
4                                   **TO BE CONDUCTED THROUGH PLAN OF INDE-**  
5                                   **PENDENT STATE COMMISSION.**

6           (a) **USE OF PLAN REQUIRED.**—Notwithstanding any  
7 other provision of law, and except as provided in sub-  
8 section (c) and subsection (d), any congressional redis-  
9 tricting conducted by a State shall be conducted in accord-  
10 ance with—

11               (1) the redistricting plan developed and enacted  
12               into law by the independent redistricting commission  
13               established in the State, in accordance with part 2;  
14               or

15               (2) if a plan developed by such commission is  
16               not enacted into law, the redistricting plan developed  
17               and enacted into law by a 3-judge court, in accord-  
18               ance with section 2421.

19           (b) **CONFORMING AMENDMENT.**—Section 22(c) of  
20 the Act entitled “An Act to provide for the fifteenth and  
21 subsequent decennial censuses and to provide for an ap-  
22 portionment of Representatives in Congress”, approved  
23 June 18, 1929 (2 U.S.C. 2a(c)), is amended by striking  
24 “in the manner provided by the law thereof” and insert-  
25 ing: “in the manner provided by the Redistricting Reform  
26 Act of 2021”.

1       (c) SPECIAL RULE FOR EXISTING COMMISSIONS.—

2       Subsection (a) does not apply to any State in which, under  
3       law in effect continuously on and after the date of the  
4       enactment of this Act, congressional redistricting is car-  
5       ried out in accordance with a plan developed and approved  
6       by an independent redistricting commission which is in  
7       compliance with each of the following requirements:

8               (1) PUBLICLY AVAILABLE APPLICATION PROC-  
9       ESS.—Membership on the commission is open to citi-  
10      zens of the State through a publicly available appli-  
11      cation process.

12             (2) DISQUALIFICATIONS FOR GOVERNMENT  
13      SERVICE AND POLITICAL APPOINTMENT.—Individ-  
14      uals who, for a covered period of time as established  
15      by the State, hold or have held public office, individ-  
16      uals who are or have been candidates for elected  
17      public office, and individuals who serve or have  
18      served as an officer, employee, or paid consultant of  
19      a campaign committee of a candidate for public of-  
20      fice are disqualified from serving on the commission.

21             (3) SCREENING FOR CONFLICTS.—Individuals  
22      who apply to serve on the commission are screened  
23      through a process that excludes persons with con-  
24      flicts of interest from the pool of potential commis-  
25      sioners.

1           (4) MULTI-PARTISAN COMPOSITION.—Member-  
2       ship on the commission represents those who are af-  
3       filiated with the two political parties whose can-  
4       didates received the most votes in the most recent  
5       statewide election for Federal office held in the  
6       State, as well as those who are unaffiliated with any  
7       party or who are affiliated with political parties  
8       other than the two political parties whose candidates  
9       received the most votes in the most recent statewide  
10      election for Federal office held in the State.

11          (5) CRITERIA FOR REDISTRICTING.—Members  
12      of the commission are required to meet certain cri-  
13      teria in the map drawing process, including mini-  
14      mizing the division of communities of interest and a  
15      ban on drawing maps to favor a political party.

16          (6) PUBLIC INPUT.—Public hearings are held  
17      and comments from the public are accepted before  
18      a final map is approved.

19          (7) BROAD-BASED SUPPORT FOR APPROVAL OF  
20      FINAL PLAN.—The approval of the final redistricting  
21      plan requires a majority vote of the members of the  
22      commission, including the support of at least one  
23      member of each of the following:

24              (A) Members who are affiliated with the  
25      political party whose candidate received the

1           most votes in the most recent statewide election  
2           for Federal office held in the State.

3           (B) Members who are affiliated with the  
4           political party whose candidate received the sec-  
5           ond most votes in the most recent statewide  
6           election for Federal office held in the State.

7           (C) Members who not affiliated with any  
8           political party or who are affiliated with polit-  
9           ical parties other than the political parties de-  
10          scribed in subparagraphs (A) and (B).

11       (d) TREATMENT OF STATE OF IOWA.—Subsection (a)  
12       does not apply to the State of Iowa, so long as congres-  
13       sional redistricting in such State is carried out in accord-  
14       ance with a plan developed by the Iowa Legislative Serv-  
15       ices Agency with the assistance of a Temporary Redis-  
16       tricting Advisory Commission, under law which was in ef-  
17       fect for the most recent congressional redistricting carried  
18       out in the State prior to the date of the enactment of this  
19       Act and which remains in effect continuously on and after  
20       the date of the enactment of this Act.

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) or  
24       section 2401(d) may not be redistricted again until after  
25       the next apportionment of Representatives under section

1 22(a) of the Act entitled “An Act to provide for the fif-  
 2 tenth and subsequent decennial censuses and to provide  
 3 for an apportionment of Representatives in Congress”, ap-  
 4 proved June 18, 1929 (2 U.S.C. 2a), unless a court re-  
 5 quires the State to conduct such subsequent redistricting  
 6 to comply with the Constitution of the United States, the  
 7 Voting Rights Act of 1965 (52 U.S.C. 10301 et seq.), the  
 8 Constitution of the State, or the terms or conditions of  
 9 this subtitle.

10 **PART 2—INDEPENDENT REDISTRICTING**  
 11 **COMMISSIONS**

12 **SEC. 2411. INDEPENDENT REDISTRICTING COMMISSION.**

13 (a) APPOINTMENT OF MEMBERS.—

14 (1) IN GENERAL.—The nonpartisan agency es-  
 15 tablished or designated by a State under section  
 16 2414(a) shall establish an independent redistricting  
 17 commission for the State, which shall consist of 15  
 18 members appointed by the agency as follows:

19 (A) Not later than October 1 of a year  
 20 ending in the numeral zero, the agency shall, at  
 21 a public meeting held not earlier than 15 days  
 22 after notice of the meeting has been given to  
 23 the public, first appoint 6 members as follows:

24 (i) The agency shall appoint 2 mem-  
 25 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)



of paragraph (1), as well as in designating alternates pursuant to subparagraph (B) of paragraph (3) and in appointing alternates to fill vacancies pursuant to subparagraph (B) of paragraph (4), the first members of the independent redistricting commission shall ensure that the membership is representative of the demographic groups (including racial, ethnic, economic, and gender) and geographic regions of the State, and provides racial, ethnic, and language minorities protected under the Voting Rights Act of 1965 with a meaningful opportunity to participate in the development of the State's redistricting plan.

(3) DESIGNATION OF ALTERNATES TO SERVE  
IN CASE OF VACANCIES.—

(A) MEMBERS APPOINTED BY AGENCY.—

At the time the agency appoints the members of the independent redistricting commission under subparagraph (A) of paragraph (1) from each of the categories referred to in such subparagraph, the agency shall, on a random basis, designate 2 other individuals from such category 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-

graph (A) of paragraph (3). At the time the agency appoints an alternate to fill a vacancy under the previous sentence, the agency shall designate, on a random basis, another individual from the same category to serve as an alternate member, in accordance with subparagraph (A) of paragraph (3).

(B) MEMBERS APPOINTED BY FIRST MEMBERS.—If a vacancy occurs in the commission with respect to a member who was appointed by the first members of the commission under subparagraph (B) of paragraph (1) from one of the categories referred to in such subparagraph, the first members shall, in accordance with the special rules described in paragraph (2), fill the vacancy by appointing one of the 2 alternates from such category who was designated under subparagraph (B) of paragraph (3). At the time the first members appoint an alternate to fill a vacancy under the previous sentence, the first members shall, in accordance with the special rules described in paragraph (2), designate another individual from the same category to serve as an alternate member, in accordance 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 redistricting  
11 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 redis-  
2       tricting in the State.

3   **SEC. 2412. ESTABLISHMENT OF SELECTION POOL OF INDI-**  
4                   **VIDUALS ELIGIBLE TO SERVE AS MEMBERS**  
5                   **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 fol-  
10      lowing criteria:

11           (A) As of the date of appointment, the in-  
12       dividual is registered to vote in elections for  
13       Federal office held in the State.

14           (B) During the 3-year period ending on  
15       the date of the individual's appointment, the in-  
16       dividual has been continuously registered to  
17       vote with the same political party, or has not  
18       been registered to vote with any political party.

19           (C) The individual submits to the non-  
20       partisan agency established or designated by a  
21       State under section 2413, at such time and in  
22       such form as the agency may require, an appli-  
23       cation for inclusion in the selection pool under  
24       this section, and includes with the application a  
25       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, but not limited to—

20 (I) any involvement with, or fi-  
21 nancial support of, professional, so-  
22 cial, political, religious, or community  
23 organizations or causes;

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 paid a civil money pen-  
2           alty or criminal fine, or was sentenced to a  
3           term of imprisonment, for violating any provi-  
4           sion of the Federal Election Campaign Act of  
5           1971 (52 U.S.C. 30101 et seq.).

6           (F) 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 is an agent of a for-  
10          eign principal under the Foreign Agents Reg-  
11          istration Act of 1938, as amended (22 U.S.C.  
12          611 et seq.).

13          (3) COVERED PERIODS DESCRIBED.—In this  
14          subsection, the term “covered period” means, with  
15          respect to the appointment of an individual to the  
16          commission, any of the following:

17                (A) The 10-year period ending on the date  
18                of the individual’s appointment.

19                (B) The period beginning on the date of  
20                the individual’s appointment and ending on Au-  
21                gust 14 of the next year ending in the numeral  
22                one.

23                (C) The 10-year period beginning on the  
24                day after the last day of the period described in  
25                subparagraph (B).

1           (4) IMMEDIATE FAMILY MEMBER DEFINED.—In  
2       this subsection, the term “immediate family mem-  
3       ber” means, with respect to an individual, a father,  
4       stepfather, mother, stepmother, son, stepson, daugh-  
5       ter, stepdaughter, brother, stepbrother, sister, step-  
6       sister, husband, wife, father-in-law, or mother-in-  
7       law.

8       (b) DEVELOPMENT AND SUBMISSION OF SELECTION  
9       POOL.—

10           (1) IN GENERAL.—Not later than June 15 of  
11       each year ending in the numeral zero, the non-  
12       partisan agency established or designated by a State  
13       under section 2414(a) shall develop and submit to  
14       the Select Committee on Redistricting for the State  
15       established under section 2414(b) a selection pool of  
16       36 individuals who are eligible to serve as members  
17       of the independent redistricting commission of the  
18       State under this subtitle, consisting of individuals in  
19       the following categories:

20           (A) A majority category, consisting of 12  
21       individuals who are affiliated with the political  
22       party whose candidate received the most votes  
23       in the most recent statewide election for Fed-  
24       eral office held in the State.

1 (B) A minority category, consisting of 12  
2 individuals who are affiliated with the political  
3 party whose candidate received the second most  
4 votes in the most recent statewide election for  
5 Federal office held in the State.

6 (C) An independent category, consisting of  
7 12 individuals who are not affiliated with either  
8 of the political parties described in subpara-  
9 graph (A) or subparagraph (B).

10 (2) FACTORS TAKEN INTO ACCOUNT IN DEVEL-  
11 OPING POOL.—In selecting individuals for the selec-  
12 tion pool under this subsection, the nonpartisan  
13 agency shall—

14 (A) ensure that the pool is representative  
15 of the demographic groups (including racial,  
16 ethnic, economic, and gender) and geographic  
17 regions of the State, and includes applicants  
18 who would allow racial, ethnic, and language  
19 minorities protected under the Voting Rights  
20 Act of 1965 a meaningful opportunity to par-  
21 ticipate in the development of the State’s redis-  
22 tricting plan; and

23 (B) take into consideration the analytical  
24 skills of the individuals selected in relevant  
25 fields (including mapping, data management,



1 law, community outreach, demography, and the  
2 geography of the State) and their ability to  
3 work on an impartial basis.

4 (3) INTERVIEWS OF APPLICANTS.—To assist  
5 the nonpartisan agency in developing the selection  
6 pool under this subsection, the nonpartisan agency  
7 shall conduct interviews of applicants under oath. If  
8 an individual is included in a selection pool devel-  
9 oped under this section, all of the interviews of the  
10 individual shall be transcribed and the transcriptions  
11 made available on the nonpartisan agency’s website  
12 contemporaneously with release of the report under  
13 paragraph (6).

14 (4) DETERMINATION OF POLITICAL PARTY AF-  
15 FILIATION OF INDIVIDUALS IN SELECTION POOL.—  
16 For purposes of this section, an individual shall be  
17 considered to be affiliated with a political party only  
18 if the nonpartisan agency is able to verify (to the  
19 greatest extent possible) the information the indi-  
20 vidual provides in the application submitted under  
21 subsection (a)(1)(D), including by considering addi-  
22 tional information provided by other persons with  
23 knowledge of the individual’s history of political ac-  
24 tivity.

1           (5) ENCOURAGING RESIDENTS TO APPLY FOR  
2           INCLUSION IN POOL.—The nonpartisan agency shall  
3           take such steps as may be necessary to ensure that  
4           residents of the State across various geographic re-  
5           gions and demographic groups are aware of the op-  
6           portunity to serve on the independent redistricting  
7           commission, including publicizing the role of the  
8           panel and using newspapers, broadcast media, and  
9           online sources, including ethnic media, to encourage  
10          individuals to apply for inclusion in the selection  
11          pool developed under this subsection.

12          (6) REPORT ON ESTABLISHMENT OF SELEC-  
13          TION POOL.—At the time the nonpartisan agency  
14          submits the selection pool to the Select Committee  
15          on Redistricting under paragraph (1), it shall pub-  
16          lish and post on the agency’s public website a report  
17          describing the process by which the pool was devel-  
18          oped, and shall include in the report a description of  
19          how the individuals in the pool meet the eligibility  
20          criteria of subsection (a) and of how the pool reflects  
21          the factors the agency is required to take into con-  
22          sideration under paragraph (2).

23          (7) PUBLIC COMMENT ON SELECTION POOL.—  
24          During the 14-day period which begins on the date  
25          the nonpartisan agency publishes the report under

1 paragraph (6), the agency shall accept comments  
2 from the public on the individuals included in the se-  
3 lection pool. The agency shall post all such com-  
4 ments contemporaneously on the nonpartisan agen-  
5 cy's website and shall transmit them to the Select  
6 Committee on Redistricting immediately upon the  
7 expiration of such period.

8 (8) ACTION BY SELECT COMMITTEE.—

9 (A) IN GENERAL.—Not earlier than 15  
10 days and not later than 21 days after receiving  
11 the selection pool from the nonpartisan agency  
12 under paragraph (1), the Select Committee on  
13 Redistricting shall—

14 (i) approve the pool as submitted by  
15 the nonpartisan agency, in which case the  
16 pool shall be considered the approved selec-  
17 tion pool for purposes of section  
18 2411(a)(1); or

19 (ii) reject the pool, in which case the  
20 nonpartisan agency shall develop and sub-  
21 mit a replacement selection pool in accord-  
22 ance with subsection (c).

23 (B) INACTION DEEMED REJECTION.—If  
24 the Select Committee on Redistricting fails to  
25 approve or reject the pool within the deadline

1 set forth in subparagraph (A), the Select Com-  
2 mittee shall be deemed to have rejected the pool  
3 for purposes of such subparagraph.

4 (c) DEVELOPMENT OF REPLACEMENT SELECTION  
5 POOL.—

6 (1) IN GENERAL.—If the Select Committee on  
7 Redistricting rejects the selection pool submitted by  
8 the nonpartisan agency under subsection (b), not  
9 later than 14 days after the rejection, the non-  
10 partisan agency shall develop and submit to the Se-  
11 lect Committee a replacement selection pool, under  
12 the same terms and conditions that applied to the  
13 development and submission of the selection pool  
14 under paragraphs (1) through (7) of subsection (b).  
15 The replacement pool submitted under this para-  
16 graph may include individuals who were included in  
17 the rejected selection pool submitted under sub-  
18 section (b), so long as at least one of the individuals  
19 in the replacement pool was not included in such re-  
20 jected pool.

21 (2) ACTION BY SELECT COMMITTEE.—

22 (A) IN GENERAL.—Not later than 21 days  
23 after receiving the replacement selection pool  
24 from the nonpartisan agency under paragraph

1           (1), the Select Committee on Redistricting  
2           shall—

3                   (i) approve the pool as submitted by  
4                   the nonpartisan agency, in which case the  
5                   pool shall be considered the approved selec-  
6                   tion pool for purposes of section  
7                   2411(a)(1); or

8                   (ii) reject the pool, in which case the  
9                   nonpartisan agency shall develop and sub-  
10                  mit a second replacement selection pool in  
11                  accordance with subsection (d).

12           (B) INACTION DEEMED REJECTION.—If  
13           the Select Committee on Redistricting fails to  
14           approve or reject the pool within the deadline  
15           set forth in subparagraph (A), the Select Com-  
16           mittee shall be deemed to have rejected the pool  
17           for purposes of such subparagraph.

18           (d) DEVELOPMENT OF SECOND REPLACEMENT SE-  
19           LECTION POOL.—

20                   (1) IN GENERAL.—If the Select Committee on  
21           Redistricting rejects the replacement selection pool  
22           submitted by the nonpartisan agency under sub-  
23           section (c), not later than 14 days after the rejec-  
24           tion, the nonpartisan agency shall develop and sub-  
25           mit to the Select Committee a second replacement

1 selection pool, under the same terms and conditions  
2 that applied to the development and submission of  
3 the selection pool under paragraphs (1) through (7)  
4 of subsection (b). The second replacement selection  
5 pool submitted under this paragraph may include in-  
6 dividuals who were included in the rejected selection  
7 pool submitted under subsection (b) or the rejected  
8 replacement selection pool submitted under sub-  
9 section (c), so long as at least one of the individuals  
10 in the replacement pool was not included in either  
11 such rejected pool.

12 (2) ACTION BY SELECT COMMITTEE.—

13 (A) IN GENERAL.—Not earlier than 15  
14 days and not later than 14 days after receiving  
15 the second replacement selection pool from the  
16 nonpartisan agency under paragraph (1), the  
17 Select Committee on Redistricting shall—

18 (i) approve the pool as submitted by  
19 the nonpartisan agency, in which case the  
20 pool shall be considered the approved selec-  
21 tion pool for purposes of section  
22 2411(a)(1); or

23 (ii) reject the pool.

24 (B) INACTION DEEMED REJECTION.—If  
25 the Select Committee on Redistricting fails to

1 approve or reject the pool within the deadline  
2 set forth in subparagraph (A), the Select Com-  
3 mittee shall be deemed to have rejected the pool  
4 for purposes of such subparagraph.

5 (C) EFFECT OF REJECTION.—If the Select  
6 Committee on Redistricting rejects the second  
7 replacement pool from the nonpartisan agency  
8 under paragraph (1), the redistricting plan for  
9 the State shall be developed and enacted in ac-  
10 cordance with part 3.

11 **SEC. 2413. CRITERIA FOR REDISTRICTING PLAN; PUBLIC**  
12 **NOTICE AND INPUT.**

13 (a) DEVELOPMENT OF REDISTRICTING PLAN.—

14 (1) CRITERIA.—Under the redistricting plan of  
15 a State, there shall be established single-member  
16 congressional districts using the following criteria as  
17 set forth in the following order of priority:

18 (A) Districts shall comply with the United  
19 States Constitution, including the requirement  
20 that they equalize total population.

21 (B) Districts shall comply with the Voting  
22 Rights Act of 1965 (52 U.S.C. 10301 et seq.)  
23 and all applicable Federal laws.

24 (C) Districts shall provide racial, ethnic,  
25 and language minorities with an equal oppor-

1           tunity to participate in the political process and  
2           to elect candidates of choice and shall not dilute  
3           or diminish their ability to elect candidates of  
4           choice whether alone or in coalition with others.

5           (D) Districts shall respect communities of  
6           interest, neighborhoods, and political subdivi-  
7           sions to the extent practicable and after compli-  
8           ance with the requirements of subparagraphs  
9           (A) through (C). A community of interest is de-  
10          fined as an area with recognized similarities of  
11          interests, including but not limited to ethnic,  
12          racial, economic, tribal, social, cultural, geo-  
13          graphic or historic identities. The term commu-  
14          nities of interest may, in certain circumstances,  
15          include political subdivisions such as counties,  
16          municipalities, tribal lands and reservations, or  
17          school districts, but shall not include common  
18          relationships with political parties or political  
19          candidates.

20          (2) NO FAVORING OR DISFAVORING OF POLIT-  
21          ICAL PARTIES.—

22                (A) PROHIBITION.—The redistricting plan  
23                developed by the independent redistricting com-  
24                mission shall not, when considered on a state-



1 wide basis, unduly favor or disfavor any polit-  
2 ical party.

3 (B) DETERMINATION OF FAVORING OR  
4 DISFAVORING.—For purposes of subparagraph  
5 (A), the determination of whether a redis-  
6 tricting plan has the effect of unduly favoring  
7 or disfavoring a political party shall be based on  
8 the totality of circumstances, including, but not  
9 limited to, whether the plan results in durable  
10 partisan bias as determined by scientifically ac-  
11 cepted measures of partisan fairness, or wheth-  
12 er there are alternative plans that would have  
13 complied with the requirements of law and re-  
14 sulted in less durable levels of partisan bias.  
15 Notwithstanding the previous sentence, no re-  
16 districting plan shall be found to be in violation  
17 of subparagraph (A) because of application of  
18 the criteria set forth in subparagraphs (A), (B),  
19 or (C) of paragraph (1).

20 (3) FACTORS PROHIBITED FROM CONSIDER-  
21 ATION.—In developing the redistricting plan for the  
22 State, the independent redistricting commission may  
23 not take into consideration any of the following fac-  
24 tors, except to the extent necessary to comply with  
25 the criteria described in subparagraphs (A) through

1 (C) of paragraph (1), paragraph (2), and to enable  
2 the redistricting plan to be measured against the ex-  
3 ternal metrics described in subsection (e):

4 (A) The residence of any Member of the  
5 House of Representatives or candidate.

6 (B) The political party affiliation or voting  
7 history of the population of a district.

8 (b) PUBLIC NOTICE AND INPUT.—

9 (1) USE OF OPEN AND TRANSPARENT PROC-  
10 ESS.—The independent redistricting commission of a  
11 State shall hold each of its meetings in public, shall  
12 solicit and take into consideration comments from  
13 the public, including proposed maps, throughout the  
14 process of developing the redistricting plan for the  
15 State, and shall carry out its duties in an open and  
16 transparent manner which provides for the widest  
17 public dissemination reasonably possible of its pro-  
18 posed and final redistricting plans.

19 (2) WEBSITE.—

20 (A) FEATURES.—The commission shall  
21 maintain a public internet site which is not af-  
22 filiated with or maintained by the office of any  
23 elected official and which includes the following  
24 features:

1 (i) General information on the com-  
2 mission, its role in the redistricting proc-  
3 ess, and its members, including contact in-  
4 formation.

5 (ii) An updated schedule of commis-  
6 sion hearings and activities, including  
7 deadlines for the submission of comments.

8 (iii) All draft redistricting plans devel-  
9 oped by the commission under subsection  
10 (c) and the final redistricting plan devel-  
11 oped under subsection (d), including the  
12 accompanying written evaluation under  
13 subsection (e).

14 (iv) All comments received from the  
15 public on the commission's activities, in-  
16 cluding any proposed maps submitted  
17 under paragraph (1).

18 (v) Live streaming of commission  
19 hearings and an archive of previous meet-  
20 ings, including any documents considered  
21 at any such meeting, which the commission  
22 shall post not later than 24 hours after the  
23 conclusion of the meeting.

24 (vi) Access in an easily useable format  
25 to the demographic and other data used by

1 the commission to develop and analyze the  
2 proposed redistricting plans, together with  
3 access to any software used to draw maps  
4 of proposed districts and to any reports  
5 analyzing and evaluating any such maps.

6 (vii) A method by which members of  
7 the public may submit comments and pro-  
8 posed maps directly to the commission.

9 (viii) All records of the commission,  
10 including all communications to or from  
11 members, employees, and contractors re-  
12 garding the work of the commission.

13 (ix) A list of all contractors receiving  
14 payment from the commission, together  
15 with the annual disclosures submitted by  
16 the contractors under section 2411(c)(3).

17 (x) A list of the names of all individ-  
18 uals who submitted applications to serve  
19 on the commission, together with the appli-  
20 cations submitted by individuals included  
21 in any selection pool, except that the com-  
22 mission may redact from such applications  
23 any financial or other personally sensitive  
24 information.

1           (B) SEARCHABLE FORMAT.—The commis-  
2           sion shall ensure that all information posted  
3           and maintained on the site under this para-  
4           graph, including information and proposed  
5           maps submitted by the public, shall be main-  
6           tained in an easily searchable format.

7           (C) DEADLINE.—The commission shall en-  
8           sure that the public internet site under this  
9           paragraph is operational (in at least a prelimi-  
10          nary format) not later than January 1 of the  
11          year ending in the numeral one.

12          (3) PUBLIC COMMENT PERIOD.—The commis-  
13          sion shall solicit, accept, and consider comments  
14          from the public with respect to its duties, activities,  
15          and procedures at any time during the period—

16                (A) which begins on January 1 of the year  
17                ending in the numeral one; and

18                (B) which ends 7 days before the date of  
19                the meeting at which the commission shall vote  
20                on approving the final redistricting plan for en-  
21                actment into law under subsection (d)(2).

22          (4) MEETINGS AND HEARINGS IN VARIOUS GEO-  
23          GRAPHIC LOCATIONS.—To the greatest extent prac-  
24          ticable, the commission shall hold its meetings and

1       hearings in various geographic regions and locations  
2       throughout the State.

3               (5) MULTIPLE LANGUAGE REQUIREMENTS FOR  
4       ALL NOTICES.—The commission shall make each no-  
5       tice which is required to be posted and published  
6       under this section available in any language in which  
7       the State (or any jurisdiction in the State) is re-  
8       quired to provide election materials under section  
9       203 of the Voting Rights Act of 1965.

10       (c) DEVELOPMENT AND PUBLICATION OF PRELIMI-  
11       NARY REDISTRICTING PLAN.—

12               (1) IN GENERAL.—Prior to developing and pub-  
13       lishing a final redistricting plan under subsection  
14       (d), the independent redistricting commission of a  
15       State shall develop and publish a preliminary redis-  
16       tricting plan.

17               (2) MINIMUM PUBLIC HEARINGS AND OPPOR-  
18       TUNITY FOR COMMENT PRIOR TO DEVELOPMENT.—

19               (A) 3 HEARINGS REQUIRED.—Prior to de-  
20       veloping a preliminary redistricting plan under  
21       this subsection, the commission shall hold not  
22       fewer than 3 public hearings at which members  
23       of the public may provide input and comments  
24       regarding the potential contents of redistricting  
25       plans for the State and the process by which

1 the commission will develop the preliminary  
2 plan under this subsection.

3 (B) MINIMUM PERIOD FOR NOTICE PRIOR  
4 TO HEARINGS.—Not fewer than 14 days prior  
5 to the date of each hearing held under this  
6 paragraph, the commission shall post notices of  
7 the hearing in on the website maintained under  
8 subsection (b)(2), and shall provide for the pub-  
9 lication of such notices in newspapers of general  
10 circulation throughout the State. Each such no-  
11 tice shall specify the date, time, and location of  
12 the hearing.

13 (C) SUBMISSION OF PLANS AND MAPS BY  
14 MEMBERS OF THE PUBLIC.—Any member of  
15 the public may submit maps or portions of  
16 maps for consideration by the commission. As  
17 provided under subsection (b)(2)(A), any such  
18 map shall be made publicly available on the  
19 commission's website and open to comment.

20 (3) PUBLICATION OF PRELIMINARY PLAN.—

21 (A) IN GENERAL.—The commission shall  
22 post the preliminary redistricting plan devel-  
23 oped under this subsection, together with a re-  
24 port that includes the commission's responses  
25 to any public comments received under sub-

1 section (b)(3), on the website maintained under  
2 subsection (b)(2), and shall provide for the pub-  
3 lication of each such plan in newspapers of gen-  
4 eral circulation throughout the State.

5 (B) MINIMUM PERIOD FOR NOTICE PRIOR  
6 TO PUBLICATION.—Not fewer than 14 days  
7 prior to the date on which the commission posts  
8 and publishes the preliminary plan under this  
9 paragraph, the commission shall notify the pub-  
10 lic through the website maintained under sub-  
11 section (b)(2), as well as through publication of  
12 notice in newspapers of general circulation  
13 throughout the State, of the pending publica-  
14 tion of the plan.

15 (4) MINIMUM POST-PUBLICATION PERIOD FOR  
16 PUBLIC COMMENT.—The commission shall accept  
17 and consider comments from the public (including  
18 through the website maintained under subsection  
19 (b)(2)) with respect to the preliminary redistricting  
20 plan published under paragraph (3), including pro-  
21 posed revisions to maps, for not fewer than 30 days  
22 after the date on which the plan is published.

23 (5) POST-PUBLICATION HEARINGS.—

24 (A) 3 HEARINGS REQUIRED.—After post-  
25 ing and publishing the preliminary redistricting



1 plan under paragraph (3), the commission shall  
2 hold not fewer than 3 public hearings in dif-  
3 ferent geographic areas of the State at which  
4 members of the public may provide input and  
5 comments regarding the preliminary plan.

6 (B) MINIMUM PERIOD FOR NOTICE PRIOR  
7 TO HEARINGS.—Not fewer than 14 days prior  
8 to the date of each hearing held under this  
9 paragraph, the commission shall post notices of  
10 the hearing in on the website maintained under  
11 subsection (b)(2), and shall provide for the pub-  
12 lication of such notices in newspapers of general  
13 circulation throughout the State. Each such no-  
14 tice shall specify the date, time, and location of  
15 the hearing.

16 (6) PERMITTING MULTIPLE PRELIMINARY  
17 PLANS.—At the option of the commission, after de-  
18 veloping and publishing the preliminary redistricting  
19 plan under this subsection, the commission may de-  
20 velop and publish subsequent preliminary redis-  
21 tricting plans, so long as the process for the develop-  
22 ment and publication of each such subsequent plan  
23 meets the requirements set forth in this subsection  
24 for the development and publication of the first pre-  
25 liminary redistricting plan.

1 (d) PROCESS FOR ENACTMENT OF FINAL REDIS-  
2 TRICTING PLAN.—

3 (1) IN GENERAL.—After taking into consider-  
4 ation comments from the public on any preliminary  
5 redistricting plan developed and published under  
6 subsection (c), the independent redistricting commis-  
7 sion of a State shall develop and publish a final re-  
8 districting plan for the State.

9 (2) MEETING; FINAL VOTE.—Not later than the  
10 deadline specified in subsection (f), the commission  
11 shall hold a public hearing at which the members of  
12 the commission shall vote on approving the final  
13 plan for enactment into law.

14 (3) PUBLICATION OF PLAN AND ACCOMPANYING  
15 MATERIALS.—Not fewer than 14 days before the  
16 date of the meeting under paragraph (2), the com-  
17 mission shall provide the following information to  
18 the public through the website maintained under  
19 subsection (b)(2), as well as through newspapers of  
20 general circulation throughout the State:

21 (A) The final redistricting plan, including  
22 all relevant maps.

23 (B) A report by the commission to accom-  
24 pany the plan which provides the background  
25 for the plan and the commission's reasons for

1 selecting the plan as the final redistricting plan,  
2 including responses to the public comments re-  
3 ceived on any preliminary redistricting plan de-  
4 veloped and published under subsection (c).

5 (C) Any dissenting or additional views with  
6 respect to the plan of individual members of the  
7 commission.

8 (4) ENACTMENT.—The final redistricting plan  
9 developed and published under this subsection shall  
10 be deemed to be enacted into law upon the expira-  
11 tion of the 45-day period which begins on the date  
12 on which—

13 (A) such final plan is approved by a major-  
14 ity of the whole membership of the commission;  
15 and

16 (B) at least one member of the commission  
17 appointed from each of the categories of the ap-  
18 proved selection pool described in section  
19 2412(b)(1) approves such final plan.

20 (e) WRITTEN EVALUATION OF PLAN AGAINST EX-  
21 TERNAL METRICS.—The independent redistricting com-  
22 mission shall include with each redistricting plan devel-  
23 oped and published under this section a written evaluation  
24 that measures each such plan against external metrics  
25 which cover the criteria set forth in paragraph (1) of sub-

1 section (a), including the impact of the plan on the ability  
 2 of communities of color to elect candidates of choice,  
 3 measures of partisan fairness using multiple accepted  
 4 methodologies, and the degree to which the plan preserves  
 5 or divides communities of interest.

6 (f) **TIMING.**—The independent redistricting commis-  
 7 sion of a State may begin its work on the redistricting  
 8 plan of the State upon receipt of relevant population infor-  
 9 mation from the Bureau of the Census, and shall approve  
 10 a final redistricting plan for the State in each year ending  
 11 in the numeral one not later than 8 months after the date  
 12 on which the State receives the State apportionment notice  
 13 or October 1, whichever occurs later.

14 **SEC. 2414. ESTABLISHMENT OF RELATED ENTITIES.**

15 (a) **ESTABLISHMENT OR DESIGNATION OF NON-**  
 16 **PARTISAN AGENCY OF STATE LEGISLATURE.**—

17 (1) **IN GENERAL.**—Each State shall establish a  
 18 nonpartisan agency in the legislative branch of the  
 19 State government to appoint the members of the  
 20 independent redistricting commission for the State  
 21 in accordance with section 2411.

22 (2) **NONPARTISANSHIP DESCRIBED.**—For pur-  
 23 poses of this subsection, an agency shall be consid-  
 24 ered to be nonpartisan if under law the agency—

1 (A) is required to provide services on a  
2 nonpartisan basis;

3 (B) is required to maintain impartiality;  
4 and

5 (C) is prohibited from advocating for the  
6 adoption or rejection of any legislative proposal.

7 (3) TRAINING OF MEMBERS APPOINTED TO  
8 COMMISSION.—Not later than January 15 of a year  
9 ending in the numeral one, the nonpartisan agency  
10 established or designated under this subsection shall  
11 provide the members of the independent redistricting  
12 commission with initial training on their obligations  
13 as members of the commission, including obligations  
14 under the Voting Rights Act of 1965 and other ap-  
15 plicable laws.

16 (4) REGULATIONS.—The nonpartisan agency  
17 established or designated under this subsection shall  
18 adopt and publish regulations, after notice and op-  
19 portunity for comment, establishing the procedures  
20 that the agency will follow in fulfilling its duties  
21 under this subtitle, including the procedures to be  
22 used in vetting the qualifications and political affili-  
23 ation of applicants and in creating the selection  
24 pools, the randomized process to be used in selecting  
25 the initial members of the independent redistricting

1 commission, and the rules that the agency will apply  
2 to ensure that the agency carries out its duties  
3 under this subtitle in a maximally transparent, pub-  
4 licly accessible, and impartial manner.

5 (5) DESIGNATION OF EXISTING AGENCY.—At  
6 its option, a State may designate an existing agency  
7 in the legislative branch of its government to appoint  
8 the members of the independent redistricting com-  
9 mission plan for the State under this subtitle, so  
10 long as the agency meets the requirements for non-  
11 partisanship under this subsection.

12 (6) TERMINATION OF AGENCY SPECIFICALLY  
13 ESTABLISHED FOR REDISTRICTING.—If a State does  
14 not designate an existing agency under paragraph  
15 (5) but instead establishes a new agency to serve as  
16 the nonpartisan agency under this section, the new  
17 agency shall terminate upon the enactment into law  
18 of the redistricting plan for the State.

19 (7) PRESERVATION OF RECORDS.—The State  
20 shall ensure that the records of the nonpartisan  
21 agency are retained in the appropriate State archive  
22 in such manner as may be necessary to enable the  
23 State to respond to any civil action brought with re-  
24 spect to congressional redistricting in the State.

1           (8) DEADLINE.—The State shall meet the re-  
2           quirements of this subsection not later than each  
3           October 15 of a year ending in the numeral nine.

4           (b) ESTABLISHMENT OF SELECT COMMITTEE ON RE-  
5           DISTRICTING.—

6           (1) IN GENERAL.—Each State shall appoint a  
7           Select Committee on Redistricting to approve or dis-  
8           approve a selection pool developed by the inde-  
9           pendent redistricting commission for the State under  
10          section 2412.

11          (2) APPOINTMENT.—The Select Committee on  
12          Redistricting for a State under this subsection shall  
13          consist of the following members:

14                (A) One member of the upper house of the  
15                State legislature, who shall be appointed by the  
16                leader of the party with the greatest number of  
17                seats in the upper house.

18                (B) One member of the upper house of the  
19                State legislature, who shall be appointed by the  
20                leader of the party with the second greatest  
21                number of seats in the upper house.

22                (C) One member of the lower 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 lower house.

1 (D) One member of the lower 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 lower house.

5 (3) SPECIAL RULE FOR STATES WITH UNICAM-  
6 ERAL LEGISLATURE.—In the case of a State with a  
7 unicameral legislature, the Select Committee on Re-  
8 districting for the State under this subsection shall  
9 consist of the following members:

10 (A) Two members of the State legislature  
11 appointed by the chair of the political party of  
12 the State whose candidate received the highest  
13 percentage of votes in the most recent statewide  
14 election for Federal office held in the State.

15 (B) Two members of the State legislature  
16 appointed by the chair of the political party  
17 whose candidate received the second highest  
18 percentage of votes in the most recent statewide  
19 election for Federal office held in the State.

20 (4) DEADLINE.—The State shall meet the re-  
21 quirements of this subsection not later than each  
22 January 15 of a year ending in the numeral zero.



1 **SEC. 2415. REPORT ON DIVERSITY OF MEMBERSHIPS OF**  
2 **INDEPENDENT REDISTRICTING COMMIS-**  
3 **SIONS.**

4 Not later than May 15 of a year ending in the nu-  
5 meral one, the Comptroller General of the United States  
6 shall submit to Congress a report on the extent to which  
7 the memberships of independent redistricting commissions  
8 for States established under this part with respect to the  
9 immediately preceding year ending in the numeral zero  
10 meet the diversity requirements as provided for in sections  
11 2411(a)(2)(B) and 2412(b)(2).

12 **PART 3—ROLE OF COURTS IN DEVELOPMENT OF**  
13 **REDISTRICTING PLANS**

14 **SEC. 2421. ENACTMENT OF PLAN DEVELOPED BY 3-JUDGE**  
15 **COURT.**

16 (a) DEVELOPMENT OF PLAN.—If any of the trig-  
17 gering events described in subsection (f) occur with re-  
18 spect to a State—

19 (1) not later than December 15 of the year in  
20 which the triggering event occurs, the United States  
21 district court for the applicable venue, acting  
22 through a 3-judge Court convened pursuant to sec-  
23 tion 2284 of title 28, United States Code, shall de-  
24 velop and publish the congressional redistricting  
25 plan for the State; and

1           (2) the final plan developed and published by  
2           the Court under this section shall be deemed to be  
3           enacted on the date on which the Court publishes  
4           the final plan, as described in subsection (d).

5           (b) APPLICABLE VENUE DESCRIBED.—For purposes  
6 of this section, the “applicable venue” with respect to a  
7 State is the District of Columbia or the judicial district  
8 in which the capital of the State is located, as selected  
9 by the first party to file with the court sufficient evidence  
10 of the occurrence of a triggering event described in sub-  
11 section (f).

12           (c) PROCEDURES FOR DEVELOPMENT OF PLAN.—

13           (1) CRITERIA.—In developing a redistricting  
14 plan for a State under this section, the Court shall  
15 adhere to the same terms and conditions that ap-  
16 plied (or that would have applied, as the case may  
17 be) to the development of a plan by the independent  
18 redistricting commission of the State under section  
19 2413(a).

20           (2) ACCESS TO INFORMATION AND RECORDS OF  
21 COMMISSION.—The Court shall have access to any  
22 information, data, software, or other records and  
23 material that was used (or that would have been  
24 used, as the case may be) by the independent redis-

1        tricting commission of the State in carrying out its  
2        duties under this subtitle.

3            (3) HEARING; PUBLIC PARTICIPATION.—In de-  
4        veloping a redistricting plan for a State, the Court  
5        shall—

6            (A) hold one or more evidentiary hearings  
7        at which interested members of the public may  
8        appear and be heard and present testimony, in-  
9        cluding expert testimony, in accordance with  
10       the rules of the Court; and

11          (B) consider other submissions and com-  
12       ments by the public, including proposals for re-  
13       districting plans to cover the entire State or  
14       any portion of the State.

15          (4) USE OF SPECIAL MASTER.—To assist in the  
16       development and publication of a redistricting plan  
17       for a State under this section, the Court may ap-  
18       point a special master to make recommendations to  
19       the Court on possible plans for the State.

20        (d) PUBLICATION OF PLAN.—

21            (1) PUBLIC AVAILABILITY OF INITIAL PLAN.—  
22       Upon completing the development of one or more  
23       initial redistricting plans, the Court shall make the  
24       plans available to the public at no cost, and shall  
25       also make available the underlying data used by the

1 Court to develop the plans and a written evaluation  
2 of the plans against external metrics (as described in  
3 section 2413(e)).

4 (2) PUBLICATION OF FINAL PLAN.—At any  
5 time after the expiration of the 14-day period which  
6 begins on the date the Court makes the plans avail-  
7 able to the public under paragraph (1), and taking  
8 into consideration any submissions and comments by  
9 the public which are received during such period, the  
10 Court shall develop and publish the final redis-  
11 tricting plan for the State.

12 (e) USE OF INTERIM PLAN.—In the event that the  
13 Court is not able to develop and publish a final redis-  
14 tricting plan for the State with sufficient time for an up-  
15 coming election to proceed, the Court may develop and  
16 publish an interim redistricting plan which shall serve as  
17 the redistricting plan for the State until the Court devel-  
18 ops and publishes a final plan in accordance with this sec-  
19 tion. Nothing in this subsection may be construed to limit  
20 or otherwise affect the authority or discretion of the Court  
21 to develop and publish the final redistricting plan, includ-  
22 ing but not limited to the discretion to make any changes  
23 the Court deems necessary to an interim redistricting  
24 plan.

1 (f) TRIGGERING EVENTS DESCRIBED.—The “trig-  
2 gering events” described in this subsection are as follows:

3 (1) The failure of the State to establish or des-  
4 ignate a nonpartisan agency of the State legislature  
5 under section 2414(a) prior to the expiration of the  
6 deadline set forth in section 2414(a)(5).

7 (2) The failure of the State to appoint a Select  
8 Committee on Redistricting under section 2414(b)  
9 prior to the expiration of the deadline set forth in  
10 section 2414(b)(4).

11 (3) The failure of the Select Committee on Re-  
12 districting to approve any selection pool under sec-  
13 tion 2412 prior to the expiration of the deadline set  
14 forth for the approval of the second replacement se-  
15 lection pool in section 2412(d)(2).

16 (4) The failure of the independent redistricting  
17 commission of the State to approve a final redis-  
18 tricting plan for the State prior to the expiration of  
19 the deadline set forth in section 2413(f).

20 **SEC. 2422. SPECIAL RULE FOR REDISTRICTING CON-**  
21 **DUCTED UNDER ORDER OF FEDERAL COURT.**

22 If a Federal court requires a State to conduct redis-  
23 tricting subsequent to an apportionment of Representa-  
24 tives in the State in order to comply with the Constitution  
25 or to enforce the Voting Rights Act of 1965, section 2413

1 shall apply with respect to the redistricting, except that  
2 the court may revise any of the deadlines set forth in such  
3 section if the court determines that a revision is appro-  
4 priate in order to provide for a timely enactment of a new  
5 redistricting plan for the State.

6 **PART 4—ADMINISTRATIVE AND MISCELLANEOUS**  
7 **PROVISIONS**

8 **SEC. 2431. PAYMENTS TO STATES FOR CARRYING OUT RE-**  
9 **DISTRICTING.**

10 (a) **AUTHORIZATION OF PAYMENTS.**—Subject to sub-  
11 section (d), not later than 30 days after a State receives  
12 a State apportionment notice, the Election Assistance  
13 Commission shall, subject to the availability of appropria-  
14 tions provided pursuant to subsection (e), make a payment  
15 to the State in an amount equal to the product of—

16 (1) the number of Representatives to which the  
17 State is entitled, as provided under the notice; and

18 (2) \$150,000.

19 (b) **USE OF FUNDS.**—A State shall use the payment  
20 made under this section to establish and operate the  
21 State’s independent redistricting commission, to imple-  
22 ment the State redistricting plan, and to otherwise carry  
23 out congressional redistricting in the State.

24 (c) **NO PAYMENT TO STATES WITH SINGLE MEM-**  
25 **BER.**—The Election Assistance Commission shall not

1 make a payment under this section to any State which  
2 is not entitled to more than one Representative under its  
3 State apportionment notice.

4 (d) REQUIRING SUBMISSION OF SELECTION POOL AS  
5 CONDITION OF PAYMENT.—

6 (1) REQUIREMENT.—Except as provided in  
7 paragraph (2) and paragraph (3), the Election As-  
8 sistance Commission may not make a payment to a  
9 State under this section until the State certifies to  
10 the Commission that the nonpartisan agency estab-  
11 lished or designated by a State under section  
12 2414(a) has, in accordance with section 2412(b)(1),  
13 submitted a selection pool to the Select Committee  
14 on Redistricting for the State established under sec-  
15 tion 2414(b).

16 (2) EXCEPTION FOR STATES WITH EXISTING  
17 COMMISSIONS.—In the case of a State which, pursu-  
18 ant to section 2401(c), is exempt from the require-  
19 ments of section 2401(a), the Commission may not  
20 make a payment to the State under this section until  
21 the State certifies to the Commission that its redis-  
22 tricting commission meets the requirements of sec-  
23 tion 2401(c).

24 (3) EXCEPTION FOR STATE OF IOWA.—In the  
25 case of the State of Iowa, the Commission may not

1 make a payment to the State under this section until  
2 the State certifies to the Commission that it will  
3 carry out congressional redistricting pursuant to the  
4 State's apportionment notice in accordance with a  
5 plan developed by the Iowa Legislative Services  
6 Agency with the assistance of a Temporary Redistricting  
7 Advisory Commission, as provided under the  
8 law described in section 2401(d).

9 (e) AUTHORIZATION OF APPROPRIATIONS.—There  
10 are authorized to be appropriated such sums as may be  
11 necessary for payments under this section.

12 **SEC. 2432. CIVIL ENFORCEMENT.**

13 (a) CIVIL ENFORCEMENT.—

14 (1) ACTIONS BY ATTORNEY GENERAL.—The At-  
15 torney General may bring a civil action in an appro-  
16 priate district court for such relief as may be appro-  
17 priate to carry out this subtitle.

18 (2) AVAILABILITY OF PRIVATE RIGHT OF AC-  
19 TION.—Any citizen of a State who is aggrieved by  
20 the failure of the State to meet the requirements of  
21 this subtitle may bring a civil action in the United  
22 States district court for the applicable venue for  
23 such relief as may be appropriate to remedy the fail-  
24 ure. For purposes of this section, the “applicable  
25 venue” is the District of Columbia or the judicial



1 district in which the capital of the State is located,  
2 as selected by the person who brings the civil action.

3 (b) EXPEDITED CONSIDERATION.—In any action  
4 brought forth under this section, the following rules shall  
5 apply:

6 (1) The action shall be filed in the district court  
7 of the United States for the District of Columbia or  
8 for the judicial district in which the capital of the  
9 State is located, as selected by the person bringing  
10 the action.

11 (2) The action shall be heard by a 3-judge  
12 court convened pursuant to section 2284 of title 28,  
13 United States Code.

14 (3) The 3-judge court shall consolidate actions  
15 brought for relief under subsection (b)(1) with re-  
16 spect to the same State redistricting plan.

17 (4) A copy of the complaint shall be delivered  
18 promptly to the Clerk of the House of Representa-  
19 tives and the Secretary of the Senate.

20 (5) A final decision in the action shall be re-  
21 viewable only by appeal directly to the Supreme  
22 Court of the United States. Such appeal shall be  
23 taken by the filing of a notice of appeal within 10  
24 days, and the filing of a jurisdictional statement  
25 within 30 days, of the entry of the final decision.

1           (6) It shall be the duty of the district court and  
2           the Supreme Court of the United States to advance  
3           on the docket and to expedite to the greatest pos-  
4           sible extent the disposition of the action and appeal.

5           (c) ATTORNEY'S FEES.—In a civil action under this  
6           section, the court may allow the prevailing party (other  
7           than the United States) reasonable attorney fees, includ-  
8           ing litigation expenses, and costs.

9           (d) RELATION TO OTHER LAWS.—

10           (1) RIGHTS AND REMEDIES ADDITIONAL TO  
11           OTHER RIGHTS AND REMEDIES.—The rights and  
12           remedies established by this section are in addition  
13           to all other rights and remedies provided by law, and  
14           neither the rights and remedies established by this  
15           section nor any other provision of this subtitle shall  
16           supersede, restrict, or limit the application of the  
17           Voting Rights Act of 1965 (52 U.S.C. 10301 et  
18           seq.).

19           (2) VOTING RIGHTS ACT OF 1965.—Nothing in  
20           this subtitle authorizes or requires conduct that is  
21           prohibited by the Voting Rights Act of 1965 (52  
22           U.S.C. 10301 et seq.).

23           (e) LEGISLATIVE PRIVILEGE.—No person, legisla-  
24           ture, or State may claim legislative privilege under either  
25           State or Federal law in a civil action brought under this

1 section or in any other legal challenge, under either State  
2 or Federal law, to a redistricting plan enacted under this  
3 subtitle.

4 **SEC. 2433. STATE APPORTIONMENT NOTICE DEFINED.**

5 In this subtitle, the “State apportionment notice”  
6 means, with respect to a State, the notice sent to the State  
7 from the Clerk of the House of Representatives under sec-  
8 tion 22(b) of the Act entitled “An Act to provide for the  
9 fifteenth and subsequent decennial censuses and to pro-  
10 vide for an apportionment of Representatives in Con-  
11 gress”, approved June 18, 1929 (2 U.S.C. 2a), of the  
12 number of Representatives to which the State is entitled.

13 **SEC. 2434. NO EFFECT ON ELECTIONS FOR STATE AND**  
14 **LOCAL OFFICE.**

15 Nothing in this subtitle or in any amendment made  
16 by this subtitle may be construed to affect the manner  
17 in which a State carries out elections for State or local  
18 office, including the process by which a State establishes  
19 the districts used in such elections.

20 **SEC. 2435. EFFECTIVE DATE.**

21 This subtitle and the amendments made by this sub-  
22 title shall apply with respect to redistricting carried out  
23 pursuant to the decennial census conducted during 2030  
24 or any succeeding decennial census.

1     **Subtitle F—Saving Eligible Voters**  
2                     **From Voter Purging**

3     **SEC. 2501. SHORT TITLE.**

4             This subtitle may be cited as the “Stop Automatically  
5     Voiding Eligible Voters Off Their Enlisted Rolls in States  
6     Act” or the “SAVE VOTERS Act”.

7     **SEC. 2502. CONDITIONS FOR REMOVAL OF VOTERS FROM**  
8                     **LIST OF REGISTERED VOTERS.**

9             (a) CONDITIONS DESCRIBED.—The National Voter  
10     Registration Act of 1993 (52 U.S.C. 20501 et seq.) is  
11     amended by inserting after section 8 the following new  
12     section:

13     **“SEC. 8A. CONDITIONS FOR REMOVAL OF VOTERS FROM**  
14                     **OFFICIAL LIST OF REGISTERED VOTERS.**

15             “(a) VERIFICATION ON BASIS OF OBJECTIVE AND  
16     RELIABLE EVIDENCE OF INELIGIBILITY.—

17                 “(1) REQUIRING VERIFICATION.—Notwith-  
18     standing any other provision of this Act, a State  
19     may not remove the name of any registrant from the  
20     official list of voters eligible to vote in elections for  
21     Federal office in the State unless the State verifies,  
22     on the basis of objective and reliable evidence, that  
23     the registrant is ineligible to vote in such elections.

24                 “(2) FACTORS NOT CONSIDERED AS OBJECTIVE  
25     AND RELIABLE EVIDENCE OF INELIGIBILITY.—For

1 purposes of paragraph (1), the following factors, or  
2 any combination thereof, shall not be treated as ob-  
3 jective and reliable evidence of a registrant's ineligi-  
4 bility to vote:

5 “(A) The failure of the registrant to vote  
6 in any election.

7 “(B) The failure of the registrant to re-  
8 spond to any notice sent under section 8(d), un-  
9 less the notice has been returned as undeliver-  
10 able.

11 “(C) The failure of the registrant to take  
12 any other action with respect to voting in any  
13 election or with respect to the registrant's sta-  
14 tus as a registrant.

15 “(b) NOTICE AFTER REMOVAL.—

16 “(1) NOTICE TO INDIVIDUAL REMOVED.—

17 “(A) IN GENERAL.—Not later than 48  
18 hours after a State removes the name of a reg-  
19 istrant from the official list of eligible voters for  
20 any reason (other than the death of the reg-  
21 istrant), the State shall send notice of the re-  
22 moval to the former registrant, and shall in-  
23 clude in the notice the grounds for the removal  
24 and information on how the former registrant  
25 may contest the removal or be reinstated, in-

cluding a telephone number for the appropriate election official.

“(B) EXCEPTIONS.—Subparagraph (A) does not apply in the case of a registrant—

“(i) who sends written confirmation to the State that the registrant is no longer eligible to vote in the registrar’s jurisdiction in which the registrant was registered; or

“(ii) who is removed from the official list of eligible voters by reason of the death of the registrant.

“(2) PUBLIC NOTICE.—Not later than 48 hours after conducting any general program to remove the names of ineligible voters from the official list of eligible voters (as described in section 8(a)(4)), the State shall disseminate a public notice through such methods as may be reasonable to reach the general public (including by publishing the notice in a newspaper of wide circulation or posting the notice on the websites of the appropriate election officials) that list maintenance is taking place and that registrants should check their registration status to ensure no errors or mistakes have been made. The State shall ensure that the public notice disseminated under this

1 paragraph is in a format that is reasonably conven-  
2 ient and accessible to voters with disabilities, includ-  
3 ing voters who have low vision or are blind.”.

4 (b) CONDITIONS FOR TRANSMISSION OF NOTICES OF  
5 REMOVAL.—Section 8(d) of such Act (52 U.S.C.  
6 20507(d)) is amended by adding at the end the following  
7 new paragraph:

8 “(4) A State may not transmit a notice to a  
9 registrant under this subsection unless the State ob-  
10 tains objective and reliable evidence (in accordance  
11 with the standards for such evidence which are de-  
12 scribed in section 8A(a)(2)) that the registrant has  
13 changed residence to a place outside the registrar’s  
14 jurisdiction in which the registrant is registered.”.

15 (c) CONFORMING AMENDMENTS.—

16 (1) NATIONAL VOTER REGISTRATION ACT OF  
17 1993.—Section 8(a) of such Act (52 U.S.C.  
18 20507(a)) is amended—

19 (A) in paragraph (3), by striking “pro-  
20 vide” and inserting “subject to section 8A, pro-  
21 vide”; and

22 (B) in paragraph (4), by striking “con-  
23 duct” and inserting “subject to section 8A, con-  
24 duct”.

1           (2) HELP AMERICA VOTE ACT OF 2002.—Section  
 2           303(a)(4)(A) of the Help America Vote Act of 2002  
 3           (52 U.S.C. 21083(a)(4)(A)) is amended by striking  
 4           “, registrants” and inserting “, and subject to sec-  
 5           tion 8A of such Act, registrants”.

6           (d) EFFECTIVE DATE.—The amendments made by  
 7 this section shall take effect on the date of the enactment  
 8 of this Act.

9           **Subtitle G—No Effect on Authority**  
 10           **of States To Provide Greater**  
 11           **Opportunities for Voting**

12           **SEC. 2601. NO EFFECT ON AUTHORITY OF STATES TO PRO-**  
 13                               **VIDE GREATER OPPORTUNITIES FOR VOT-**  
 14                               **ING.**

15           Nothing in this title or the amendments made by this  
 16 title may be construed to prohibit any State from enacting  
 17 any law which provides greater opportunities for individ-  
 18 uals to register to vote and to vote in elections for Federal  
 19 office than are provided by this title and the amendments  
 20 made by this title.

21           **Subtitle H—Residence of**  
 22           **Incarcerated Individuals**

23           **SEC. 2701. RESIDENCE OF INCARCERATED INDIVIDUALS.**

24           Section 141 of title 13, United States Code, is  
 25 amended



1           (1) by redesignating subsection (g) as sub-  
2           section (h); and

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

5           “(g)(1) Effective beginning with the 2020 decennial  
6           census of population, in taking any tabulation of total pop-  
7           ulation by States under subsection (a) for purposes of the  
8           apportionment of Representatives in Congress among the  
9           several States, the Secretary shall, with respect to an indi-  
10          vidual incarcerated in a State, Federal, county, or munic-  
11          ipal correctional center as of the date on which such cen-  
12          sus is taken, attribute such individual to such individual’s  
13          last place of residence before incarceration.

14          “(2) In carrying out this subsection, the Secretary  
15          shall consult with each State department of corrections to  
16          collect the information necessary to make the determina-  
17          tion required under paragraph (1).”.

## 18                   **Subtitle I—Severability**

### 19           **SEC. 2801. SEVERABILITY.**

20           If any provision of this title or amendment made by  
21           this title, or the application of a provision or amendment  
22           to any person or circumstance, is held to be unconstitu-  
23           tional, the remainder of this title and amendments made  
24           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 III—ELECTION SECURITY**

Sec. 3000. Short title; sense of Congress.

#### Subtitle A—Financial Support for Election Infrastructure

##### PART 1—VOTING SYSTEM SECURITY IMPROVEMENT GRANTS

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

##### PART 2—GRANTS FOR RISK-LIMITING AUDITS OF RESULTS OF ELECTIONS

- Sec. 3011. Grants to States for conducting risk-limiting audits of results of elections.  
 Sec. 3012. GAO analysis of effects of audits.

##### PART 3—ELECTION INFRASTRUCTURE INNOVATION GRANT PROGRAM

- Sec. 3021. Election infrastructure innovation grant program.

#### Subtitle B—Security Measures

- Sec. 3101. Election infrastructure designation.  
 Sec. 3102. Timely threat information.  
 Sec. 3103. Security clearance assistance for election officials.  
 Sec. 3104. Security risk and vulnerability assessments.  
 Sec. 3105. Annual reports.  
 Sec. 3106. Pre-election threat assessments.

#### Subtitle C—Enhancing Protections for United States Democratic Institutions

- Sec. 3201. National strategy to protect United States democratic institutions.  
 Sec. 3202. National Commission to Protect United States Democratic Institutions.

#### Subtitle D—Promoting Cybersecurity Through Improvements in Election Administration

- Sec. 3301. Testing of existing voting systems to ensure compliance with election cybersecurity guidelines and other guidelines.  
 Sec. 3302. Treatment of electronic poll books as part of voting systems.  
 Sec. 3303. Pre-election reports on voting system usage.  
 Sec. 3304. Streamlining collection of election information.

#### Subtitle E—Preventing Election Hacking

- Sec. 3401. Short title.  
 Sec. 3402. Election Security Bug Bounty Program.

## Subtitle F—Election Security Grants Advisory Committee

Sec. 3501. Establishment of advisory committee.

## Subtitle G—Miscellaneous Provisions

Sec. 3601. Definitions.

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

## Subtitle H—Use of Voting Machines Manufactured in the United States

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

## Subtitle I—Severability

Sec. 3801. Severability.

1 **SEC. 3000. SHORT TITLE; SENSE OF CONGRESS.**

2 (a) **SHORT TITLE.**—This title may be cited as the  
3 “Election Security Act”.

4 (b) **SENSE OF CONGRESS ON NEED TO IMPROVE**  
5 **ELECTION INFRASTRUCTURE SECURITY.**—It is the sense  
6 of Congress that, in light of the lessons learned from Rus-  
7 sian interference in the 2016 Presidential election, the  
8 Federal Government should intensify its efforts to improve  
9 the security of election infrastructure in the United States,  
10 including through the use of individual, durable, paper  
11 ballots marked by the voter by hand.

# **Subtitle A—Financial Support for Election Infrastructure**

## **PART 1—VOTING SYSTEM SECURITY**

### **IMPROVEMENT GRANTS**

**SEC. 3001. GRANTS FOR OBTAINING COMPLIANT PAPER  
BALLOT VOTING SYSTEMS AND CARRYING  
OUT VOTING SYSTEM SECURITY IMPROVE-  
MENTS.**

(a) AVAILABILITY OF GRANTS.—Subtitle D of title II of the Help America Vote Act of 2002 (52 U.S.C. 21001 et seq.), as amended by section 1622(b), is amended by adding at the end the following new part:

**“PART 8—GRANTS FOR OBTAINING COMPLIANT  
PAPER BALLOT VOTING SYSTEMS AND CAR-  
RYING OUT VOTING SYSTEM SECURITY IM-  
PROVEMENTS**

**“SEC. 298. GRANTS FOR OBTAINING COMPLIANT PAPER  
BALLOT VOTING SYSTEMS AND CARRYING  
OUT VOTING SYSTEM SECURITY IMPROVE-  
MENTS.**

“(a) AVAILABILITY AND USE OF GRANT.—The Commission shall make a grant to each eligible State—

“(1) to replace a voting system—

“(A) which does not meet the requirements which are first imposed on the State pursuant

1 to the amendments made by the Voter Con-  
2 fidence and Increased Accessibility Act of 2021  
3 with a voting system which does meet such re-  
4 quirements, for use in the regularly scheduled  
5 general elections for Federal office held in No-  
6 vember 2022, or

7 “(B) which does meet such requirements  
8 but which is not in compliance with the most  
9 recent voluntary voting system guidelines issued  
10 by the Commission prior to the regularly sched-  
11 uled general election for Federal office held in  
12 November 2022 with another system which does  
13 meet such requirements and is in compliance  
14 with such guidelines;

15 “(2) to carry out voting system security im-  
16 provements described in section 298A with respect  
17 to the regularly scheduled general elections for Fed-  
18 eral office held in November 2022 and each suc-  
19 ceeding election for Federal office; and

20 “(3) to implement and model best practices for  
21 ballot design, ballot instructions, and the testing of  
22 ballots.

23 “(b) AMOUNT OF GRANT.—The amount of a grant  
24 made to a State under this section shall be such amount  
25 as the Commission determines to be appropriate, except

1 that such amount may not be less than the product of  
2 \$1 and the average of the number of individuals who cast  
3 votes in any of the two most recent regularly scheduled  
4 general elections for Federal office held in the State.

5 “(c) PRO RATA REDUCTIONS.—If the amount of  
6 funds appropriated for grants under this part is insuffi-  
7 cient to ensure that each State receives the amount of the  
8 grant calculated under subsection (b), the Commission  
9 shall make such pro rata reductions in such amounts as  
10 may be necessary to ensure that the entire amount appro-  
11 priated under this part is distributed to the States.

12 “(d) SURPLUS APPROPRIATIONS.—If the amount of  
13 funds appropriated for grants authorized under section  
14 298D(a)(2) exceed the amount necessary to meet the re-  
15 quirements of subsection (b), the Commission shall con-  
16 sider the following in making a determination to award  
17 remaining funds to a State:

18 “(1) The record of the State in carrying out the  
19 following with respect to the administration of elec-  
20 tions for Federal office:

21 “(A) Providing voting machines that are  
22 less than 10 years old.

23 “(B) Implementing strong chain of custody  
24 procedures for the physical security of voting

1 equipment and paper records at all stages of  
2 the process.

3 “(C) Conducting pre-election testing on  
4 every voting machine and ensuring that paper  
5 ballots are available wherever electronic ma-  
6 chines are used.

7 “(D) Maintaining offline backups of voter  
8 registration lists.

9 “(E) Providing a secure voter registration  
10 database that logs requests submitted to the  
11 database.

12 “(F) Publishing and enforcing a policy de-  
13 tailing use limitations and security safeguards  
14 to protect the personal information of voters in  
15 the voter registration process.

16 “(G) Providing secure processes and proce-  
17 dures for reporting vote tallies.

18 “(H) Providing a secure platform for dis-  
19 seminating vote totals.

20 “(2) Evidence of established conditions of inno-  
21 vation and reform in providing voting system secu-  
22 rity and the proposed plan of the State for imple-  
23 menting additional conditions.

24 “(3) Evidence of collaboration between relevant  
25 stakeholders, including local election officials, in de-

1       veloping the grant implementation plan described in  
2       section 298B.

3               “(4) The plan of the State to conduct a rig-  
4       orous evaluation of the effectiveness of the activities  
5       carried out with the grant.

6       “(e) ABILITY OF REPLACEMENT SYSTEMS TO AD-  
7       MINISTER RANKED CHOICE ELECTIONS.—To the greatest  
8       extent practicable, an eligible State which receives a grant  
9       to replace a voting system under this section shall ensure  
10      that the replacement system is capable of administering  
11      a system of ranked choice voting under which each voter  
12      shall rank the candidates for the office in the order of  
13      the voter’s preference.

14   **“SEC. 298A. VOTING SYSTEM SECURITY IMPROVEMENTS**  
15               **DESCRIBED.**

16       “(a) PERMITTED USES.—A voting system security  
17      improvement described in this section is any of the fol-  
18      lowing:

19               “(1) The acquisition of goods and services from  
20      qualified election infrastructure vendors by purchase,  
21      lease, or such other arrangements as may be appro-  
22      priate.

23               “(2) Cyber and risk mitigation training.

24               “(3) A security risk and vulnerability assess-  
25      ment of the State’s election infrastructure which is



1 carried out by a provider of cybersecurity services  
2 under a contract entered into between the chief  
3 State election official and the provider.

4 “(4) The maintenance of election infrastruc-  
5 ture, including addressing risks and vulnerabilities  
6 which are identified under either of the security risk  
7 and vulnerability assessments described in para-  
8 graph (3), except that none of the funds provided  
9 under this part may be used to renovate or replace  
10 a building or facility which is used primarily for pur-  
11 poses other than the administration of elections for  
12 public office.

13 “(5) Providing increased technical support for  
14 any information technology infrastructure that the  
15 chief State election official deems to be part of the  
16 State’s election infrastructure or designates as crit-  
17 ical to the operation of the State’s election infra-  
18 structure.

19 “(6) Enhancing the cybersecurity and oper-  
20 ations of the information technology infrastructure  
21 described in paragraph (4).

22 “(7) Enhancing the cybersecurity of voter reg-  
23 istration systems.

24 “(b) QUALIFIED ELECTION INFRASTRUCTURE VEN-  
25 DORS DESCRIBED.—

1           “(1) IN GENERAL.—For purposes of this part,  
2           a ‘qualified election infrastructure vendor’ is any  
3           person who provides, supports, or maintains, or who  
4           seeks to provide, support, or maintain, election in-  
5           frastructure on behalf of a State, unit of local gov-  
6           ernment, or election agency (as defined in section  
7           3601 of the Election Security Act) who meets the  
8           criteria described in paragraph (2).

9           “(2) CRITERIA.—The criteria described in this  
10          paragraph are such criteria as the Chairman, in co-  
11          ordination with the Secretary of Homeland Security,  
12          shall establish and publish, and shall include each of  
13          the following requirements:

14               “(A) The vendor must be owned and con-  
15               trolled by a citizen or permanent resident of the  
16               United States.

17               “(B) The vendor must disclose to the  
18               Chairman and the Secretary, and to the chief  
19               State election official of any State to which the  
20               vendor provides any goods and services with  
21               funds provided under this part, of any sourcing  
22               outside the United States for parts of the elec-  
23               tion infrastructure.

24               “(C) The vendor must disclose to the  
25               Chairman and the Secretary, and to the chief

1 State election official of any State to which the  
2 vendor provides any goods and services with  
3 funds provided under this part, the identifica-  
4 tion of any entity or individual with a more  
5 than five percent ownership interest in the ven-  
6 dor.

7 “(D) The vendor agrees to ensure that the  
8 election infrastructure will be developed and  
9 maintained in a manner that is consistent with  
10 the cybersecurity best practices issued by the  
11 Technical Guidelines Development Committee.

12 “(E) The vendor agrees to maintain its in-  
13 formation technology infrastructure in a man-  
14 ner that is consistent with the cybersecurity  
15 best practices issued by the Technical Guide-  
16 lines Development Committee.

17 “(F) The vendor agrees to ensure that the  
18 election infrastructure will be developed and  
19 maintained in a manner that is consistent with  
20 the supply chain best practices issued by the  
21 Technical Guidelines Development Committee.

22 “(G) The vendor agrees to ensure that it  
23 has personnel policies and practices in place  
24 that are consistent with personnel best prac-  
25 tices, including cybersecurity training and back-

1 ground checks, issued by the Technical Guide-  
2 lines Development Committee.

3 “(H) The vendor agrees to ensure that the  
4 election infrastructure will be developed and  
5 maintained in a manner that is consistent with  
6 data integrity best practices, including require-  
7 ments for encrypted transfers and validation,  
8 testing and checking printed materials for accu-  
9 racy, and disclosure of quality control incidents,  
10 issued by the Technical Guidelines Development  
11 Committee

12 “(I) The vendor agrees to meet the re-  
13 quirements of paragraph (3) with respect to  
14 any known or suspected cybersecurity incidents  
15 involving any of the goods and services provided  
16 by the vendor pursuant to a grant under this  
17 part.

18 “(J) The vendor agrees to permit inde-  
19 pendent security testing by the Commission (in  
20 accordance with section 231(a)) and by the Sec-  
21 retary of the goods and services provided by the  
22 vendor pursuant to a grant under this part.

23 “(3) CYBERSECURITY INCIDENT REPORTING  
24 REQUIREMENTS.—

1           “(A) IN GENERAL.—A vendor meets the  
2 requirements of this paragraph if, upon becoming  
3 aware of the possibility that an election cybersecurity  
4 incident has occurred involving any  
5 of the goods and services provided by the vendor  
6 pursuant to a grant under this part—

7           “(i) the vendor promptly assesses  
8 whether or not such an incident occurred,  
9 and submits a notification meeting the requirements  
10 of subparagraph (B) to the  
11 Secretary and the Chairman of the assessment  
12 as soon as practicable (but in no case  
13 later than 3 days after the vendor first becomes  
14 aware of the possibility that the incident occurred);

15           “(ii) if the incident involves goods or  
16 services provided to an election agency, the  
17 vendor submits a notification meeting the  
18 requirements of subparagraph (B) to the  
19 agency as soon as practicable (but in no  
20 case later than 3 days after the vendor  
21 first becomes aware of the possibility that  
22 the incident occurred), and cooperates with  
23 the agency in providing any other nec-  
24

1            necessary notifications relating to the inci-  
2            dent; and

3            “(iii) the vendor provides all necessary  
4            updates to any notification submitted  
5            under clause (i) or clause (ii).

6            “(B) CONTENTS OF NOTIFICATIONS.—

7            Each notification submitted under clause (i) or  
8            clause (ii) of subparagraph (A) shall contain  
9            the following information with respect to any  
10           election cybersecurity incident covered by the  
11           notification:

12           “(i) The date, time, and time zone  
13           when the election cybersecurity incident  
14           began, if known.

15           “(ii) The date, time, and time zone  
16           when the election cybersecurity incident  
17           was detected.

18           “(iii) The date, time, and duration of  
19           the election cybersecurity incident.

20           “(iv) The circumstances of the elec-  
21           tion cybersecurity incident, including the  
22           specific election infrastructure systems be-  
23           lieved to have been accessed and informa-  
24           tion acquired, if any.

1                   “(v) Any planned and implemented  
2                   technical measures to respond to and re-  
3                   cover from the incident.

4                   “(vi) In the case of any notification  
5                   which is an update to a prior notification,  
6                   any additional material information relat-  
7                   ing to the incident, including technical  
8                   data, as it becomes available.

9   **“SEC. 298B. ELIGIBILITY OF STATES.**

10           “A State is eligible to receive a grant under this part  
11 if the State submits to the Commission, at such time and  
12 in such form as the Commission may require, an applica-  
13 tion containing—

14                   “(1) a description of how the State will use the  
15                   grant to carry out the activities authorized under  
16                   this part;

17                   “(2) a certification and assurance that, not  
18                   later than 5 years after receiving the grant, the  
19                   State will carry out risk-limiting audits and will  
20                   carry out voting system security improvements, as  
21                   described in section 298A; and

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

1 **“SEC. 298C. REPORTS TO CONGRESS.**

2 “Not later than 90 days after the end of each fiscal  
3 year, the Commission shall submit a report to the appro-  
4 priate congressional committees, including the Committees  
5 on Homeland Security, House Administration, and the Ju-  
6 diciary of the House of Representatives and the Commit-  
7 tees on Homeland Security and Governmental Affairs, the  
8 Judiciary, and Rules and Administration of the Senate,  
9 on the activities carried out with the funds provided under  
10 this part.

11 **“SEC. 298D. AUTHORIZATION OF APPROPRIATIONS.**

12 “(a) AUTHORIZATION.—There are authorized to be  
13 appropriated for grants under this part—

14 “(1) \$1,000,000,000 for fiscal year 2021; and

15 “(2) \$175,000,000 for each of the fiscal years  
16 2022, 2024, 2026, and 2028.

17 “(b) CONTINUING AVAILABILITY OF AMOUNTS.—Any  
18 amounts appropriated pursuant to the authorization of  
19 this section shall remain available until expended.”.

20 (b) CLERICAL AMENDMENT.—The table of contents  
21 of such Act, as amended by section 1622(c), is amended  
22 by adding at the end of the items relating to subtitle D  
23 of title II the following:

“PART 8—GRANTS FOR OBTAINING COMPLIANT PAPER BALLOT VOTING  
SYSTEMS AND CARRYING OUT VOTING SYSTEM SECURITY IMPROVEMENTS

“Sec. 298. Grants for obtaining compliant paper ballot voting systems and  
carrying out voting system security improvements.



“Sec. 298A. Voting system security improvements described.

“Sec. 298B. Eligibility of States.

“Sec. 298C. Reports to Congress.

“Sec. 298D. Authorization of appropriations.

1   **SEC. 3002. COORDINATION OF VOTING SYSTEM SECURITY**  
 2                   **ACTIVITIES WITH USE OF REQUIREMENTS**  
 3                   **PAYMENTS AND ELECTION ADMINISTRATION**  
 4                   **REQUIREMENTS UNDER HELP AMERICA**  
 5                   **VOTE ACT OF 2002.**

6           (a) DUTIES OF ELECTION ASSISTANCE COMMIS-  
 7   SION.—Section 202 of the Help America Vote Act of 2002  
 8   (52 U.S.C. 20922) is amended in the matter preceding  
 9   paragraph (1) by striking “by” and inserting “and the se-  
 10   curity of election infrastructure by”.

11          (b) MEMBERSHIP OF SECRETARY OF HOMELAND SE-  
 12   curity ON BOARD OF ADVISORS OF ELECTION ASSIST-  
 13   ANCE COMMISSION.—Section 214(a) of such Act (52  
 14   U.S.C. 20944(a)) is amended—

15               (1) by striking “37 members” and inserting  
 16               “38 members”; and

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

19               “(17) The Secretary of Homeland Security or  
 20   the Secretary’s designee.”.

21          (c) REPRESENTATIVE OF DEPARTMENT OF HOME-  
 22   LAND SECURITY ON TECHNICAL GUIDELINES DEVELOP-

1   MENT COMMITTEE.—Section 221(c)(1) of such Act (52  
2   U.S.C. 20961(c)(1)) is amended—

3           (1) by redesignating subparagraph (E) as sub-  
4   paragraph (F); and

5           (2) by inserting after subparagraph (D) the fol-  
6   lowing new subparagraph:

7                   “(E) A representative of the Department  
8                   of Homeland Security.”.

9           (d) GOALS OF PERIODIC STUDIES OF ELECTION AD-  
10   MINISTRATION ISSUES; CONSULTATION WITH SECRETARY  
11   OF HOMELAND SECURITY.—Section 241(a) of such Act  
12   (52 U.S.C. 20981(a)) is amended—

13           (1) in the matter preceding paragraph (1), by  
14   striking “the Commission shall” and inserting “the  
15   Commission, in consultation with the Secretary of  
16   Homeland Security (as appropriate), shall”;

17           (2) by striking “and” at the end of paragraph  
18   (3);

19           (3) by redesignating paragraph (4) as para-  
20   graph (5); and

21           (4) by inserting after paragraph (3) the fol-  
22   lowing new paragraph:

23                   “(4) will be secure against attempts to under-  
24                   mine the integrity of election systems by cyber or  
25                   other means; and”.

1 (e) REQUIREMENTS PAYMENTS.—

2 (1) USE OF PAYMENTS FOR VOTING SYSTEM  
3 SECURITY IMPROVEMENTS.—Section 251(b) of such  
4 Act (52 U.S.C. 21001(b)), as amended by section  
5 1061(a)(2), is further amended by adding at the end  
6 the following new paragraph:

7 “(5) PERMITTING USE OF PAYMENTS FOR VOT-  
8 ING SYSTEM SECURITY IMPROVEMENTS.—A State  
9 may use a requirements payment to carry out any  
10 of the following activities:

11 “(A) Cyber and risk mitigation training.

12 “(B) Providing increased technical support  
13 for any information technology infrastructure  
14 that the chief State election official deems to be  
15 part of the State’s election infrastructure or  
16 designates as critical to the operation of the  
17 State’s election infrastructure.

18 “(C) Enhancing the cybersecurity and op-  
19 erations of the information technology infra-  
20 structure described in subparagraph (B).

21 “(D) Enhancing the security of voter reg-  
22 istration databases.”.

23 (2) INCORPORATION OF ELECTION INFRA-  
24 STRUCTURE PROTECTION IN STATE PLANS FOR USE  
25 OF PAYMENTS.—Section 254(a)(1) of such Act (52

1 U.S.C. 21004(a)(1)) is amended by striking the pe-  
2 riod at the end and inserting “, including the protec-  
3 tion of election infrastructure.”.

4 (3) COMPOSITION OF COMMITTEE RESPONSIBLE  
5 FOR DEVELOPING STATE PLAN FOR USE OF PAY-  
6 MENTS.—Section 255 of such Act (52 U.S.C.  
7 21005) is amended—

8 (A) by redesignating subsection (b) as sub-  
9 section (c); and

10 (B) by inserting after subsection (a) the  
11 following new subsection:

12 “(b) GEOGRAPHIC REPRESENTATION.—The mem-  
13 bers of the committee shall be a representative group of  
14 individuals from the State’s counties, cities, towns, and  
15 Indian tribes, and shall represent the needs of rural as  
16 well as urban areas of the State, as the case may be.”.

17 (f) ENSURING PROTECTION OF COMPUTERIZED  
18 STATEWIDE VOTER REGISTRATION LIST.—Section  
19 303(a)(3) of such Act (52 U.S.C. 21083(a)(3)) is amend-  
20 ed by striking the period at the end and inserting “, as  
21 well as other measures to prevent and deter cybersecurity  
22 incidents, as identified by the Commission, the Secretary  
23 of Homeland Security, and the Technical Guidelines De-  
24 velopment Committee.”.

1 **SEC. 3003. INCORPORATION OF DEFINITIONS.**

2 (a) IN GENERAL.—Section 901 of the Help America  
3 Vote Act of 2002 (52 U.S.C. 21141), as amended by sec-  
4 tion 1921(b)(1), is amended to read as follows:

5 **“SEC. 901. DEFINITIONS.**

6 “In this Act, the following definitions apply:

7 “(1) The term ‘cybersecurity incident’ has the  
8 meaning given the term ‘incident’ in section 227 of  
9 the Homeland Security Act of 2002 (6 U.S.C. 148).

10 “(2) The term ‘election infrastructure’ has the  
11 meaning given such term in section 3601 of the  
12 Election Security Act.

13 “(3) The term ‘State’ means each of the several  
14 States, the District of Columbia, the Commonwealth  
15 of Puerto Rico, Guam, American Samoa, the United  
16 States Virgin Islands, and the Commonwealth of the  
17 Northern Mariana Islands.”.

18 (b) CLERICAL AMENDMENT.—The table of contents  
19 of such Act is amended by amending the item relating to  
20 section 901 to read as follows:

“Sec. 901. Definitions.”.

1 **PART 2—GRANTS FOR RISK-LIMITING AUDITS OF**  
 2 **RESULTS OF ELECTIONS**

3 **SEC. 3011. GRANTS TO STATES FOR CONDUCTING RISK-LIM-**  
 4 **ITING AUDITS OF RESULTS OF ELECTIONS.**

5 (a) AVAILABILITY OF GRANTS.—Subtitle D of title  
 6 II of the Help America Vote Act of 2002 (52 U.S.C.  
 7 21001 et seq.), as amended by sections 1622(b) and  
 8 3001(a), is amended by adding at the end the following  
 9 new part:

10 **“PART 9—GRANTS FOR CONDUCTING RISK-**  
 11 **LIMITING AUDITS OF RESULTS OF ELECTIONS**  
 12 **“SEC. 299. GRANTS FOR CONDUCTING RISK-LIMITING AU-**  
 13 **DITS OF RESULTS OF ELECTIONS.**

14 “(a) AVAILABILITY OF GRANTS.—The Commission  
 15 shall make a grant to each eligible State to conduct risk-  
 16 limiting audits as described in subsection (b) with respect  
 17 to the regularly scheduled general elections for Federal of-  
 18 fice held in November 2022 and each succeeding election  
 19 for Federal office.

20 “(b) RISK-LIMITING AUDITS DESCRIBED.—In this  
 21 part, a ‘risk-limiting audit’ is a post-election process—

22 “(1) which is conducted in accordance with  
 23 rules and procedures established by the chief State  
 24 election official of the State which meet the require-  
 25 ments of subsection (c); and

1           “(2) under which, if the reported outcome of  
2           the election is incorrect, there is at least a predeter-  
3           mined percentage chance that the audit will replace  
4           the incorrect outcome with the correct outcome as  
5           determined by a full, hand-to-eye tabulation of all  
6           votes validly cast in that election that ascertains  
7           voter intent manually and directly from voter-  
8           verifiable paper records.

9           “(c) REQUIREMENTS FOR RULES AND PROCE-  
10          DURES.—The rules and procedures established for con-  
11          ducting a risk-limiting audit shall include the following  
12          elements:

13               “(1) Rules for ensuring the security of ballots  
14               and documenting that prescribed procedures were  
15               followed.

16               “(2) Rules and procedures for ensuring the ac-  
17               curacy of ballot manifests produced by election agen-  
18               cies.

19               “(3) Rules and procedures for governing the  
20               format of ballot manifests, cast vote records, and  
21               other data involved in the audit.

22               “(4) Methods to ensure that any cast vote  
23               records used in the audit are those used by the vot-  
24               ing system to tally the election results sent to the  
25               chief State election official and made public.

1           “(5) Procedures for the random selection of  
2       ballots to be inspected manually during each audit.

3           “(6) Rules for the calculations and other meth-  
4       ods to be used in the audit and to determine wheth-  
5       er and when the audit of an election is complete.

6           “(7) Procedures and requirements for testing  
7       any software used to conduct risk-limiting audits.

8       “(d) DEFINITIONS.—In this part, the following defi-  
9       nitions apply:

10           “(1) The term ‘ballot manifest’ means a record  
11       maintained by each election agency that meets each  
12       of the following requirements:

13           “(A) The record is created without reliance  
14       on any part of the voting system used to tab-  
15       ulate votes.

16           “(B) The record functions as a sampling  
17       frame for conducting a risk-limiting audit.

18           “(C) The record contains the following in-  
19       formation with respect to the ballots cast and  
20       counted in the election:

21           “(i) The total number of ballots cast  
22       and counted by the agency (including  
23       undervotes, overvotes, and other invalid  
24       votes).



1                   “(ii) The total number of ballots cast  
2                   in each election administered by the agency  
3                   (including undervotes, overvotes, and other  
4                   invalid votes).

5                   “(iii) A precise description of the  
6                   manner in which the ballots are physically  
7                   stored, including the total number of phys-  
8                   ical groups of ballots, the numbering sys-  
9                   tem for each group, a unique label for each  
10                  group, and the number of ballots in each  
11                  such group.

12                 “(2) The term ‘incorrect outcome’ means an  
13                 outcome that differs from the outcome that would be  
14                 determined by a full tabulation of all votes validly  
15                 cast in the election, determining voter intent manu-  
16                 ally, directly from voter-verifiable paper records.

17                 “(3) The term ‘outcome’ means the winner of  
18                 an election, whether a candidate or a position.

19                 “(4) The term ‘reported outcome’ means the  
20                 outcome of an election which is determined accord-  
21                 ing to the canvass and which will become the official,  
22                 certified outcome unless it is revised by an audit, re-  
23                 count, or other legal process.

1 **“SEC. 299A. ELIGIBILITY OF STATES.**

2 “A State is eligible to receive a grant under this part  
3 if the State submits to the Commission, at such time and  
4 in such form as the Commission may require, an applica-  
5 tion containing—

6 “(1) a certification that, not later than 5 years  
7 after receiving the grant, the State will conduct risk-  
8 limiting audits of the results of elections for Federal  
9 office held in the State as described in section 299;

10 “(2) a certification that, not later than one year  
11 after the date of the enactment of this section, the  
12 chief State election official of the State has estab-  
13 lished or will establish the rules and procedures for  
14 conducting the audits which meet the requirements  
15 of section 299(c);

16 “(3) a certification that the audit shall be com-  
17 pleted not later than the date on which the State  
18 certifies the results of the election;

19 “(4) a certification that, after completing the  
20 audit, the State shall publish a report on the results  
21 of the audit, together with such information as nec-  
22 essary to confirm that the audit was conducted prop-  
23 erly;

24 “(5) a certification that, if a risk-limiting audit  
25 conducted under this part leads to a full manual  
26 tally of an election, State law requires that the State

1 or election agency shall use the results of the full  
 2 manual tally as the official results of the election;  
 3 and

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

6 **“SEC. 299B. AUTHORIZATION OF APPROPRIATIONS.**

7 “There are authorized to be appropriated for grants  
 8 under this part \$20,000,000 for fiscal year 2021, to re-  
 9 main available until expended.”.

10 (b) CLERICAL AMENDMENT.—The table of contents  
 11 of such Act, as amended by sections 1622(c) and 3001(b),  
 12 is further amended by adding at the end of the items relat-  
 13 ing to subtitle D of title II the following:

“PART 9—GRANTS FOR CONDUCTING RISK-LIMITING AUDITS OF RESULTS  
 OF ELECTIONS

“Sec. 299. Grants for conducting risk-limiting audits of results of elec-  
 tions.

“Sec. 299A. Eligibility of States.

“Sec. 299B. Authorization of appropriations.

14 **SEC. 3012. GAO ANALYSIS OF EFFECTS OF AUDITS.**

15 (a) ANALYSIS.—Not later than 6 months after the  
 16 first election for Federal office is held after grants are  
 17 first awarded to States for conducting risk-limiting audits  
 18 under part 9 of subtitle D of title II of the Help America  
 19 Vote Act of 2002 (as added by section 3011) for con-  
 20 ducting risk-limiting audits of elections for Federal office,  
 21 the Comptroller General of the United States shall con-  
 22 duct an analysis of the extent to which such audits have

1 improved the administration of such elections and the se-  
 2 curity of election infrastructure in the States receiving  
 3 such grants.

4 (b) REPORT.—The Comptroller General of the  
 5 United States shall submit a report on the analysis con-  
 6 ducted under subsection (a) to the appropriate congres-  
 7 sional committees.

### 8 **PART 3—ELECTION INFRASTRUCTURE**

#### 9 **INNOVATION GRANT PROGRAM**

#### 10 **SEC. 3021. ELECTION INFRASTRUCTURE INNOVATION** 11 **GRANT PROGRAM.**

12 (a) IN GENERAL.—Title III of the Homeland Secu-  
 13 rity Act of 2002 (6 U.S.C. 181 et seq.) is amended by  
 14 adding at the end the following new section:

#### 15 **“SEC. 321. ELECTION INFRASTRUCTURE INNOVATION** 16 **GRANT PROGRAM.**

17 “(a) ESTABLISHMENT.—The Secretary, acting  
 18 through the Under Secretary for Science and Technology,  
 19 in coordination with the Chairman of the Election Assist-  
 20 ance Commission (established pursuant to the Help Amer-  
 21 ica Vote Act of 2002) and in consultation with the Direc-  
 22 tor of the National Science Foundation and the Director  
 23 of the National Institute of Standards and Technology,  
 24 shall establish a competitive grant program to award  
 25 grants to eligible entities, on a competitive basis, for pur-

1 poses of research and development that are determined to  
2 have the potential to significantly improve the security (in-  
3 cluding cybersecurity), quality, reliability, accuracy, acces-  
4 sibility, and affordability of election infrastructure, and in-  
5 crease voter participation.

6 “(b) REPORT TO CONGRESS.—Not later than 90 days  
7 after the conclusion of each fiscal year for which grants  
8 are awarded under this section, the Secretary shall submit  
9 to the Committee on Homeland Security and the Com-  
10 mittee on House Administration of the House of Rep-  
11 resentatives and the Committee on Homeland Security  
12 and Governmental Affairs and the Committee on Rules  
13 and Administration of the Senate a report describing such  
14 grants and analyzing the impact, if any, of such grants  
15 on the security and operation of election infrastructure,  
16 and on voter participation.

17 “(c) AUTHORIZATION OF APPROPRIATIONS.—There  
18 is authorized to be appropriated to the Secretary  
19 \$20,000,000 for each of fiscal years 2021 through 2029  
20 for purposes of carrying out this section.

21 “(d) ELIGIBLE ENTITY DEFINED.—In this section,  
22 the term ‘eligible entity’ means—

23 “(1) an institution of higher education (as such  
24 term is defined in section 101(a) of the Higher Edu-  
25 cation Act of 1965 (20 U.S.C. 1001(a)), including

1 an institution of higher education that is a histori-  
2 cally Black college or university (which has the  
3 meaning given the term “part B institution” in sec-  
4 tion 322 of such Act (20 U.S.C. 1061)) or other mi-  
5 nority-serving institution listed in section 371(a) of  
6 such Act (20 U.S.C. 1067q(a));

7 “(2) an organization described in section  
8 501(c)(3) of the Internal Revenue Code of 1986 and  
9 exempt from tax under section 501(a) of such Code;  
10 or

11 “(3) an organization, association, or a for-profit  
12 company, including a small business concern (as  
13 such term is described in section 3 of the Small  
14 Business Act (15 U.S.C. 632)), including a small  
15 business concern owned and controlled by socially  
16 and economically disadvantaged individuals (as such  
17 term is defined in section 8(d)(3)(C) of the Small  
18 Business Act (15 U.S.C. 637(d)(3)(C))).”.

19 (b) DEFINITION.—Section 2 of the Homeland Secu-  
20 rity Act of 2002 (6 U.S.C. 101) is amended—

21 (1) by redesignating paragraphs (6) through  
22 (20) as paragraphs (7) through (21), respectively;  
23 and

24 (2) by inserting after paragraph (5) the fol-  
25 lowing new paragraph:

1           “(6) ELECTION INFRASTRUCTURE.—The term  
 2           ‘election infrastructure’ means storage facilities,  
 3           polling places, and centralized vote tabulation loca-  
 4           tions used to support the administration of elections  
 5           for public office, as well as related information and  
 6           communications technology, including voter registra-  
 7           tion databases, voting machines, electronic mail and  
 8           other communications systems (including electronic  
 9           mail and other systems of vendors who have entered  
 10          into contracts with election agencies to support the  
 11          administration of elections, manage the election  
 12          process, and report and display election results), and  
 13          other systems used to manage the election process  
 14          and to report and display election results on behalf  
 15          of an election agency.”.

16          (c) CLERICAL AMENDMENT.—The table of contents  
 17          in section 1(b) of the Homeland Security Act of 2002 is  
 18          amended by inserting after the item relating to section  
 19          320 the following new item:

“Sec. 321. Election infrastructure innovation grant program.”.

## 20           **Subtitle B—Security Measures**

### 21          **SEC. 3101. ELECTION INFRASTRUCTURE DESIGNATION.**

22          Subparagraph (J) of section 2001(3) of the Home-  
 23          land Security Act of 2002 (6 U.S.C. 601(3)) is amended  
 24          by inserting “, including election infrastructure” before  
 25          the period at the end.

1 **SEC. 3102. TIMELY THREAT INFORMATION.**

2 Subsection (d) of section 201 of the Homeland Secu-  
3 rity Act of 2002 (6 U.S.C. 121) is amended by adding  
4 at the end the following new paragraph:

5 “(24) To provide timely threat information re-  
6 garding election infrastructure to the chief State  
7 election official of the State with respect to which  
8 such information pertains.”.

9 **SEC. 3103. SECURITY CLEARANCE ASSISTANCE FOR ELEC-**  
10 **TION OFFICIALS.**

11 In order to promote the timely sharing of information  
12 on threats to election infrastructure, the Secretary may—

13 (1) help expedite a security clearance for the  
14 chief State election official and other appropriate  
15 State personnel involved in the administration of  
16 elections, as designated by the chief State election  
17 official;

18 (2) sponsor a security clearance for the chief  
19 State election official and other appropriate State  
20 personnel involved in the administration of elections,  
21 as designated by the chief State election official; and

22 (3) facilitate the issuance of a temporary clear-  
23 ance to the chief State election official and other ap-  
24 propriate State personnel involved in the administra-  
25 tion of elections, as designated by the chief State  
26 election official, if the Secretary determines classi-



1       fied information to be timely and relevant to the  
2       election infrastructure of the State at issue.

3   **SEC. 3104. SECURITY RISK AND VULNERABILITY ASSESS-**  
4                   **MENTS.**

5       (a) IN GENERAL.—Paragraph (6) of section 2209(c)  
6   of the Homeland Security Act of 2002 (6 U.S.C. 659(c))  
7   is amended by inserting “(including by carrying out a se-  
8   curity risk and vulnerability assessment)” after “risk  
9   management support”.

10      (b) PRIORITIZATION TO ENHANCE ELECTION SECU-  
11   RITY.—

12           (1) IN GENERAL.—Not later than 90 days after  
13   receiving a written request from a chief State elec-  
14   tion official, the Secretary shall, to the extent prac-  
15   ticable, commence a security risk and vulnerability  
16   assessment (pursuant to paragraph (6) of section  
17   2209(c) of the Homeland Security Act of 2002, as  
18   amended by subsection (a)) on election infrastruc-  
19   ture in the State at issue.

20           (2) NOTIFICATION.—If the Secretary, upon re-  
21   ceipt of a request described in paragraph (1), deter-  
22   mines that a security risk and vulnerability assess-  
23   ment referred to in such paragraph cannot be com-  
24   menced within 90 days, the Secretary shall expedi-

1       tiously notify the chief State election official who  
2       submitted such request.

3   **SEC. 3105. ANNUAL REPORTS.**

4       (a) REPORTS ON ASSISTANCE AND ASSESSMENTS.—

5   Not later than one year after the date of the enactment  
6   of this Act and annually thereafter through 2028, the Sec-  
7   retary shall submit to the appropriate congressional com-  
8   mittees—

9           (1) efforts to carry out section 3103 during the  
10       prior year, including specific information regarding  
11       which States were helped, how many officials have  
12       been helped in each State, how many security clear-  
13       ances have been sponsored in each State, and how  
14       many temporary clearances have been issued in each  
15       State; and

16          (2) efforts to carry out section 3104 during the  
17       prior year, including specific information regarding  
18       which States were helped, the dates on which the  
19       Secretary received a request for a security risk and  
20       vulnerability assessment referred to in such section,  
21       the dates on which the Secretary commenced each  
22       such request, and the dates on which the Secretary  
23       transmitted a notification in accordance with sub-  
24       section (b)(2) of such section.

1       (b) REPORTS ON FOREIGN THREATS.—Not later  
2 than 90 days after the end of each fiscal year (beginning  
3 with fiscal year 2021), the Secretary and the Director of  
4 National Intelligence, in coordination with the heads of  
5 appropriate offices of the Federal Government, shall sub-  
6 mit to the appropriate congressional committees a joint  
7 report on foreign threats, including physical and cyberse-  
8 curity threats, to elections in the United States.

9       (c) INFORMATION FROM STATES.—For purposes of  
10 preparing the reports required under this section, the Sec-  
11 retary shall solicit and consider information and comments  
12 from States and election agencies, except that the provi-  
13 sion of such information and comments by a State or elec-  
14 tion agency shall be voluntary and at the discretion of the  
15 State or election agency.

16 **SEC. 3106. PRE-ELECTION THREAT ASSESSMENTS.**

17       (a) SUBMISSION OF ASSESSMENT BY DNI.—Not  
18 later than 180 days before the date of each regularly  
19 scheduled general election for Federal office, the Director  
20 of National Intelligence shall submit an assessment of the  
21 full scope of threats, including cybersecurity threats posed  
22 by state actors and terrorist groups, to election infrastruc-  
23 ture and recommendations to address or mitigate such  
24 threats, as developed by the Secretary and Chairman, to—

1           (1) the chief State election official of each  
2       State;

3           (2) the appropriate congressional committees;  
4       and

5           (3) any other relevant congressional commit-  
6       tees.

7       (b) UPDATES TO INITIAL ASSESSMENTS.—If, at any  
8       time after submitting an assessment with respect to an  
9       election under subsection (a), the Director of National In-  
10      telligence determines that the assessment should be up-  
11      dated to reflect new information regarding the threats in-  
12      volved, the Director shall submit a revised assessment  
13      under such subsection.

14      (c) DEFINITIONS.—In this section:

15           (1) The term “Chairman” means the chair of  
16      the Election Assistance Commission.

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

23           (3) The term “election infrastructure” means  
24      storage facilities, polling places, and centralized vote  
25      tabulation locations used to support the administra-

1       tion of elections for public office, as well as related  
2       information and communications technology, includ-  
3       ing voter registration databases, voting machines,  
4       electronic mail and other communications systems  
5       (including electronic mail and other systems of ven-  
6       dors who have entered into contracts with election  
7       agencies to support the administration of elections,  
8       manage the election process, and report and display  
9       election results), and other systems used to manage  
10      the election process and to report and display elec-  
11      tion results on behalf of an election agency.

12           (4) The term “Secretary” means the Secretary  
13      of Homeland Security.

14           (5) The term “State” has the meaning given  
15      such term in section 901 of the Help America Vote  
16      Act of 2002 (52 U.S.C. 21141).

17      (d) EFFECTIVE DATE.—This subtitle shall apply with  
18      respect to the regularly scheduled general election for Fed-  
19      eral office held in November 2022 and each succeeding  
20      regularly scheduled general election for Federal office.

1 **Subtitle C—Enhancing Protections**  
2 **for United States Democratic In-**  
3 **stitutions**

4 **SEC. 3201. NATIONAL STRATEGY TO PROTECT UNITED**  
5 **STATES DEMOCRATIC INSTITUTIONS.**

6 (a) IN GENERAL.—Not later than one year after the  
7 date of the enactment of this Act, the President, acting  
8 through the Secretary, in consultation with the Chairman,  
9 the Secretary of Defense, the Secretary of State, the At-  
10 torney General, the Secretary of Education, the Director  
11 of National Intelligence, the Chairman of the Federal  
12 Election Commission, and the heads of any other appro-  
13 priate Federal agencies, shall issue a national strategy to  
14 protect against cyber attacks, influence operations,  
15 disinformation campaigns, and other activities that could  
16 undermine the security and integrity of United States  
17 democratic institutions.

18 (b) CONSIDERATIONS.—The national strategy re-  
19 quired under subsection (a) shall include consideration of  
20 the following:

21 (1) The threat of a foreign state actor, foreign  
22 terrorist organization (as designated pursuant to  
23 section 219 of the Immigration and Nationality Act  
24 (8 U.S.C. 1189)), or a domestic actor carrying out  
25 a cyber attack, influence operation, disinformation

1 campaign, or other activity aimed at undermining  
2 the security and integrity of United States demo-  
3 cratic institutions.

4 (2) The extent to which United States demo-  
5 cratic institutions are vulnerable to a cyber attack,  
6 influence operation, disinformation campaign, or  
7 other activity aimed at undermining the security and  
8 integrity of such democratic institutions.

9 (3) Potential consequences, such as an erosion  
10 of public trust or an undermining of the rule of law,  
11 that could result from a successful cyber attack, in-  
12 fluence operation, disinformation campaign, or other  
13 activity aimed at undermining the security and in-  
14 tegrity of United States democratic institutions.

15 (4) Lessons learned from other governments the  
16 institutions of which were subject to a cyber attack,  
17 influence operation, disinformation campaign, or  
18 other activity aimed at undermining the security and  
19 integrity of such institutions, as well as actions that  
20 could be taken by the United States Government to  
21 bolster collaboration with foreign partners to detect,  
22 deter, prevent, and counter such activities.

23 (5) Potential impacts, such as an erosion of  
24 public trust in democratic institutions, as could be

1 associated with a successful cyber breach or other  
2 activity negatively affecting election infrastructure.

3 (6) Roles and responsibilities of the Secretary,  
4 the Chairman, and the heads of other Federal enti-  
5 ties and non-Federal entities, including chief State  
6 election officials and representatives of multi-state  
7 information sharing and analysis centers.

8 (7) Any findings, conclusions, and recommenda-  
9 tions to strengthen protections for United States  
10 democratic institutions that have been agreed to by  
11 a majority of Commission members on the National  
12 Commission to Protect United States Democratic  
13 Institutions, authorized pursuant to section 3202.

14 (c) IMPLEMENTATION PLAN.—Not later than 90  
15 days after the issuance of the national strategy required  
16 under subsection (a), the President, acting through the  
17 Secretary, in coordination with the Chairman, shall issue  
18 an implementation plan for Federal efforts to implement  
19 such strategy that includes the following:

20 (1) Strategic objectives and corresponding  
21 tasks.

22 (2) Projected timelines and costs for the tasks  
23 referred to in paragraph (1).

24 (3) Metrics to evaluate performance of such  
25 tasks.



1 (d) CLASSIFICATION.—The national strategy re-  
2 quired under subsection (a) shall be in unclassified form.

3 (e) CIVIL RIGHTS REVIEW.—Not later than 60 days  
4 after the issuance of the national strategy required under  
5 subsection (a), and not later than 60 days after the  
6 issuance of the implementation plan required under sub-  
7 section (c), the Privacy and Civil Liberties Oversight  
8 Board (established under section 1061 of the Intelligence  
9 Reform and Terrorism Prevention Act of 2004 (42 U.S.C.  
10 2000ee)) shall submit to Congress a report on any poten-  
11 tial privacy and civil liberties impacts of such strategy and  
12 implementation plan, respectively.

13 **SEC. 3202. NATIONAL COMMISSION TO PROTECT UNITED**  
14 **STATES DEMOCRATIC INSTITUTIONS.**

15 (a) ESTABLISHMENT.—There is established within  
16 the legislative branch the National Commission to Protect  
17 United States Democratic Institutions (in this section re-  
18 ferred to as the “Commission”).

19 (b) PURPOSE.—The purpose of the Commission is to  
20 counter efforts to undermine democratic institutions with-  
21 in the United States.

22 (c) COMPOSITION.—

23 (1) MEMBERSHIP.—The Commission shall be  
24 composed of 10 members appointed for the life of  
25 the Commission as follows:

1           (A) One member shall be appointed by the  
2           Secretary.

3           (B) One member shall be appointed by the  
4           Chairman.

5           (C) Two members shall be appointed by  
6           the majority leader of the Senate, in consulta-  
7           tion with the Chairman of the Committee on  
8           Homeland Security and Governmental Affairs,  
9           the Chairman of the Committee on the Judici-  
10          ary, and the Chairman of the Committee on  
11          Rules and Administration.

12          (D) Two members shall be appointed by  
13          the minority leader of the Senate, in consulta-  
14          tion with the ranking minority member of the  
15          Committee on Homeland Security and Govern-  
16          mental Affairs, the ranking minority member of  
17          the Committee on the Judiciary, and the rank-  
18          ing minority member of the Committee on  
19          Rules and Administration.

20          (E) Two members shall be appointed by  
21          the Speaker of the House of Representatives, in  
22          consultation with the Chairman of the Com-  
23          mittee on Homeland Security, the Chairman of  
24          the Committee on House Administration, and

1 the Chairman of the Committee on the Judici-  
2 ary.

3 (F) Two members shall be appointed by  
4 the minority leader of the House of Representa-  
5 tives, in consultation with the ranking minority  
6 member of the Committee on Homeland Secu-  
7 rity, the ranking minority member of the Com-  
8 mittee on the Judiciary, and the ranking minor-  
9 ity member of the Committee on House Admin-  
10 istration.

11 (2) QUALIFICATIONS.—Individuals shall be se-  
12 lected for appointment to the Commission solely on  
13 the basis of their professional qualifications, achieve-  
14 ments, public stature, experience, and expertise in  
15 relevant fields, including cybersecurity, national se-  
16 curity, and the Constitution of the United States.

17 (3) NO COMPENSATION FOR SERVICE.—Mem-  
18 bers may not receive compensation for service on the  
19 Commission, but shall receive travel expenses, in-  
20 cluding per diem in lieu of subsistence, in accord-  
21 ance with chapter 57 of title 5, United States Code.

22 (4) DEADLINE FOR APPOINTMENT.—All mem-  
23 bers of the Commission shall be appointed not later  
24 than 60 days after the date of the enactment of this  
25 Act.

1           (5) VACANCIES.—A vacancy on the Commission  
2       shall not affect its powers and shall be filled in the  
3       manner in which the original appointment was  
4       made. The appointment of the replacement member  
5       shall be made not later than 60 days after the date  
6       on which the vacancy occurs.

7       (d) CHAIR AND VICE CHAIR.—The Commission shall  
8       elect a Chair and Vice Chair from among its members.

9       (e) QUORUM AND MEETINGS.—

10           (1) QUORUM.—The Commission shall meet and  
11       begin the operations of the Commission not later  
12       than 30 days after the date on which all members  
13       have been appointed or, if such meeting cannot be  
14       mutually agreed upon, on a date designated by the  
15       Speaker of the House of Representatives and the  
16       President pro Tempore of the Senate. Each subse-  
17       quent meeting shall occur upon the call of the Chair  
18       or a majority of its members. A majority of the  
19       members of the Commission shall constitute a  
20       quorum, but a lesser number may hold meetings.

21           (2) AUTHORITY OF INDIVIDUALS TO ACT FOR  
22       COMMISSION.—Any member of the Commission may,  
23       if authorized by the Commission, take any action  
24       that the Commission is authorized to take under this  
25       section.

1 (f) POWERS.—

2 (1) HEARINGS AND EVIDENCE.—The Commis-  
3 sion (or, on the authority of the Commission, any  
4 subcommittee or member thereof) may, for the pur-  
5 pose of carrying out this section, hold hearings and  
6 sit and act at such times and places, take such testi-  
7 mony, receive such evidence, and administer such  
8 oaths as the Commission considers advisable to  
9 carry out its duties.

10 (2) CONTRACTING.—The Commission may, to  
11 such extent and in such amounts as are provided in  
12 appropriation Acts, enter into contracts to enable  
13 the Commission to discharge its duties under this  
14 section.

15 (g) ASSISTANCE FROM FEDERAL AGENCIES.—

16 (1) GENERAL SERVICES ADMINISTRATION.—  
17 The Administrator of General Services shall provide  
18 to the Commission on a reimbursable basis adminis-  
19 trative support and other services for the perform-  
20 ance of the Commission's functions.

21 (2) OTHER DEPARTMENTS AND AGENCIES.—In  
22 addition to the assistance provided under paragraph  
23 (1), the Department of Homeland Security, the  
24 Election Assistance Commission, and other appro-  
25 priate departments and agencies of the United

1 States shall provide to the Commission such serv-  
2 ices, funds, facilities, and staff as they may deter-  
3 mine advisable and as may be authorized by law.

4 (h) PUBLIC MEETINGS.—Any public meetings of the  
5 Commission shall be conducted in a manner consistent  
6 with the protection of information provided to or developed  
7 for or by the Commission as required by any applicable  
8 statute, regulation, or Executive order.

9 (i) SECURITY CLEARANCES.—

10 (1) IN GENERAL.—The heads of appropriate  
11 departments and agencies of the executive branch  
12 shall cooperate with the Commission to expeditiously  
13 provide Commission members and staff with appro-  
14 priate security clearances to the extent possible  
15 under applicable procedures and requirements.

16 (2) PREFERENCES.—In appointing staff, ob-  
17 taining detailees, and entering into contracts for the  
18 provision of services for the Commission, the Com-  
19 mission shall give preference to individuals who have  
20 active security clearances.

21 (j) REPORTS.—

22 (1) INTERIM REPORTS.—At any time prior to  
23 the submission of the final report under paragraph  
24 (2), the Commission may submit interim reports to  
25 the President and Congress containing such find-

1        ings, conclusions, and recommendations to strength-  
2        en protections for democratic institutions in the  
3        United States as have been agreed to by a majority  
4        of the members of the Commission.

5            (2) FINAL REPORT.—Not later than 18 months  
6        after the date of the first meeting of the Commis-  
7        sion, the Commission shall submit to the President  
8        and Congress a final report containing such find-  
9        ings, conclusions, and recommendations to strength-  
10       en protections for democratic institutions in the  
11       United States as have been agreed to by a majority  
12       of the members of the Commission.

13       (k) TERMINATION.—

14            (1) IN GENERAL.—The Commission shall termi-  
15       nate upon the expiration of the 60-day period which  
16       begins on the date on which the Commission submits  
17       the final report required under subsection (j)(2).

18            (2) ADMINISTRATIVE ACTIVITIES PRIOR TO  
19       TERMINATION.—During the 60-day period referred  
20       to in paragraph (1), the Commission may carry out  
21       such administrative activities as may be required to  
22       conclude its work, including providing testimony to  
23       committees of Congress concerning the final report  
24       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 2022 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) is amended—

22 (1) by redesignating subsections (d) and (d) as  
23 subsections (d) and (e); and

24 (2) by inserting after subsection (b) the fol-  
25 lowing new subsection:

1       “(c) ELECTRONIC POLL BOOK DEFINED.—In this  
2 Act, the term ‘electronic poll book’ means the total com-  
3 bination of mechanical, electromechanical, or electronic  
4 equipment (including the software, firmware, and docu-  
5 mentation required to program, control, and support the  
6 equipment) that is used—

7               “(1) to retain the list of registered voters at a  
8 polling location, or vote center, or other location at  
9 which voters cast votes in an election for Federal of-  
10 fice; and

11              “(2) to identify registered voters who are eligi-  
12 ble to vote in an election.”.

13       (c) EFFECTIVE DATE.—Section 301(e) of such Act  
14 (52 U.S.C. 21081(e)), as redesignated by subsection (b),  
15 is amended by striking the period at the end and inserting  
16 the following: “, or, with respect to any requirements re-  
17 lating to electronic poll books, on and after January 1,  
18 2022.”.

19 **SEC. 3303. PRE-ELECTION REPORTS ON VOTING SYSTEM**  
20 **USAGE.**

21       (a) REQUIRING STATES TO SUBMIT REPORTS.—Title  
22 III of the Help America Vote Act of 2002 (52 U.S.C.  
23 21081 et seq.) is amended by inserting after section 301  
24 the following new section:

1 **“SEC. 301A. PRE-ELECTION REPORTS ON VOTING SYSTEM**  
2 **USAGE.**

3 “(a) **REQUIRING STATES TO SUBMIT REPORTS.—**  
4 Not later than 120 days before the date of each regularly  
5 scheduled general election for Federal office, the chief  
6 State election official of a State shall submit a report to  
7 the Commission containing a detailed voting system usage  
8 plan for each jurisdiction in the State which will admin-  
9 ister the election, including a detailed plan for the usage  
10 of electronic poll books and other equipment and compo-  
11 nents of such system.

12 “(b) **EFFECTIVE DATE.**—Subsection (a) shall apply  
13 with respect to the regularly scheduled general election for  
14 Federal office held in November 2022 and each succeeding  
15 regularly scheduled general election for Federal office.”.

16 (b) **CLERICAL AMENDMENT.**—The table of contents  
17 of such Act is amended by inserting after the item relating  
18 to section 301 the following new item:

“Sec. 301A. Pre-election reports on voting system usage.”.

19 **SEC. 3304. STREAMLINING COLLECTION OF ELECTION IN-**  
20 **FORMATION.**

21 Section 202 of the Help America Vote Act of 2002  
22 (52 U.S.C. 20922) is amended—

23 (1) by striking “The Commission” and insert-  
24 ing “(a) **IN GENERAL.**—The Commission”; and

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

3 “(b) WAIVER OF CERTAIN REQUIREMENTS.—Sub-  
4 chapter I of chapter 35 of title 44, United States Code,  
5 shall not apply to the collection of information for pur-  
6 poses of maintaining the clearinghouse described in para-  
7 graph (1) of subsection (a).”.

8 **Subtitle E—Preventing Election**  
9 **Hacking**

10 **SEC. 3401. SHORT TITLE.**

11 This subtitle may be cited as the “Prevent Election  
12 Hacking Act of 2021”.

13 **SEC. 3402. ELECTION SECURITY BUG BOUNTY PROGRAM.**

14 (a) ESTABLISHMENT.—Not later than one year after  
15 the date of the enactment of this Act, the Secretary shall  
16 establish a program to be known as the “Election Security  
17 Bug Bounty Program” (in this subtitle referred to as the  
18 “Program”) to improve the cybersecurity of the systems  
19 used to administer elections for Federal office by facili-  
20 tating and encouraging assessments by independent tech-  
21 nical experts, in cooperation with State and local election  
22 officials and election service providers, to identify and re-  
23 port election cybersecurity vulnerabilities.

24 (b) VOLUNTARY PARTICIPATION BY ELECTION OFFI-  
25 CIALS AND ELECTION SERVICE PROVIDERS.—

1           (1) NO REQUIREMENT TO PARTICIPATE IN PRO-  
2           GRAM.—Participation in the Program shall be en-  
3           tirely voluntary for State and local election officials  
4           and election service providers.

5           (2) ENCOURAGING PARTICIPATION AND INPUT  
6           FROM ELECTION OFFICIALS.—In developing the Pro-  
7           gram, the Secretary shall solicit input from, and en-  
8           courage participation by, State and local election of-  
9           ficials.

10          (c) ACTIVITIES FUNDED.—In establishing and car-  
11         rying out the Program, the Secretary shall—

12                 (1) establish a process for State and local elec-  
13                 tion officials and election service providers to volun-  
14                 tarily participate in the Program;

15                 (2) designate appropriate information systems  
16                 to be included in the Program;

17                 (3) provide compensation to eligible individuals,  
18                 organizations, and companies for reports of pre-  
19                 viously unidentified security vulnerabilities within  
20                 the information systems designated under paragraph  
21                 (2) and establish criteria for individuals, organiza-  
22                 tions, and companies to be considered eligible for  
23                 such compensation in compliance with Federal laws;

24                 (4) consult with the Attorney General on how  
25                 to ensure that approved individuals, organizations,

1 and companies that comply with the requirements of  
2 the Program are protected from prosecution under  
3 section 1030 of title 18, United States Code, and  
4 similar provisions of law, and from liability under  
5 civil actions for specific activities authorized under  
6 the Program;

7 (5) consult with the Secretary of Defense and  
8 the heads of other departments and agencies that  
9 have implemented programs to provide compensation  
10 for reports of previously undisclosed vulnerabilities  
11 in information systems, regarding lessons that may  
12 be applied from such programs;

13 (6) develop an expeditious process by which an  
14 individual, organization, or company can register  
15 with the Department, submit to a background check  
16 as determined by the Department, and receive a de-  
17 termination regarding eligibility for participation in  
18 the Program; and

19 (7) engage qualified interested persons, includ-  
20 ing representatives of private entities, about the  
21 structure of the Program and, to the extent prac-  
22 ticable, establish a recurring competition for inde-  
23 pendent technical experts to assess election systems  
24 for the purpose of identifying and reporting election  
25 cybersecurity vulnerabilities.

1 (d) USE OF SERVICE PROVIDERS.—The Secretary  
2 may award competitive contracts as necessary to manage  
3 the Program.

4 (e) DEFINITIONS.—In this section:

5 (1) The term “Department” means the Depart-  
6 ment of Homeland Security.

7 (2) The terms “election” and “Federal office”  
8 have the meanings given such terms in section 301  
9 of the Federal Election Campaign Act of 1971 (52  
10 U.S.C. 30101).

11 (3) The term “election cybersecurity vulner-  
12 ability” means any security vulnerability that affects  
13 an election system.

14 (4) The term “election infrastructure” has the  
15 meaning given such term in paragraph (6) of section  
16 2 of the Homeland Security Act of 2002 (6 U.S.C.  
17 101), as added by section 3021 of this title.

18 (5) The term “election service provider” means  
19 any person providing, supporting, or maintaining an  
20 election system on behalf of a State or local election  
21 official, such as a contractor or vendor.

22 (6) The term “election system” means any in-  
23 formation system which is part of an election infra-  
24 structure.



1           (7) The term “information system” has the  
2           meaning given such term in section 3502 of title 44,  
3           United States Code.

4           (8) The term “Secretary” means the Secretary  
5           of Homeland Security, or, upon designation by the  
6           Secretary of Homeland Security, the Deputy Sec-  
7           retary of Homeland Security, the Director of Cyber-  
8           security and Infrastructure Security of the Cyberse-  
9           curity and Infrastructure Security Agency of the De-  
10          partment of Homeland Security, or a Senate-con-  
11          firmed official who reports to the Director.

12          (9) The term “security vulnerability” has the  
13          meaning given such term in section 102 of the Cy-  
14          bersecurity Information Sharing Act of 2015 (6  
15          U.S.C. 1501).

16          (10) The term “State” means each of the sev-  
17          eral States, the District of Columbia, the Common-  
18          wealth of Puerto Rico, Guam, American Samoa, the  
19          Commonwealth of Northern Mariana Islands, and  
20          the United States Virgin Islands.

21          (11) The term “voting system” has the mean-  
22          ing given such term in section 301(b) of the Help  
23          America Vote Act of 2002 (52 U.S.C. 21081(b)).

## **Subtitle F—Election Security Grants Advisory Committee**

### **SEC. 3501. ESTABLISHMENT OF ADVISORY COMMITTEE.**

(a) IN GENERAL.—Subtitle A of title II of the Help America Vote Act of 2002 (52 U.S.C. 20921 et seq.) is amended by adding at the end the following:

### **“PART 4—ELECTION SECURITY GRANTS ADVISORY COMMITTEE**

#### **“SEC. 225. ELECTION SECURITY GRANTS ADVISORY COMMITTEE.**

“(a) ESTABLISHMENT.—There is hereby established an advisory committee (hereinafter in this part referred to as the ‘Committee’) to assist the Commission with respect to the award of grants to States under this Act for the purpose of election security.

“(b) DUTIES.—

“(1) IN GENERAL.—The Committee shall, with respect to an application for a grant received by the Commission—

“(A) review such application; and

“(B) recommend to the Commission whether to award the grant to the applicant.

“(2) CONSIDERATIONS.—In reviewing an application pursuant to paragraph (1)(A), the Committee 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.

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 section 3402, in this title, the  
8 following definitions apply:

9 (1) The term “Chairman” means the chair of  
10 the Election Assistance Commission.

11 (2) The term “appropriate congressional com-  
12 mittees” means the Committees on Homeland Secu-  
13 rity and House Administration of the House of Rep-  
14 resentatives and the Committees on Homeland Secu-  
15 rity and Governmental Affairs and Rules and Ad-  
16 ministration of the Senate.

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

23 (4) The term “Commission” means the Election  
24 Assistance Commission.

1           (5) The term “democratic institutions” means  
2           the diverse range of institutions that are essential to  
3           ensuring an independent judiciary, free and fair elec-  
4           tions, and rule of law.

5           (6) The term “election agency” means any com-  
6           ponent of a State, or any component of a unit of  
7           local government in a State, which is responsible for  
8           the administration of elections for Federal office in  
9           the State.

10          (7) The term “election infrastructure” means  
11          storage facilities, polling places, and centralized vote  
12          tabulation locations used to support the administra-  
13          tion of elections for public office, as well as related  
14          information and communications technology, includ-  
15          ing voter registration databases, voting machines,  
16          electronic mail and other communications systems  
17          (including electronic mail and other systems of ven-  
18          dors who have entered into contracts with election  
19          agencies to support the administration of elections,  
20          manage the election process, and report and display  
21          election results), and other systems used to manage  
22          the election process and to report and display elec-  
23          tion results on behalf of an election agency.

24          (8) The term “Secretary” means the Secretary  
25          of Homeland Security.

1           (9) The term “State” has the meaning given  
2           such term in section 901 of the Help America Vote  
3           Act of 2002 (52 U.S.C. 21141).

4   **SEC. 3602. INITIAL REPORT ON ADEQUACY OF RESOURCES**  
5                           **AVAILABLE FOR IMPLEMENTATION.**

6           Not later than 120 days after enactment of this Act,  
7   the Chairman and the Secretary shall submit a report to  
8   the appropriate committees of Congress, including the  
9   Committees on Homeland Security and House Adminis-  
10   tration of the House of Representatives and the Com-  
11   mittee on Homeland Security and Governmental Affairs  
12   of the Senate, analyzing the adequacy of the funding, re-  
13   sources, and personnel available to carry out this title and  
14   the amendments made by this title.

15   **Subtitle H—Use of Voting Machines**  
16   **Manufactured in the United States**

17   **SEC. 3701. USE OF VOTING MACHINES MANUFACTURED IN**  
18                           **THE UNITED STATES.**

19           (a) REQUIREMENT.—Section 301(a) of the Help  
20   America Vote Act of 2002 (52 U.S.C. 21081(a)), as  
21   amended by section 1504, section 1505, and section 1507,  
22   is further amended by adding at the end the following new  
23   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 2024, 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        (b) CONFORMING AMENDMENT RELATING TO EF-  
 7        FECTIVE DATE.—Section 301(d)(1) of such Act (52  
 8        U.S.C. 21081(d)(1)), as amended by section 1508, is  
 9        amended by striking “paragraph (2)” and inserting “sub-  
 10       section (a)(10) and paragraph (2)”.

## 11                    **Subtitle I—Severability**

### 12        **SEC. 3801. SEVERABILITY.**

13        If any provision of this title or amendment made by  
 14        this title, or the application of a provision or amendment  
 15        to any person or circumstance, is held to be unconstitu-  
 16        tional, the remainder of this title and amendments made  
 17        by this title, and the application of the provisions and  
 18        amendment to any person or circumstance, shall not be  
 19        affected by the holding.

## 20                    **DIVISION B—CAMPAIGN**

## 21                    **FINANCE**

## 22        **TITLE IV—CAMPAIGN FINANCE**

## 23                    **TRANSPARENCY**

Subtitle A—Establishing Duty To Report Foreign Election Interference

Sec. 4001. Findings relating to illicit money undermining our democracy.

Sec. 4002. Federal campaign reporting of foreign contacts.

Sec. 4003. Federal campaign foreign contact reporting compliance system.

- Sec. 4004. Criminal penalties.
- Sec. 4005. Report to congressional intelligence committees.
- Sec. 4006. Rule of construction.

#### Subtitle B—DISCLOSE Act

- Sec. 4100. Short title.

#### PART 1—CLOSING LOOPHOLES ALLOWING SPENDING BY FOREIGN NATIONALS IN ELECTIONS

- Sec. 4101. Clarification of prohibition on participation by foreign nationals in election-related activities.
- Sec. 4102. Clarification of application of foreign money ban to certain disbursements and activities.
- Sec. 4103. Audit and report on illicit foreign money in Federal elections.
- Sec. 4104. Prohibition on contributions and donations by foreign nationals in connections with ballot initiatives and referenda.
- Sec. 4105. Disbursements and activities subject to foreign money ban.
- Sec. 4106. Prohibiting establishment of corporation to conceal election contributions and donations by foreign nationals.

#### PART 2—REPORTING OF CAMPAIGN-RELATED DISBURSEMENTS

- Sec. 4111. Reporting of campaign-related disbursements.
- Sec. 4112. Application of foreign money ban to disbursements for campaign-related disbursements consisting of covered transfers.
- Sec. 4113. Effective date.

#### PART 3—OTHER ADMINISTRATIVE REFORMS

- Sec. 4121. Petition for certiorari.
- Sec. 4122. Judicial review of actions related to campaign finance laws.

#### Subtitle C—Strengthening Oversight of Online Political Advertising

- Sec. 4201. Short title.
- Sec. 4202. Purpose.
- Sec. 4203. Findings.
- Sec. 4204. Sense of Congress.
- Sec. 4205. Expansion of definition of public communication.
- Sec. 4206. Expansion of definition of electioneering communication.
- Sec. 4207. Application of disclaimer statements to online communications.
- Sec. 4208. Political record requirements for online platforms.
- Sec. 4209. Preventing contributions, expenditures, independent expenditures, and disbursements for electioneering communications by foreign nationals in the form of online advertising.
- Sec. 4210. Independent study on media literacy and online political content consumption.

#### Subtitle D—Stand By Every Ad

- Sec. 4301. Short title.
- Sec. 4302. Stand by every ad.
- Sec. 4303. Disclaimer requirements for communications made through prerecorded telephone calls.
- Sec. 4304. No expansion of persons subject to disclaimer requirements on internet communications.



Sec. 4305. Effective date.

Subtitle E—Deterring Foreign Interference in Elections

PART 1—DETERRENCE UNDER FEDERAL ELECTION CAMPAIGN ACT OF 1971

Sec. 4401. Restrictions on exchange of campaign information between candidates and foreign powers.

Sec. 4402. Clarification of standard for determining existence of coordination between campaigns and outside interests.

Sec. 4403. Prohibition on provision of substantial assistance relating to contribution or donation by foreign nationals.

PART 2—INADMISSIBILITY AND DEPORTABILITY OF ALIENS ENGAGING IN IMPROPER ELECTION INTERFERENCE

Sec. 4411. Inadmissibility and deportability of aliens engaging in improper interference in United States elections.

PART 3—NOTIFYING STATES OF DISINFORMATION CAMPAIGNS BY FOREIGN NATIONALS

Sec. 4421. Notifying States of disinformation campaigns by foreign nationals.

PART 4—PROHIBITING USE OF DEEPPAKES IN ELECTION CAMPAIGNS

Sec. 4431. Prohibition on distribution of materially deceptive audio or visual media prior to election.

PART 5—ASSESSMENT OF EXEMPTION OF REGISTRATION REQUIREMENTS UNDER FARA FOR REGISTERED LOBBYISTS

Sec. 4441. Assessment of exemption of registration requirements under FARA for registered lobbyists.

Subtitle F—Secret Money Transparency

Sec. 4501. Repeal of restriction of use of funds by Internal Revenue Service to bring transparency to political activity of certain nonprofit organizations.

Sec. 4502. Repeal of revenue procedure that eliminated requirement to report information regarding contributors to certain tax-exempt organizations.

Subtitle G—Shareholder Right-to-Know

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

Sec. 4602. Assessment of shareholder preferences for disbursements for political purposes.

Subtitle H—Disclosure of Political Spending by Government Contractors

Sec. 4701. Repeal of restriction on use of funds to require disclosure of political spending by government contractors.

Subtitle I—Limitation and Disclosure Requirements for Presidential Inaugural Committees

Sec. 4801. Short title.

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

Subtitle J—Miscellaneous Provisions

Sec. 4901. Effective dates of provisions.

Sec. 4902. Severability.

1 **Subtitle A—Establishing Duty To**  
2 **Report Foreign Election Inter-**  
3 **ference**

4 **SEC. 4001. FINDINGS RELATING TO ILLICIT MONEY UNDER-**  
5 **MINING OUR DEMOCRACY.**

6 Congress finds the following:

7 (1) Criminals, terrorists, and corrupt govern-  
8 ment officials frequently abuse anonymously held  
9 Limited Liability Companies (LLCs), also known as  
10 “shell companies,” to hide, move, and launder the  
11 dirty money derived from illicit activities such as  
12 trafficking, bribery, exploitation, and embezzlement.  
13 Ownership and control of the finances that run  
14 through shell companies are obscured to regulators  
15 and law enforcement because little information is re-  
16 quired and collected when establishing these entities.

17 (2) The public release of the “Panama Papers”  
18 in 2016 and the “Paradise Papers” in 2017 revealed  
19 that these shell companies often purchase and sell  
20 United States real estate. United States anti-money  
21 laundering laws do not apply to cash transactions in-  
22 volving real estate effectively concealing the bene-

1       ficiaries and transactions from regulators and law  
2       enforcement.

3           (3) Since the Supreme Court's decisions in Citi-  
4       zens United v. Federal Election Commission, 558  
5       U.S. 310 (2010), millions of dollars have flowed into  
6       super PACs through LLCs whose funders are anon-  
7       ymous or intentionally obscured. Criminal investiga-  
8       tions have uncovered LLCs that were used to hide  
9       illegal campaign contributions from foreign criminal  
10      fugitives, to advance international influence-buying  
11      schemes, and to conceal contributions from donors  
12      who were already under investigation for bribery and  
13      racketeering. Voters have no way to know the true  
14      sources of the money being routed through these  
15      LLCs to influence elections, including whether any  
16      of the funds come from foreign or other illicit  
17      sources.

18          (4) Congress should curb the use of anonymous  
19      shell companies for illicit purposes by requiring  
20      United States companies to disclose their beneficial  
21      owners, strengthening anti-money laundering and  
22      counter-terrorism finance laws.

23          (5) Congress should examine the money laun-  
24      dering and terrorist financing risks in the real estate  
25      market, including the role of anonymous parties, and

1 review legislation to address any vulnerabilities iden-  
2 tified in this sector.

3 (6) Congress should examine the methods by  
4 which corruption flourishes and the means to detect  
5 and deter the financial misconduct that fuels this  
6 driver of global instability. Congress should monitor  
7 government efforts to enforce United States anti-  
8 corruption laws and regulations.

9 **SEC. 4002. FEDERAL CAMPAIGN REPORTING OF FOREIGN**  
10 **CONTACTS.**

11 (a) INITIAL NOTICE.—

12 (1) IN GENERAL.—Section 304 of the Federal  
13 Election Campaign Act of 1971 (52 U.S.C. 30104)  
14 is amended by adding at the end the following new  
15 subsection:

16 “(j) DISCLOSURE OF REPORTABLE FOREIGN CON-  
17 TACTS.—

18 “(1) COMMITTEE OBLIGATION TO NOTIFY.—

19 Not later than 1 week after a reportable foreign con-  
20 tact, each political committee shall notify the Fed-  
21 eral Bureau of Investigation and the Commission of  
22 the reportable foreign contact and provide a sum-  
23 mary of the circumstances with respect to such re-  
24 portable foreign contact. The Federal Bureau of In-  
25 vestigation, not later than 1 week after receiving a

1 notification from a political committee under this  
2 paragraph, shall submit to the political committee,  
3 the Permanent Select Committee on Intelligence of  
4 the House of Representatives, and the Select Com-  
5 mittee on Intelligence of the Senate written or elec-  
6 tronic confirmation of receipt of the notification.

7 “(2) INDIVIDUAL OBLIGATION TO NOTIFY.—  
8 Not later than 3 days after a reportable foreign con-  
9 tact—

10 “(A) each candidate and each immediate  
11 family member of a candidate shall notify the  
12 treasurer or other designated official of the  
13 principal campaign committee of such candidate  
14 of the reportable foreign contact and provide a  
15 summary of the circumstances with respect to  
16 such reportable foreign contact; and

17 “(B) each official, employee, or agent of a  
18 political committee shall notify the treasurer or  
19 other designated official of the committee of the  
20 reportable foreign contact and provide a sum-  
21 mary of the circumstances with respect to such  
22 reportable foreign contact.

23 “(3) REPORTABLE FOREIGN CONTACT.—In this  
24 subsection:

1           “(A) IN GENERAL.—The term ‘reportable  
2 foreign contact’ means any direct or indirect  
3 contact or communication that—

4           “(i) is between—

5               “(I) a candidate, an immediate  
6 family member of the candidate, a po-  
7 litical committee, or any official, em-  
8 ployee, or agent of such committee;  
9 and

10           “(II) an individual that the per-  
11 son described in subclause (I) knows,  
12 has reason to know, or reasonably be-  
13 lieves is a covered foreign national;  
14 and

15           “(ii) the person described in clause  
16 (i)(I) knows, has reason to know, or rea-  
17 sonably believes involves—

18               “(I) an offer or other proposal  
19 for a contribution, donation, expendi-  
20 ture, disbursement, or solicitation de-  
21 scribed in section 319; or

22               “(II) coordination or collabora-  
23 tion with, an offer or provision of in-  
24 formation or services to or from, or  
25 persistent and repeated contact with,

1 a covered foreign national in connec-  
2 tion with an election.

3 “(B) EXCEPTIONS.—

4 “(i) CONTACTS IN OFFICIAL CAPACITY  
5 AS ELECTED OFFICIAL.—The term ‘report-  
6 able foreign contact’ shall not include any  
7 contact or communication with a covered  
8 foreign national by an elected official or an  
9 employee of an elected official solely in an  
10 official capacity as such an official or em-  
11 ployee.

12 “(ii) CONTACTS FOR PURPOSES OF  
13 ENABLING OBSERVATION OF ELECTIONS  
14 BY INTERNATIONAL OBSERVERS.—The  
15 term ‘reportable foreign contact’ shall not  
16 include any contact or communication with  
17 a covered foreign national by any person  
18 which is made for purposes of enabling the  
19 observation of elections in the United  
20 States by a foreign national or the obser-  
21 vation of elections outside of the United  
22 States by a candidate, political committee,  
23 or any official, employee, or agent of such  
24 committee.

1                   “(iii) EXCEPTIONS NOT APPLICABLE  
2                   IF CONTACTS OR COMMUNICATIONS IN-  
3                   VOLVE PROHIBITED DISBURSEMENTS.—A  
4                   contact or communication by an elected of-  
5                   ficial or an employee of an elected official  
6                   shall not be considered to be made solely  
7                   in an official capacity for purposes of  
8                   clause (i), and a contact or communication  
9                   shall not be considered to be made for pur-  
10                  poses of enabling the observation of elec-  
11                  tions for purposes of clause (ii), if the con-  
12                  tact or communication involves a contribu-  
13                  tion, donation, expenditure, disbursement,  
14                  or solicitation described in section 319.

15                  “(C) COVERED FOREIGN NATIONAL DE-  
16                  FINED.—

17                         “(i) IN GENERAL.—In this paragraph,  
18                         the term ‘covered foreign national’  
19                         means—

20                                 “(I) a foreign principal (as de-  
21                                 fined in section 1(b) of the Foreign  
22                                 Agents Registration Act of 1938 (22  
23                                 U.S.C. 611(b))) that is a government  
24                                 of a foreign country or a foreign polit-  
25                                 ical party;



1           “(II) any person who acts as an  
2           agent, representative, employee, or  
3           servant, or any person who acts in  
4           any other capacity at the order, re-  
5           quest, or under the direction or con-  
6           trol, of a foreign principal described in  
7           subclause (I) or of a person any of  
8           whose activities are directly or indi-  
9           rectly supervised, directed, controlled,  
10          financed, or subsidized in whole or in  
11          major part by a foreign principal de-  
12          scribed in subclause (I); or

13           “(III) any person included in the  
14          list of specially designated nationals  
15          and blocked persons maintained by  
16          the Office of Foreign Assets Control  
17          of the Department of the Treasury  
18          pursuant to authorities relating to the  
19          imposition of sanctions relating to the  
20          conduct of a foreign principal de-  
21          scribed in subclause (I).

22           “(ii) CLARIFICATION REGARDING AP-  
23          PLICATION TO CITIZENS OF THE UNITED  
24          STATES.—In the case of a citizen of the  
25          United States, subclause (II) of clause (i)

1 applies only to the extent that the person  
2 involved acts within the scope of that per-  
3 son's status as the agent of a foreign prin-  
4 cipal described in subclause (I) of clause  
5 (i).

6 “(4) IMMEDIATE FAMILY MEMBER.—In this  
7 subsection, the term ‘immediate family member’  
8 means, with respect to a candidate, a parent, parent-  
9 in-law, spouse, adult child, or sibling.”.

10 (2) EFFECTIVE DATE.—The amendment made  
11 by paragraph (1) shall apply with respect to report-  
12 able foreign contacts which occur on or after the  
13 date of the enactment of this Act.

14 (b) INFORMATION INCLUDED ON REPORT.—

15 (1) IN GENERAL.—Section 304(b) of such Act  
16 (52 U.S.C. 30104(b)) is amended—

17 (A) by striking “and” at the end of para-  
18 graph (7);

19 (B) by striking the period at the end of  
20 paragraph (8) and inserting “; and”; and

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

23 “(9) for any reportable foreign contact (as de-  
24 fined in subsection (j)(3))—

1           “(A) the date, time, and location of the  
2           contact;

3           “(B) the date and time of when a des-  
4           ignated official of the committee was notified of  
5           the contact;

6           “(C) the identity of individuals involved;  
7           and

8           “(D) a description of the contact, including  
9           the nature of any contribution, donation, ex-  
10          penditure, disbursement, or solicitation involved  
11          and the nature of any activity described in sub-  
12          section (j)(3)(A)(ii)(II) involved.”.

13          (2) EFFECTIVE DATE.—The amendment made  
14          by paragraph (1) shall apply with respect to reports  
15          filed on or after the expiration of the 60-day period  
16          which begins on the date of the enactment of this  
17          Act.

18   **SEC. 4003. FEDERAL CAMPAIGN FOREIGN CONTACT RE-**  
19                   **PORTING COMPLIANCE SYSTEM.**

20          (a) IN GENERAL.—Section 302 of the Federal Elec-  
21          tion Campaign Act of 1971 (52 U.S.C. 30102) is amended  
22          by adding at the end the following new subsection:

23          “(j) REPORTABLE FOREIGN CONTACTS COMPLIANCE  
24          POLICY.—

1           “(1) REPORTING.—Each political committee  
2       shall establish a policy that requires all officials, em-  
3       ployees, and agents of such committee (and, in the  
4       case of an authorized committee, the candidate and  
5       each immediate family member of the candidate) to  
6       notify the treasurer or other appropriate designated  
7       official of the committee of any reportable foreign  
8       contact (as defined in section 304(j)) not later than  
9       3 days after such contact was made.

10          “(2) RETENTION AND PRESERVATION OF  
11       RECORDS.—Each political committee shall establish  
12       a policy that provides for the retention and preserva-  
13       tion of records and information related to reportable  
14       foreign contacts (as so defined) for a period of not  
15       less than 3 years.

16          “(3) CERTIFICATION.—

17               “(A) IN GENERAL.—Upon filing its state-  
18       ment of organization under section 303(a), and  
19       with each report filed under section 304(a), the  
20       treasurer of each political committee (other  
21       than an authorized committee) shall certify  
22       that—

23                       “(i) the committee has in place poli-  
24       cies that meet the requirements of para-  
25       graphs (1) and (2);

1 “(ii) the committee has designated an  
 2 official to monitor compliance with such  
 3 policies; and

4 “(iii) not later than 1 week after the  
 5 beginning of any formal or informal affili-  
 6 ation with the committee, all officials, em-  
 7 ployees, and agents of such committee  
 8 will—

9 “(I) receive notice of such poli-  
 10 cies;

11 “(II) be informed of the prohibi-  
 12 tions under section 319; and

13 “(III) sign a certification affirm-  
 14 ing their understanding of such poli-  
 15 cies and prohibitions.

16 “(B) AUTHORIZED COMMITTEES.—With  
 17 respect to an authorized committee, the can-  
 18 didate shall make the certification required  
 19 under subparagraph (A).”.

20 (b) EFFECTIVE DATE.—

21 (1) IN GENERAL.—The amendment made by  
 22 subsection (a) shall apply with respect to political  
 23 committees which file a statement of organization  
 24 under section 303(a) of the Federal Election Cam-

1 campaign Act of 1971 (52 U.S.C. 30103(a)) on or after  
2 the date of the enactment of this Act.

3 (2) TRANSITION RULE FOR EXISTING COMMIT-  
4 TEES.—Not later than 30 days after the date of the  
5 enactment of this Act, each political committee  
6 under the Federal Election Campaign Act of 1971  
7 shall file a certification with the Federal Election  
8 Commission that the committee is in compliance  
9 with the requirements of section 302(j) of such Act  
10 (as added by subsection (a)).

11 **SEC. 4004. CRIMINAL PENALTIES.**

12 Section 309(d)(1) of the Federal Election Campaign  
13 Act of 1971 (52 U.S.C. 30109(d)(1)) is amended by add-  
14 ing at the end the following new subparagraphs:

15 “(E) Any person who knowingly and willfully com-  
16 mits a violation of subsection (j) or (b)(9) of section 304  
17 or section 302(j) shall be fined not more than \$500,000,  
18 imprisoned not more than 5 years, or both.

19 “(F) Any person who knowingly and willfully conceals  
20 or destroys any materials relating to a reportable foreign  
21 contact (as defined in section 304(j)) shall be fined not  
22 more than \$1,000,000, imprisoned not more than 5 years,  
23 or both.”.

1 **SEC. 4005. REPORT TO CONGRESSIONAL INTELLIGENCE**  
2 **COMMITTEES.**

3 (a) IN GENERAL.—Not later than 1 year after the  
4 date of enactment of this Act, and annually thereafter,  
5 the Director of the Federal Bureau of Investigation shall  
6 submit to the congressional intelligence committees a re-  
7 port relating to notifications received by the Federal Bu-  
8 reau of Investigation under section 304(j)(1) of the Fed-  
9 eral Election Campaign Act of 1971 (as added by section  
10 4002(a) of this Act).

11 (b) ELEMENTS.—Each report under subsection (a)  
12 shall include, at a minimum, the following with respect  
13 to notifications described in subsection (a):

14 (1) The number of such notifications received  
15 from political committees during the year covered by  
16 the report.

17 (2) A description of protocols and procedures  
18 developed by the Federal Bureau of Investigation re-  
19 lating to receipt and maintenance of records relating  
20 to such notifications.

21 (3) With respect to such notifications received  
22 during the year covered by the report, a description  
23 of any subsequent actions taken by the Director re-  
24 sulting from the receipt of such notifications.

25 (c) CONGRESSIONAL INTELLIGENCE COMMITTEES  
26 DEFINED.—In this section, the term “congressional intel-

1 ligence committees” has the meaning given that term in  
 2 section 3 of the National Security Act of 1947 (50 U.S.C.  
 3 3003).

4 **SEC. 4006. RULE OF CONSTRUCTION.**

5 Nothing in this subtitle or the amendments made by  
 6 this subtitle shall be construed—

7 (1) to impede legitimate journalistic activities;

8 or

9 (2) to impose any additional limitation on the  
 10 right to express political views or to participate in  
 11 public discourse of any individual who—

12 (A) resides in the United States;

13 (B) is not a citizen of the United States or  
 14 a national of the United States, as defined in  
 15 section 101(a)(22) of the Immigration and Na-  
 16 tionality Act (8 U.S.C. 1101(a)(22)); and

17 (C) is not lawfully admitted for permanent  
 18 residence, as defined by section 101(a)(20) of  
 19 the Immigration and Nationality Act (8 U.S.C.  
 20 1101(a)(20)).

21 **Subtitle B—DISCLOSE Act**

22 **SEC. 4100. SHORT TITLE.**

23 This subtitle may be cited as the “Democracy Is  
 24 Strengthened by Casting Light On Spending in Elections  
 25 Act of 2021” or the “DISCLOSE Act of 2021”.



1 **PART 1—CLOSING LOOPHOLES ALLOWING**  
2 **SPENDING BY FOREIGN NATIONALS IN ELEC-**  
3 **TIONS**

4 **SEC. 4101. CLARIFICATION OF PROHIBITION ON PARTICI-**  
5 **PATION BY FOREIGN NATIONALS IN ELEC-**  
6 **TION-RELATED ACTIVITIES.**

7 (a) CLARIFICATION OF PROHIBITION.—Section  
8 319(a) of the Federal Election Campaign Act of 1971 (52  
9 U.S.C. 30121(a)) is amended—

10 (1) by striking “or” at the end of paragraph  
11 (1);

12 (2) by striking the period at the end of para-  
13 graph (2) and inserting “; or”; and

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

16 “(3) a foreign national to direct, dictate, con-  
17 trol, or directly or indirectly participate in the deci-  
18 sion making process of any person (including a cor-  
19 poration, labor organization, political committee, or  
20 political organization) with regard to such person’s  
21 Federal or non-Federal election-related activity, in-  
22 cluding any decision concerning the making of con-  
23 tributions, donations, expenditures, or disbursements  
24 in connection with an election for any Federal,  
25 State, or local office or any decision concerning the  
26 administration of a political committee.”.

1 (b) CERTIFICATION OF COMPLIANCE.—Section 319  
2 of such Act (52 U.S.C. 30121) is amended by adding at  
3 the end the following new subsection:

4 “(c) CERTIFICATION OF COMPLIANCE REQUIRED  
5 PRIOR TO CARRYING OUT ACTIVITY.—Prior to the mak-  
6 ing in connection with an election for Federal office of any  
7 contribution, donation, expenditure, independent expendi-  
8 ture, or disbursement for an electioneering communication  
9 by a corporation, labor organization (as defined in section  
10 316(b)), limited liability corporation, or partnership dur-  
11 ing a year, the chief executive officer of the corporation,  
12 labor organization, limited liability corporation, or part-  
13 nership (or, if the corporation, labor organization, limited  
14 liability corporation, or partnership does not have a chief  
15 executive officer, the highest ranking official of the cor-  
16 poration, labor organization, limited liability corporation,  
17 or partnership), shall file a certification with the Commis-  
18 sion, under penalty of perjury, that a foreign national did  
19 not direct, dictate, control, or directly or indirectly partici-  
20 pate in the decision making process relating to such activ-  
21 ity in violation of subsection (a)(3), unless the chief execu-  
22 tive officer has previously filed such a certification during  
23 that calendar year.”.

24 (c) EFFECTIVE DATE.—The amendments made by  
25 this section shall take effect upon the expiration of the

1 180-day period which begins on the date of the enactment  
2 of this Act, and shall take effect without regard to whether  
3 or not the Federal Election Commission has promulgated  
4 regulations to carry out such amendments.

5 **SEC. 4102. CLARIFICATION OF APPLICATION OF FOREIGN**  
6 **MONEY BAN TO CERTAIN DISBURSEMENTS**  
7 **AND ACTIVITIES.**

8 (a) APPLICATION TO DISBURSEMENTS TO SUPER  
9 PACS AND OTHER PERSONS.—Section 319(a)(1)(A) of  
10 the Federal Election Campaign Act of 1971 (52 U.S.C.  
11 30121(a)(1)(A)) is amended by striking the semicolon and  
12 inserting the following: “, including any disbursement to  
13 a political committee which accepts donations or contribu-  
14 tions that do not comply with any of the limitations, prohi-  
15 bitions, and reporting requirements of this Act (or any dis-  
16 bursement to or on behalf of any account of a political  
17 committee which is established for the purpose of accept-  
18 ing such donations or contributions), or to any other per-  
19 son for the purpose of funding an expenditure, inde-  
20 pendent expenditure, or electioneering communication (as  
21 defined in section 304(f)(3));”.

22 (b) CONDITIONS UNDER WHICH CORPORATE PACS  
23 MAY MAKE CONTRIBUTIONS AND EXPENDITURES.—Sec-  
24 tion 316(b) of such Act (52 U.S.C. 30118(b)) is amended  
25 by adding at the end the following new paragraph:

1       “(8) A separate segregated fund established by a cor-  
2       poration may not make a contribution or expenditure dur-  
3       ing a year unless the fund has certified to the Commission  
4       the following during the year:

5               “(A) Each individual who manages the fund,  
6       and who is responsible for exercising decisionmaking  
7       authority for the fund, is a citizen of the United  
8       States or is lawfully admitted for permanent resi-  
9       dence in the United States.

10              “(B) No foreign national under section 319  
11       participates in any way in the decisionmaking proc-  
12       esses of the fund with regard to contributions or ex-  
13       penditures under this Act.

14              “(C) The fund does not solicit or accept rec-  
15       ommendations from any foreign national under sec-  
16       tion 319 with respect to the contributions or expend-  
17       itures made by the fund.

18              “(D) Any member of the board of directors of  
19       the corporation who is a foreign national under sec-  
20       tion 319 abstains from voting on matters concerning  
21       the fund or its activities.”.

22       **SEC. 4103. AUDIT AND REPORT ON ILLICIT FOREIGN**  
23               **MONEY IN FEDERAL ELECTIONS.**

24       (a) IN GENERAL.—Title III of the Federal Election  
25       Campaign Act of 1971 (52 U.S.C. 30101 et seq.), as

1 amended by section 1821, is further amended by inserting  
2 after section 319A the following new section:

3 **“SEC. 319B. AUDIT AND REPORT ON DISBURSEMENTS BY**  
4 **FOREIGN NATIONALS.**

5 “(a) AUDIT.—

6 “(1) IN GENERAL.—The Commission shall con-  
7 duct an audit after each Federal election cycle to de-  
8 termine the incidence of illicit foreign money in such  
9 Federal election cycle.

10 “(2) PROCEDURES.—In carrying out paragraph  
11 (1), the Commission shall conduct random audits of  
12 any disbursements required to be reported under  
13 this Act, in accordance with procedures established  
14 by the Commission.

15 “(b) REPORT.—Not later than 180 days after the end  
16 of each Federal election cycle, the Commission shall sub-  
17 mit to Congress a report containing—

18 “(1) results of the audit required by subsection  
19 (a)(1);

20 “(2) an analysis of the extent to which illicit  
21 foreign money was used to carry out disinformation  
22 and propaganda campaigns focused on depressing  
23 turnout among rural communities and the success or  
24 failure of these efforts, together with recommenda-  
25 tions to address these efforts in future elections;

1           “(3) an analysis of the extent to which illicit  
2       foreign money was used to carry out disinformation  
3       and propaganda campaigns focused on depressing  
4       turnout among African-American and other minority  
5       communities and the success or failure of these ef-  
6       forts, together with recommendations to address  
7       these efforts in future elections;

8           “(4) an analysis of the extent to which illicit  
9       foreign money was used to carry out disinformation  
10      and propaganda campaigns focused on influencing  
11      military and veteran communities and the success or  
12      failure of these efforts, together with recommenda-  
13      tions to address these efforts in future elections; and

14          “(5) recommendations to address the presence  
15      of illicit foreign money in elections, as appropriate.

16      “(c) DEFINITIONS.—As used in this section:

17          “(1) The term ‘Federal election cycle’ means  
18      the period which begins on the day after the date of  
19      a regularly scheduled general election for Federal of-  
20      fice and which ends on the date of the first regularly  
21      scheduled general election for Federal office held  
22      after such date.

23          “(2) The term ‘illicit foreign money’ means any  
24      disbursement by a foreign national (as defined in  
25      section 319(b)) prohibited under such section.”.

1 (b) EFFECTIVE DATE.—The amendment made by  
 2 subsection (a) shall apply with respect to the Federal elec-  
 3 tion cycle that began during November 2020, and each  
 4 succeeding Federal election cycle.

5 **SEC. 4104. PROHIBITION ON CONTRIBUTIONS AND DONA-**  
 6 **TIONS BY FOREIGN NATIONALS IN CONNEC-**  
 7 **TIONS WITH BALLOT INITIATIVES AND**  
 8 **REFERENDA.**

9 (a) IN GENERAL.—Section 319(a)(1)(A) of the Fed-  
 10 eral Election Campaign Act of 1971 (52 U.S.C.  
 11 30121(a)(1)(A)) is amended by striking “State, or local  
 12 election” and inserting the following: “State, or local elec-  
 13 tion, including a State or local ballot initiative or ref-  
 14 erendum”.

15 (b) EFFECTIVE DATE.—The amendment made by  
 16 this section shall apply with respect to elections held in  
 17 2022 or any succeeding year.

18 **SEC. 4105. DISBURSEMENTS AND ACTIVITIES SUBJECT TO**  
 19 **FOREIGN MONEY BAN.**

20 (a) DISBURSEMENTS DESCRIBED.—Section  
 21 319(a)(1) of the Federal Election Campaign Act of 1971  
 22 (52 U.S.C. 30121(a)(1)) is amended—

23 (1) by striking “or” at the end of subparagraph  
 24 (B); and

1           (2) by striking subparagraph (C) and inserting  
2       the following:

3                   “(C) an expenditure;

4                   “(D) an independent expenditure;

5                   “(E) a disbursement for an electioneering  
6       communication (within the meaning of section  
7       304(f)(3));

8                   “(F) a disbursement for a communication  
9       which is placed or promoted for a fee on a  
10      website, web application, or digital application  
11      that refers to a clearly identified candidate for  
12      election for Federal office and is disseminated  
13      within 60 days before a general, special, or run-  
14      off election for the office sought by the can-  
15      didate or 30 days before a primary or pref-  
16      erence election, or a convention or caucus of a  
17      political party that has authority to nominate a  
18      candidate for the office sought by the can-  
19      didate;

20                   “(G) a disbursement for a broadcast, cable  
21      or satellite communication, or for a communica-  
22      tion which is placed or promoted for a fee on  
23      a website, web application, or digital applica-  
24      tion, that promotes, supports, attacks, or op-  
25      poses the election of a clearly identified can-



1 didate for Federal, State, or local office (re-  
2 gardless of whether the communication contains  
3 express advocacy or the functional equivalent of  
4 express advocacy);

5 “(H) a disbursement for a broadcast,  
6 cable, or satellite communication, or for any  
7 communication which is placed or promoted for  
8 a fee on an online platform (as defined in sec-  
9 tion 304(k)(3)), that discusses a national legis-  
10 lative issue of public importance in a year in  
11 which a regularly scheduled general election for  
12 Federal office is held, but only if the disburse-  
13 ment is made by a covered foreign national de-  
14 scribed in section 304(j)(3)(C);

15 “(I) a disbursement by a covered foreign  
16 national described in section 304(j)(3)(C) to  
17 compensate any person for internet activity that  
18 promotes, supports, attacks, or opposes the  
19 election of a clearly identified candidate for  
20 Federal, State, or local office (regardless of  
21 whether the activity contains express advocacy  
22 or the functional equivalent of express advo-  
23 cacy); and

1           “(J) a disbursement for a Federal judicial  
2           nomination communication (as defined in sec-  
3           tion 324(d)(2)).”.

4           (b) EFFECTIVE DATE.—The amendments made by  
5 this section shall apply with respect to disbursements  
6 made on or after the date of the enactment of this Act.

7 **SEC. 4106. PROHIBITING ESTABLISHMENT OF CORPORA-**  
8 **TION TO CONCEAL ELECTION CONTRIBU-**  
9 **TIONS AND DONATIONS BY FOREIGN NATION-**  
10 **ALS.**

11          (a) PROHIBITION.—Chapter 29 of title 18, United  
12 States Code, as amended by section 1071(a) and section  
13 1201(a), is amended by adding at the end the following:

14 **“§ 614. Establishment of corporation to conceal elec-**  
15 **tion contributions and donations by for-**  
16 **eign nationals**

17          “(a) OFFENSE.—It shall be unlawful for an owner,  
18 officer, attorney, or incorporation agent of a corporation,  
19 company, or other entity to establish or use the corpora-  
20 tion, company, or other entity with the intent to conceal  
21 an activity of a foreign national (as defined in section 319  
22 of the Federal Election Campaign Act of 1971 (52 U.S.C.  
23 30121)) prohibited under such section 319.

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

4       (b) TABLE OF SECTIONS.—The table of sections for  
5 chapter 29 of title 18, United States Code, as amended  
6 by section 1071(b) and section 1201(b), is amended by  
7 inserting after the item relating to section 613 the fol-  
8 lowing:

“614. Establishment of corporation to conceal election contributions and dona-  
tions by foreign nationals.”.

9       **PART 2—REPORTING OF CAMPAIGN-RELATED**  
10                                   **DISBURSEMENTS**

11   **SEC. 4111. REPORTING OF CAMPAIGN-RELATED DISBURSE-**  
12                                   **MENTS.**

13       (a) DISCLOSURE REQUIREMENTS FOR CORPORA-  
14 TIONS, LABOR ORGANIZATIONS, AND CERTAIN OTHER  
15 ENTITIES.—

16               (1) IN GENERAL.—Section 324 of the Federal  
17 Election Campaign Act of 1971 (52 U.S.C. 30126)  
18 is amended to read as follows:

19   **“SEC. 324. DISCLOSURE OF CAMPAIGN-RELATED DISBURSE-**  
20                                   **MENTS BY COVERED ORGANIZATIONS.**

21       “(a) DISCLOSURE STATEMENT.—

22               “(1) IN GENERAL.—Any covered organization  
23 that makes campaign-related disbursements aggre-  
24 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 2022, sec-  
13 tion 315(c)(1)(B) shall apply to the amount de-  
14 scribed in clause (i) in the same manner as  
15 such section applies to the limitations estab-  
16 lished under subsections (a)(1)(A), (a)(1)(B),  
17 (a)(3), and (h) of such section, except that for  
18 purposes of applying such section to the  
19 amounts described in subsection (b), the ‘base  
20 period’ shall be 2022.

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 2022, 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 2022.

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 “(i) IN GENERAL.—Except as pro-  
2 vided in clause (ii), the term ‘beneficial  
3 owner’ means, with respect to any entity,  
4 a natural person who, directly or indi-  
5 rectly—

6 “(I) exercises substantial control  
7 over an entity through ownership, vot-  
8 ing rights, agreement, or otherwise; or

9 “(II) has a substantial interest in  
10 or receives substantial economic bene-  
11 fits from the assets of an entity.

12 “(ii) EXCEPTIONS.—The term ‘bene-  
13 ficial owner’ shall not include—

14 “(I) a minor child;

15 “(II) a person acting as a nomi-  
16 nee, intermediary, custodian, or agent  
17 on behalf of another person;

18 “(III) a person acting solely as  
19 an employee of an entity and whose  
20 control over or economic benefits from  
21 the entity derives solely from the em-  
22 ployment status of the person;

23 “(IV) a person whose only inter-  
24 est in an entity is through a right of  
25 inheritance, unless the person also

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  
25                   period beginning on the date of the most recent

1           general election for Federal office, except that  
2           in the case of a campaign-related disbursement  
3           for a Federal judicial nomination communica-  
4           tion, such term means any calendar year in  
5           which the campaign-related disbursement is  
6           made.

7           “(D) PAYMENT.—The term ‘payment’ in-  
8           cludes any contribution, donation, transfer, pay-  
9           ment of dues, or other payment.

10          “(b) COORDINATION WITH OTHER PROVISIONS.—

11           “(1) OTHER REPORTS FILED WITH THE COM-  
12          MISSION.—Information included in a statement filed  
13          under this section may be excluded from statements  
14          and reports filed under section 304.

15           “(2) TREATMENT AS SEPARATE SEGREGATED  
16          FUND.—A segregated bank account referred to in  
17          subsection (a)(2)(E) may be treated as a separate  
18          segregated fund for purposes of section 527(f)(3) of  
19          the Internal Revenue Code of 1986.

20          “(c) FILING.—Statements required to be filed under  
21          subsection (a) shall be subject to the requirements of sec-  
22          tion 304(d) to the same extent and in the same manner  
23          as if such reports had been required under subsection (c)  
24          or (g) of section 304.

1       “(d) CAMPAIGN-RELATED DISBURSEMENT DE-  
2 FINED.—

3           “(1) IN GENERAL.—In this section, the term  
4       ‘campaign-related disbursement’ means a disburse-  
5       ment by a covered organization for any of the fol-  
6       lowing:

7           “(A) An independent expenditure which ex-  
8       pressly advocates the election or defeat of a  
9       clearly identified candidate for election for Fed-  
10      eral office, or is the functional equivalent of ex-  
11      press advocacy because, when taken as a whole,  
12      it can be interpreted by a reasonable person  
13      only as advocating the election or defeat of a  
14      candidate for election for Federal office.

15          “(B) Any public communication which re-  
16      fers to a clearly identified candidate for election  
17      for Federal office and which promotes or sup-  
18      ports the election of a candidate for that office,  
19      or attacks or opposes the election of a candidate  
20      for that office, without regard to whether the  
21      communication expressly advocates a vote for or  
22      against a candidate for that office.

23          “(C) An electioneering communication, as  
24      defined in section 304(f)(3).

1           “(D) A Federal judicial nomination com-  
2           munication.

3           “(E) A covered transfer.

4           “(2) FEDERAL JUDICIAL NOMINATION COMMU-  
5           NICATION.—

6           “(A) IN GENERAL.—The term ‘Federal ju-  
7           dicial nomination communication’ means any  
8           communication—

9                   “(i) that is by means of any paid  
10                 broadcast, cable, or satellite, paid internet,  
11                 or paid digital communication, paid pro-  
12                 motion, newspaper, magazine, outdoor ad-  
13                 vertising facility, mass mailing, telephone  
14                 bank, telephone messaging effort of more  
15                 than 500 substantially similar calls or elec-  
16                 tronic messages within a 30-day period, or  
17                 any other form of general public political  
18                 advertising; and

19                   “(ii) that is susceptible to no reason-  
20                 able interpretation other than promoting,  
21                 supporting, attacking, or opposing the  
22                 nomination or Senate confirmation of an  
23                 individual as a Federal judge or justice.

24           “(B) EXCEPTION.—Such term shall not in-  
25           clude any news story, commentary, or editorial

1 distributed through the facilities of any broad-  
2 casting station or any print, online, or digital  
3 newspaper, magazine, publication, or periodical,  
4 unless such facilities are owned or controlled by  
5 any political party, political committee, or can-  
6 didate.

7 “(3) INTENT NOT REQUIRED.—A disbursement  
8 for an item described in subparagraph (A), (B), (C),  
9 (D), or (E) of paragraph (1) shall be treated as a  
10 campaign-related disbursement regardless of the in-  
11 tent of the person making the disbursement.

12 “(e) COVERED ORGANIZATION DEFINED.—In this  
13 section, the term ‘covered organization’ means any of the  
14 following:

15 “(1) A corporation (other than an organization  
16 described in section 501(c)(3) of the Internal Rev-  
17 enue Code of 1986).

18 “(2) A limited liability corporation that is not  
19 otherwise treated as a corporation for purposes of  
20 this Act (other than an organization described in  
21 section 501(c)(3) of the Internal Revenue Code of  
22 1986).

23 “(3) An organization described in section  
24 501(c) of such Code and exempt from taxation  
25 under section 501(a) of such Code (other than an



1 organization described in section 501(c)(3) of such  
2 Code).

3 “(4) A labor organization (as defined in section  
4 316(b)).

5 “(5) Any political organization under section  
6 527 of the Internal Revenue Code of 1986, other  
7 than a political committee under this Act (except as  
8 provided in paragraph (6)).

9 “(6) A political committee with an account that  
10 accepts donations or contributions that do not com-  
11 ply with the contribution limits or source prohibi-  
12 tions under this Act, but only with respect to such  
13 accounts.

14 “(f) COVERED TRANSFER DEFINED.—

15 “(1) IN GENERAL.—In this section, the term  
16 ‘covered transfer’ means any transfer or payment of  
17 funds by a covered organization to another person if  
18 the covered organization—

19 “(A) designates, requests, or suggests that  
20 the amounts be used for—

21 “(i) campaign-related disbursements  
22 (other than covered transfers); or

23 “(ii) making a transfer to another  
24 person for the purpose of making or pay-

1           ing for such campaign-related disburse-  
2           ments;

3           “(B) made such transfer or payment in re-  
4           sponse to a solicitation or other request for a  
5           donation or payment for—

6                 “(i) the making of or paying for cam-  
7                 paign-related disbursements (other than  
8                 covered transfers); or

9                 “(ii) making a transfer to another  
10                person for the purpose of making or pay-  
11                ing for such campaign-related disburse-  
12                ments;

13           “(C) engaged in discussions with the re-  
14           cipient of the transfer or payment regarding—

15                 “(i) the making of or paying for cam-  
16                 paign-related disbursements (other than  
17                 covered transfers); or

18                 “(ii) donating or transferring any  
19                 amount of such transfer or payment to an-  
20                 other person for the purpose of making or  
21                 paying for such campaign-related disburse-  
22                 ments;

23           “(D) made campaign-related disburse-  
24           ments (other than a covered transfer) in an ag-  
25           gregate amount of \$50,000 or more during the

1 2-year period ending on the date of the transfer  
2 or payment, or knew or had reason to know  
3 that the person receiving the transfer or pay-  
4 ment made such disbursements in such an ag-  
5 gregate amount during that 2-year period; or

6 “(E) knew or had reason to know that the  
7 person receiving the transfer or payment would  
8 make campaign-related disbursements in an ag-  
9 gregate amount of \$50,000 or more during the  
10 2-year period beginning on the date of the  
11 transfer or payment.

12 “(2) EXCLUSIONS.—The term ‘covered transfer’  
13 does not include any of the following:

14 “(A) A disbursement made by a covered  
15 organization in a commercial transaction in the  
16 ordinary course of any trade or business con-  
17 ducted by the covered organization or in the  
18 form of investments made by the covered orga-  
19 nization.

20 “(B) A disbursement made by a covered  
21 organization if—

22 “(i) the covered organization prohib-  
23 ited, in writing, the use of such disburse-  
24 ment for campaign-related disbursements;  
25 and

1                   “(ii) the recipient of the disbursement  
2                   agreed to follow the prohibition and depos-  
3                   ited the disbursement in an account which  
4                   is segregated from any account used to  
5                   make campaign-related disbursements.

6                   “(3) SPECIAL RULE REGARDING TRANSFERS  
7                   AMONG AFFILIATES.—

8                   “(A) SPECIAL RULE.—A transfer of an  
9                   amount by one covered organization to another  
10                  covered organization which is treated as a  
11                  transfer between affiliates under subparagraph  
12                  (C) shall be considered a covered transfer by  
13                  the covered organization which transfers the  
14                  amount only if the aggregate amount trans-  
15                  ferred during the year by such covered organi-  
16                  zation to that same covered organization is  
17                  equal to or greater than \$50,000.

18                  “(B) DETERMINATION OF AMOUNT OF  
19                  CERTAIN PAYMENTS AMONG AFFILIATES.—In  
20                  determining the amount of a transfer between  
21                  affiliates for purposes of subparagraph (A), to  
22                  the extent that the transfer consists of funds  
23                  attributable to dues, fees, or assessments which  
24                  are paid by individuals on a regular, periodic  
25                  basis in accordance with a per-individual cal-

1 culation which is made on a regular basis, the  
2 transfer shall be attributed to the individuals  
3 paying the dues, fees, or assessments and shall  
4 not be attributed to the covered organization.

5 “(C) DESCRIPTION OF TRANSFERS BE-  
6 TWEEN AFFILIATES.—A transfer of amounts  
7 from one covered organization to another cov-  
8 ered organization shall be treated as a transfer  
9 between affiliates if—

10 “(i) one of the organizations is an af-  
11 filiate of the other organization; or

12 “(ii) each of the organizations is an  
13 affiliate of the same organization,

14 except that the transfer shall not be treated as  
15 a transfer between affiliates if one of the orga-  
16 nizations is established for the purpose of mak-  
17 ing campaign-related disbursements.

18 “(D) DETERMINATION OF AFFILIATE STA-  
19 TUS.—For purposes of subparagraph (C), a  
20 covered organization is an affiliate of another  
21 covered organization if—

22 “(i) the governing instrument of the  
23 organization requires it to be bound by de-  
24 cisions of the other organization;

1 “(ii) the governing board of the orga-  
 2 nization includes persons who are specifi-  
 3 cally designated representatives of the  
 4 other organization or are members of the  
 5 governing board, officers, or paid executive  
 6 staff members of the other organization, or  
 7 whose service on the governing board is  
 8 contingent upon the approval of the other  
 9 organization; or

10 “(iii) the organization is chartered by  
 11 the other organization.

12 “(E) COVERAGE OF TRANSFERS TO AF-  
 13 FILIATED SECTION 501(c)(3) ORGANIZA-  
 14 TIONS.—This paragraph shall apply with re-  
 15 spect to an amount transferred by a covered or-  
 16 ganization to an organization described in para-  
 17 graph (3) of section 501(c) of the Internal Rev-  
 18 enue Code of 1986 and exempt from tax under  
 19 section 501(a) of such Code in the same man-  
 20 ner as this paragraph applies to an amount  
 21 transferred by a covered organization to an-  
 22 other covered organization.

23 “(g) NO EFFECT ON OTHER REPORTING REQUIRE-  
 24 MENTS.—Nothing in this section shall be construed to  
 25 waive or otherwise affect any other requirement of this

1 Act which relates to the reporting of campaign-related dis-  
2 bursements.”.

3 (2) CONFORMING AMENDMENT.—Section  
4 304(f)(6) of such Act (52 U.S.C. 30104) is amended  
5 by striking “Any requirement” and inserting “Ex-  
6 cept as provided in section 324(b), any require-  
7 ment”.

8 (b) COORDINATION WITH FINCEN.—

9 (1) IN GENERAL.—The Director of the Finan-  
10 cial Crimes Enforcement Network of the Depart-  
11 ment of the Treasury shall provide the Federal Elec-  
12 tion Commission with such information as necessary  
13 to assist in administering and enforcing section 324  
14 of the Federal Election Campaign Act of 1971, as  
15 added by this section.

16 (2) REPORT.—Not later than 6 months after  
17 the date of the enactment of this Act, the Chairman  
18 of the Federal Election Commission, in consultation  
19 with the Director of the Financial Crimes Enforce-  
20 ment Network of the Department of the Treasury,  
21 shall submit to Congress a report with recommenda-  
22 tions for providing further legislative authority to as-  
23 sist in the administration and enforcement of such  
24 section 324.

1 **SEC. 4112. APPLICATION OF FOREIGN MONEY BAN TO DIS-**  
2 **BURSEMENTS FOR CAMPAIGN-RELATED DIS-**  
3 **BURSEMENTS CONSISTING OF COVERED**  
4 **TRANSFERS.**

5 Section 319(a)(1)(A) of the Federal Election Cam-  
6 paign Act of 1971 (52 U.S.C. 30121(a)(1)(A)), as amend-  
7 ed by section 4102, is amended by striking the semicolon  
8 at the end and inserting the following: “, and any dis-  
9 bursement, other than an disbursement described in sec-  
10 tion 324(a)(3)(A), to another person who made a cam-  
11 paign-related disbursement consisting of a covered trans-  
12 fer (as described in section 324) during the 2-year period  
13 ending on the date of the disbursement;”.

14 **SEC. 4113. EFFECTIVE DATE.**

15 The amendments made by this part shall apply with  
16 respect to disbursements made on or after January 1,  
17 2022, and shall take effect without regard to whether or  
18 not the Federal Election Commission has promulgated  
19 regulations to carry out such amendments.

20 **PART 3—OTHER ADMINISTRATIVE REFORMS**

21 **SEC. 4121. PETITION FOR CERTIORARI.**

22 Section 307(a)(6) of the Federal Election Campaign  
23 Act of 1971 (52 U.S.C. 30107(a)(6)) is amended by in-  
24 serting “(including a proceeding before the Supreme  
25 Court on certiorari)” after “appeal”.



1 **SEC. 4122. JUDICIAL REVIEW OF ACTIONS RELATED TO**  
2 **CAMPAIGN FINANCE LAWS.**

3 (a) IN GENERAL.—Title IV of the Federal Election  
4 Campaign Act of 1971 (52 U.S.C. 30141 et seq.) is  
5 amended by inserting after section 406 the following new  
6 section:

7 **“SEC. 407. JUDICIAL REVIEW.**

8 “(a) IN GENERAL.—Notwithstanding section 373(f),  
9 if any action is brought for declaratory or injunctive relief  
10 to challenge, whether facially or as-applied, the constitu-  
11 tionality of any provision of this Act or of chapter 95 or  
12 96 of the Internal Revenue Code of 1986, or is brought  
13 to with respect to any action of the Commission under  
14 chapter 95 or 96 of the Internal Revenue Code of 1986,  
15 the following rules shall apply:

16 “(1) The action shall be filed in the United  
17 States District Court for the District of Columbia  
18 and an appeal from the decision of the district court  
19 may be taken to the Court of Appeals for the Dis-  
20 trict of Columbia Circuit.

21 “(2) In the case of an action relating to declar-  
22 atory or injunctive relief to challenge the constitu-  
23 tionality of a provision, the party filing the action  
24 shall concurrently deliver a copy the complaint to  
25 the Clerk of the House of Representatives and the  
26 Secretary of the Senate.

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

8       “(b) INTERVENTION BY MEMBERS OF CONGRESS.—  
9       In any action described in subsection (a) relating to de-  
10      claratory or injunctive relief to challenge the constitu-  
11      tionality of a provision, any Member of the House of Rep-  
12      resentatives (including a Delegate or Resident Commis-  
13      sioner to the Congress) or Senate shall have the right to  
14      intervene either in support of or opposition to the position  
15      of a party to the case regarding the constitutionality of  
16      the provision. To avoid duplication of efforts and reduce  
17      the burdens placed on the parties to the action, the court  
18      in any such action may make such orders as it considers  
19      necessary, including orders to require interveners taking  
20      similar positions to file joint papers or to be represented  
21      by a single attorney at oral argument.

22      “(c) CHALLENGE BY MEMBERS OF CONGRESS.—Any  
23      Member of Congress may bring an action, subject to the  
24      special rules described in subsection (a), for declaratory  
25      or injunctive relief to challenge, whether facially or as-ap-

1 plied, the constitutionality of any provision of this Act or  
2 chapter 95 or 96 of the Internal Revenue Code of 1986.”.

3 (b) CONFORMING AMENDMENTS.—

4 (1) Section 9011 of the Internal Revenue Code  
5 of 1986 is amended to read as follows:

6 **“SEC. 9011. JUDICIAL REVIEW.**

7 “For provisions relating to judicial review of certifi-  
8 cations, determinations, and actions by the Commission  
9 under this chapter, see section 407 of the Federal Election  
10 Campaign Act of 1971.”.

11 (2) Section 9041 of the Internal Revenue Code  
12 of 1986 is amended to read as follows:

13 **“SEC. 9041. JUDICIAL REVIEW.**

14 “For provisions relating to judicial review of actions  
15 by the Commission under this chapter, see section 407 of  
16 the Federal Election Campaign Act of 1971.”.

17 (3) Section 403 of the Bipartisan Campaign  
18 Reform Act of 2002 (52 U.S.C. 30110 note) is re-  
19 pealed.

20 (c) EFFECTIVE DATE.—The amendments made by  
21 this section shall apply to actions brought on or after Jan-  
22 uary 1, 2021.

1 **Subtitle C—Strengthening Over-**  
2 **sight of Online Political Adver-**  
3 **tising**

4 **SEC. 4201. SHORT TITLE.**

5 This subtitle may be cited as the “Honest Ads Act”.

6 **SEC. 4202. PURPOSE.**

7 The purpose of this subtitle is to enhance the integ-  
8 rity of American democracy and national security by im-  
9 proving disclosure requirements for online political adver-  
10 tisements in order to uphold the Supreme Court’s well-  
11 established standard that the electorate bears the right to  
12 be fully informed.

13 **SEC. 4203. FINDINGS.**

14 Congress makes the following findings:

15 (1) On January 6, 2017, the Office of the Di-  
16 rector of National Intelligence published a report ti-  
17 tled “Assessing Russian Activities and Intentions in  
18 Recent U.S. Elections”, noting that “Russian Presi-  
19 dent Vladimir Putin ordered an influence campaign  
20 in 2016 aimed at the US presidential election \* \*  
21 \*”. Moscow’s influence campaign followed a Russian  
22 messaging strategy that blends covert intelligence  
23 operation—such as cyber activity—with overt efforts  
24 by Russian Government agencies, state-funded

1 media, third-party intermediaries, and paid social  
2 media users or “trolls”.

3 (2) On November 24, 2016, The Washington  
4 Post reported findings from 2 teams of independent  
5 researchers that concluded Russians “exploited  
6 American-made technology platforms to attack U.S.  
7 democracy at a particularly vulnerable moment \* \*  
8 \* as part of a broadly effective strategy of sowing  
9 distrust in U.S. democracy and its leaders.”.

10 (3) Findings from a 2017 study on the manipu-  
11 lation of public opinion through social media con-  
12 ducted by the Computational Propaganda Research  
13 Project at the Oxford Internet Institute found that  
14 the Kremlin is using pro-Russian bots to manipulate  
15 public discourse to a highly targeted audience. With  
16 a sample of nearly 1,300,000 tweets, researchers  
17 found that in the 2016 election’s 3 decisive States,  
18 propaganda constituted 40 percent of the sampled  
19 election-related tweets that went to Pennsylvanians,  
20 34 percent to Michigan voters, and 30 percent to  
21 those in Wisconsin. In other swing States, the figure  
22 reached 42 percent in Missouri, 41 percent in Flor-  
23 ida, 40 percent in North Carolina, 38 percent in  
24 Colorado, and 35 percent in Ohio.

1           (4) On September 6, 2017, the Nation’s largest  
2       social media platform disclosed that between June  
3       2015 and May 2017, Russian entities purchased  
4       \$100,000 in political advertisements, publishing  
5       roughly 3,000 ads linked to fake accounts associated  
6       with the Internet Research Agency, a pro-Kremlin  
7       organization. According to the company, the ads  
8       purchased focused “on amplifying divisive social and  
9       political messages \* \* \*”.

10          (5) In 2002, the Bipartisan Campaign Reform  
11       Act became law, establishing disclosure requirements  
12       for political advertisements distributed from a tele-  
13       vision or radio broadcast station or provider of cable  
14       or satellite television. In 2003, the Supreme Court  
15       upheld regulations on electioneering communications  
16       established under the Act, noting that such require-  
17       ments “provide the electorate with information and  
18       insure that the voters are fully informed about the  
19       person or group who is speaking.”.

20          (6) According to a study from Borrell Associ-  
21       ates, in 2016, \$1,415,000,000 was spent on online  
22       advertising, more than quadruple the amount in  
23       2012.

24          (7) The reach of a few large internet plat-  
25       forms—larger than any broadcast, satellite, or cable

1 provider—has greatly facilitated the scope and effec-  
2 tiveness of disinformation campaigns. For instance,  
3 the largest platform has over 210,000,000 Ameri-  
4 cans users—over 160,000,000 of them on a daily  
5 basis. By contrast, the largest cable television pro-  
6 vider has 22,430,000 subscribers, while the largest  
7 satellite television provider has 21,000,000 sub-  
8 scribers. And the most-watched television broadcast  
9 in United States history had 118,000,000 viewers.

10 (8) The public nature of broadcast television,  
11 radio, and satellite ensures a level of publicity for  
12 any political advertisement. These communications  
13 are accessible to the press, fact-checkers, and polit-  
14 ical opponents; this creates strong disincentives for  
15 a candidate to disseminate materially false, inflam-  
16 matory, or contradictory messages to the public. So-  
17 cial media platforms, in contrast, can target portions  
18 of the electorate with direct, ephemeral advertise-  
19 ments often on the basis of private information the  
20 platform has on individuals, enabling political adver-  
21 tisements that are contradictory, racially or socially  
22 inflammatory, or materially false.

23 (9) According to comScore, 2 companies own 8  
24 of the 10 most popular smart phone applications as  
25 of June 2017, including the most popular social

1 media and email services—which deliver information  
2 and news to users without requiring proactivity by  
3 the user. Those same 2 companies accounted for 99  
4 percent of revenue growth from digital advertising in  
5 2016, including 77 percent of gross spending. 79  
6 percent of online Americans—representing 68 per-  
7 cent of all Americans—use the single largest social  
8 network, while 66 percent of these users are most  
9 likely to get their news from that site.

10 (10) In its 2006 rulemaking, the Federal Elec-  
11 tion Commission noted that only 18 percent of all  
12 Americans cited the internet as their leading source  
13 of news about the 2004 Presidential election; by con-  
14 trast, the Pew Research Center found that 65 per-  
15 cent of Americans identified an internet-based  
16 source as their leading source of information for the  
17 2016 election.

18 (11) The Federal Election Commission, the  
19 independent Federal agency charged with protecting  
20 the integrity of the Federal campaign finance proc-  
21 ess by providing transparency and administering  
22 campaign finance laws, has failed to take action to  
23 address online political advertisements.

24 (12) In testimony before the Senate Select  
25 Committee on Intelligence titled, “Disinformation: A



1       Primer in Russian Active Measures and Influence  
2       Campaigns”, multiple expert witnesses testified that  
3       while the disinformation tactics of foreign adver-  
4       saries have not necessarily changed, social media  
5       services now provide “platform[s] practically pur-  
6       pose-built for active measures[.]” Similarly, as Gen.  
7       Keith B. Alexander (RET.), the former Director of  
8       the National Security Agency, testified, during the  
9       Cold War “if the Soviet Union sought to manipulate  
10      information flow, it would have to do so principally  
11      through its own propaganda outlets or through ac-  
12      tive measures that would generate specific news:  
13      planting of leaflets, inciting of violence, creation of  
14      other false materials and narratives. But the news  
15      itself was hard to manipulate because it would have  
16      required actual control of the organs of media, which  
17      took long-term efforts to penetrate. Today, however,  
18      because the clear majority of the information on so-  
19      cial media sites is uncurated and there is a rapid  
20      proliferation of information sources and other sites  
21      that can reinforce information, there is an increasing  
22      likelihood that the information available to average  
23      consumers may be inaccurate (whether intentionally  
24      or otherwise) and may be more easily manipulable  
25      than in prior eras.”.

1           (13) Current regulations on political advertise-  
2           ments do not provide sufficient transparency to up-  
3           hold the public’s right to be fully informed about po-  
4           litical advertisements made online.

5 **SEC. 4204. SENSE OF CONGRESS.**

6           It is the sense of Congress that—

7           (1) the dramatic increase in digital political ad-  
8           vertisements, and the growing centrality of online  
9           platforms in the lives of Americans, requires the  
10          Congress and the Federal Election Commission to  
11          take meaningful action to ensure that laws and reg-  
12          ulations provide the accountability and transparency  
13          that is fundamental to our democracy;

14          (2) free and fair elections require both trans-  
15          parency and accountability which give the public a  
16          right to know the true sources of funding for polit-  
17          ical advertisements in order to make informed polit-  
18          ical choices and hold elected officials accountable;  
19          and

20          (3) transparency of funding for political adver-  
21          tisements is essential to enforce other campaign fi-  
22          nance laws, including the prohibition on campaign  
23          spending by foreign nationals.

1 **SEC. 4205. EXPANSION OF DEFINITION OF PUBLIC COMMU-**  
2 **NICATION.**

3 (a) IN GENERAL.—Paragraph (22) of section 301 of  
4 the Federal Election Campaign Act of 1971 (52 U.S.C.  
5 30101(22)) is amended by striking “or satellite commu-  
6 nication” and inserting “satellite, paid internet, or paid  
7 digital communication”.

8 (b) TREATMENT OF CONTRIBUTIONS AND EXPENDI-  
9 TURES.—Section 301 of such Act (52 U.S.C. 30101) is  
10 amended—

11 (1) in paragraph (8)(B)(v), by striking “on  
12 broadcasting stations, or in newspapers, magazines,  
13 or similar types of general public political adver-  
14 tising” and inserting “in any public communica-  
15 tion”; and

16 (2) in paragraph (9)(B)—

17 (A) by amending clause (i) to read as fol-  
18 lows:

19 “(i) any news story, commentary, or  
20 editorial distributed through the facilities  
21 of any broadcasting station or any print,  
22 online, or digital newspaper, magazine,  
23 blog, publication, or periodical, unless such  
24 broadcasting, print, online, or digital facili-  
25 ties are owned or controlled by any polit-

1            ical party, political committee, or can-  
2            didate;” and

3            (B) in clause (iv), by striking “on broad-  
4            casting stations, or in newspapers, magazines,  
5            or similar types of general public political ad-  
6            vertising” and inserting “in any public commu-  
7            nication”.

8            (c) DISCLOSURE AND DISCLAIMER STATEMENTS.—  
9            Subsection (a) of section 318 of such Act (52 U.S.C.  
10          30120) is amended—

11            (1) by striking “financing any communication  
12            through any broadcasting station, newspaper, maga-  
13            zine, outdoor advertising facility, mailing, or any  
14            other type of general public political advertising”  
15            and inserting “financing any public communication”;  
16            and

17            (2) by striking “solicits any contribution  
18            through any broadcasting station, newspaper, maga-  
19            zine, outdoor advertising facility, mailing, or any  
20            other type of general public political advertising”  
21            and inserting “solicits any contribution through any  
22            public communication”.

23    **SEC. 4206. EXPANSION OF DEFINITION OF ELECTION-**  
24            **EEING COMMUNICATION.**

25            (a) EXPANSION TO ONLINE COMMUNICATIONS.—

1           (1) APPLICATION TO QUALIFIED INTERNET AND  
2       DIGITAL COMMUNICATIONS.—

3           (A) IN GENERAL.—Subparagraph (A) of  
4       section 304(f)(3) of the Federal Election Cam-  
5       paign Act of 1971 (52 U.S.C. 30104(f)(3)(A))  
6       is amended by striking “or satellite communica-  
7       tion” each place it appears in clauses (i) and  
8       (ii) and inserting “satellite, or qualified internet  
9       or digital communication”.

10          (B) QUALIFIED INTERNET OR DIGITAL  
11       COMMUNICATION.—Paragraph (3) of section  
12       304(f) of such Act (52 U.S.C. 30104(f)) is  
13       amended by adding at the end the following  
14       new subparagraph:

15           “(D) QUALIFIED INTERNET OR DIGITAL  
16       COMMUNICATION.—The term ‘qualified internet  
17       or digital communication’ means any commu-  
18       nication which is placed or promoted for a fee  
19       on an online platform (as defined in subsection  
20       (k)(3)).”.

21          (2) NONAPPLICATION OF RELEVANT ELEC-  
22       TORATE TO ONLINE COMMUNICATIONS.—Section  
23       304(f)(3)(A)(i)(III) of such Act (52 U.S.C.  
24       30104(f)(3)(A)(i)(III)) is amended by inserting “any

1 broadcast, cable, or satellite” before “communica-  
2 tion”.

3 (3) NEWS EXEMPTION.—Section  
4 304(f)(3)(B)(i) of such Act (52 U.S.C.  
5 30104(f)(3)(B)(i)) is amended to read as follows:

6 “(i) a communication appearing in a  
7 news story, commentary, or editorial dis-  
8 tributed through the facilities of any  
9 broadcasting station or any online or dig-  
10 ital newspaper, magazine, blog, publica-  
11 tion, or periodical, unless such broad-  
12 casting, online, or digital facilities are  
13 owned or controlled by any political party,  
14 political committee, or candidate;”.

15 (b) EFFECTIVE DATE.—The amendments made by  
16 this section shall apply with respect to communications  
17 made on or after January 1, 2022.

18 **SEC. 4207. APPLICATION OF DISCLAIMER STATEMENTS TO**  
19 **ONLINE COMMUNICATIONS.**

20 (a) CLEAR AND CONSPICUOUS MANNER REQUIRE-  
21 MENT.—Subsection (a) of section 318 of the Federal Elec-  
22 tion Campaign Act of 1971 (52 U.S.C. 30120(a)) is  
23 amended—

24 (1) by striking “shall clearly state” each place  
25 it appears in paragraphs (1), (2), and (3) and in-

1       serting “shall state in a clear and conspicuous man-  
2       ner”; and

3               (2) by adding at the end the following flush  
4       sentence: “For purposes of this section, a commu-  
5       nication does not make a statement in a clear and  
6       conspicuous manner if it is difficult to read or hear  
7       or if the placement is easily overlooked.”.

8       (b) SPECIAL RULES FOR QUALIFIED INTERNET OR  
9       DIGITAL COMMUNICATIONS.—

10              (1) IN GENERAL.—Section 318 of such Act (52  
11       U.S.C. 30120) is amended by adding at the end the  
12       following new subsection:

13       “(e) SPECIAL RULES FOR QUALIFIED INTERNET OR  
14       DIGITAL COMMUNICATIONS.—

15              “(1) SPECIAL RULES WITH RESPECT TO STATE-  
16       MENTS.—In the case of any qualified internet or  
17       digital communication (as defined in section  
18       304(f)(3)(D)) which is disseminated through a me-  
19       dium in which the provision of all of the information  
20       specified in this section is not possible, the commu-  
21       nication shall, in a clear and conspicuous manner—

22              “(A) state the name of the person who  
23       paid for the communication; and

24              “(B) provide a means for the recipient of  
25       the communication to obtain the remainder of

1 the information required under this section with  
2 minimal effort and without receiving or viewing  
3 any additional material other than such re-  
4 quired information.

5 “(2) SAFE HARBOR FOR DETERMINING CLEAR  
6 AND CONSPICUOUS MANNER.—A statement in quali-  
7 fied internet or digital communication (as defined in  
8 section 304(f)(3)(D)) shall be considered to be made  
9 in a clear and conspicuous manner as provided in  
10 subsection (a) if the communication meets the fol-  
11 lowing requirements:

12 “(A) TEXT OR GRAPHIC COMMUNICA-  
13 TIONS.—In the case of a text or graphic com-  
14 munication, the statement—

15 “(i) appears in letters at least as large  
16 as the majority of the text in the commu-  
17 nication; and

18 “(ii) meets the requirements of para-  
19 graphs (2) and (3) of subsection (c).

20 “(B) AUDIO COMMUNICATIONS.—In the  
21 case of an audio communication, the statement  
22 is spoken in a clearly audible and intelligible  
23 manner at the beginning or end of the commu-  
24 nication and lasts at least 3 seconds.



1           “(C) VIDEO COMMUNICATIONS.—In the  
2 case of a video communication which also in-  
3 cludes audio, the statement—

4                   “(i) is included at either the beginning  
5 or the end of the communication; and

6                   “(ii) is made both in—

7                           “(I) a written format that meets  
8 the requirements of subparagraph (A)  
9 and appears for at least 4 seconds;  
10 and

11                           “(II) an audible format that  
12 meets the requirements of subpara-  
13 graph (B).

14           “(D) OTHER COMMUNICATIONS.—In the  
15 case of any other type of communication, the  
16 statement is at least as clear and conspicuous  
17 as the statement specified in subparagraph (A),  
18 (B), or (C).”.

19           (2) NONAPPLICATION OF CERTAIN EXCEP-  
20 TIONS.—The exceptions provided in section  
21 110.11(f)(1)(i) and (ii) of title 11, Code of Federal  
22 Regulations, or any successor to such rules, shall  
23 have no application to qualified internet or digital  
24 communications (as defined in section 304(f)(3)(D)  
25 of the Federal Election Campaign Act of 1971).

1       (c) MODIFICATION OF ADDITIONAL REQUIREMENTS  
2 FOR CERTAIN COMMUNICATIONS.—Section 318(d) of such  
3 Act (52 U.S.C. 30120(d)) is amended—

4           (1) in paragraph (1)(A)—

5               (A) by striking “which is transmitted  
6 through radio” and inserting “which is in an  
7 audio format”; and

8               (B) by striking “BY RADIO” in the heading  
9 and inserting “AUDIO FORMAT”;

10          (2) in paragraph (1)(B)—

11               (A) by striking “which is transmitted  
12 through television” and inserting “which is in  
13 video format”; and

14               (B) by striking “BY TELEVISION” in the  
15 heading and inserting “VIDEO FORMAT”; and

16          (3) in paragraph (2)—

17               (A) by striking “transmitted through radio  
18 or television” and inserting “made in audio or  
19 video format”; and

20               (B) by striking “through television” in the  
21 second sentence and inserting “in video for-  
22 mat”.

1 **SEC. 4208. POLITICAL RECORD REQUIREMENTS FOR ON-**  
2 **LINE PLATFORMS.**

3 (a) IN GENERAL.—Section 304 of the Federal Elec-  
4 tion Campaign Act of 1971 (52 U.S.C. 30104), as amend-  
5 ed by section 4002, is amended by adding at the end the  
6 following new subsection:

7 “(k) DISCLOSURE OF CERTAIN ONLINE ADVERTISE-  
8 MENTS.—

9 “(1) IN GENERAL.—

10 “(A) REQUIREMENTS FOR ONLINE PLAT-  
11 FORMS.—An online platform shall maintain,  
12 and make available for online public inspection  
13 in machine readable format, a complete record  
14 of any request to purchase on such online plat-  
15 form a qualified political advertisement which is  
16 made by a person whose aggregate requests to  
17 purchase qualified political advertisements on  
18 such online platform during the calendar year  
19 exceeds \$500.

20 “(B) REQUIREMENTS FOR ADVER-  
21 TISERS.—Any person who requests to purchase  
22 a qualified political advertisement on an online  
23 platform shall provide the online platform with  
24 such information as is necessary for the online  
25 platform to comply with the requirements of  
26 subparagraph (A).

1           “(2) CONTENTS OF RECORD.—A record main-  
2           tained under paragraph (1)(A) shall contain—

3                   “(A) a digital copy of the qualified political  
4           advertisement;

5                   “(B) a description of the audience targeted  
6           by the advertisement, the number of views gen-  
7           erated from the advertisement, and the date  
8           and time that the advertisement is first dis-  
9           played and last displayed; and

10                  “(C) information regarding—

11                          “(i) the average rate charged for the  
12           advertisement;

13                          “(ii) the name of the candidate to  
14           which the advertisement refers and the of-  
15           fice to which the candidate is seeking elec-  
16           tion, the election to which the advertise-  
17           ment refers, or the national legislative  
18           issue to which the advertisement refers (as  
19           applicable);

20                          “(iii) in the case of a request made  
21           by, or on behalf of, a candidate, the name  
22           of the candidate, the authorized committee  
23           of the candidate, and the treasurer of such  
24           committee; and

1                   “(iv) in the case of any request not  
2                   described in clause (iii), the name of the  
3                   person purchasing the advertisement, the  
4                   name and address of a contact person for  
5                   such person, and a list of the chief execu-  
6                   tive officers or members of the executive  
7                   committee or of the board of directors of  
8                   such person, and, if the person purchasing  
9                   the advertisement is acting as the agent of  
10                  a foreign principal under the Foreign  
11                  Agents Registration Act of 1938, as  
12                  amended (22 U.S.C. 611 et seq.), a state-  
13                  ment that the person is acting as the agent  
14                  of a foreign principal and the identification  
15                  of the foreign principal involved.

16               “(3) ONLINE PLATFORM.—For purposes of this  
17               subsection, the term ‘online platform’ means any  
18               public-facing website, web application, or digital ap-  
19               plication (including a social network, ad network, or  
20               search engine) which—

21                   “(A) sells qualified political advertise-  
22                   ments; and

23                   “(B) has 50,000,000 or more unique  
24                   monthly United States visitors or users for a

1 majority of months during the preceding 12  
2 months.

3 “(4) QUALIFIED POLITICAL ADVERTISEMENT.—

4 For purposes of this subsection, the term ‘qualified  
5 political advertisement’ means any advertisement  
6 (including search engine marketing, display adver-  
7 tisements, video advertisements, native advertise-  
8 ments, and sponsorships) that—

9 “(A) is made by or on behalf of a can-  
10 didate; or

11 “(B) communicates a message relating to  
12 any political matter of national importance, in-  
13 cluding—

14 “(i) a candidate;

15 “(ii) any election to Federal office; or

16 “(iii) a national legislative issue of  
17 public importance.

18 “(5) TIME TO MAINTAIN FILE.—The informa-  
19 tion required under this subsection shall be made  
20 available as soon as possible and shall be retained by  
21 the online platform for a period of not less than 4  
22 years.

23 “(6) SAFE HARBOR FOR PLATFORMS MAKING  
24 BEST EFFORTS TO IDENTIFY REQUESTS WHICH ARE  
25 SUBJECT TO RECORD MAINTENANCE REQUIRE-

1       MENTS.—In accordance with rules established by the  
2       Commission, if an online platform shows that the  
3       platform used best efforts to determine whether or  
4       not a request to purchase a qualified political adver-  
5       tisement was subject to the requirements of this sub-  
6       section, the online platform shall not be considered  
7       to be in violation of such requirements.

8               “(7) PENALTIES.—For penalties for failure by  
9       online platforms, and persons requesting to purchase  
10      a qualified political advertisement on online plat-  
11      forms, to comply with the requirements of this sub-  
12      section, see section 309.”.

13      (b) RULEMAKING.—Not later than 120 days after the  
14      date of the enactment of this Act, the Federal Election  
15      Commission shall establish rules—

16              (1) requiring common data formats for the  
17      record required to be maintained under section  
18      304(k) of the Federal Election Campaign Act of  
19      1971 (as added by subsection (a)) so that all online  
20      platforms submit and maintain data online in a com-  
21      mon, machine-readable and publicly accessible for-  
22      mat;

23              (2) establishing search interface requirements  
24      relating to such record, including searches by can-  
25      didate name, issue, purchaser, and date; and

1           (3) establishing the criteria for the safe harbor  
 2           exception provided under paragraph (6) of section  
 3           304(k) of such Act (as added by subsection (a)).

4           (c) REPORTING.—Not later than 2 years after the  
 5           date of the enactment of this Act, and biannually there-  
 6           after, the Chairman of the Federal Election Commission  
 7           shall submit a report to Congress on—

8           (1) matters relating to compliance with and the  
 9           enforcement of the requirements of section 304(k) of  
 10          the Federal Election Campaign Act of 1971, as  
 11          added by subsection (a);

12          (2) recommendations for any modifications to  
 13          such section to assist in carrying out its purposes;  
 14          and

15          (3) identifying ways to bring transparency and  
 16          accountability to political advertisements distributed  
 17          online for free.

18 **SEC. 4209. PREVENTING CONTRIBUTIONS, EXPENDITURES,**  
 19 **INDEPENDENT EXPENDITURES, AND DIS-**  
 20 **BURSEMENTS FOR ELECTIONEERING COM-**  
 21 **MUNICATIONS BY FOREIGN NATIONALS IN**  
 22 **THE FORM OF ONLINE ADVERTISING.**

23          Section 319 of the Federal Election Campaign Act  
 24          of 1971 (52 U.S.C. 30121), as amended by section



1 4101(b), is further amended by adding at the end the fol-  
2 lowing new subsection:

3 “(d) RESPONSIBILITIES OF BROADCAST STATIONS,  
4 PROVIDERS OF CABLE AND SATELLITE TELEVISION, AND  
5 ONLINE PLATFORMS.—

6 “(1) RESPONSIBILITIES DESCRIBED.—Each tel-  
7 evision or radio broadcast station, provider of cable  
8 or satellite television, or online platform (as defined  
9 in section 304(k)(3)) shall make reasonable efforts  
10 to ensure that communications described in section  
11 318(a) and made available by such station, provider,  
12 or platform are not purchased by a foreign national,  
13 directly or indirectly. For purposes of the previous  
14 sentence, a station, provider, or online platform shall  
15 not be considered to have made reasonable efforts  
16 under this paragraph in the case of the availability  
17 of a communication unless the station, provider, or  
18 online platform directly inquires from the individual  
19 or entity making such purchase whether the pur-  
20 chase is to be made by a foreign national, directly  
21 or indirectly.

22 “(2) SPECIAL RULES FOR DISBURSEMENT PAID  
23 WITH CREDIT CARD.—For purposes of paragraph  
24 (1), a television or radio broadcast station, provider  
25 of cable or satellite television, or online platform

1 shall be considered to have made reasonable efforts  
2 under such paragraph in the case of a purchase of  
3 the availability of a communication which is made  
4 with a credit card if—

5 “(A) the individual or entity making such  
6 purchase is required, at the time of making  
7 such purchase, to disclose the credit verification  
8 value of such credit card; and

9 “(B) the billing address associated with  
10 such credit card is located in the United States  
11 or, in the case of a purchase made by an indi-  
12 vidual who is a United States citizen living out-  
13 side of the United States, the individual pro-  
14 vides the television or radio broadcast station,  
15 provider of cable or satellite television, or online  
16 platform with the United States mailing ad-  
17 dress the individual uses for voter registration  
18 purposes.”.

19 **SEC. 4210. INDEPENDENT STUDY ON MEDIA LITERACY AND**  
20 **ONLINE POLITICAL CONTENT CONSUMPTION.**

21 (a) INDEPENDENT STUDY.—Not later than 30 days  
22 after the date of enactment of this Act, the Federal Elec-  
23 tion Commission shall commission an independent study  
24 and report on media literacy with respect to online polit-  
25 ical content consumption among voting-age Americans.

1 (b) ELEMENTS.—The study and report under sub-  
2 section (a) shall include the following:

3 (1) An evaluation of media literacy skills, such  
4 as the ability to evaluate sources, synthesize multiple  
5 accounts into a coherent understanding of an issue,  
6 understand the context of communications, and re-  
7 sponsibly create and share information, among vot-  
8 ing-age Americans.

9 (2) An analysis of the effects of media literacy  
10 education and particular media literacy skills on the  
11 ability to critically consume online political content,  
12 including political advertising.

13 (3) Recommendations for improving voting-age  
14 Americans' ability to critically consume online polit-  
15 ical content, including political advertising.

16 (c) DEADLINE.—Not later than 270 days after the  
17 date of enactment of this Act, the entity conducting the  
18 study and report under subsection (a) shall submit the re-  
19 port to the Commission.

20 (d) SUBMISSION TO CONGRESS.—Not later than 30  
21 days after receiving the report under subsection (c), the  
22 Commission shall submit the report to the Committee on  
23 House Administration of the House of Representatives  
24 and the Committee on Rules and Administration of the

1 Senate, together with such comments on the report as the  
2 Commission considers appropriate.

3 (e) DEFINITION OF MEDIA LITERACY.—The term  
4 “media literacy” means the ability to—

5 (1) access relevant and accurate information  
6 through media;

7 (2) critically analyze media content and the in-  
8 fluences of media;

9 (3) evaluate the comprehensiveness, relevance,  
10 credibility, authority, and accuracy of information;

11 (4) make educated decisions based on informa-  
12 tion obtained from media and digital sources;

13 (5) operate various forms of technology and  
14 digital tools; and

15 (6) reflect on how the use of media and tech-  
16 nology may affect private and public life.

## 17 **Subtitle D—Stand By Every Ad**

### 18 **SEC. 4301. SHORT TITLE.**

19 This subtitle may be cited as the “Stand By Every  
20 Ad Act”.

### 21 **SEC. 4302. STAND BY EVERY AD.**

22 (a) EXPANDED DISCLAIMER REQUIREMENTS FOR  
23 CERTAIN COMMUNICATIONS.—Section 318 of the Federal  
24 Election Campaign Act of 1971 (52 U.S.C. 30120), as  
25 amended by section 4207(b)(1), is further amended—

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

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

5           “(e) EXPANDED DISCLAIMER REQUIREMENTS FOR  
6           COMMUNICATIONS NOT AUTHORIZED BY CANDIDATES OR  
7           COMMITTEES.—

8           “(1) IN GENERAL.—Except as provided in para-  
9           graph (6), any communication described in para-  
10          graph (3) of subsection (a) which is transmitted in  
11          an audio or video format (including an Internet or  
12          digital communication), or which is an Internet or  
13          digital communication transmitted in a text or  
14          graphic format, shall include, in addition to the re-  
15          quirements of paragraph (3) of subsection (a), the  
16          following:

17               “(A) The individual disclosure statement  
18               described in paragraph (2)(A) (if the person  
19               paying for the communication is an individual)  
20               or the organizational disclosure statement de-  
21               scribed in paragraph (2)(B) (if the person pay-  
22               ing for the communication is not an individual).

23               “(B) If the communication is transmitted  
24               in a video format, or is an Internet or digital  
25               communication which is transmitted in a text or

1 graphic format, and is paid for in whole or in  
2 part with a payment which is treated as a cam-  
3 paign-related disbursement under section 324—

4 “(i) the Top Five Funders list (if ap-  
5 plicable); or

6 “(ii) in the case of a communication  
7 which, as determined on the basis of cri-  
8 teria established in regulations issued by  
9 the Commission, is of such short duration  
10 that including the Top Five Funders list in  
11 the communication would constitute a  
12 hardship to the person paying for the com-  
13 munication by requiring a disproportionate  
14 amount of the content of the communica-  
15 tion to consist of the Top Five Funders  
16 list, the name of a website which contains  
17 the Top Five Funders list (if applicable)  
18 or, in the case of an Internet or digital  
19 communication, a hyperlink to such  
20 website.

21 “(C) If the communication is transmitted  
22 in an audio format and is paid for in whole or  
23 in part with a payment which is treated as a  
24 campaign-related disbursement under section  
25 324—

1 “(i) the Top Two Funders list (if ap-  
2 plicable); or

3 “(ii) in the case of a communication  
4 which, as determined on the basis of cri-  
5 teria established in regulations issued by  
6 the Commission, is of such short duration  
7 that including the Top Two Funders list in  
8 the communication would constitute a  
9 hardship to the person paying for the com-  
10 munication by requiring a disproportionate  
11 amount of the content of the communica-  
12 tion to consist of the Top Two Funders  
13 list, the name of a website which contains  
14 the Top Two Funders list (if applicable).

15 “(2) DISCLOSURE STATEMENTS DESCRIBED.—

16 “(A) INDIVIDUAL DISCLOSURE STATE-  
17 MENTS.—The individual disclosure statement  
18 described in this subparagraph is the following:  
19 ‘I am \_\_\_\_\_, and I approve this  
20 message.’, with the blank filled in with the  
21 name of the applicable individual.

22 “(B) ORGANIZATIONAL DISCLOSURE  
23 STATEMENTS.—The organizational disclosure  
24 statement described in this subparagraph is the  
25 following: ‘I am \_\_\_\_\_, the

1                   \_\_\_\_\_ of \_\_\_\_\_, and  
2                   \_\_\_\_\_ approves this message.’,  
3 with—

4                   “(i) the first blank to be filled in with  
5 the name of the applicable individual;

6                   “(ii) the second blank to be filled in  
7 with the title of the applicable individual;  
8 and

9                   “(iii) the third and fourth blank each  
10 to be filled in with the name of the organi-  
11 zation or other person paying for the com-  
12 munication.

13                   “(3) METHOD OF CONVEYANCE OF STATE-  
14 MENT.—

15                   “(A) COMMUNICATIONS IN TEXT OR  
16 GRAPHIC FORMAT.—In the case of a commu-  
17 nication to which this subsection applies which  
18 is transmitted in a text or graphic format, the  
19 disclosure statements required under paragraph  
20 (1) shall appear in letters at least as large as  
21 the majority of the text in the communication.

22                   “(B) COMMUNICATIONS TRANSMITTED IN  
23 AUDIO FORMAT.—In the case of a communica-  
24 tion to which this subsection applies which is  
25 transmitted in an audio format, the disclosure



1 statements required under paragraph (1) shall  
2 be made by audio by the applicable individual  
3 in a clear and conspicuous manner.

4 “(C) COMMUNICATIONS TRANSMITTED IN  
5 VIDEO FORMAT.—In the case of a communica-  
6 tion to which this subsection applies which is  
7 transmitted in a video format, the information  
8 required under paragraph (1)—

9 “(i) shall appear in writing at the end  
10 of the communication or in a crawl along  
11 the bottom of the communication in a clear  
12 and conspicuous manner, with a reasonable  
13 degree of color contrast between the back-  
14 ground and the printed statement, for a  
15 period of at least 6 seconds; and

16 “(ii) shall also be conveyed by an  
17 unobscured, full-screen view of the applica-  
18 ble individual or by the applicable indi-  
19 vidual making the statement in voice-over  
20 accompanied by a clearly identifiable pho-  
21 tograph or similar image of the individual,  
22 except in the case of a Top Five Funders  
23 list.

1           “(4) APPLICABLE INDIVIDUAL DEFINED.—The  
2           term ‘applicable individual’ means, with respect to a  
3           communication to which this subsection applies—

4                   “(A) if the communication is paid for by  
5                   an individual, the individual involved;

6                   “(B) if the communication is paid for by a  
7                   corporation, the chief executive officer of the  
8                   corporation (or, if the corporation does not have  
9                   a chief executive officer, the highest ranking of-  
10                  ficial of the corporation);

11                  “(C) if the communication is paid for by a  
12                  labor organization, the highest ranking officer  
13                  of the labor organization; and

14                  “(D) if the communication is paid for by  
15                  any other person, the highest ranking official of  
16                  such person.

17           “(5) TOP FIVE FUNDERS LIST AND TOP TWO  
18           FUNDERS LIST DEFINED.—

19                   “(A) TOP FIVE FUNDERS LIST.—The term  
20                   ‘Top Five Funders list’ means, with respect to  
21                   a communication which is paid for in whole or  
22                   in part with a campaign-related disbursement  
23                   (as defined in section 324), a list of the five  
24                   persons who, during the 12-month period end-  
25                   ing on the date of the disbursement, provided

1 the largest payments of any type in an aggregate  
2 gate amount equal to or exceeding \$10,000 to  
3 the person who is paying for the communication  
4 and the amount of the payments each such person  
5 provided. If two or more people provided  
6 the fifth largest of such payments, the person  
7 paying for the communication shall select one of  
8 those persons to be included on the Top Five  
9 Funders list.

10 “(B) TOP TWO FUNDERS LIST.—The term  
11 ‘Top Two Funders list’ means, with respect to  
12 a communication which is paid for in whole or  
13 in part with a campaign-related disbursement  
14 (as defined in section 324), a list of the persons  
15 who, during the 12-month period ending on the  
16 date of the disbursement, provided the largest  
17 and the second largest payments of any type in  
18 an aggregate amount equal to or exceeding  
19 \$10,000 to the person who is paying for the  
20 communication and the amount of the payments  
21 each such person provided. If two or  
22 more persons provided the second largest of  
23 such payments, the person paying for the communication  
24 shall select one of those persons to  
25 be included on the Top Two Funders list.

1           “(C) EXCLUSION OF CERTAIN PAY-  
2           MENTS.—For purposes of subparagraphs (A)  
3           and (B), in determining the amount of pay-  
4           ments made by a person to a person paying for  
5           a communication, there shall be excluded the  
6           following:

7                   “(i) Any amounts provided in the or-  
8                   dinary course of any trade or business con-  
9                   ducted by the person paying for the com-  
10                  munication or in the form of investments  
11                  in the person paying for the communica-  
12                  tion.

13                  “(ii) Any payment which the person  
14                  prohibited, in writing, from being used for  
15                  campaign-related disbursements, but only  
16                  if the person paying for the communication  
17                  agreed to follow the prohibition and depos-  
18                  ited the payment in an account which is  
19                  segregated from any account used to make  
20                  campaign-related disbursements.

21           “(6) SPECIAL RULES FOR CERTAIN COMMU-  
22           NICATIONS.—

23                   “(A) EXCEPTION FOR COMMUNICATIONS  
24                   PAID FOR BY POLITICAL PARTIES AND CERTAIN  
25                   POLITICAL COMMITTEES.—This subsection does

1 not apply to any communication to which sub-  
2 section (d)(2) applies.

3 “(B) TREATMENT OF VIDEO COMMUNICA-  
4 TIONS LASTING 10 SECONDS OR LESS.—In the  
5 case of a communication to which this sub-  
6 section applies which is transmitted in a video  
7 format, or is an Internet or digital communica-  
8 tion which is transmitted in a text or graphic  
9 format, the communication shall meet the fol-  
10 lowing requirements:

11 “(i) The communication shall include  
12 the individual disclosure statement de-  
13 scribed in paragraph (2)(A) (if the person  
14 paying for the communication is an indi-  
15 vidual) or the organizational disclosure  
16 statement described in paragraph (2)(B)  
17 (if the person paying for the communica-  
18 tion is not an individual).

19 “(ii) The statement described in  
20 clause (i) shall appear in writing at the  
21 end of the communication, or in a crawl  
22 along the bottom of the communication, in  
23 a clear and conspicuous manner, with a  
24 reasonable degree of color contrast between

1 the background and the printed statement,  
2 for a period of at least 4 seconds.

3 “(iii) The communication shall in-  
4 clude, in a clear and conspicuous manner,  
5 a website address with a landing page  
6 which will provide all of the information  
7 described in paragraph (1) with respect to  
8 the communication. Such address shall ap-  
9 pear for the full duration of the commu-  
10 nication.

11 “(iv) To the extent that the format in  
12 which the communication is made permits  
13 the use of a hyperlink, the communication  
14 shall include a hyperlink to the website ad-  
15 dress described in clause (iii).”.

16 (b) APPLICATION OF EXPANDED REQUIREMENTS TO  
17 PUBLIC COMMUNICATIONS CONSISTING OF CAMPAIGN-  
18 RELATED DISBURSEMENTS.—

19 (1) IN GENERAL.—Section 318(a) of such Act  
20 (52 U.S.C. 30120(a)) is amended by striking “for  
21 the purpose of financing communications expressly  
22 advocating the election or defeat of a clearly identi-  
23 fied candidate” and inserting “for a campaign-re-  
24 lated disbursement, as defined in section 324, con-  
25 sisting of a public communication”.

1           (2) CLARIFICATION OF EXEMPTION FROM IN-  
2           CLUSION OF CANDIDATE DISCLAIMER STATEMENT IN  
3           FEDERAL JUDICIAL NOMINATION COMMUNICA-  
4           TIONS.—Section 318(a)(3) of such Act (52 U.S.C.  
5           30120(a)(3)) is amended by striking “shall state”  
6           and inserting “shall (except in the case of a Federal  
7           judicial nomination communication, as defined in  
8           section 324(d)(2)) state”.

9           (c) EXCEPTION FOR COMMUNICATIONS PAID FOR BY  
10          POLITICAL PARTIES AND CERTAIN POLITICAL COMMIT-  
11          TEES.—Section 318(d)(2) of such Act (52 U.S.C.  
12          30120(d)(2)) is amended—

13               (1) in the heading, by striking “OTHERS” and  
14               inserting “CERTAIN POLITICAL COMMITTEES”;

15               (2) by striking “Any communication” and in-  
16               serting “(A) Any communication”;

17               (3) by inserting “which (except to the extent  
18               provided in subparagraph (B)) is paid for by a polit-  
19               ical committee (including a political committee of a  
20               political party) and” after “subsection (a)”;

21               (4) by striking “or other person” each place it  
22               appears; and

23               (5) by adding at the end the following new sub-  
24               paragraph:

1           “(B)(i) This paragraph does not apply to a  
2           communication paid for in whole or in part during  
3           a calendar year with a campaign-related disburse-  
4           ment, but only if the covered organization making  
5           the campaign-related disbursement made campaign-  
6           related disbursements (as defined in section 324) ag-  
7           gregating more than \$10,000 during such calendar  
8           year.

9           “(ii) For purposes of clause (i), in determining  
10          the amount of campaign-related disbursements made  
11          by a covered organization during a year, there shall  
12          be excluded the following:

13               “(I) Any amounts received by the covered  
14               organization in the ordinary course of any trade  
15               or business conducted by the covered organiza-  
16               tion or in the form of investments in the cov-  
17               ered organization.

18               “(II) Any amounts received by the covered  
19               organization from a person who prohibited, in  
20               writing, the organization from using such  
21               amounts for campaign-related disbursements,  
22               but only if the covered organization agreed to  
23               follow the prohibition and deposited the  
24               amounts in an account which is segregated



1 from any account used to make campaign-re-  
2 lated disbursements.”.

3 **SEC. 4303. DISCLAIMER REQUIREMENTS FOR COMMUNICA-**  
4 **TIONS MADE THROUGH PRERECORDED TELE-**  
5 **PHONE CALLS.**

6 (a) APPLICATION OF REQUIREMENTS.—

7 (1) IN GENERAL.—Section 318(a) of the Fed-  
8 eral Election Campaign Act of 1971 (52 U.S.C.  
9 30120(a)), as amended by section 4205(c), is  
10 amended by striking “public communication” each  
11 place it appears and inserting the following: “public  
12 communication (including a telephone call consisting  
13 in substantial part of a prerecorded audio mes-  
14 sage)”.

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 to include a disclaimer on commu-  
13          nications made by the person through the internet to in-  
14          clude any disclaimer on any such communications.

15 **SEC. 4305. EFFECTIVE DATE.**

16          The amendments made by this subtitle shall apply  
17          with respect to communications made on or after January  
18          1, 2022, and shall take effect without regard to whether  
19          or not the Federal Election Commission has promulgated  
20          regulations to carry out such amendments.

**Subtitle E—Deterring Foreign  
Interference in Elections**

**PART 1—DETERRENCE UNDER FEDERAL  
ELECTION CAMPAIGN ACT OF 1971**

**SEC. 4401. RESTRICTIONS ON EXCHANGE OF CAMPAIGN IN-  
FORMATION BETWEEN CANDIDATES AND  
FOREIGN POWERS.**

Section 319 of the Federal Election Campaign Act of 1971 (52 U.S.C. 30121), as amended by section 4101(b) and section 4209, is further amended by adding at the end the following new subsection:

“(e) RESTRICTIONS ON EXCHANGE OF INFORMATION  
BETWEEN CANDIDATES AND FOREIGN POWERS.—

“(1) TREATMENT OF OFFER TO SHARE NON-  
PUBLIC CAMPAIGN MATERIAL AS SOLICITATION OF  
CONTRIBUTION FROM FOREIGN NATIONAL.—If a  
candidate or an individual affiliated with the cam-  
paign of a candidate, or if a political committee or  
an individual affiliated with a political committee,  
provides or offers to provide nonpublic campaign  
material to a covered foreign national or to another  
person whom the candidate, committee, or individual  
knows or has reason to know will provide the mate-  
rial to a covered foreign national, the candidate,  
committee, or individual (as the case may be) shall

1 be considered for purposes of this section to have so-  
2 licited a contribution or donation described in sub-  
3 section (a)(1)(A) from a foreign national.

4 “(2) DEFINITIONS.—In this subsection, the fol-  
5 lowing definitions apply:

6 “(A) The term ‘candidate’ means an indi-  
7 vidual who seeks nomination for, or election to,  
8 any Federal, State, or local public office.

9 “(B) The term ‘covered foreign national’  
10 has the meaning given such term in section  
11 304(j)(3)(C).

12 “(C) The term ‘individual affiliated with a  
13 campaign’ means, with respect to a candidate,  
14 an employee of any organization legally author-  
15 ized under Federal, State, or local law to sup-  
16 port the candidate’s campaign for nomination  
17 for, or election to, any Federal, State, or local  
18 public office, as well as any independent con-  
19 tractor of such an organization and any indi-  
20 vidual who performs services on behalf of the  
21 organization, whether paid or unpaid.

22 “(D) The term ‘individual affiliated with a  
23 political committee’ means, with respect to a  
24 political committee, an employee of the com-  
25 mittee as well as any independent contractor of

1 the committee and any individual who performs  
2 services on behalf of the committee, whether  
3 paid or unpaid.

4 “(E) The term ‘nonpublic campaign mate-  
5 rial’ means, with respect to a candidate or a po-  
6 litical committee, campaign material that is  
7 produced by the candidate or the committee or  
8 produced at the candidate or committee’s ex-  
9 pense or request which is not distributed or  
10 made available to the general public or other-  
11 wise in the public domain, including polling and  
12 focus group data and opposition research, ex-  
13 cept that such term does not include material  
14 produced for purposes of consultations relating  
15 solely to the candidate’s or committee’s position  
16 on a legislative or policy matter.”.

17 **SEC. 4402. CLARIFICATION OF STANDARD FOR DETER-**  
18 **MINING EXISTENCE OF COORDINATION BE-**  
19 **TWEEN CAMPAIGNS AND OUTSIDE INTER-**  
20 **ESTS.**

21 Section 315(a) of the Federal Election Campaign Act  
22 of 1971 (52 U.S.C. 30116(a)) is amended by adding at  
23 the end the following new paragraph:

24 “(10) For purposes of paragraph (7), an expenditure  
25 or disbursement may be considered to have been made in

1 cooperation, consultation, or concert with, or coordinated  
 2 with, a person without regard to whether or not the co-  
 3 operation, consultation, or coordination is carried out pur-  
 4 suant to agreement or formal collaboration.”.

5 **SEC. 4403. PROHIBITION ON PROVISION OF SUBSTANTIAL**  
 6 **ASSISTANCE RELATING TO CONTRIBUTION**  
 7 **OR DONATION BY FOREIGN NATIONALS.**

8 Section 319 of the Federal Election Campaign Act  
 9 of 1971 (52 U.S.C. 30121), as amended by section  
 10 4101(a), section 4101(b), section 4209, and section 4401,  
 11 is further amended—

12 (1) in subsection (a)—

13 (A) by striking “or” at the end of para-  
 14 graph (2);

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

17 (C) by adding at the end the following:

18 “(4) a person to knowingly provide substantial  
 19 assistance to another person in carrying out an ac-  
 20 tivity described in paragraph (1), (2), or (3).”; and

21 (2) by adding at the end the following new sub-  
 22 sections:

23 “(f) KNOWINGLY DESCRIBED.—

24 “(1) IN GENERAL.—For purposes of subsection  
 25 (a)(4), the term ‘knowingly’ means actual knowl-

1 edge, constructive knowledge, awareness of pertinent  
2 facts that would lead a reasonable person to con-  
3 clude there is a substantial probability, or awareness  
4 of pertinent facts that would lead a reasonable per-  
5 son to conduct a reasonable inquiry to establish—

6 “(A) with respect to an activity described  
7 in subsection (a)(1), that the contribution, do-  
8 nation, expenditure, independent expenditure,  
9 or disbursement is from a foreign national;

10 “(B) with respect to an activity described  
11 in subsection (a)(2), that the contribution or  
12 donation solicited, accepted, or received is from  
13 a foreign national; and

14 “(C) with respect to an activity described  
15 in subsection (a)(3), that the person directing,  
16 dictating, controlling, or directly or indirectly  
17 participating in the decisionmaking process is a  
18 foreign national.

19 “(2) PERTINENT FACTS.—For purposes of  
20 paragraph (1), pertinent facts include, but are not  
21 limited to, that the person making the contribution,  
22 donation, expenditure, independent expenditure, or  
23 disbursement, or that the person from whom the  
24 contribution or donation is solicited, accepted, or re-  
25 ceived, or that the person directing, dictating, con-



1 trolling, or directly or indirectly participating in the  
2 decisionmaking process—

3 “(A) uses a foreign passport or passport  
4 number for identification purposes;

5 “(B) provides a foreign address;

6 “(C) uses a check or other written instru-  
7 ment drawn on a foreign bank, or by a wire  
8 transfer from a foreign bank, in carrying out  
9 the activity; or

10 “(D) resides abroad.

11 “(g) SUBSTANTIAL ASSISTANCE DEFINED.—As used  
12 in this section, the term ‘substantial assistance’ means,  
13 with respect to an activity prohibited by paragraph (1),  
14 (2), or (3) of subsection (a), involvement with an intent  
15 to facilitate successful completion of the activity.”.

16 **PART 2—INADMISSIBILITY AND DEPORTABILITY**  
17 **OF ALIENS ENGAGING IN IMPROPER ELEC-**  
18 **TION INTERFERENCE**

19 **SEC. 4411. INADMISSIBILITY AND DEPORTABILITY OF**  
20 **ALIENS ENGAGING IN IMPROPER INTER-**  
21 **ERENCE IN UNITED STATES ELECTIONS.**

22 (a) INADMISSIBILITY.—Section 212(a)(3) of the Im-  
23 migration and Nationality Act (8 U.S.C. 1182(a)(3)) is  
24 amended by adding at the end the following:

1                   “(H) IMPROPER INTERFERENCE IN A  
2                   UNITED STATES ELECTION.—Any alien who a  
3                   consular officer, the Secretary of Homeland Se-  
4                   curity, the Secretary of State, or the Attorney  
5                   General knows, or has reasonable grounds to  
6                   believe, is seeking admission to the United  
7                   States to engage in improper interference in a  
8                   United States election, or has engaged in im-  
9                   proper interference in a United States election,  
10                  is inadmissible.”.

11               (b) DEPORTABILITY.—Section 237(a) of such Act (8  
12 U.S.C. 1227(a)) is amended by adding at the end the fol-  
13 lowing:

14                   “(8) IMPROPER INTERFERENCE IN A UNITED  
15                   STATES ELECTION.—Any alien who has engaged, is  
16                   engaged, or at any time after admission engages in  
17                   improper interference in a United States election is  
18                   deportable.”.

19               (c) DEFINITION.—Section 101(a) of such Act (8  
20 U.S.C. 1101(a)) is amended by adding at the end the fol-  
21 lowing:

22                   “(53) The term ‘improper interference in a  
23                   United States election’ means conduct by an alien  
24                   that—

1 “(A)(i) violates Federal criminal, voting  
2 rights, or campaign finance law; or

3 “(ii) is performed by any person acting as  
4 an agent of or on behalf of a foreign govern-  
5 ment or criminal enterprise; and

6 “(B) includes any covert, fraudulent, de-  
7 ceptive, or unlawful act or attempted act, un-  
8 dertaken with the purpose or effect of under-  
9 mining public confidence in election processes  
10 or institutions, or influencing, undermining con-  
11 fidence in, or altering the result or reported re-  
12 sult of, a general or primary Federal, State, or  
13 local election or caucus, including—

14 “(i) the campaign of a candidate; or

15 “(ii) a ballot measure, including an  
16 amendment, a bond issue, an initiative, a  
17 recall, a referral, or a referendum.”.

18 **PART 3—NOTIFYING STATES OF**  
19 **DISINFORMATION CAMPAIGNS BY FOREIGN**  
20 **NATIONALS**

21 **SEC. 4421. NOTIFYING STATES OF DISINFORMATION CAM-**  
22 **PAIGNS BY FOREIGN NATIONALS.**

23 (a) **REQUIRING DISCLOSURE.**—If the Federal Elec-  
24 tion Commission makes a determination that a foreign na-  
25 tional has initiated or has attempted to initiate a

1 disinformation campaign targeted at an election for public  
 2 office held in a State, the Commission shall notify the  
 3 State involved of the determination not later than 30 days  
 4 after making the determination.

5 (b) DEFINITIONS.—In this section the term “foreign  
 6 national” has the meaning given such term in section  
 7 319(b) of the Federal Election Campaign Act of 1971 (52  
 8 U.S.C. 30121(b)).

9 **PART 4—PROHIBITING USE OF DEEPPAKES IN**  
 10 **ELECTION CAMPAIGNS**  
 11 **SEC. 4431. PROHIBITION ON DISTRIBUTION OF MATERI-**  
 12 **ALLY DECEPTIVE AUDIO OR VISUAL MEDIA**  
 13 **PRIOR TO ELECTION.**

14 (a) IN GENERAL.—Title III of the Federal Election  
 15 Campaign Act of 1971 (52 U.S.C. 30101 et seq.) is  
 16 amended by adding at the end the following new section:

17 **“SEC. 325. PROHIBITION ON DISTRIBUTION OF MATERI-**  
 18 **ALLY DECEPTIVE MEDIA PRIOR TO ELEC-**  
 19 **TION.**

20 “(a) IN GENERAL.—Except as provided in sub-  
 21 sections (b) and (c), a person, political committee, or other  
 22 entity shall not, within 60 days of an election for Federal  
 23 office at which a candidate for elective office will appear  
 24 on the ballot, distribute, with actual malice, materially de-  
 25 ceptive audio or visual media of the candidate with the

1 intent to injure the candidate's reputation or to deceive  
2 a voter into voting for or against the candidate.

3 “(b) EXCEPTION.—

4 “(1) REQUIRED LANGUAGE.—The prohibition  
5 in subsection (a) does not apply if the audio or vis-  
6 ual media includes—

7 “(A) a disclosure stating: “This  
8 \_\_\_\_\_ has been manipulated.”; and

9 “(B) filled in the blank in the disclosure  
10 under subparagraph (A), the term ‘image’,  
11 ‘video’, or ‘audio’, as most accurately describes  
12 the media.

13 “(2) VISUAL MEDIA.—For visual media, the  
14 text of the disclosure shall appear in a size that is  
15 easily readable by the average viewer and no smaller  
16 than the largest font size of other text appearing in  
17 the visual media. If the visual media does not in-  
18 clude any other text, the disclosure shall appear in  
19 a size that is easily readable by the average viewer.  
20 For visual media that is video, the disclosure shall  
21 appear for the duration of the video.

22 “(3) AUDIO-ONLY MEDIA.—If the media con-  
23 sists of audio only, the disclosure shall be read in a  
24 clearly spoken manner and in a pitch that can be  
25 easily heard by the average listener, at the beginning

1 of the audio, at the end of the audio, and, if the  
2 audio is greater than 2 minutes in length, inter-  
3 spersed within the audio at intervals of not greater  
4 than 2 minutes each.

5 “(c) INAPPLICABILITY TO CERTAIN ENTITIES.—This  
6 section does not apply to the following:

7 “(1) A radio or television broadcasting station,  
8 including a cable or satellite television operator, pro-  
9 grammer, or producer, that broadcasts materially  
10 deceptive audio or visual media prohibited by this  
11 section as part of a bona fide newscast, news inter-  
12 view, news documentary, or on-the-spot coverage of  
13 bona fide news events, if the broadcast clearly ac-  
14 knowledges through content or a disclosure, in a  
15 manner that can be easily heard or read by the aver-  
16 age listener or viewer, that there are questions about  
17 the authenticity of the materially deceptive audio or  
18 visual media.

19 “(2) A radio or television broadcasting station,  
20 including a cable or satellite television operator, pro-  
21 grammer, or producer, when it is paid to broadcast  
22 materially deceptive audio or visual media.

23 “(3) An internet website, or a regularly pub-  
24 lished newspaper, magazine, or other periodical of  
25 general circulation, including an internet or elec-

1       tronic publication, that routinely carries news and  
2       commentary of general interest, and that publishes  
3       materially deceptive audio or visual media prohibited  
4       by this section, if the publication clearly states that  
5       the materially deceptive audio or visual media does  
6       not accurately represent the speech or conduct of the  
7       candidate.

8               “(4) Materially deceptive audio or visual media  
9       that constitutes satire or parody.

10       “(d) CIVIL ACTION.—

11               “(1) INJUNCTIVE OR OTHER EQUITABLE RE-  
12       LIEF.—A candidate for elective office whose voice or  
13       likeness appears in a materially deceptive audio or  
14       visual media distributed in violation of this section  
15       may seek injunctive or other equitable relief prohib-  
16       iting the distribution of audio or visual media in vio-  
17       lation of this section. An action under this para-  
18       graph shall be entitled to precedence in accordance  
19       with the Federal Rules of Civil Procedure.

20               “(2) DAMAGES.—A candidate for elective office  
21       whose voice or likeness appears in a materially de-  
22       ceptive audio or visual media distributed in violation  
23       of this section may bring an action for general or  
24       special damages against the person, committee, or  
25       other entity that distributed the materially deceptive

1 audio or visual media. The court may also award a  
2 prevailing party reasonable attorney’s fees and costs.  
3 This paragraph shall not be construed to limit or  
4 preclude a plaintiff from securing or recovering any  
5 other available remedy.

6 “(3) BURDEN OF PROOF.—In any civil action  
7 alleging a violation of this section, the plaintiff shall  
8 bear the burden of establishing the violation through  
9 clear and convincing evidence.

10 “(e) RULE OF CONSTRUCTION.—This section shall  
11 not be construed to alter or negate any rights, obligations,  
12 or immunities of an interactive service provider under sec-  
13 tion 230 of title 47, United States Code.

14 “(f) MATERIALLY DECEPTIVE AUDIO OR VISUAL  
15 MEDIA DEFINED.—In this section, the term ‘materially  
16 deceptive audio or visual media’ means an image or an  
17 audio or video recording of a candidate’s appearance,  
18 speech, or conduct that has been intentionally manipulated  
19 in a manner such that both of the following conditions  
20 are met:

21 “(1) The image or audio or video recording  
22 would falsely appear to a reasonable person to be  
23 authentic.

24 “(2) The image or audio or video recording  
25 would cause a reasonable person to have a fun-



1       damentally different understanding or impression of  
2       the expressive content of the image or audio or video  
3       recording than that person would have if the person  
4       were hearing or seeing the unaltered, original  
5       version of the image or audio or video recording.”.

6       (b) CRIMINAL PENALTIES.—Section 309(d)(1) of the  
7       Federal Election Campaign Act of 1971 (52 U.S.C.  
8       30109(d)(1)), as amended by section 4004, is further  
9       amended by adding at the end the following new subpara-  
10      graph:

11               “(G) Any person who knowingly and will-  
12               fully commits a violation of section 325 shall be  
13               fined not more than \$100,000, imprisoned not  
14               more than 5 years, or both.”.

15       (c) EFFECT ON DEFAMATION ACTION.—For pur-  
16       poses of an action for defamation, a violation of section  
17       325 of the Federal Election Campaign Act of 1971, as  
18       added by subsection (a), shall constitute defamation per  
19       se.

1 **PART 5—ASSESSMENT OF EXEMPTION OF REG-**  
2 **ISTRATION REQUIREMENTS UNDER FARA**  
3 **FOR REGISTERED LOBBYISTS**

4 **SEC. 4441. ASSESSMENT OF EXEMPTION OF REGISTRATION**  
5 **REQUIREMENTS UNDER FARA FOR REG-**  
6 **ISTERED LOBBYISTS.**

7 Not later than 90 days after the date of the enact-  
8 ment of this Act, the Comptroller General of the United  
9 States shall conduct and submit to Congress an assess-  
10 ment of the implications of the exemption provided under  
11 the Foreign Agents Registration Act of 1938, as amended  
12 (22 U.S.C. 611 et seq.) for agents of foreign principals  
13 who are also registered lobbyists under the Lobbying Dis-  
14 closure Act of 1995 (2 U.S.C. 1601 et seq.), and shall  
15 include in the assessment an analysis of the extent to  
16 which revisions in such Acts might mitigate the risk of  
17 foreign government money influencing elections or political  
18 processes in the United States.

## **Subtitle F—Secret Money Transparency**

**SEC. 4501. REPEAL OF RESTRICTION OF USE OF FUNDS BY  
INTERNAL REVENUE SERVICE TO BRING  
TRANSPARENCY TO POLITICAL ACTIVITY OF  
CERTAIN NONPROFIT ORGANIZATIONS.**

Section 122 of the Financial Services and General  
Government Appropriations Act, 2021 (division E of Pub-  
lic Law 116—\_\_\_\_\_) is hereby repealed.

**SEC. 4502. REPEAL OF REVENUE PROCEDURE THAT ELIMI-  
NATED REQUIREMENT TO REPORT INFORMA-  
TION REGARDING CONTRIBUTORS TO CER-  
TAIN TAX-EXEMPT ORGANIZATIONS.**

Revenue Procedure 2018–38 shall have no force and  
effect.

## **Subtitle G—Shareholder Right-to- Know**

**SEC. 4601. REPEAL OF RESTRICTION ON USE OF FUNDS BY  
SECURITIES AND EXCHANGE COMMISSION TO  
ENSURE SHAREHOLDERS OF CORPORATIONS  
HAVE KNOWLEDGE OF CORPORATION POLIT-  
ICAL ACTIVITY.**

Section 631 of the Financial Services and General  
Government Appropriations Act, 2021 (division E of Pub-  
lic Law 116—\_\_\_\_\_) is hereby repealed.

1 **SEC. 4602. ASSESSMENT OF SHAREHOLDER PREFERENCES**  
2 **FOR DISBURSEMENTS FOR POLITICAL PUR-**  
3 **POSES.**

4 (a) ASSESSMENT REQUIRED.—The Securities Ex-  
5 change Act of 1934 (15 U.S.C. 78a et seq.) is amended  
6 by inserting after section 10D the following:

7 **“SEC. 10E. ASSESSMENT OF SHAREHOLDER PREFERENCES**  
8 **FOR DISBURSEMENTS FOR POLITICAL PUR-**  
9 **POSES.**

10 “(a) ASSESSMENT REQUIRED BEFORE MAKING A  
11 DISBURSEMENT FOR A POLITICAL PURPOSE.—

12 “(1) REQUIREMENT.—An issuer with an equity  
13 security listed on a national securities exchange may  
14 not make a disbursement for a political purpose un-  
15 less—

16 “(A) the issuer has in place procedures to  
17 assess the preferences of the shareholders of the  
18 issuer with respect to making such disburse-  
19 ments; and

20 “(B) such an assessment has been made  
21 within the 1-year period ending on the date of  
22 such disbursement.

23 “(2) TREATMENT OF ISSUERS WHOSE SHARE-  
24 HOLDERS ARE PROHIBITED FROM EXPRESSING  
25 PREFERENCES.—Notwithstanding paragraph (1), an  
26 issuer described under such paragraph with proce-

1       dures in place to assess the preferences of its share-  
2       holders with respect to making disbursements for  
3       political purposes shall not be considered to meet the  
4       requirements of such paragraph if a majority of the  
5       number of the outstanding equity securities of the  
6       issuer are held by persons who are prohibited from  
7       expressing partisan or political preferences by law,  
8       contract, or the requirement to meet a fiduciary  
9       duty.

10       “(3) NO ASSESSMENT OF PREFERENCES OF  
11       FOREIGN NATIONALS.—Notwithstanding paragraph  
12       (1), an issuer described in such paragraph shall not  
13       use the procedures described in such paragraph to  
14       assess the preferences of any shareholder who is a  
15       foreign national, as defined in section 319 of the  
16       Federal Election Campaign Act of 1971 (52 U.S.C.  
17       30121).

18       “(b) ASSESSMENT REQUIREMENTS.—The assess-  
19       ment described under subsection (a) shall assess—

20       “(1) which types of disbursements for a polit-  
21       ical purpose the shareholder believes the issuer  
22       should make;

23       “(2) whether the shareholder believes that such  
24       disbursements should be made in support of, or in  
25       opposition to, Republican, Democratic, Independent,

1 or other political party candidates and political com-  
2 mittees;

3 “(3) whether the shareholder believes that such  
4 disbursements should be made with respect to elec-  
5 tions for Federal, State, or local office; and

6 “(4) such other information as the Commission  
7 may specify, by rule.

8 “(c) DISBURSEMENT FOR A POLITICAL PURPOSE DE-  
9 FINED.—

10 “(1) IN GENERAL.—For purposes of this sec-  
11 tion, the term ‘disbursement for a political purpose’  
12 means any of the following:

13 “(A) A disbursement for an independent  
14 expenditure, as defined in section 301(17) of  
15 the Federal Election Campaign Act of 1971 (52  
16 U.S.C. 30101(17)).

17 “(B) A disbursement for an electioneering  
18 communication, as defined in section 304(f) of  
19 the Federal Election Campaign Act of 1971 (52  
20 U.S.C. 30104(f)).

21 “(C) A disbursement for any public com-  
22 munication, as defined in section 301(22) of the  
23 Federal Election Campaign Act of 1971 (52  
24 U.S.C. 30101(22))—

1           “(i) which expressly advocates the  
2           election or defeat of a clearly identified  
3           candidate for election for Federal office, or  
4           is the functional equivalent of express ad-  
5           vocacy because, when taken as a whole, it  
6           can be interpreted by a reasonable person  
7           only as advocating the election or defeat of  
8           a candidate for election for Federal office;  
9           or

10           “(ii) which refers to a clearly identi-  
11           fied candidate for election for Federal of-  
12           fice and which promotes or supports a can-  
13           didate for that office, or attacks or opposes  
14           a candidate for that office, without regard  
15           to whether the communication expressly  
16           advocates a vote for or against a candidate  
17           for that office.

18           “(D) Any other disbursement which is  
19           made for the purpose of influencing the out-  
20           come of an election for a public office.

21           “(E) Any transfer of funds to another per-  
22           son which is made with the intent that such  
23           person will use the funds to make a disburse-  
24           ment described in subparagraphs (A) through

1 (D), or with the knowledge that the person will  
2 use the funds to make such a disbursement.

3 “(2) EXCEPTIONS.—The term ‘disbursement  
4 for a political purpose’ does not include any of the  
5 following:

6 “(A) Any disbursement made from a sepa-  
7 rate segregated fund of the corporation under  
8 section 316 of the Federal Election Campaign  
9 Act of 1971 (52 U.S.C. 30118).

10 “(B) Any transfer of funds to another per-  
11 son which is made in a commercial transaction  
12 in the ordinary course of any trade or business  
13 conducted by the corporation or in the form of  
14 investments made by the corporation.

15 “(C) Any transfer of funds to another per-  
16 son which is subject to a written prohibition  
17 against the use of the funds for a disbursement  
18 for a political purpose.

19 “(d) OTHER DEFINITIONS.—In this section, each of  
20 the terms ‘candidate’, ‘election’, ‘political committee’, and  
21 ‘political party’ has the meaning given such term under  
22 section 301 of the Federal Election Campaign Act of 1971  
23 (52 U.S.C. 30101).”.

24 (b) CONFORMING AMENDMENT TO FEDERAL ELEC-  
25 TION CAMPAIGN ACT OF 1971 TO PROHIBIT DISBURSE-



1 MENTS BY CORPORATIONS FAILING TO ASSESS PREF-  
2 ERENCES.—Section 316 of the Federal Election Campaign  
3 Act of 1971 (52 U.S.C. 30118) is amended by adding at  
4 the end the following new subsection:

5 “(d) PROHIBITING DISBURSEMENTS BY CORPORA-  
6 TIONS FAILING TO ASSESS SHAREHOLDER PREF-  
7 ERENCES.—

8 “(1) PROHIBITION.—It shall be unlawful for a  
9 corporation to make a disbursement for a political  
10 purpose unless the corporation has in place proce-  
11 dures to assess the preferences of its shareholders  
12 with respect to making such disbursements, as pro-  
13 vided in section 10E of the Securities Exchange Act  
14 of 1934.

15 “(2) DEFINITION.—In this section, the term  
16 ‘disbursement for a political purpose’ has the mean-  
17 ing given such term in section 10E(c) of the Securi-  
18 ties Exchange Act of 1934.”.

19 (c) EFFECTIVE DATE.—The amendments made by  
20 this section shall apply with respect to disbursements  
21 made on or after December 31, 2021.

1 **Subtitle H—Disclosure of Political**  
2 **Spending by Government Con-**  
3 **tractors**

4 **SEC. 4701. 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, 2021 (division E of Pub-  
9 lic Law 116—\_\_\_\_\_) is hereby repealed.

10 **Subtitle I—Limitation and Disclo-**  
11 **sure Requirements for Presi-**  
12 **dential Inaugural Committees**

13 **SEC. 4801. SHORT TITLE.**

14 This subtitle may be cited as the “Presidential Inau-  
15 gural Committee Oversight Act”.

16 **SEC. 4802. 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.), as amended by section  
22 4431, is amended by adding at the end the following new  
23 section:

24 **“SEC. 326. INAUGURAL COMMITTEES.**

25 **“(a) PROHIBITED DONATIONS.—**

1 “(1) IN GENERAL.—It shall be unlawful—

2 “(A) for an Inaugural Committee—

3 “(i) to solicit, accept, or receive a do-  
4 nation from a person that is not an indi-  
5 vidual; or

6 “(ii) to solicit, accept, or receive a do-  
7 nation from a foreign national;

8 “(B) for a person—

9 “(i) to make a donation to an Inau-  
10 gural Committee in the name of another  
11 person, or to knowingly authorize his or  
12 her name to be used to effect such a dona-  
13 tion;

14 “(ii) to knowingly accept a donation  
15 to an Inaugural Committee made by a per-  
16 son in the name of another person; or

17 “(iii) to convert a donation to an In-  
18 augural Committee to personal use as de-  
19 scribed in paragraph (2); and

20 “(C) for a foreign national to, directly or  
21 indirectly, make a donation, or make an express  
22 or implied promise to make a donation, to an  
23 Inaugural Committee.

24 “(2) CONVERSION OF DONATION TO PERSONAL  
25 USE.—For purposes of paragraph (1)(B)(iii), a do-

1 nation shall be considered to be converted to per-  
2 sonal use if any part of the donated amount is used  
3 to fulfill a commitment, obligation, or expense of a  
4 person that would exist irrespective of the respon-  
5 sibilities of the Inaugural Committee under chapter  
6 5 of title 36, United States Code.

7 “(3) NO EFFECT ON DISBURSEMENT OF UN-  
8 USED FUNDS TO NONPROFIT ORGANIZATIONS.—  
9 Nothing in this subsection may be construed to pro-  
10 hibit an Inaugural Committee from disbursing un-  
11 used funds to an organization which is described in  
12 section 501(c)(3) of the Internal Revenue Code of  
13 1986 and is exempt from taxation under section  
14 501(a) of such Code.

15 “(b) LIMITATION ON DONATIONS.—

16 “(1) IN GENERAL.—It shall be unlawful for an  
17 individual to make donations to an Inaugural Com-  
18 mittee which, in the aggregate, exceed \$50,000.

19 “(2) INDEXING.—At the beginning of each  
20 Presidential election year (beginning with 2028), the  
21 amount described in paragraph (1) shall be in-  
22 creased by the cumulative percent difference deter-  
23 mined in section 315(c)(1)(A) since the previous  
24 Presidential election year. If any amount after such

1       increase is not a multiple of \$1,000, such amount  
2       shall be rounded to the nearest multiple of \$1,000.

3       “(c) DISCLOSURE OF CERTAIN DONATIONS AND DIS-  
4 BURSEMENTS.—

5               “(1) DONATIONS OVER \$1,000.—

6                       “(A) IN GENERAL.—An Inaugural Com-  
7       mittee shall file with the Commission a report  
8       disclosing any donation by an individual to the  
9       committee in an amount of \$1,000 or more not  
10      later than 24 hours after the receipt of such do-  
11      nation.

12                      “(B) CONTENTS OF REPORT.—A report  
13      filed under subparagraph (A) shall contain—

14                               “(i) the amount of the donation;

15                               “(ii) the date the donation is received;

16                               and

17                               “(iii) the name and address of the in-  
18      dividual making the donation.

19               “(2) FINAL REPORT.—Not later than the date  
20      that is 90 days after the date of the Presidential in-  
21      augural ceremony, the Inaugural Committee shall  
22      file with the Commission a report containing the fol-  
23      lowing information:

24                               “(A) For each donation of money or any-  
25      thing of value made to the committee in an ag-

1 aggregate amount equal to or greater than  
2 \$200—

3 “(i) the amount of the donation;

4 “(ii) the date the donation is received;

5 and

6 “(iii) the name and address of the in-  
7 dividual making the donation.

8 “(B) The total amount of all disburse-  
9 ments, and all disbursements in the following  
10 categories:

11 “(i) Disbursements made to meet  
12 committee operating expenses.

13 “(ii) Repayment of all loans.

14 “(iii) Donation refunds and other off-  
15 sets to donations.

16 “(iv) Any other disbursements.

17 “(C) The name and address of each per-  
18 son—

19 “(i) to whom a disbursement in an ag-  
20 gregate amount or value in excess of \$200  
21 is made by the committee to meet a com-  
22 mittee operating expense, together with  
23 date, amount, and purpose of such oper-  
24 ating expense;

1 “(ii) who receives a loan repayment  
2 from the committee, together with the date  
3 and amount of such loan repayment;

4 “(iii) who receives a donation refund  
5 or other offset to donations from the com-  
6 mittee, together with the date and amount  
7 of such disbursement; and

8 “(iv) to whom any other disbursement  
9 in an aggregate amount or value in excess  
10 of \$200 is made by the committee, to-  
11 gether with the date and amount of such  
12 disbursement.

13 “(d) DEFINITIONS.—For purposes of this section:

14 “(1)(A) The term ‘donation’ includes—

15 “(i) any gift, subscription, loan, ad-  
16 vance, or deposit of money or anything of  
17 value made by any person to the com-  
18 mittee; or

19 “(ii) the payment by any person of  
20 compensation for the personal services of  
21 another person which are rendered to the  
22 committee without charge for any purpose.

23 “(B) The term ‘donation’ does not include  
24 the value of services provided without com-

1           pensation by any individual who volunteers on  
2           behalf of the committee.

3           “(2) The term ‘foreign national’ has the mean-  
4           ing given that term by section 319(b).

5           “(3) The term ‘Inaugural Committee’ has the  
6           meaning given that term by section 501 of title 36,  
7           United States Code.”.

8           (b) CONFIRMING AMENDMENT RELATED TO RE-  
9           PORTING REQUIREMENTS.—Section 304 of the Federal  
10          Election Campaign Act of 1971 (52 U.S.C. 30104) is  
11          amended—

12                 (1) by striking subsection (h); and

13                 (2) by redesignating subsection (i) as subsection  
14          (h).

15          (c) CONFORMING AMENDMENT RELATED TO STATUS  
16          OF COMMITTEE.—Section 510 of title 36, United States  
17          Code, is amended to read as follows:

18          **“§ 510. Disclosure of and prohibition on certain dona-**  
19                         **tions**

20                 “A committee shall not be considered to be the Inau-  
21          gural Committee for purposes of this chapter unless the  
22          committee agrees to, and meets, the requirements of sec-  
23          tion 326 of the Federal Election Campaign Act of 1971.”.

24          (d) EFFECTIVE DATE.—The amendments made by  
25          this Act shall apply with respect to Inaugural Committees



1 established under chapter 5 of title 36, United States  
 2 Code, for inaugurations held in 2025 and any succeeding  
 3 year.

## 4                   **Subtitle J—Miscellaneous** 5                   **Provisions**

### 6   **SEC. 4901. EFFECTIVE DATES OF PROVISIONS.**

7           Each provision of this title and each amendment  
 8 made by a provision of this title shall take effect on the  
 9 effective date provided under this title for such provision  
 10 or such amendment without regard to whether or not the  
 11 Federal Election Commission, the Attorney General, or  
 12 any other person has promulgated regulations to carry out  
 13 such provision or such amendment.

### 14   **SEC. 4902. SEVERABILITY.**

15           If any provision of this title or amendment made by  
 16 this title, or the application of a provision or amendment  
 17 to any person or circumstance, is held to be unconstitu-  
 18 tional, the remainder of this title and amendments made  
 19 by this title, and the application of the provisions and  
 20 amendment to any person or circumstance, shall not be  
 21 affected by the holding.

## 22                   **TITLE V—CAMPAIGN FINANCE** 23                   **EMPOWERMENT**

Subtitle A—Findings Relating to Citizens United Decision

Sec. 5001. Findings relating to Citizens United decision.

Subtitle B—Congressional Elections

Sec. 5100. Short title.

PART 1—MY VOICE VOUCHER PILOT PROGRAM

Sec. 5101. Establishment of pilot program.

Sec. 5102. Voucher program described.

Sec. 5103. Reports.

Sec. 5104. Definitions.

PART 2—SMALL DOLLAR FINANCING OF CONGRESSIONAL ELECTION CAMPAIGNS

Sec. 5111. Benefits and eligibility requirements for candidates.

“TITLE V—SMALL DOLLAR FINANCING OF CONGRESSIONAL ELECTION CAMPAIGNS

“Subtitle A—Benefits

“Sec. 501. Benefits for participating candidates.

“Sec. 502. Procedures for making payments.

“Sec. 503. Use of funds.

“Sec. 504. Qualified small dollar contributions described.

“Subtitle B—Eligibility and Certification

“Sec. 511. Eligibility.

“Sec. 512. Qualifying requirements.

“Sec. 513. Certification.

“Subtitle C—Requirements for Candidates Certified as Participating Candidates

“Sec. 521. Contribution and expenditure requirements.

“Sec. 522. Administration of campaign.

“Sec. 523. Preventing unnecessary spending of public funds.

“Sec. 524. Remitting unspent funds after election.

“Subtitle D—Enhanced Match Support

“Sec. 531. Enhanced support for general election.

“Sec. 532. Eligibility.

“Sec. 533. Amount.

“Sec. 534. Waiver of authority to retain portion of unspent funds after election.

“Subtitle E—Administrative Provisions

“Sec. 541. Freedom From Influence Fund.

“Sec. 542. Reviews and reports by Government Accountability Office.

“Sec. 543. Administration by Commission.

“Sec. 544. Violations and penalties.

“Sec. 545. Appeals process.

“Sec. 546. Indexing of amounts.

“Sec. 547. Election cycle defined.

Sec. 5112. Contributions and expenditures by multicandidate and political party committees on behalf of participating candidates.

Sec. 5113. Prohibiting use of contributions by participating candidates for purposes other than campaign for election.

- Sec. 5114. Assessments against fines and penalties.
- Sec. 5115. Study and report on small dollar financing program.
- Sec. 5116. Effective date.

#### Subtitle C—Presidential Elections

- Sec. 5200. Short title.

#### PART 1—PRIMARY ELECTIONS

- Sec. 5201. Increase in and modifications to matching payments.
- Sec. 5202. Eligibility requirements for matching payments.
- Sec. 5203. Repeal of expenditure limitations.
- Sec. 5204. Period of availability of matching payments.
- Sec. 5205. Examination and audits of matchable contributions.
- Sec. 5206. Modification to limitation on contributions for Presidential primary candidates.
- Sec. 5207. Use of Freedom From Influence Fund as source of payments.

#### PART 2—GENERAL ELECTIONS

- Sec. 5211. Modification of eligibility requirements for public financing.
- Sec. 5212. Repeal of expenditure limitations and use of qualified campaign contributions.
- Sec. 5213. Matching payments and other modifications to payment amounts.
- Sec. 5214. Increase in limit on coordinated party expenditures.
- Sec. 5215. Establishment of uniform date for release of payments.
- Sec. 5216. Amounts in Presidential Election Campaign Fund.
- Sec. 5217. Use of general election payments for general election legal and accounting compliance.
- Sec. 5218. Use of Freedom From Influence Fund as source of payments.

#### PART 3—EFFECTIVE DATE

- Sec. 5221. Effective date.

#### Subtitle D—Personal Use Services as Authorized Campaign Expenditures

- Sec. 5301. Short title; findings; purpose.
- Sec. 5302. Treatment of payments for child care and other personal use services as authorized campaign expenditure.

#### Subtitle E—Empowering Small Dollar Donations

- Sec. 5401. Permitting political party committees to provide enhanced support for candidates through use of separate small dollar accounts.

#### Subtitle F—Severability

- Sec. 5501. Severability.

## **Subtitle A—Findings Relating to Citizens United Decision**

### **SEC. 5001. FINDINGS RELATING TO CITIZENS UNITED DECISION.**

Congress finds the following:

(1) The American Republic was founded on the principle that all people are created equal, with rights and responsibilities as citizens to vote, be represented, speak, debate, and participate in self-government on equal terms regardless of wealth. To secure these rights and responsibilities, our Constitution not only protects the equal rights of all Americans but also provides checks and balances to prevent corruption and prevent concentrated power and wealth from undermining effective self-government.

(2) The Founders designed the First Amendment to help prevent tyranny by ensuring that the people have the tools they need to ensure self-government and to keep their elected leaders responsive to the public. The Amendment thus guarantees the right of everyone to speak, to petition the government for redress, to assemble together, and for a free press. If only the wealthiest individuals can participate meaningfully in our democracy, then these First Amendment principles become an illusion.

1           (3) Campaign finance laws promote these First  
2       Amendment interests. They increase robust debate  
3       from diverse voices, enhance the responsiveness of  
4       elected officeholders, and help prevent corruption.  
5       They do not censor anyone’s speech but simply en-  
6       sure that no one’s speech is drowned out. The Su-  
7       preme Court has failed to recognize that these laws  
8       are essential, proactive rules that help guarantee  
9       true democratic self-government.

10          (4) The Supreme Court’s decisions in *Citizens*  
11       *United v. Federal Election Commission*, 558 U.S.  
12       310 (2010) and *McCutcheon v. FEC*, 572 U.S. 185  
13       (2014), as well as other court decisions, erroneously  
14       invalidated even-handed rules about the spending of  
15       money in local, State, and Federal elections. These  
16       rules do not prevent anyone from speaking their  
17       mind, much less pick winners and losers of political  
18       debates. Although the Court has upheld other con-  
19       tent-neutral laws like these, it has failed to apply to  
20       same logic to campaign finance laws. These flawed  
21       decisions have empowered large corporations, ex-  
22       tremely wealthy individuals, and special interests to  
23       dominate election spending, corrupt our politics, and  
24       degrade our democracy through tidal waves of un-  
25       limited and anonymous spending. These decisions

1       also stand in contrast to a long history of efforts by  
2       Congress and the States to regulate money in poli-  
3       tics to protect democracy, and they illustrate a trou-  
4       bling deregulatory trend in campaign finance-related  
5       court decisions. Additionally, an unknown amount of  
6       foreign money continues to be spent in our political  
7       system as subsidiaries of foreign-based corporations  
8       and hostile foreign actors sometimes connected to  
9       nation-states work to influence our elections.

10       (5) The Supreme Court’s misinterpretation of  
11       the Constitution to empower monied interests at the  
12       expense of the American people in elections has seri-  
13       ously eroded over 100 years of congressional action  
14       to promote fairness and protect elections from the  
15       toxic influence of money.

16       (6) In 1907, Congress passed the Tillman Act  
17       in response to the concentration of corporate power  
18       in the post-Civil War Gilded Age. The Act prohibited  
19       corporations from making contributions in connec-  
20       tion with Federal elections, aiming “not merely to  
21       prevent the subversion of the integrity of the elec-  
22       toral process [but] \* \* \* to sustain the active, alert  
23       responsibility of the individual citizen in a democ-  
24       racy for the wise conduct of government”.

1           (7) By 1910, Congress began passing disclosure  
2 requirements and campaign expenditure limits, and  
3 dozens of States passed corrupt practices Acts to  
4 prohibit corporate spending in elections. States also  
5 enacted campaign spending limits, and some States  
6 limited the amount that people could contribute to  
7 campaigns.

8           (8) In 1947, the Taft-Hartley Act prohibited  
9 corporations and unions from making campaign con-  
10 tributions or other expenditures to influence elec-  
11 tions. In 1962, a Presidential commission on election  
12 spending recommended spending limits and incen-  
13 tives to increase small contributions from more peo-  
14 ple.

15          (9) The Federal Election Campaign Act of  
16 1971 (FECA), as amended in 1974, required disclo-  
17 sure of contributions and expenditures, imposed con-  
18 tribution and expenditure limits for individuals and  
19 groups, set spending limits for campaigns, can-  
20 didates, and groups, implemented a public funding  
21 system for Presidential campaigns, and created the  
22 Federal Election Commission to oversee and enforce  
23 the new rules.

24          (10) In the wake of Citizens United and other  
25 damaging Federal court decisions, Americans have

1       witnessed an explosion of outside spending in elec-  
2       tions. Outside spending increased more than 700  
3       percent between the 2008 and 2020 Presidential  
4       election years. Spending by outside groups nearly  
5       doubled again from 2016 to 2020 with super PACs,  
6       tax-exempt groups, and others spending more than  
7       \$3,000,000,000. And as political entities adapt to a  
8       post-Citizens United, post-McCutcheon landscape,  
9       these trends are getting worse, as evidenced by the  
10      record-setting 2020 elections which cost more than  
11      \$14,000,000,000 in total.

12           (11) Since the landmark Citizens United deci-  
13      sion, 21 States and more than 800 municipalities,  
14      including large cities like New York, Los Angeles,  
15      Chicago, and Philadelphia, have gone on record sup-  
16      porting a constitutional amendment. Transcending  
17      political leanings and geographic location, voters in  
18      States and municipalities across the country that  
19      have placed amendment questions on the ballot have  
20      routinely supported these initiatives by considerably  
21      large margins.

22           (12) The Court has tied the hands of Congress  
23      and the States, severely restricting them from set-  
24      ting reasonable limits on campaign spending. For  
25      example, the Court has held that only the Govern-



1       ment's interest in preventing quid pro quo corrup-  
2       tion, like bribery, or the appearance of such corrup-  
3       tion, can justify limits on campaign contributions.  
4       More broadly, the Court has severely curtailed at-  
5       tempts to reduce the ability of the Nation's wealthi-  
6       est and most powerful to skew our democracy in  
7       their favor by buying outsized influence in our elec-  
8       tions. Because this distortion of the Constitution has  
9       prevented other critical regulation or reform of the  
10      way we finance elections in America, a constitutional  
11      amendment is needed to achieve a democracy for all  
12      the people.

13           (13) The torrent of money flowing into our po-  
14      litical system has a profound effect on the demo-  
15      cratic process for everyday Americans, whose voices  
16      and policy preferences are increasingly being  
17      drowned out by those of wealthy special interests.  
18      The more campaign cash from wealthy special inter-  
19      ests can flood our elections, the more policies that  
20      favor those interests are reflected in the national po-  
21      litical agenda. When it comes to policy preferences,  
22      our Nation's wealthiest tend to have fundamentally  
23      different views than do average Americans when it  
24      comes to issues ranging from unemployment benefits  
25      to the minimum wage to health care coverage.

1           (14) At the same time millions of Americans  
2       have signed petitions, marched, called their Members  
3       of Congress, written letters to the editor, and other-  
4       wise demonstrated their public support for a con-  
5       stitutional amendment to overturn Citizens United  
6       that will allow Congress to reign in the outsized in-  
7       fluence of unchecked money in politics. Dozens of  
8       organizations, representing tens of millions of indi-  
9       viduals, have come together in a shared strategy of  
10      supporting such an amendment.

11          (15) In order to protect the integrity of democ-  
12      racy and the electoral process and to ensure political  
13      equality for all, the Constitution should be amended  
14      so that Congress and the States may regulate and  
15      set limits on the raising and spending of money to  
16      influence elections and may distinguish between nat-  
17      ural persons and artificial entities, like corporations,  
18      that are created by law, including by prohibiting  
19      such artificial entities from spending money to influ-  
20      ence elections.

21                   **Subtitle B—Congressional**  
22                   **Elections**

23      **SEC. 5100. SHORT TITLE.**

24          This subtitle may be cited as the “Government By  
25      the People Act of 2021”.

1     **PART 1—MY VOICE VOUCHER PILOT PROGRAM**

2     **SEC. 5101. ESTABLISHMENT OF PILOT PROGRAM.**

3         (a) **ESTABLISHMENT.**—The Federal Election Com-  
4 mission (hereafter in this part referred to as the “Commis-  
5 sion”) shall establish a pilot program under which the  
6 Commission shall select 3 eligible States to operate a  
7 voucher pilot program which is described in section 5102  
8 during the program operation period.

9         (b) **ELIGIBILITY OF STATES.**—A State is eligible to  
10 be selected to operate a voucher pilot program under this  
11 part if, not later than 180 days after the beginning of the  
12 program application period, the State submits to the Com-  
13 mission an application containing—

14             (1) information and assurances that the State  
15 will operate a voucher program which contains the  
16 elements described in section 5102(a);

17             (2) information and assurances that the State  
18 will establish fraud prevention mechanisms described  
19 in section 5102(b);

20             (3) information and assurances that the State  
21 will establish a commission to oversee and implement  
22 the program as described in section 5102(c);

23             (4) information and assurances that the State  
24 will carry out a public information campaign as de-  
25 scribed in section 5102(d);

1           (5) information and assurances that the State  
2       will submit reports as required under section 5103;  
3       and

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

6       (c) SELECTION OF PARTICIPATING STATES.—

7           (1) IN GENERAL.—Not later than 1 year after  
8       the beginning of the program application period, the  
9       Commission shall select the 3 States which will oper-  
10      ate voucher pilot programs under this part.

11          (2) CRITERIA.—In selecting States for the oper-  
12      ation of the voucher pilot programs under this part,  
13      the Commission shall apply such criteria and metrics  
14      as the Commission considers appropriate to deter-  
15      mine the ability of a State to operate the program  
16      successfully, and shall attempt to select States in a  
17      variety of geographic regions and with a variety of  
18      political party preferences.

19          (3) NO SUPERMAJORITY REQUIRED FOR SELEC-  
20      TION.—The selection of States by the Commission  
21      under this subsection shall require the approval of  
22      only half of the Members of the Commission.

23      (d) DUTIES OF STATES DURING PROGRAM PREPARA-  
24      TION PERIOD.—During the program preparation period,  
25      each State selected to operate a voucher pilot program

1 under this part shall take such actions as may be nec-  
2 essary to ensure that the State will be ready to operate  
3 the program during the program operation period, and  
4 shall complete such actions not later than 90 days before  
5 the beginning of the program operation period.

6 (e) TERMINATION.—Each voucher pilot program  
7 under this part shall terminate as of the first day after  
8 the program operation period.

9 (f) REIMBURSEMENT OF COSTS.—

10 (1) REIMBURSEMENT.—Upon receiving the re-  
11 port submitted by a State under section 5103(a)  
12 with respect to an election cycle, the Commission  
13 shall transmit a payment to the State in an amount  
14 equal to the reasonable costs incurred by the State  
15 in operating the voucher pilot program under this  
16 part during the cycle.

17 (2) SOURCE OF FUNDS.—Payments to States  
18 under the program shall be made using amounts in  
19 the Freedom From Influence Fund under section  
20 541 of the Federal Election Campaign Act of 1971  
21 (as added by section 5111), hereafter referred to as  
22 the “Fund”.

23 (3) MANDATORY REDUCTION OF PAYMENTS IN  
24 CASE OF INSUFFICIENT AMOUNTS IN FREEDOM  
25 FROM INFLUENCE FUND.—

1 (A) ADVANCE AUDITS BY COMMISSION.—

2 Not later than 90 days before the first day of  
3 each program operation period, the Commission  
4 shall—

5 (i) audit the Fund to determine  
6 whether, after first making payments to  
7 participating candidates under title V of  
8 the Federal Election Campaign Act of  
9 1971 (as added by section 5111), the  
10 amounts remaining in the Fund will be  
11 sufficient to make payments to States  
12 under this part in the amounts provided  
13 under this subsection; and

14 (ii) submit a report to Congress de-  
15 scribing the results of the audit.

16 (B) REDUCTIONS IN AMOUNT OF PAY-  
17 MENTS.—

18 (i) AUTOMATIC REDUCTION ON PRO  
19 RATA BASIS.—If, on the basis of the audit  
20 described in subparagraph (A), the Com-  
21 mission determines that the amount antici-  
22 pated to be available in the Fund with re-  
23 spect to an election cycle involved is not, or  
24 may not be, sufficient to make payments to  
25 States under this part in the full amount

1 provided under this subsection, the Com-  
2 mission shall reduce each amount which  
3 would otherwise be paid to a State under  
4 this subsection by such pro rata amount as  
5 may be necessary to ensure that the aggre-  
6 gate amount of payments anticipated to be  
7 made with respect to the cycle will not ex-  
8 ceed the amount anticipated to be available  
9 for such payments in the Fund with re-  
10 spect to such cycle.

11 (ii) RESTORATION OF REDUCTIONS IN  
12 CASE OF AVAILABILITY OF SUFFICIENT  
13 FUNDS DURING ELECTION CYCLE.—If,  
14 after reducing the amounts paid to States  
15 with respect to an election cycle under  
16 clause (i), the Commission determines that  
17 there are sufficient amounts in the Fund  
18 to restore the amount by which such pay-  
19 ments were reduced (or any portion there-  
20 of), to the extent that such amounts are  
21 available, the Commission may make a  
22 payment on a pro rata basis to each such  
23 State with respect to the cycle in the  
24 amount by which such State's payments

1                   were reduced under clause (i) (or any por-  
2                   tion thereof, as the case may be).

3                   (iii) NO USE OF AMOUNTS FROM  
4                   OTHER SOURCES.—In any case in which  
5                   the Commission determines that there are  
6                   insufficient moneys in the Fund to make  
7                   payments to States under this part, mon-  
8                   eys shall not be made available from any  
9                   other source for the purpose of making  
10                  such payments.

11               (4) CAP ON AMOUNT OF PAYMENT.—The aggre-  
12               gate amount of payments made to any State with re-  
13               spect to any program operation period may not ex-  
14               ceed \$10,000,000. If the State determines that the  
15               maximum payment amount under this paragraph  
16               with respect to the program operation period in-  
17               volved is not, or may not be, sufficient to cover the  
18               reasonable costs incurred by the State in operating  
19               the program under this part for such period, the  
20               State shall reduce the amount of the voucher pro-  
21               vided to each qualified individual by such pro rata  
22               amount as may be necessary to ensure that the rea-  
23               sonable costs incurred by the State in operating the  
24               program will not exceed the amount paid to the  
25               State with respect to such period.



1 **SEC. 5102. VOUCHER PROGRAM DESCRIBED.**

2 (a) GENERAL ELEMENTS OF PROGRAM.—

3 (1) ELEMENTS DESCRIBED.—The elements of a  
4 voucher pilot program operated by a State under  
5 this part are as follows:

6 (A) The State shall provide each qualified  
7 individual upon the individual's request with a  
8 voucher worth \$25 to be known as a “My Voice  
9 Voucher” during the election cycle which will be  
10 assigned a routing number and which at the op-  
11 tion of the individual will be provided in either  
12 paper or electronic form.

13 (B) Using the routing number assigned to  
14 the My Voice Voucher, the individual may sub-  
15 mit the My Voice Voucher in either electronic  
16 or paper form to qualified candidates for elec-  
17 tion for the office of Representative in, or Dele-  
18 gate or Resident Commissioner to, the Congress  
19 and allocate such portion of the value of the My  
20 Voice Voucher in increments of \$5 as the indi-  
21 vidual may select to any such candidate.

22 (C) If the candidate transmits the My  
23 Voice Voucher to the Commission, the Commis-  
24 sion shall pay the candidate the portion of the  
25 value of the My Voice Voucher that the indi-  
26 vidual allocated to the candidate, which shall be

1           considered a contribution by the individual to  
2           the candidate for purposes of the Federal Elec-  
3           tion Campaign Act of 1971.

4           (2) DESIGNATION OF QUALIFIED INDIVID-  
5           UALS.—For purposes of paragraph (1)(A), a “quali-  
6           fied individual” with respect to a State means an in-  
7           dividual—

8                   (A) who is a resident of the State;

9                   (B) who will be of voting age as of the  
10           date of the election for the candidate to whom  
11           the individual submits a My Voice Voucher; and

12                   (C) who is not prohibited under Federal  
13           law from making contributions to candidates  
14           for election for Federal office.

15           (3) TREATMENT AS CONTRIBUTION TO CAN-  
16           DIDATE.—For purposes of the Federal Election  
17           Campaign Act of 1971, the submission of a My  
18           Voice Voucher to a candidate by an individual shall  
19           be treated as a contribution to the candidate by the  
20           individual in the amount of the portion of the value  
21           of the Voucher that the individual allocated to the  
22           candidate.

23           (b) FRAUD PREVENTION MECHANISM.—In addition  
24           to the elements described in subsection (a), a State oper-  
25           ating a voucher pilot program under this part shall permit

1 an individual to revoke a My Voice Voucher not later than  
2 2 days after submitting the My Voice Voucher to a can-  
3 didate.

4 (c) OVERSIGHT COMMISSION.—In addition to the ele-  
5 ments described in subsection (a), a State operating a  
6 voucher pilot program under this part shall establish a  
7 commission or designate an existing entity to oversee and  
8 implement the program in the State, except that no such  
9 commission or entity may be comprised of elected officials.

10 (d) PUBLIC INFORMATION CAMPAIGN.—In addition  
11 to the elements described in subsection (a), a State oper-  
12 ating a voucher pilot program under this part shall carry  
13 out a public information campaign to disseminate aware-  
14 ness of the program among qualified individuals.

15 **SEC. 5103. REPORTS.**

16 (a) PRELIMINARY REPORT.—Not later than 6  
17 months after the first election cycle of the program oper-  
18 ation period, a State which operates a voucher pilot pro-  
19 gram under this part shall submit a report to the Commis-  
20 sion analyzing the operation and effectiveness of the pro-  
21 gram during the cycle and including such other informa-  
22 tion as the Commission may require.

23 (b) FINAL REPORT.—Not later than 6 months after  
24 the end of the program operation period, the State shall  
25 submit a final report to the Commission analyzing the op-

1 eration and effectiveness of the program and including  
2 such other information as the Commission may require.

3 (c) REPORT BY COMMISSION.—Not later than the  
4 end of the first election cycle which begins after the pro-  
5 gram operation period, the Commission shall submit a re-  
6 port to Congress which summarizes and analyzes the re-  
7 sults of the voucher pilot program, and shall include in  
8 the report such recommendations as the Commission con-  
9 siders appropriate regarding the expansion of the pilot  
10 program to all States and territories, along with such  
11 other recommendations and other information as the Com-  
12 mission considers appropriate.

13 **SEC. 5104. DEFINITIONS.**

14 (a) ELECTION CYCLE.—In this part, the term “elec-  
15 tion cycle” means the period beginning on the day after  
16 the date of the most recent regularly scheduled general  
17 election for Federal office and ending on the date of the  
18 next regularly scheduled general election for Federal of-  
19 fice.

20 (b) DEFINITIONS RELATING TO PERIODS.—In this  
21 part, the following definitions apply:

22 (1) PROGRAM APPLICATION PERIOD.—The term  
23 “program application period” means the first elec-  
24 tion cycle which begins after the date of the enact-  
25 ment of this Act.

1           (2) PROGRAM PREPARATION PERIOD.—The  
 2           term “program preparation period” means the first  
 3           election cycle which begins after the program appli-  
 4           cation period.

5           (3) PROGRAM OPERATION PERIOD.—The term  
 6           “program operation period” means the first 2 elec-  
 7           tion cycles which begin after the program prepara-  
 8           tion period.

9           **PART 2—SMALL DOLLAR FINANCING OF**  
 10          **CONGRESSIONAL ELECTION CAMPAIGNS**  
 11          **SEC. 5111. BENEFITS AND ELIGIBILITY REQUIREMENTS**  
 12          **FOR CANDIDATES.**

13          The Federal Election Campaign Act of 1971 (52  
 14          U.S.C. 30101 et seq.) is amended by adding at the end  
 15          the following:

16          **“TITLE V—SMALL DOLLAR FI-**  
 17          **NANCING OF CONGRES-**  
 18          **SIONAL ELECTION CAM-**  
 19          **PAIGNS**

20          **“Subtitle A—Benefits**

21          **“SEC. 501. BENEFITS FOR PARTICIPATING CANDIDATES.**

22          “(a) IN GENERAL.—If a candidate for election to the  
 23          office of Representative in, or Delegate or Resident Com-  
 24          missioner to, the Congress is certified as a participating  
 25          candidate under this title with respect to an election for

1 such office, the candidate shall be entitled to payments  
2 as provided under this title.

3 “(b) AMOUNT OF PAYMENT.—The amount of a pay-  
4 ment made under this title shall be equal to 600 percent  
5 of the amount of qualified small dollar contributions re-  
6 ceived by the candidate since the most recent payment  
7 made to the candidate under this title during the election  
8 cycle, without regard to whether or not the candidate re-  
9 ceived any of the contributions before, during, or after the  
10 Small Dollar Democracy qualifying period applicable to  
11 the candidate under section 511(c).

12 “(c) LIMIT ON AGGREGATE AMOUNT OF PAY-  
13 MENTS.—The aggregate amount of payments made to a  
14 participating candidate with respect to an election cycle  
15 under this title may not exceed 50 percent of the average  
16 of the 20 greatest amounts of disbursements made by the  
17 authorized committees of any winning candidate for the  
18 office of Representative in, or Delegate or Resident Com-  
19 missioner to, the Congress during the most recent election  
20 cycle, rounded to the nearest \$100,000.

21 **“SEC. 502. PROCEDURES FOR MAKING PAYMENTS.**

22 “(a) IN GENERAL.—The Commission shall make a  
23 payment under section 501 to a candidate who is certified  
24 as a participating candidate upon receipt from the can-  
25 didate of a request for a payment which includes—

1           “(1) a statement of the number and amount of  
2           qualified small dollar contributions received by the  
3           candidate since the most recent payment made to  
4           the candidate under this title during the election  
5           cycle;

6           “(2) a statement of the amount of the payment  
7           the candidate anticipates receiving with respect to  
8           the request;

9           “(3) a statement of the total amount of pay-  
10          ments the candidate has received under this title as  
11          of the date of the statement; and

12          “(4) such other information and assurances as  
13          the Commission may require.

14          “(b) RESTRICTIONS ON SUBMISSION OF RE-  
15          QUESTS.—A candidate may not submit a request under  
16          subsection (a) unless each of the following applies:

17               “(1) The amount of the qualified small dollar  
18               contributions in the statement referred to in sub-  
19               section (a)(1) is equal to or greater than \$5,000, un-  
20               less the request is submitted during the 30-day pe-  
21               riod which ends on the date of a general election.

22               “(2) The candidate did not receive a payment  
23               under this title during the 7-day period which ends  
24               on the date the candidate submits the request.

1       “(c) TIME OF PAYMENT.—The Commission shall, in  
2 coordination with the Secretary of the Treasury, take such  
3 steps as may be necessary to ensure that the Secretary  
4 is able to make payments under this section from the  
5 Treasury not later than 2 business days after the receipt  
6 of a request submitted under subsection (a).

7       **“SEC. 503. USE OF FUNDS.**

8       “(a) USE OF FUNDS FOR AUTHORIZED CAMPAIGN  
9 EXPENDITURES.—A candidate shall use payments made  
10 under this title, including payments provided with respect  
11 to a previous election cycle which are withheld from remit-  
12 tance to the Commission in accordance with section  
13 524(a)(2), only for making direct payments for the receipt  
14 of goods and services which constitute authorized expendi-  
15 tures (as determined in accordance with title III) in con-  
16 nection with the election cycle involved.

17       “(b) PROHIBITING USE OF FUNDS FOR LEGAL EX-  
18 PENSES, FINES, OR PENALTIES.—Notwithstanding title  
19 III, a candidate may not use payments made under this  
20 title for the payment of expenses incurred in connection  
21 with any action, claim, or other matter before the Commis-  
22 sion or before any court, hearing officer, arbitrator, or  
23 other dispute resolution entity, or for the payment of any  
24 fine or civil monetary penalty.



1   **“SEC. 504. QUALIFIED SMALL DOLLAR CONTRIBUTIONS DE-**  
2                   **SCRIBED.**

3           “(a) IN GENERAL.—In this title, the term ‘qualified  
4 small dollar contribution’ means, with respect to a can-  
5 didate and the authorized committees of a candidate, a  
6 contribution that meets the following requirements:

7                   “(1) The contribution is in an amount that is—

8                           “(A) not less than \$1; and

9                           “(B) not more than \$200.

10                   “(2)(A) The contribution is made directly by an  
11 individual to the candidate or an authorized com-  
12 mittee of the candidate and is not—

13                           “(i) forwarded from the individual making  
14 the contribution to the candidate or committee  
15 by another person; or

16                           “(ii) received by the candidate or com-  
17 mittee with the knowledge that the contribution  
18 was made at the request, suggestion, or rec-  
19 ommendation of another person.

20                   “(B) In this paragraph—

21                           “(i) the term ‘person’ does not include an  
22 individual (other than an individual described in  
23 section 304(i)(7) of the Federal Election Cam-  
24 paign Act of 1971), a political committee of a  
25 political party, or any political committee which  
26 is not a separate segregated fund described in

1 section 316(b) of the Federal Election Cam-  
2 paign Act of 1971 and which does not make  
3 contributions or independent expenditures, does  
4 not engage in lobbying activity under the Lob-  
5 bying Disclosure Act of 1995 (2 U.S.C. 1601 et  
6 seq.), and is not established by, controlled by,  
7 or affiliated with a registered lobbyist under  
8 such Act, an agent of a registered lobbyist  
9 under such Act, or an organization which re-  
10 tains or employs a registered lobbyist under  
11 such Act; and

12 “(ii) a contribution is not ‘made at the re-  
13 quest, suggestion, or recommendation of an-  
14 other person’ solely on the grounds that the  
15 contribution is made in response to information  
16 provided to the individual making the contribu-  
17 tion by any person, so long as the candidate or  
18 authorized committee does not know the iden-  
19 tity of the person who provided the information  
20 to such individual.

21 “(3) The individual who makes the contribution  
22 does not make contributions to the candidate or the  
23 authorized committees of the candidate with respect  
24 to the election involved in an aggregate amount that  
25 exceeds the amount described in paragraph (1)(B),

1 or any contribution to the candidate or the author-  
2 ized committees of the candidate with respect to the  
3 election involved that otherwise is not a qualified  
4 small dollar contribution.

5 “(b) TREATMENT OF MY VOICE VOUCHERS.—Any  
6 payment received by a candidate and the authorized com-  
7 mittees of a candidate which consists of a My Voice  
8 Voucher under the Government By the People Act of 2021  
9 shall be considered a qualified small dollar contribution  
10 for purposes of this title, so long as the individual making  
11 the payment meets the requirements of paragraphs (2)  
12 and (3) of subsection (a).

13 “(c) RESTRICTION ON SUBSEQUENT CONTRIBU-  
14 TIONS.—

15 “(1) PROHIBITING DONOR FROM MAKING SUB-  
16 SEQUENT NONQUALIFIED CONTRIBUTIONS DURING  
17 ELECTION CYCLE.—

18 “(A) IN GENERAL.—An individual who  
19 makes a qualified small dollar contribution to a  
20 candidate or the authorized committees of a  
21 candidate with respect to an election may not  
22 make any subsequent contribution to such can-  
23 didate or the authorized committees of such  
24 candidate with respect to the election cycle

1           which is not a qualified small dollar contribu-  
2           tion.

3                   “(B) EXCEPTION FOR CONTRIBUTIONS TO  
4           CANDIDATES WHO VOLUNTARILY WITHDRAW  
5           FROM PARTICIPATION DURING QUALIFYING PE-  
6           RIOD.—Subparagraph (A) does not apply with  
7           respect to a contribution made to a candidate  
8           who, during the Small Dollar Democracy quali-  
9           fying period described in section 511(c), sub-  
10          mits a statement to the Commission under sec-  
11          tion 513(c) to voluntarily withdraw from par-  
12          ticipating in the program under this title.

13                   “(2) TREATMENT OF SUBSEQUENT NON-  
14          QUALIFIED CONTRIBUTIONS.—If, notwithstanding  
15          the prohibition described in paragraph (1), an indi-  
16          vidual who makes a qualified small dollar contribu-  
17          tion to a candidate or the authorized committees of  
18          a candidate with respect to an election makes a sub-  
19          sequent contribution to such candidate or the au-  
20          thorized committees of such candidate with respect  
21          to the election which is prohibited under paragraph  
22          (1) because it is not a qualified small dollar con-  
23          tribution, the candidate may take one of the fol-  
24          lowing actions:

1           “(A) Not later than 2 weeks after receiving  
2           the contribution, the candidate may return the  
3           subsequent contribution to the individual. In  
4           the case of a subsequent contribution which is  
5           not a qualified small dollar contribution because  
6           the contribution fails to meet the requirements  
7           of paragraph (3) of subsection (a) (relating to  
8           the aggregate amount of contributions made to  
9           the candidate or the authorized committees of  
10          the candidate by the individual making the con-  
11          tribution), the candidate may return an amount  
12          equal to the difference between the amount of  
13          the subsequent contribution and the amount de-  
14          scribed in paragraph (1)(B) of subsection (a).

15          “(B) The candidate may retain the subse-  
16          quent contribution, so long as not later than 2  
17          weeks after receiving the subsequent contribu-  
18          tion, the candidate remits to the Commission  
19          for deposit in the Freedom From Influence  
20          Fund under section 541 an amount equal to  
21          any payments received by the candidate under  
22          this title which are attributable to the qualified  
23          small dollar contribution made by the individual  
24          involved.

1           “(3) NO EFFECT ON ABILITY TO MAKE MUL-  
2           TIPLE CONTRIBUTIONS.—Nothing in this section  
3           may be construed to prohibit an individual from  
4           making multiple qualified small dollar contributions  
5           to any candidate or any number of candidates, so  
6           long as each contribution meets each of the require-  
7           ments of paragraphs (1), (2), and (3) of subsection  
8           (a).

9           “(d) NOTIFICATION REQUIREMENTS FOR CAN-  
10          DIDATES.—

11           “(1) NOTIFICATION.—Each authorized com-  
12          mittee of a candidate who seeks to be a participating  
13          candidate under this title shall provide the following  
14          information in any materials for the solicitation of  
15          contributions, including any internet site through  
16          which individuals may make contributions to the  
17          committee:

18           “(A) A statement that if the candidate is  
19          certified as a participating candidate under this  
20          title, the candidate will receive matching pay-  
21          ments in an amount which is based on the total  
22          amount of qualified small dollar contributions  
23          received.

24           “(B) A statement that a contribution  
25          which meets the requirements set forth in sub-

1 section (a) shall be treated as a qualified small  
2 dollar contribution under this title.

3 “(C) A statement that if a contribution is  
4 treated as qualified small dollar contribution  
5 under this title, the individual who makes the  
6 contribution may not make any contribution to  
7 the candidate or the authorized committees of  
8 the candidate during the election cycle which is  
9 not a qualified small dollar contribution.

10 “(2) ALTERNATIVE METHODS OF MEETING RE-  
11 QUIREMENTS.—An authorized committee may meet  
12 the requirements of paragraph (1)—

13 “(A) by including the information de-  
14 scribed in paragraph (1) in the receipt provided  
15 under section 512(b)(3) to a person making a  
16 qualified small dollar contribution; or

17 “(B) by modifying the information it pro-  
18 vides to persons making contributions which is  
19 otherwise required under title III (including in-  
20 formation it provides through the internet).

## 21 **“Subtitle B—Eligibility and** 22 **Certification**

23 **“SEC. 511. ELIGIBILITY.**

24 “(a) IN GENERAL.—A candidate for the office of  
25 Representative in, or Delegate or Resident Commissioner

1 to, the Congress is eligible to be certified as a participating  
2 candidate under this title with respect to an election if  
3 the candidate meets the following requirements:

4 “(1) The candidate files with the Commission a  
5 statement of intent to seek certification as a partici-  
6 pating candidate.

7 “(2) The candidate meets the qualifying re-  
8 quirements of section 512.

9 “(3) The candidate files with the Commission a  
10 statement certifying that the authorized committees  
11 of the candidate meet the requirements of section  
12 504(d).

13 “(4) Not later than the last day of the Small  
14 Dollar Democracy qualifying period, the candidate  
15 files with the Commission an affidavit signed by the  
16 candidate and the treasurer of the candidate’s prin-  
17 cipal campaign committee declaring that the can-  
18 didate—

19 “(A) has complied and, if certified, will  
20 comply with the contribution and expenditure  
21 requirements of section 521;

22 “(B) if certified, will run only as a partici-  
23 pating candidate for all elections for the office  
24 that such candidate is seeking during that elec-  
25 tion cycle; and



1                   “(C) has either qualified or will take steps  
2                   to qualify under State law to be on the ballot.

3           “(b) GENERAL ELECTION.—Notwithstanding sub-  
4 section (a), a candidate shall not be eligible to be certified  
5 as a participating candidate under this title for a general  
6 election or a general runoff election unless the candidate’s  
7 party nominated the candidate to be placed on the ballot  
8 for the general election or the candidate is otherwise quali-  
9 fied to be on the ballot under State law.

10          “(c) SMALL DOLLAR DEMOCRACY QUALIFYING PE-  
11 RIOD DEFINED.—The term ‘Small Dollar Democracy  
12 qualifying period’ means, with respect to any candidate  
13 for an office, the 180-day period (during the election cycle  
14 for such office) which begins on the date on which the  
15 candidate files a statement of intent under section  
16 511(a)(1), except that such period may not continue after  
17 the date that is 30 days before the date of the general  
18 election for the office.

19   **“SEC. 512. QUALIFYING REQUIREMENTS.**

20          “(a) RECEIPT OF QUALIFIED SMALL DOLLAR CON-  
21 TRIBUTIONS.—A candidate for the office of Representative  
22 in, or Delegate or Resident Commissioner to, the Congress  
23 meets the requirement of this section if, during the Small  
24 Dollar Democracy qualifying period described in section  
25 511(c), each of the following occurs:

1           “(1) Not fewer than 1,000 individuals make a  
2           qualified small dollar contribution to the candidate.

3           “(2) The candidate obtains a total dollar  
4           amount of qualified small dollar contributions which  
5           is equal to or greater than \$50,000.

6           “(b) REQUIREMENTS RELATING TO RECEIPT OF  
7           QUALIFIED SMALL DOLLAR CONTRIBUTION.—Each  
8           qualified small dollar contribution—

9           “(1) may be made by means of a personal  
10          check, money order, debit card, credit card, elec-  
11          tronic payment account, or any other method  
12          deemed appropriate by the Commission;

13          “(2) shall be accompanied by a signed state-  
14          ment (or, in the case of a contribution made online  
15          or through other electronic means, an electronic  
16          equivalent) containing the contributor’s name and  
17          address; and

18          “(3) shall be acknowledged by a receipt that is  
19          sent to the contributor with a copy (in paper or elec-  
20          tronic form) kept by the candidate for the Commis-  
21          sion.

22          “(c) VERIFICATION OF CONTRIBUTIONS.—The Com-  
23          mission shall establish procedures for the auditing and  
24          verification of the contributions received and expenditures  
25          made by participating candidates under this title, includ-

1 ing procedures for random audits, to ensure that such con-  
2 tributions and expenditures meet the requirements of this  
3 title.

4 **“SEC. 513. CERTIFICATION.**

5 “(a) DEADLINE AND NOTIFICATION.—

6 “(1) IN GENERAL.—Not later than 5 business  
7 days after a candidate files an affidavit under sec-  
8 tion 511(a)(4), the Commission shall—

9 “(A) determine whether or not the can-  
10 didate meets the requirements for certification  
11 as a participating candidate;

12 “(B) if the Commission determines that  
13 the candidate meets such requirements, certify  
14 the candidate as a participating candidate; and

15 “(C) notify the candidate of the Commis-  
16 sion’s determination.

17 “(2) DEEMED CERTIFICATION FOR ALL ELEC-  
18 TIONS IN ELECTION CYCLE.—If the Commission cer-  
19 tifies a candidate as a participating candidate with  
20 respect to the first election of the election cycle in-  
21 volved, the Commission shall be deemed to have cer-  
22 tified the candidate as a participating candidate with  
23 respect to all subsequent elections of the election  
24 cycle.

25 “(b) REVOCATION OF CERTIFICATION.—

1           “(1) IN GENERAL.—The Commission shall 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 (other than a candidate certified as a  
6       participating candidate with respect to a pri-  
7       mary election who fails to qualify to appear on  
8       the ballot for a subsequent election in that elec-  
9       tion cycle);

10          “(B) a candidate ceases to be a candidate  
11       for the office involved, as determined on the  
12       basis of an official announcement by an author-  
13       ized committee of the candidate or on the basis  
14       of a reasonable determination by the Commis-  
15       sion; or

16          “(C) a candidate otherwise fails to comply  
17       with the requirements of this title, including  
18       any regulatory requirements prescribed by the  
19       Commission.

20          “(2) EXISTENCE OF CRIMINAL SANCTION.—The  
21       Commission shall revoke a certification under sub-  
22       section (a) if a penalty is assessed against the can-  
23       didate under section 309(d) with respect to the elec-  
24       tion.

1           “(3) EFFECT OF REVOCATION.—If a can-  
2       didate’s certification is revoked under this sub-  
3       section—

4           “(A) the candidate may not receive pay-  
5       ments under this title during the remainder of  
6       the election cycle involved; and

7           “(B) in the case of a candidate whose cer-  
8       tification is revoked pursuant to subparagraph  
9       (A) or subparagraph (C) of paragraph (1)—

10           “(i) the candidate shall repay to the  
11       Freedom From Influence Fund established  
12       under section 541 an amount equal to the  
13       payments received under this title with re-  
14       spect to the election cycle involved plus in-  
15       terest (at a rate determined by the Com-  
16       mission on the basis of an appropriate an-  
17       nual percentage rate for the month in-  
18       volved) on any such amount received; and

19           “(ii) the candidate may not be cer-  
20       tified as a participating candidate under  
21       this title with respect to the next election  
22       cycle.

23           “(4) PROHIBITING PARTICIPATION IN FUTURE  
24       ELECTIONS FOR CANDIDATES WITH MULTIPLE REV-  
25       OCATIONS.—If the Commission revokes the certifi-

1 cation of an individual as a participating candidate  
2 under this title pursuant to subparagraph (A) or  
3 subparagraph (C) of paragraph (1) a total of 3  
4 times, the individual may not be certified as a par-  
5 ticipating candidate under this title with respect to  
6 any subsequent election.

7 “(c) VOLUNTARY WITHDRAWAL FROM PARTICI-  
8 PATING DURING QUALIFYING PERIOD.—At any time dur-  
9 ing the Small Dollar Democracy qualifying period de-  
10 scribed in section 511(c), a candidate may withdraw from  
11 participation in the program under this title by submitting  
12 to the Commission a statement of withdrawal (without re-  
13 gard to whether or not the Commission has certified the  
14 candidate as a participating candidate under this title as  
15 of the time the candidate submits such statement), so long  
16 as the candidate has not submitted a request for payment  
17 under section 502.

18 “(d) PARTICIPATING CANDIDATE DEFINED.—In this  
19 title, a ‘participating candidate’ means a candidate for the  
20 office of Representative in, or Delegate or Resident Com-  
21 missioner to, the Congress who is certified under this sec-  
22 tion as eligible to receive benefits under this title.

1 **“Subtitle C—Requirements for Can-**  
2 **didates Certified as Partici-**  
3 **pating Candidates**

4 **“SEC. 521. CONTRIBUTION AND EXPENDITURE REQUIRE-**  
5 **MENTS.**

6 “(a) PERMITTED SOURCES OF CONTRIBUTIONS AND  
7 EXPENDITURES.—Except as provided in subsection (c), a  
8 participating candidate with respect to an election shall,  
9 with respect to all elections occurring during the election  
10 cycle for the office involved, accept no contributions from  
11 any source and make no expenditures from any amounts,  
12 other than the following:

13 “(1) Qualified small dollar contributions.

14 “(2) Payments under this title.

15 “(3) Contributions from political committees es-  
16 tablished and maintained by a national or State po-  
17 litical party, subject to the applicable limitations of  
18 section 315.

19 “(4) Subject to subsection (b), personal funds  
20 of the candidate or of any immediate family member  
21 of the candidate (other than funds received through  
22 qualified small dollar contributions).

23 “(5) Contributions from individuals who are  
24 otherwise permitted to make contributions under  
25 this Act, subject to the applicable limitations of sec-

tion 315, except that the aggregate amount of contributions a participating candidate may accept from any individual with respect to any election during the election cycle may not exceed \$1,000.

“(6) Contributions from multicandidate political committees, subject to the applicable limitations of section 315.

“(b) SPECIAL RULES FOR PERSONAL FUNDS.—

“(1) LIMIT ON AMOUNT.—A candidate who is certified as a participating candidate may use personal funds (including personal funds of any immediate family member of the candidate) so long as—

“(A) the aggregate amount used with respect to the election cycle (including any period of the cycle occurring prior to the candidate’s certification as a participating candidate) does not exceed \$50,000; and

“(B) the funds are used only for making direct payments for the receipt of goods and services which constitute authorized expenditures in connection with the election cycle involved.

“(2) IMMEDIATE FAMILY MEMBER DEFINED.—

In this subsection, the term ‘immediate family member’ means, with respect to a candidate—



1 “(A) the candidate’s spouse;

2 “(B) a child, stepchild, parent, grand-  
3 parent, brother, half-brother, sister, or half-sis-  
4 ter of the candidate or the candidate’s spouse;  
5 and

6 “(C) the spouse of any person described in  
7 subparagraph (B).

8 “(c) EXCEPTIONS.—

9 “(1) EXCEPTION FOR CONTRIBUTIONS RE-  
10 CEIVED PRIOR TO FILING OF STATEMENT OF IN-  
11 TENT.—A candidate who has accepted contributions  
12 that are not described in subsection (a) is not in vio-  
13 lation of subsection (a), but only if all such contribu-  
14 tions are—

15 “(A) returned to the contributor;

16 “(B) submitted to the Commission for de-  
17 posit in the Freedom From Influence Fund es-  
18 tablished under section 541; or

19 “(C) spent in accordance with paragraph  
20 (2).

21 “(2) EXCEPTION FOR EXPENDITURES MADE  
22 PRIOR TO FILING OF STATEMENT OF INTENT.—If a  
23 candidate has made expenditures prior to the date  
24 the candidate files a statement of intent under sec-  
25 tion 511(a)(1) that the candidate is prohibited from

1 making under subsection (a) or subsection (b), the  
2 candidate is not in violation of such subsection if the  
3 aggregate amount of the prohibited expenditures is  
4 less than the amount referred to in section  
5 512(a)(2) (relating to the total dollar amount of  
6 qualified small dollar contributions which the can-  
7 didate is required to obtain) which is applicable to  
8 the candidate.

9 “(3) EXCEPTION FOR CAMPAIGN SURPLUSES  
10 FROM A PREVIOUS ELECTION.—Notwithstanding  
11 paragraph (1), unexpended contributions received by  
12 the candidate or an authorized committee of the  
13 candidate with respect to a previous election may be  
14 retained, but only if the candidate places the funds  
15 in escrow and refrains from raising additional funds  
16 for or spending funds from that account during the  
17 election cycle in which a candidate is a participating  
18 candidate.

19 “(4) EXCEPTION FOR CONTRIBUTIONS RE-  
20 CEIVED BEFORE THE EFFECTIVE DATE OF THIS  
21 TITLE.—Contributions received and expenditures  
22 made by the candidate or an authorized committee  
23 of the candidate prior to the effective date of this  
24 title shall not constitute a violation of subsection (a)  
25 or (b). Unexpended contributions shall be treated

1 the same as campaign surpluses under paragraph  
2 (3), and expenditures made shall count against the  
3 limit in paragraph (2).

4 “(d) SPECIAL RULE FOR COORDINATED PARTY EX-  
5 PENDITURES.—For purposes of this section, a payment  
6 made by a political party in coordination with a partici-  
7 pating candidate shall not be treated as a contribution to  
8 or as an expenditure made by the participating candidate.

9 “(e) PROHIBITION ON JOINT FUNDRAISING COMMIT-  
10 TEES.—

11 “(1) PROHIBITION.—An authorized committee  
12 of a candidate who is certified as a participating  
13 candidate under this title with respect to an election  
14 may not establish a joint fundraising committee with  
15 a political committee other than another authorized  
16 committee of the candidate.

17 “(2) STATUS OF EXISTING COMMITTEES FOR  
18 PRIOR ELECTIONS.—If a candidate established a  
19 joint fundraising committee described in paragraph  
20 (1) with respect to a prior election for which the  
21 candidate was not certified as a participating can-  
22 didate under this title and the candidate does not  
23 terminate the committee, the candidate shall not be  
24 considered to be in violation of paragraph (1) so  
25 long as that joint fundraising committee does not re-

1       ceive any contributions or make any disbursements  
2       during the election cycle for which the candidate is  
3       certified as a participating candidate under this title.

4       “(f) PROHIBITION ON LEADERSHIP PACS.—

5               “(1) PROHIBITION.—A candidate who is cer-  
6       tified as a participating candidate under this title  
7       with respect to an election may not associate with,  
8       establish, finance, maintain, or control a leadership  
9       PAC.

10              “(2) STATUS OF EXISTING LEADERSHIP  
11       PACS.—If a candidate established, financed, main-  
12       tained, or controlled a leadership PAC prior to being  
13       certified as a participating candidate under this title  
14       and the candidate does not terminate the leadership  
15       PAC, the candidate shall not be considered to be in  
16       violation of paragraph (1) so long as the leadership  
17       PAC does not receive any contributions or make any  
18       disbursements during the election cycle for which the  
19       candidate is certified as a participating candidate  
20       under this title.

21              “(3) LEADERSHIP PAC DEFINED.—In this sub-  
22       section, the term ‘leadership PAC’ has the meaning  
23       given such term in section 304(i)(8)(B).

1 **“SEC. 522. ADMINISTRATION OF CAMPAIGN.**

2       “(a) SEPARATE ACCOUNTING FOR VARIOUS PER-  
3 MITTED CONTRIBUTIONS.—Each authorized committee of  
4 a candidate certified as a participating candidate under  
5 this title—

6           “(1) shall provide for separate accounting of  
7 each type of contribution described in section 521(a)  
8 which is received by the committee; and

9           “(2) shall provide for separate accounting for  
10 the payments received under this title.

11       “(b) ENHANCED DISCLOSURE OF INFORMATION ON  
12 DONORS.—

13           “(1) MANDATORY IDENTIFICATION OF INDIVID-  
14 UALS MAKING QUALIFIED SMALL DOLLAR CON-  
15 TRIBUTIONS.—Each authorized committee of a par-  
16 ticipating candidate under this title shall elect, in ac-  
17 cordance with section 304(b)(3)(A), to include in the  
18 reports the committee submits under section 304 the  
19 identification of each person who makes a qualified  
20 small dollar contribution to the committee.

21           “(2) MANDATORY DISCLOSURE THROUGH  
22 INTERNET.—Each authorized committee of a partici-  
23 pating candidate under this title shall ensure that all  
24 information reported to the Commission under this  
25 Act with respect to contributions and expenditures  
26 of the committee is available to the public on the

1 internet (whether through a site established for pur-  
2 poses of this subsection, a hyperlink on another pub-  
3 lic site of the committee, or a hyperlink on a report  
4 filed electronically with the Commission) in a search-  
5 able, sortable, and downloadable manner.

6 **“SEC. 523. PREVENTING UNNECESSARY SPENDING OF PUB-**  
7 **LIC FUNDS.**

8 “(a) MANDATORY SPENDING OF AVAILABLE PRI-  
9 VATE FUNDS.—An authorized committee of a candidate  
10 certified as a participating candidate under this title may  
11 not make any expenditure of any payments received under  
12 this title in any amount unless the committee has made  
13 an expenditure in an equivalent amount of funds received  
14 by the committee which are described in paragraphs (1),  
15 (3), (4), (5), and (6) of section 521(a).

16 “(b) LIMITATION.—Subsection (a) applies to an au-  
17 thorized committee only to the extent that the funds re-  
18 ferred to in such subsection are available to the committee  
19 at the time the committee makes an expenditure of a pay-  
20 ment received under this title.

21 **“SEC. 524. REMITTING UNSPENT FUNDS AFTER ELECTION.**

22 “(a) REMITTANCE REQUIRED.—Not later than the  
23 date that is 180 days after the last election for which a  
24 candidate certified as a participating candidate qualifies  
25 to be on the ballot during the election cycle involved, such

1 participating candidate shall remit to the Commission for  
2 deposit in the Freedom From Influence Fund established  
3 under section 541 an amount equal to the balance of the  
4 payments received under this title by the authorized com-  
5 mittees of the candidate which remain unexpended as of  
6 such date.

7       “(b) PERMITTING CANDIDATES PARTICIPATING IN  
8 NEXT ELECTION CYCLE TO RETAIN PORTION OF  
9 UNSPENT FUNDS.—Notwithstanding subsection (a), a  
10 participating candidate may withhold not more than  
11 \$100,000 from the amount required to be remitted under  
12 subsection (a) if the candidate files a signed affidavit with  
13 the Commission that the candidate will seek certification  
14 as a participating candidate with respect to the next elec-  
15 tion cycle, except that the candidate may not use any por-  
16 tion of the amount withheld until the candidate is certified  
17 as a participating candidate with respect to that next elec-  
18 tion cycle. If the candidate fails to seek certification as  
19 a participating candidate prior to the last day of the Small  
20 Dollar Democracy qualifying period for the next election  
21 cycle (as described in section 511), or if the Commission  
22 notifies the candidate of the Commission’s determination  
23 does not meet the requirements for certification as a par-  
24 ticipating candidate with respect to such cycle, the can-

1 didate shall immediately remit to the Commission the  
2 amount withheld.

3       **“Subtitle D—Enhanced Match**  
4                               **Support**

5       **“SEC. 531. ENHANCED SUPPORT FOR GENERAL ELECTION.**

6           “(a) AVAILABILITY OF ENHANCED SUPPORT.—In  
7 addition to the payments made under subtitle A, the Com-  
8 mission shall make an additional payment to an eligible  
9 candidate under this subtitle.

10          “(b) USE OF FUNDS.—A candidate shall use the ad-  
11 ditional payment under this subtitle only for authorized  
12 expenditures in connection with the election involved.

13       **“SEC. 532. ELIGIBILITY.**

14           “(a) IN GENERAL.—A candidate is eligible to receive  
15 an additional payment under this subtitle if the candidate  
16 meets each of the following requirements:

17                   “(1) The candidate is on the ballot for the gen-  
18 eral election for the office the candidate seeks.

19                   “(2) The candidate is certified as a partici-  
20 pating candidate under this title with respect to the  
21 election.

22                   “(3) During the enhanced support qualifying  
23 period, the candidate receives qualified small dollar  
24 contributions in a total amount of not less than  
25 \$50,000.



1           “(4) During the enhanced support qualifying  
2           period, the candidate submits to the Commission a  
3           request for the payment which includes—

4                   “(A) a statement of the number and  
5                   amount of qualified small dollar contributions  
6                   received by the candidate during the enhanced  
7                   support qualifying period;

8                   “(B) a statement of the amount of the  
9                   payment the candidate anticipates receiving  
10                  with respect to the request; and

11                  “(C) such other information and assur-  
12                  ances as the Commission may require.

13           “(5) After submitting a request for the addi-  
14           tional payment under paragraph (4), the candidate  
15           does not submit any other application for an addi-  
16           tional payment under this subtitle.

17           “(b) ENHANCED SUPPORT QUALIFYING PERIOD DE-  
18           SCRIBED.—In this subtitle, the term ‘enhanced support  
19           qualifying period’ means, with respect to a general elec-  
20           tion, the period which begins 60 days before the date of  
21           the election and ends 14 days before the date of the elec-  
22           tion.

23           **“SEC. 533. AMOUNT.**

24           “(a) IN GENERAL.—Subject to subsection (b), the  
25           amount of the additional payment made to an eligible can-

1 didate under this subtitle shall be an amount equal to 50  
2 percent of—

3 “(1) the amount of the payment made to the  
4 candidate under section 501(b) with respect to the  
5 qualified small dollar contributions which are re-  
6 ceived by the candidate during the enhanced support  
7 qualifying period (as included in the request sub-  
8 mitted by the candidate under section 532(a)(4)); or

9 “(2) in the case of a candidate who is not eligi-  
10 ble to receive a payment under section 501(b) with  
11 respect to such qualified small dollar contributions  
12 because the candidate has reached the limit on the  
13 aggregate amount of payments under subtitle A for  
14 the election cycle under section 501(c), the amount  
15 of the payment which would have been made to the  
16 candidate under section 501(b) with respect to such  
17 qualified small dollar contributions if the candidate  
18 had not reached such limit.

19 “(b) LIMIT.—The amount of the additional payment  
20 determined under subsection (a) with respect to a can-  
21 didate may not exceed \$500,000.

22 “(c) NO EFFECT ON AGGREGATE LIMIT.—The  
23 amount of the additional payment made to a candidate  
24 under this subtitle shall not be included in determining  
25 the aggregate amount of payments made to a participating

1 candidate with respect to an election cycle under section  
2 501(c).

3 **“SEC. 534. WAIVER OF AUTHORITY TO RETAIN PORTION OF**  
4 **UNSPENT FUNDS AFTER ELECTION.**

5 “Notwithstanding section 524(a)(2), a candidate who  
6 receives an additional payment under this subtitle with re-  
7 spect to an election is not permitted to withhold any por-  
8 tion from the amount of unspent funds the candidate is  
9 required to remit to the Commission under section  
10 524(a)(1).

11 **“Subtitle E—Administrative**  
12 **Provisions**

13 **“SEC. 541. FREEDOM FROM INFLUENCE FUND.**

14 “(a) ESTABLISHMENT.—There is established in the  
15 Treasury a fund to be known as the ‘Freedom From Infl-  
16 uence Fund’.

17 “(b) AMOUNTS HELD BY FUND.—The Fund shall  
18 consist of the following amounts:

19 “(1) ASSESSMENTS AGAINST FINES, SETTLE-  
20 MENTS, AND PENALTIES.—Amounts transferred  
21 under section 3015 of title 18, United States Code,  
22 section 9706 of title 31, United States Code, and  
23 section 6761 of the Internal Revenue Code of 1986.

24 “(2) DEPOSITS.—Amounts deposited into the  
25 Fund under—

1           “(A) section 521(c)(1)(B) (relating to ex-  
2           ceptions to contribution requirements);

3           “(B) section 523 (relating to remittance of  
4           unused payments from the Fund); and

5           “(C) section 544 (relating to violations).

6           “(c) USE OF FUND TO MAKE PAYMENTS TO PAR-  
7           TICIPATING CANDIDATES.—

8           “(1) PAYMENTS TO PARTICIPATING CAN-  
9           DIDATES.—Amounts in the Fund shall be available  
10          without further appropriation or fiscal year limita-  
11          tion to make payments to participating candidates  
12          as provided in this title.

13          “(2) MANDATORY REDUCTION OF PAYMENTS IN  
14          CASE OF INSUFFICIENT AMOUNTS IN FUND.—

15          “(A) ADVANCE AUDITS BY COMMISSION.—  
16          Not later than 90 days before the first day of  
17          each election cycle (beginning with the first  
18          election cycle that begins after the date of the  
19          enactment of this title), the Commission shall—

20                 “(i) audit the Fund to determine  
21                 whether the amounts in the Fund will be  
22                 sufficient to make payments to partici-  
23                 pating candidates in the amounts provided  
24                 in this title during such election cycle; and

1                   “(ii) submit a report to Congress de-  
2                   scribing the results of the audit.

3                   “(B) REDUCTIONS IN AMOUNT OF PAY-  
4                   MENTS.—

5                   “(i) AUTOMATIC REDUCTION ON PRO  
6                   RATA BASIS.—If, on the basis of the audit  
7                   described in subparagraph (A), the Com-  
8                   mission determines that the amount antici-  
9                   pated to be available in the Fund with re-  
10                  spect to the election cycle involved is not,  
11                  or may not be, sufficient to satisfy the full  
12                  entitlements of participating candidates to  
13                  payments under this title for such election  
14                  cycle, the Commission shall reduce each  
15                  amount which would otherwise be paid to  
16                  a participating candidate under this title  
17                  by such pro rata amount as may be nec-  
18                  essary to ensure that the aggregate  
19                  amount of payments anticipated to be  
20                  made with respect to the election cycle will  
21                  not exceed the amount anticipated to be  
22                  available for such payments in the Fund  
23                  with respect to such election cycle.

24                  “(ii) RESTORATION OF REDUCTIONS  
25                  IN CASE OF AVAILABILITY OF SUFFICIENT

1 FUNDS DURING ELECTION CYCLE.—If,  
2 after reducing the amounts paid to partici-  
3 pating candidates with respect to an elec-  
4 tion cycle under clause (i), the Commission  
5 determines that there are sufficient  
6 amounts in the Fund to restore the  
7 amount by which such payments were re-  
8 duced (or any portion thereof), to the ex-  
9 tent that such amounts are available, the  
10 Commission may make a payment on a pro  
11 rata basis to each such participating can-  
12 didate with respect to the election cycle in  
13 the amount by which such candidate’s pay-  
14 ments were reduced under clause (i) (or  
15 any portion thereof, as the case may be).

16 “(iii) NO USE OF AMOUNTS FROM  
17 OTHER SOURCES.—In any case in which  
18 the Commission determines that there are  
19 insufficient moneys in the Fund to make  
20 payments to participating candidates under  
21 this title, moneys shall not be made avail-  
22 able from any other source for the purpose  
23 of making such payments.

24 “(d) USE OF FUND TO MAKE OTHER PAYMENTS.—  
25 In addition to the use described in subsection (d), amounts

1 in the Fund shall be available without further appropria-  
 2 tion or fiscal year limitation—

3 “(1) to make payments to States under the My  
 4 Voice Voucher Program under the Government By  
 5 the People Act of 2021, subject to reductions under  
 6 section 5101(f)(3) of such Act;

7 “(2) to make payments to candidates under  
 8 chapter 95 of subtitle H of the Internal Revenue  
 9 Code of 1986, subject to reductions under section  
 10 9013(b) of such Code; and

11 “(3) to make payments to candidates under  
 12 chapter 96 of subtitle H of the Internal Revenue  
 13 Code of 1986, subject to reductions under section  
 14 9043(b) of such Code.

15 “(e) EFFECTIVE DATE.—This section shall take ef-  
 16 fect on the date of the enactment of this title.

17 **“SEC. 542. REVIEWS AND REPORTS BY GOVERNMENT AC-**  
 18 **COUNTABILITY OFFICE.**

19 “(a) REVIEW OF SMALL DOLLAR FINANCING.—

20 “(1) IN GENERAL.—After each regularly sched-  
 21 uled general election for Federal office, the Comp-  
 22 troller General of the United States shall conduct a  
 23 comprehensive review of the Small Dollar financing  
 24 program under this title, including—

1           “(A) the maximum and minimum dollar  
2 amounts of qualified small dollar contributions  
3 under section 504;

4           “(B) the number and value of qualified  
5 small dollar contributions a candidate is re-  
6 quired to obtain under section 512(a) to be eli-  
7 gible for certification as a participating can-  
8 didate;

9           “(C) the maximum amount of payments a  
10 candidate may receive under this title;

11           “(D) the overall satisfaction of partici-  
12 pating candidates and the American public with  
13 the program; and

14           “(E) such other matters relating to financ-  
15 ing of campaigns as the Comptroller General  
16 determines are appropriate.

17           “(2) CRITERIA FOR REVIEW.—In conducting  
18 the review under subparagraph (A), the Comptroller  
19 General shall consider the following:

20           “(A) QUALIFIED SMALL DOLLAR CON-  
21 TRIBUTIONS.—Whether the number and dollar  
22 amounts of qualified small dollar contributions  
23 required strikes an appropriate balance regard-  
24 ing the importance of voter involvement, the  
25 need to assure adequate incentives for partici-



1           pating, and fiscal responsibility, taking into  
2           consideration the number of primary and gen-  
3           eral election participating candidates, the elec-  
4           toral performance of those candidates, program  
5           cost, and any other information the Comptroller  
6           General determines is appropriate.

7           “(B) REVIEW OF PAYMENT LEVELS.—  
8           Whether the totality of the amount of funds al-  
9           lowed to be raised by participating candidates  
10          (including through qualified small dollar con-  
11          tributions) and payments under this title are  
12          sufficient for voters in each State to learn about  
13          the candidates to cast an informed vote, taking  
14          into account the historic amount of spending by  
15          winning candidates, media costs, primary elec-  
16          tion dates, and any other information the  
17          Comptroller General determines is appropriate.

18          “(3) RECOMMENDATIONS FOR ADJUSTMENT OF  
19          AMOUNTS.—Based on the review conducted under  
20          subparagraph (A), the Comptroller General may rec-  
21          ommend to Congress adjustments of the following  
22          amounts:

23               “(A) The number and value of qualified  
24               small dollar contributions a candidate is re-  
25               quired to obtain under section 512(a) to be eli-

1           gible for certification as a participating can-  
2           didate.

3           “(B) The maximum amount of payments a  
4           candidate may receive under this title.

5           “(b) REPORTS.—Not later than each June 1 which  
6 follows a regularly scheduled general election for Federal  
7 office for which payments were made under this title, the  
8 Comptroller General shall submit to the Committee on  
9 House Administration of the House of Representatives a  
10 report—

11           “(1) containing an analysis of the review con-  
12 ducted under subsection (a), including a detailed  
13 statement of Comptroller General’s findings, conclu-  
14 sions, and recommendations based on such review,  
15 including any recommendations for adjustments of  
16 amounts described in subsection (a)(3); and

17           “(2) documenting, evaluating, and making rec-  
18 ommendations relating to the administrative imple-  
19 mentation and enforcement of the provisions of this  
20 title.

21           “(c) AUTHORIZATION OF APPROPRIATIONS.—There  
22 are authorized to be appropriated such sums as are nec-  
23 essary to carry out the purposes of this section.

1 **“SEC. 543. ADMINISTRATION BY COMMISSION.**

2 “The Commission shall prescribe regulations to carry  
3 out the purposes of this title, including regulations to es-  
4 tablish procedures for—

5 “(1) verifying the amount of qualified small dol-  
6 lar contributions with respect to a candidate;

7 “(2) effectively and efficiently monitoring and  
8 enforcing the limits on the raising of qualified small  
9 dollar contributions;

10 “(3) effectively and efficiently monitoring and  
11 enforcing the limits on the use of personal funds by  
12 participating candidates; and

13 “(4) monitoring the use of allocations from the  
14 Freedom From Influence Fund established under  
15 section 541 and matching contributions under this  
16 title through audits of not fewer than  $\frac{1}{10}$  (or, in the  
17 case of the first 3 election cycles during which the  
18 program under this title is in effect, not fewer than  
19  $\frac{1}{3}$ ) of all participating candidates or other mecha-  
20 nisms.

21 **“SEC. 544. VIOLATIONS AND PENALTIES.**

22 “(a) CIVIL PENALTY FOR VIOLATION OF CONTRIBU-  
23 TION AND EXPENDITURE REQUIREMENTS.—If a can-  
24 didate who has been certified as a participating candidate  
25 accepts a contribution or makes an expenditure that is  
26 prohibited under section 521, the Commission may assess

1 a civil penalty against the candidate in an amount that  
2 is not more than 3 times the amount of the contribution  
3 or expenditure. Any amounts collected under this sub-  
4 section shall be deposited into the Freedom From Infl-  
5 ence Fund established under section 541.

6 “(b) REPAYMENT FOR IMPROPER USE OF FREEDOM  
7 FROM INFLUENCE FUND.—

8 “(1) IN GENERAL.—If the Commission deter-  
9 mines that any payment made to a participating  
10 candidate was not used as provided for in this title  
11 or that a participating candidate has violated any of  
12 the dates for remission of funds contained in this  
13 title, the Commission shall so notify the candidate  
14 and the candidate shall pay to the Fund an amount  
15 equal to—

16 “(A) the amount of payments so used or  
17 not remitted, as appropriate; and

18 “(B) interest on any such amounts (at a  
19 rate determined by the Commission).

20 “(2) OTHER ACTION NOT PRECLUDED.—Any  
21 action by the Commission in accordance with this  
22 subsection shall not preclude enforcement pro-  
23 ceedings by the Commission in accordance with sec-  
24 tion 309(a), including a referral by the Commission

1 to the Attorney General in the case of an apparent  
2 knowing and willful violation of this title.

3 “(c) PROHIBITING CERTAIN CANDIDATES FROM  
4 QUALIFYING AS PARTICIPATING CANDIDATES.—

5 “(1) CANDIDATES WITH MULTIPLE CIVIL PEN-  
6 ALTIES.—If the Commission assesses 3 or more civil  
7 penalties under subsection (a) against a candidate  
8 (with respect to either a single election or multiple  
9 elections), the Commission may refuse to certify the  
10 candidate as a participating candidate under this  
11 title with respect to any subsequent election, except  
12 that if each of the penalties were assessed as the re-  
13 sult of a knowing and willful violation of any provi-  
14 sion of this Act, the candidate is not eligible to be  
15 certified as a participating candidate under this title  
16 with respect to any subsequent election.

17 “(2) CANDIDATES SUBJECT TO CRIMINAL PEN-  
18 ALTY.—A candidate is not eligible to be certified as  
19 a participating candidate under this title with re-  
20 spect to an election if a penalty has been assessed  
21 against the candidate under section 309(d) with re-  
22 spect to any previous election.

23 “(d) IMPOSITION OF CRIMINAL PENALTIES.—For  
24 criminal penalties for the failure of a participating can-

1 didate to comply with the requirements of this title, see  
2 section 309(d).

3 **“SEC. 545. APPEALS PROCESS.**

4 “(a) REVIEW OF ACTIONS.—Any action by the Com-  
5 mission in carrying out this title shall be subject to review  
6 by the United States Court of Appeals for the District  
7 of Columbia upon petition filed in the Court not later than  
8 30 days after the Commission takes the action for which  
9 the review is sought.

10 “(b) PROCEDURES.—The provisions of chapter 7 of  
11 title 5, United States Code, apply to judicial review under  
12 this section.

13 **“SEC. 546. INDEXING OF AMOUNTS.**

14 “(a) INDEXING.—In any calendar year after 2026,  
15 section 315(c)(1)(B) shall apply to each amount described  
16 in subsection (b) in the same manner as such section ap-  
17 plies to the limitations established under subsections  
18 (a)(1)(A), (a)(1)(B), (a)(3), and (h) of such section, ex-  
19 cept that for purposes of applying such section to the  
20 amounts described in subsection (b), the ‘base period’  
21 shall be 2026.

22 “(b) AMOUNTS DESCRIBED.—The amounts described  
23 in this subsection are as follows:

24 “(1) The amount referred to in section  
25 502(b)(1) (relating to the minimum amount of quali-

1       fied small dollar contributions included in a request  
2       for payment).

3           “(2) The amounts referred to in section  
4       504(a)(1) (relating to the amount of a qualified  
5       small dollar contribution).

6           “(3) The amount referred to in section  
7       512(a)(2) (relating to the total dollar amount of  
8       qualified small dollar contributions).

9           “(4) The amount referred to in section  
10      521(a)(5) (relating to the aggregate amount of con-  
11      tributions a participating candidate may accept from  
12      any individual with respect to an election).

13          “(5) The amount referred to in section  
14      521(b)(1)(A) (relating to the amount of personal  
15      funds that may be used by a candidate who is cer-  
16      tified as a participating candidate).

17          “(6) The amounts referred to in section  
18      524(a)(2) (relating to the amount of unspent funds  
19      a candidate may retain for use in the next election  
20      cycle).

21          “(7) The amount referred to in section  
22      532(a)(3) (relating to the total dollar amount of  
23      qualified small dollar contributions for a candidate  
24      seeking an additional payment under subtitle D).

1           “(8) The amount referred to in section 533(b)  
 2           (relating to the limit on the amount of an additional  
 3           payment made to a candidate under subtitle D).

4   **“SEC. 547. ELECTION CYCLE DEFINED.**

5           “‘In this title, the term ‘election cycle’ means, with  
 6           respect to an election for an office, the period beginning  
 7           on the day after the date of the most recent general elec-  
 8           tion for that office (or, if the general election resulted in  
 9           a runoff election, the date of the runoff election) and end-  
 10          ing on the date of the next general election for that office  
 11          (or, if the general election resulted in a runoff election,  
 12          the date of the runoff election).’”.

13   **SEC. 5112. CONTRIBUTIONS AND EXPENDITURES BY MULTI-**  
 14                           **CANDIDATE AND POLITICAL PARTY COMMIT-**  
 15                           **TEES ON BEHALF OF PARTICIPATING CAN-**  
 16                           **DIDATES.**

17          (a) AUTHORIZING CONTRIBUTIONS ONLY FROM SEP-  
 18          ARATE ACCOUNTS CONSISTING OF QUALIFIED SMALL  
 19          DOLLAR CONTRIBUTIONS.—Section 315(a) of the Federal  
 20          Election Campaign Act of 1971 (52 U.S.C. 30116(a)) is  
 21          amended by adding at the end the following new para-  
 22          graph:

23          “(10) In the case of a multicandidate political com-  
 24          mittee or any political committee of a political party, the  
 25          committee may make a contribution to a candidate who



1 is a participating candidate under title V with respect to  
2 an election only if the contribution is paid from a separate,  
3 segregated account of the committee which consists solely  
4 of contributions which meet the following requirements:

5 “(A) Each such contribution is in an amount  
6 which meets the requirements for the amount of a  
7 qualified small dollar contribution under section  
8 504(a)(1) with respect to the election involved.

9 “(B) Each such contribution is made by an in-  
10 dividual who is not otherwise prohibited from mak-  
11 ing a contribution under this Act.

12 “(C) The individual who makes the contribution  
13 does not make contributions to the committee during  
14 the year in an aggregate amount that exceeds the  
15 limit described in section 504(a)(1).”.

16 (b) PERMITTING UNLIMITED COORDINATED EX-  
17 PENDITURES FROM SMALL DOLLAR SOURCES BY POLIT-  
18 ICAL PARTIES.—Section 315(d) of such Act (52 U.S.C.  
19 30116(d)) is amended—

20 (1) in paragraph (3), by striking “The national  
21 committee” and inserting “Except as provided in  
22 paragraph (6), the national committee”; and

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

1       “(6) The limits described in paragraph (3) do not  
 2       apply in the case of expenditures in connection with the  
 3       general election campaign of a candidate for the office of  
 4       Representative in, or Delegate or Resident Commissioner  
 5       to, the Congress who is a participating candidate under  
 6       title V with respect to the election, but only if—

7               “(A) the expenditures are paid from a separate,  
 8       segregated account of the committee which is de-  
 9       scribed in subsection (a)(10); and

10              “(B) the expenditures are the sole source of  
 11       funding provided by the committee to the can-  
 12       didate.”.

13       **SEC. 5113. PROHIBITING USE OF CONTRIBUTIONS BY PAR-**  
 14                               **TICIPATING CANDIDATES FOR PURPOSES**  
 15                               **OTHER THAN CAMPAIGN FOR ELECTION.**

16       Section 313 of the Federal Election Campaign Act  
 17       of 1971 (52 U.S.C. 30114) is amended by adding at the  
 18       end the following new subsection:

19              “(d) RESTRICTIONS ON PERMITTED USES OF FUNDS  
 20       BY CANDIDATES RECEIVING SMALL DOLLAR FINANC-  
 21       ING.—Notwithstanding paragraph (2), (3), or (4) of sub-  
 22       section (a), if a candidate for election for the office of Rep-  
 23       resentative in, or Delegate or Resident Commissioner to,  
 24       the Congress is certified as a participating candidate  
 25       under title V with respect to the election, any contribution

1 which the candidate is permitted to accept under such title  
2 may be used only for authorized expenditures in connec-  
3 tion with the candidate's campaign for such office, subject  
4 to section 503(b).”.

5 **SEC. 5114. ASSESSMENTS AGAINST FINES AND PENALTIES.**

6 (a) ASSESSMENTS RELATING TO CRIMINAL OF-  
7 FENSES.—

8 (1) IN GENERAL.—Chapter 201 of title 18,  
9 United States Code, is amended by adding at the  
10 end the following new section:

11 **“§ 3015. Special assessments for Freedom From Infl-**  
12 **ence Fund**

13 “(a) ASSESSMENTS.—

14 “(1) CONVICTIONS OF CRIMES.—In addition to  
15 any assessment imposed under this chapter, the  
16 court shall assess on any organizational defendant or  
17 any defendant who is a corporate officer or person  
18 with equivalent authority in any other organization  
19 who is convicted of a criminal offense under Federal  
20 law an amount equal to 4.75 percent of any fine im-  
21 posed on that defendant in the sentence imposed for  
22 that conviction.

23 “(2) SETTLEMENTS.—The court shall assess on  
24 any organizational defendant or defendant who is a  
25 corporate officer or person with equivalent authority

1 in any other organization who has entered into a  
 2 settlement agreement or consent decree with the  
 3 United States in satisfaction of any allegation that  
 4 the defendant committed a criminal offense under  
 5 Federal law an amount equal to 4.75 percent of the  
 6 amount of the settlement.

7 “(b) MANNER OF COLLECTION.—An amount as-  
 8 sessed under subsection (a) shall be collected in the man-  
 9 ner in which fines are collected in criminal cases.

10 “(c) TRANSFERS.—In a manner consistent with sec-  
 11 tion 3302(b) of title 31, there shall be transferred from  
 12 the General Fund of the Treasury to the Freedom From  
 13 Influence Fund under section 541 of the Federal Election  
 14 Campaign Act of 1971 an amount equal to the amount  
 15 of the assessments collected under this section.”.

16 (2) CLERICAL AMENDMENT.—The table of sec-  
 17 tions of chapter 201 of title 18, United States Code,  
 18 is amended by adding at the end the following:

“3015. Special assessments for Freedom From Influence Fund.”.

19 (b) ASSESSMENTS RELATING TO CIVIL PEN-  
 20 ALTIES.—

21 (1) IN GENERAL.—Chapter 97 of title 31,  
 22 United States Code, is amended by adding at the  
 23 end the following new section:

1   **“§ 9706. Special assessments for Freedom From Influ-**  
2                   **ence Fund**

3           “(a) ASSESSMENTS.—

4                   “(1) CIVIL PENALTIES.—Any entity of the Fed-  
5           eral Government which is authorized under any law,  
6           rule, or regulation to impose a civil penalty shall as-  
7           sess on each person, other than a natural person  
8           who is not a corporate officer or person with equiva-  
9           lent authority in any other organization, on whom  
10          such a penalty is imposed an amount equal to 4.75  
11          percent of the amount of the penalty.

12                  “(2) ADMINISTRATIVE PENALTIES.—Any entity  
13          of the Federal Government which is authorized  
14          under any law, rule, or regulation to impose an ad-  
15          ministrative penalty shall assess on each person,  
16          other than a natural person who is not a corporate  
17          officer or person with equivalent authority in any  
18          other organization, on whom such a penalty is im-  
19          posed an amount equal to 4.75 percent of the  
20          amount of the penalty.

21                  “(3) SETTLEMENTS.—Any entity of the Federal  
22          Government which is authorized under any law, rule,  
23          or regulation to enter into a settlement agreement or  
24          consent decree with any person, other than a natural  
25          person who is not a corporate officer or person with  
26          equivalent authority in any other organization, in

1 satisfaction of any allegation of an action or omis-  
2 sion by the person which would be subject to a civil  
3 penalty or administrative penalty shall assess on  
4 such person an amount equal to 4.75 percent of the  
5 amount of the settlement.

6 “(b) MANNER OF COLLECTION.—An amount as-  
7 sessed under subsection (a) shall be collected—

8 “(1) in the case of an amount assessed under  
9 paragraph (1) of such subsection, in the manner in  
10 which civil penalties are collected by the entity of the  
11 Federal Government involved;

12 “(2) in the case of an amount assessed under  
13 paragraph (2) of such subsection, in the manner in  
14 which administrative penalties are collected by the  
15 entity of the Federal Government involved; and

16 “(3) in the case of an amount assessed under  
17 paragraph (3) of such subsection, in the manner in  
18 which amounts are collected pursuant to settlement  
19 agreements or consent decrees entered into by the  
20 entity of the Federal Government involved.

21 “(c) TRANSFERS.—In a manner consistent with sec-  
22 tion 3302(b) of this title, there shall be transferred from  
23 the General Fund of the Treasury to the Freedom From  
24 Influence Fund under section 541 of the Federal Election

1 Campaign Act of 1971 an amount equal to the amount  
2 of the assessments collected under this section.

3 “(d) EXCEPTION FOR PENALTIES AND SETTLE-  
4 MENTS UNDER AUTHORITY OF THE INTERNAL REVENUE  
5 CODE OF 1986.—

6 “(1) IN GENERAL.—No assessment shall be  
7 made under subsection (a) with respect to any civil  
8 or administrative penalty imposed, or any settlement  
9 agreement or consent decree entered into, under the  
10 authority of the Internal Revenue Code of 1986.

11 “(2) CROSS REFERENCE.—For application of  
12 special assessments for the Freedom From Influence  
13 Fund with respect to certain penalties under the In-  
14 ternal Revenue Code of 1986, see section 6761 of  
15 the Internal Revenue Code of 1986.”.

16 (2) CLERICAL AMENDMENT.—The table of sec-  
17 tions of chapter 97 of title 31, United States Code,  
18 is amended by adding at the end the following:

“9706. Special assessments for Freedom From Influence Fund.”.

19 (c) ASSESSMENTS RELATING TO CERTAIN PEN-  
20 ALTIES UNDER THE INTERNAL REVENUE CODE OF  
21 1986.—

22 (1) IN GENERAL.—Chapter 68 of the Internal  
23 Revenue Code of 1986 is amended by adding at the  
24 end the following new subchapter:

1       **“Subchapter D—Special Assessments for**  
2               **Freedom From Influence Fund**

3       **“SEC. 6761. SPECIAL ASSESSMENTS FOR FREEDOM FROM**  
4               **INFLUENCE FUND.**

5           “(a) IN GENERAL.—Each person required to pay a  
6 covered penalty shall pay an additional amount equal to  
7 4.75 percent of the amount of such penalty.

8           “(b) COVERED PENALTY.—For purposes of this sec-  
9 tion, the term ‘covered penalty’ means any addition to tax,  
10 additional amount, penalty, or other liability provided  
11 under subchapter A or B.

12          “(c) EXCEPTION FOR CERTAIN INDIVIDUALS.—

13               “(1) IN GENERAL.—In the case of a taxpayer  
14 who is an individual, subsection (a) shall not apply  
15 to any covered penalty if such taxpayer is an exempt  
16 taxpayer for the taxable year for which such covered  
17 penalty is assessed.

18               “(2) EXEMPT TAXPAYER.—For purposes of this  
19 subsection, a taxpayer is an exempt taxpayer for any  
20 taxable year if the taxable income of such taxpayer  
21 for such taxable year does not exceed the dollar  
22 amount at which begins the highest rate bracket in  
23 effect under section 1 with respect to such taxpayer  
24 for such taxable year.



1       “(d) APPLICATION OF CERTAIN RULES.—Except as  
 2 provided in subsection (e), the additional amount deter-  
 3 mined under subsection (a) shall be treated for purposes  
 4 of this title in the same manner as the covered penalty  
 5 to which such additional amount relates.

6       “(e) TRANSFER TO FREEDOM FROM INFLUENCE  
 7 FUND.—The Secretary shall deposit any additional  
 8 amount under subsection (a) in the General Fund of the  
 9 Treasury and shall transfer from such General Fund to  
 10 the Freedom From Influence Fund established under sec-  
 11 tion 541 of the Federal Election Campaign Act of 1971  
 12 an amount equal to the amounts so deposited (and, not-  
 13 withstanding subsection (d), such additional amount shall  
 14 not be the basis for any deposit, transfer, credit, appro-  
 15 priation, or any other payment, to any other trust fund  
 16 or account). Rules similar to the rules of section 9601  
 17 shall apply for purposes of this subsection.”.

18               (2) CLERICAL AMENDMENT.—The table of sub-  
 19 chapters for chapter 68 of such Code is amended by  
 20 adding at the end the following new item:

“SUBCHAPTER D—SPECIAL ASSESSMENTS FOR FREEDOM FROM INFLUENCE  
 FUND”.

21       (d) EFFECTIVE DATES.—

22               (1) IN GENERAL.—Except as provided in para-  
 23 graph (2), the amendments made by this section  
 24 shall apply with respect to convictions, agreements,

1 and penalties which occur on or after the date of the  
2 enactment of this Act.

3 (2) ASSESSMENTS RELATING TO CERTAIN PEN-  
4 ALTIES UNDER THE INTERNAL REVENUE CODE OF  
5 1986.—The amendments made by subsection (c)  
6 shall apply to covered penalties assessed after the  
7 date of the enactment of this Act.

8 **SEC. 5115. STUDY AND REPORT ON SMALL DOLLAR FINANC-**  
9 **ING PROGRAM.**

10 (a) STUDY AND REPORT.—Not later than 2 years  
11 after the completion of the first election cycle in which  
12 the program established under title V of the Federal Elec-  
13 tion Campaign Act of 1971, as added by section 5111,  
14 is in effect, the Federal Election Commission shall—

15 (1) assess—

16 (A) the amount of payment referred to in  
17 section 501 of such Act; and

18 (B) the amount of a qualified small dollar  
19 contribution referred to in section 504(a)(1) of  
20 such Act; and

21 (2) submit to Congress a report that discusses  
22 whether such amounts are sufficient to meet the  
23 goals of the program.

1 (b) UPDATE.—The Commission shall update and re-  
2 vise the study and report required by subsection (a) on  
3 a biennial basis.

4 (c) TERMINATION.—The requirements of this section  
5 shall terminate ten years after the date on which the first  
6 study and report required by subsection (a) is submitted  
7 to Congress.

8 **SEC. 5116. EFFECTIVE DATE.**

9 (a) IN GENERAL.—Except as may otherwise be pro-  
10 vided in this part and in the amendments made by this  
11 part, this part and the amendments made by this part  
12 shall apply with respect to elections occurring during 2028  
13 or any succeeding year, without regard to whether or not  
14 the Federal Election Commission has promulgated the  
15 final regulations necessary to carry out this part and the  
16 amendments made by this part by the deadline set forth  
17 in subsection (b).

18 (b) DEADLINE FOR REGULATIONS.—Not later than  
19 June 30, 2026, the Federal Election Commission shall  
20 promulgate such regulations as may be necessary to carry  
21 out this part and the amendments made by this part.

22 **Subtitle C—Presidential Elections**

23 **SEC. 5200. SHORT TITLE.**

24 This subtitle may be cited as the “Empower Act of  
25 2021”.

**PART 1—PRIMARY ELECTIONS**

**SEC. 5201. INCREASE IN AND MODIFICATIONS TO MATCH-  
ING PAYMENTS.**

(a) INCREASE AND MODIFICATION.—

(1) IN GENERAL.—The first sentence of section 9034(a) of the Internal Revenue Code of 1986 is amended—

(A) by striking “an amount equal to the amount of each contribution” and inserting “an amount equal to 600 percent of the amount of each matchable contribution (disregarding any amount of contributions from any person to the extent that the total of the amounts contributed by such person for the election exceeds \$200)”; and

(B) by striking “authorized committees” and all that follows through “\$250” and inserting “authorized committees”.

(2) MATCHABLE CONTRIBUTIONS.—Section 9034 of such Code is amended—

(A) by striking the last sentence of subsection (a); and

(B) by adding at the end the following new subsection:

“(c) MATCHABLE CONTRIBUTION DEFINED.—For purposes of this section and section 9033(b)—

1           “(1) MATCHABLE CONTRIBUTION.—The term  
2           ‘matchable contribution’ means, with respect to the  
3           nomination for election to the office of President of  
4           the United States, a contribution by an individual to  
5           a candidate or an authorized committee of a can-  
6           didate with respect to which the candidate has cer-  
7           tified in writing that—

8                   “(A) the individual making such contribu-  
9                   tion has not made aggregate contributions (in-  
10                  cluding such matchable contribution) to such  
11                  candidate and the authorized committees of  
12                  such candidate in excess of \$1,000 for the elec-  
13                  tion;

14                  “(B) such candidate and the authorized  
15                  committees of such candidate will not accept  
16                  contributions from such individual (including  
17                  such matchable contribution) aggregating more  
18                  than the amount described in subparagraph  
19                  (A); and

20                  “(C) such contribution was a direct con-  
21                  tribution.

22           “(2) CONTRIBUTION.—For purposes of this  
23           subsection, the term ‘contribution’ means a gift of  
24           money made by a written instrument which identi-  
25           fies the individual making the contribution by full

1 name and mailing address, but does not include a  
2 subscription, loan, advance, or deposit of money, or  
3 anything of value or anything described in subpara-  
4 graph (B), (C), or (D) of section 9032(4).

5 “(3) DIRECT CONTRIBUTION.—

6 “(A) IN GENERAL.—For purposes of this  
7 subsection, the term ‘direct contribution’  
8 means, with respect to a candidate, a contribu-  
9 tion which is made directly by an individual to  
10 the candidate or an authorized committee of the  
11 candidate and is not—

12 “(i) forwarded from the individual  
13 making the contribution to the candidate  
14 or committee by another person; or

15 “(ii) received by the candidate or com-  
16 mittee with the knowledge that the con-  
17 tribution was made at the request, sugges-  
18 tion, or recommendation of another person.

19 “(B) OTHER DEFINITIONS.—In subpara-  
20 graph (A)—

21 “(i) the term ‘person’ does not include  
22 an individual (other than an individual de-  
23 scribed in section 304(i)(7) of the Federal  
24 Election Campaign Act of 1971), a polit-  
25 ical committee of a political party, or any

1 political committee which is not a separate  
2 segregated fund described in section  
3 316(b) of the Federal Election Campaign  
4 Act of 1971 and which does not make con-  
5 tributions or independent expenditures,  
6 does not engage in lobbying activity under  
7 the Lobbying Disclosure Act of 1995 (2  
8 U.S.C. 1601 et seq.), and is not estab-  
9 lished by, controlled by, or affiliated with  
10 a registered lobbyist under such Act, an  
11 agent of a registered lobbyist under such  
12 Act, or an organization which retains or  
13 employs a registered lobbyist under such  
14 Act; and

15 “(ii) a contribution is not ‘made at  
16 the request, suggestion, or recommendation  
17 of another person’ solely on the grounds  
18 that the contribution is made in response  
19 to information provided to the individual  
20 making the contribution by any person, so  
21 long as the candidate or authorized com-  
22 mittee does not know the identity of the  
23 person who provided the information to  
24 such individual.”.

25 (3) CONFORMING AMENDMENTS.—

1 (A) Section 9032(4) of such Code is  
2 amended by striking “section 9034(a)” and in-  
3 serting “section 9034”.

4 (B) Section 9033(b)(3) of such Code is  
5 amended by striking “matching contributions”  
6 and inserting “matchable contributions”.

7 (b) MODIFICATION OF PAYMENT LIMITATION.—Sec-  
8 tion 9034(b) of such Code is amended—

9 (1) by striking “The total” and inserting the  
10 following:

11 “(1) IN GENERAL.—The total”;

12 (2) by striking “shall not exceed” and all that  
13 follows and inserting “shall not exceed  
14 \$250,000,000.”; and

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

17 “(2) INFLATION ADJUSTMENT.—

18 “(A) IN GENERAL.—In the case of any ap-  
19 plicable period beginning after 2029, the dollar  
20 amount in paragraph (1) shall be increased by  
21 an amount equal to—

22 “(i) such dollar amount, multiplied by

23 “(ii) the cost-of-living adjustment de-  
24 termined under section 1(f)(3) for the cal-  
25 endar year following the year which such



1 applicable period begins, determined by  
2 substituting ‘calendar year 2028’ for ‘cal-  
3 endar year 1992’ in subparagraph (B)  
4 thereof.

5 “(B) APPLICABLE PERIOD.—For purposes  
6 of this paragraph, the term ‘applicable period’  
7 means the 4-year period beginning with the  
8 first day following the date of the general elec-  
9 tion for the office of President and ending on  
10 the date of the next such general election.

11 “(C) ROUNDING.—If any amount as ad-  
12 justed under subparagraph (1) is not a multiple  
13 of \$10,000, such amount shall be rounded to  
14 the nearest multiple of \$10,000.”.

15 **SEC. 5202. ELIGIBILITY REQUIREMENTS FOR MATCHING**  
16 **PAYMENTS.**

17 (a) AMOUNT OF AGGREGATE CONTRIBUTIONS PER  
18 STATE; DISREGARDING OF AMOUNTS CONTRIBUTED IN  
19 EXCESS OF \$200.—Section 9033(b)(3) of the Internal  
20 Revenue Code of 1986 is amended—

21 (1) by striking “\$5,000” and inserting  
22 “\$25,000”; and

23 (2) by striking “20 States” and inserting the  
24 following: “20 States (disregarding any amount of  
25 contributions from any such resident to the extent

1       that the total of the amounts contributed by such  
2       resident for the election exceeds \$200)”.

3       (b) CONTRIBUTION LIMIT.—

4           (1) IN GENERAL.—Paragraph (4) of section  
5       9033(b) of such Code is amended to read as follows:

6           “(4) the candidate and the authorized commit-  
7       tees of the candidate will not accept aggregate con-  
8       tributions from any person with respect to the nomi-  
9       nation for election to the office of President of the  
10      United States in excess of \$1,000 for the election.”.

11       (2) CONFORMING AMENDMENTS.—

12           (A) Section 9033(b) of such Code is  
13       amended by adding at the end the following  
14       new flush sentence:

15      “For purposes of paragraph (4), the term ‘contribution’  
16      has the meaning given such term in section 301(8) of the  
17      Federal Election Campaign Act of 1971.”.

18           (B) Section 9032(4) of such Code, as  
19       amended by section 5201(a)(3)(A), is amended  
20       by striking “section 9034” and inserting “sec-  
21       tion 9033(b) or 9034”.

22       (c) PARTICIPATION IN SYSTEM FOR PAYMENTS FOR  
23      GENERAL ELECTION.—Section 9033(b) of such Code is  
24      amended—

1 (1) by striking “and” at the end of paragraph  
2 (3);

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

5 (3) by inserting after paragraph (4) the fol-  
6 lowing new paragraph:

7 “(5) if the candidate is nominated by a political  
8 party for election to the office of President, the can-  
9 didate will apply for and accept payments with re-  
10 spect to the general election for such office in ac-  
11 cordance with chapter 95.”.

12 (d) PROHIBITION ON JOINT FUNDRAISING COMMIT-  
13 TEES.—Section 9033(b) of such Code, as amended by sub-  
14 section (c), 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 inserting after paragraph (5) the fol-  
20 lowing new paragraph:

21 “(6) the candidate will not establish a joint  
22 fundraising committee with a political committee  
23 other than another authorized committee of the can-  
24 didate, except that candidate established a joint  
25 fundraising committee with respect to a prior elec-

1       tion for which the candidate was not eligible to re-  
2       ceive payments under section 9037 and the can-  
3       didate does not terminate the committee, the can-  
4       didate shall not be considered to be in violation of  
5       this paragraph so long as that joint fundraising  
6       committee does not receive any contributions or  
7       make any disbursements during the election cycle for  
8       which the candidate is eligible to receive payments  
9       under such section.”.

10   **SEC. 5203. REPEAL OF EXPENDITURE LIMITATIONS.**

11       (a) IN GENERAL.—Subsection (a) of section 9035 of  
12   the Internal Revenue Code of 1986 is amended to read  
13   as follows:

14       “(a) PERSONAL EXPENDITURE LIMITATION.—No  
15   candidate shall knowingly make expenditures from his per-  
16   sonal funds, or the personal funds of his immediate family,  
17   in connection with his campaign for nomination for elec-  
18   tion to the office of President in excess of, in the aggre-  
19   gate, \$50,000.”.

20       (b) CONFORMING AMENDMENT.—Paragraph (1) of  
21   section 9033(b) of the Internal Revenue Code of 1986 is  
22   amended to read as follows:

23       “(1) the candidate will comply with the per-  
24   sonal expenditure limitation under section 9035,”.

1 **SEC. 5204. PERIOD OF AVAILABILITY OF MATCHING PAY-**  
2 **MENTS.**

3 Section 9032(6) of the Internal Revenue Code of  
4 1986 is amended by striking “the beginning of the cal-  
5 endar year in which a general election for the office of  
6 President of the United States will be held” and inserting  
7 “the date that is 6 months prior to the date of the earliest  
8 State primary election”.

9 **SEC. 5205. EXAMINATION AND AUDITS OF MATCHABLE CON-**  
10 **TRIBUTIONS.**

11 Section 9038(a) of the Internal Revenue Code of  
12 1986 is amended by inserting “and matchable contribu-  
13 tions accepted by” after “qualified campaign expenses of”.

14 **SEC. 5206. MODIFICATION TO LIMITATION ON CONTRIBU-**  
15 **TIONS FOR PRESIDENTIAL PRIMARY CAN-**  
16 **DIDATES.**

17 Section 315(a)(6) of the Federal Election Campaign  
18 Act of 1971 (52 U.S.C. 30116(a)(6)) is amended by strik-  
19 ing “calendar year” and inserting “four-year election  
20 cycle”.

21 **SEC. 5207. USE OF FREEDOM FROM INFLUENCE FUND AS**  
22 **SOURCE OF PAYMENTS.**

23 (a) IN GENERAL.—Chapter 96 of subtitle H of the  
24 Internal Revenue Code of 1986 is amended by adding at  
25 the end the following new section:

1   **“SEC. 9043. USE OF FREEDOM FROM INFLUENCE FUND AS**  
2                   **SOURCE OF PAYMENTS.**

3           “(a) IN GENERAL.—Notwithstanding any other pro-  
4 vision of this chapter, effective with respect to the Presi-  
5 dential election held in 2028 and each succeeding Presi-  
6 dential election, all payments made to candidates under  
7 this chapter shall be made from the Freedom From Infl-  
8 ence Fund established under section 541 of the Federal  
9 Election Campaign Act of 1971 (hereafter in this section  
10 referred to as the ‘Fund’).

11          “(b) MANDATORY REDUCTION OF PAYMENTS IN  
12 CASE OF INSUFFICIENT AMOUNTS IN FUND.—

13               “(1) ADVANCE AUDITS BY COMMISSION.—Not  
14 later than 90 days before the first day of each Presi-  
15 dential election cycle (beginning with the cycle for  
16 the election held in 2028), the Commission shall—

17                   “(A) audit the Fund to determine whether,  
18 after first making payments to participating  
19 candidates under title V of the Federal Election  
20 Campaign Act of 1971 and then making pay-  
21 ments to States under the My Voice Voucher  
22 Program under the Government By the People  
23 Act of 2021, the amounts remaining in the  
24 Fund will be sufficient to make payments to  
25 candidates under this chapter in the amounts

1 provided under this chapter during such elec-  
2 tion cycle; and

3 “(B) submit a report to Congress describ-  
4 ing the results of the audit.

5 “(2) REDUCTIONS IN AMOUNT OF PAYMENTS.—

6 “(A) AUTOMATIC REDUCTION ON PRO  
7 RATA BASIS.—If, on the basis of the audit de-  
8 scribed in paragraph (1), the Commission deter-  
9 mines that the amount anticipated to be avail-  
10 able in the Fund with respect to the Presi-  
11 dential election cycle involved is not, or may not  
12 be, sufficient to satisfy the full entitlements of  
13 candidates to payments under this chapter for  
14 such cycle, the Commission shall reduce each  
15 amount which would otherwise be paid to a can-  
16 didate under this chapter by such pro rata  
17 amount as may be necessary to ensure that the  
18 aggregate amount of payments anticipated to  
19 be made with respect to the cycle will not ex-  
20 ceed the amount anticipated to be available for  
21 such payments in the Fund with respect to such  
22 cycle.

23 “(B) RESTORATION OF REDUCTIONS IN  
24 CASE OF AVAILABILITY OF SUFFICIENT FUNDS  
25 DURING ELECTION CYCLE.—If, after reducing

1 the amounts paid to candidates with respect to  
2 an election cycle under subparagraph (A), the  
3 Commission determines that there are sufficient  
4 amounts in the Fund to restore the amount by  
5 which such payments were reduced (or any por-  
6 tion thereof), to the extent that such amounts  
7 are available, the Commission may make a pay-  
8 ment on a pro rata basis to each such candidate  
9 with respect to the election cycle in the amount  
10 by which such candidate's payments were re-  
11 duced under subparagraph (A) (or any portion  
12 thereof, as the case may be).

13 “(C) NO USE OF AMOUNTS FROM OTHER  
14 SOURCES.—In any case in which the Commis-  
15 sion determines that there are insufficient mon-  
16 eys in the Fund to make payments to can-  
17 didates under this chapter, moneys shall not be  
18 made available from any other source for the  
19 purpose of making such payments.

20 “(3) NO EFFECT ON AMOUNTS TRANSFERRED  
21 FOR PEDIATRIC RESEARCH INITIATIVE.—This sec-  
22 tion does not apply to the transfer of funds under  
23 section 9008(i).

24 “(4) PRESIDENTIAL ELECTION CYCLE DE-  
25 FINED.—In this section, the term ‘Presidential elec-



1       tion cycle’ means, with respect to a Presidential elec-  
 2       tion, the period beginning on the day after the date  
 3       of the previous Presidential general election and  
 4       ending on the date of the Presidential election.”.

5       (b) CLERICAL AMENDMENT.—The table of sections  
 6 for chapter 96 of subtitle H of such Code is amended by  
 7 adding at the end the following new item:

“Sec. 9043. Use of Freedom From Influence Fund as source of payments.”.

## 8                   **PART 2—GENERAL ELECTIONS**

### 9   **SEC. 5211. MODIFICATION OF ELIGIBILITY REQUIREMENTS** 10                   **FOR PUBLIC FINANCING.**

11       Subsection (a) of section 9003 of the Internal Rev-  
 12 enue Code of 1986 is amended to read as follows:

13       “(a) IN GENERAL.—In order to be eligible to receive  
 14 any payments under section 9006, the candidates of a po-  
 15 litical party in a Presidential election shall meet the fol-  
 16 lowing requirements:

17               “(1) PARTICIPATION IN PRIMARY PAYMENT  
 18 SYSTEM.—The candidate for President received pay-  
 19 ments under chapter 96 for the campaign for nomi-  
 20 nation for election to be President.

21               “(2) AGREEMENTS WITH COMMISSION.—The  
 22 candidates, in writing—

23                   “(A) agree to obtain and furnish to the  
 24 Commission such evidence as it may request of

1 the qualified campaign expenses of such can-  
2 didates,

3 “(B) agree to keep and furnish to the  
4 Commission such records, books, and other in-  
5 formation as it may request, and

6 “(C) agree to an audit and examination by  
7 the Commission under section 9007 and to pay  
8 any amounts required to be paid under such  
9 section.

10 “(3) PROHIBITION ON JOINT FUNDRAISING  
11 COMMITTEES.—

12 “(A) PROHIBITION.—The candidates cer-  
13 tifies in writing that the candidates will not es-  
14 tablish a joint fundraising committee with a po-  
15 litical committee other than another authorized  
16 committee of the candidate.

17 “(B) STATUS OF EXISTING COMMITTEES  
18 FOR PRIOR ELECTIONS.—If a candidate estab-  
19 lished a joint fundraising committee described  
20 in subparagraph (A) with respect to a prior  
21 election for which the candidate was not eligible  
22 to receive payments under section 9006 and the  
23 candidate does not terminate the committee,  
24 the candidate shall not be considered to be in  
25 violation of subparagraph (A) so long as that

1 joint fundraising committee does not receive  
2 any contributions or make any disbursements  
3 with respect to the election for which the can-  
4 didate is eligible to receive payments under sec-  
5 tion 9006.”.

6 **SEC. 5212. REPEAL OF EXPENDITURE LIMITATIONS AND**  
7 **USE OF QUALIFIED CAMPAIGN CONTRIBU-**  
8 **TIONS.**

9 (a) USE OF QUALIFIED CAMPAIGN CONTRIBUTIONS  
10 WITHOUT EXPENDITURE LIMITS; APPLICATION OF SAME  
11 REQUIREMENTS FOR MAJOR, MINOR, AND NEW PAR-  
12 TIES.—Section 9003 of the Internal Revenue Code of  
13 1986 is amended by striking subsections (b) and (c) and  
14 inserting the following:

15 “(b) USE OF QUALIFIED CAMPAIGN CONTRIBUTIONS  
16 TO DEFRAY EXPENSES.—

17 “(1) IN GENERAL.—In order to be eligible to  
18 receive any payments under section 9006, the can-  
19 didates of a party in a Presidential election shall  
20 certify to the Commission, under penalty of perjury,  
21 that—

22 “(A) such candidates and their authorized  
23 committees have not and will not accept any  
24 contributions to defray qualified campaign ex-  
25 penses other than—

1 “(i) qualified campaign contributions,  
2 and

3 “(ii) contributions to the extent nec-  
4 essary to make up any deficiency payments  
5 received out of the fund on account of the  
6 application of section 9006(c), and

7 “(B) such candidates and their authorized  
8 committees have not and will not accept any  
9 contribution to defray expenses which would be  
10 qualified campaign expenses but for subpara-  
11 graph (C) of section 9002(11).

12 “(2) TIMING OF CERTIFICATION.—The can-  
13 didate shall make the certification required under  
14 this subsection at the same time the candidate  
15 makes the certification required under subsection  
16 (a)(3).”.

17 (b) DEFINITION OF QUALIFIED CAMPAIGN CON-  
18 TRIBUTION.—Section 9002 of such Code is amended by  
19 adding at the end the following new paragraph:

20 “(13) QUALIFIED CAMPAIGN CONTRIBUTION.—  
21 The term ‘qualified campaign contribution’ means,  
22 with respect to any election for the office of Presi-  
23 dent of the United States, a contribution from an in-  
24 dividual to a candidate or an authorized committee  
25 of a candidate which—

1           “(A) does not exceed \$1,000 for the elec-  
2           tion; and

3           “(B) with respect to which the candidate  
4           has certified in writing that—

5                   “(i) the individual making such con-  
6                   tribution has not made aggregate contribu-  
7                   tions (including such qualified contribu-  
8                   tion) to such candidate and the authorized  
9                   committees of such candidate in excess of  
10                  the amount described in subparagraph (A),  
11                  and

12                   “(ii) such candidate and the author-  
13                   ized committees of such candidate will not  
14                   accept contributions from such individual  
15                   (including such qualified contribution) ag-  
16                   gregating more than the amount described  
17                   in subparagraph (A) with respect to such  
18                   election.”.

19           (c) CONFORMING AMENDMENTS.—

20                   (1) REPEAL OF EXPENDITURE LIMITS.—

21                           (A) IN GENERAL.—Section 315 of the Fed-  
22                   eral Election Campaign Act of 1971 (52 U.S.C.  
23                   30116) is amended by striking subsection (b).

1 (B) CONFORMING AMENDMENTS.—Section  
2 315(c) of such Act (52 U.S.C. 30116(c)) is  
3 amended—

4 (i) in paragraph (1)(B)(i), by striking  
5 “, (b)”; and

6 (ii) in paragraph (2)(B)(i), by striking  
7 “subsections (b) and (d)” and inserting  
8 “subsection (d)”.

9 (2) REPEAL OF REPAYMENT REQUIREMENT.—

10 (A) IN GENERAL.—Section 9007(b) of the  
11 Internal Revenue Code of 1986 is amended by  
12 striking paragraph (2) and redesignating para-  
13 graphs (3), (4), and (5) as paragraphs (2), (3),  
14 and (4), respectively.

15 (B) CONFORMING AMENDMENT.—Para-  
16 graph (2) of section 9007(b) of such Code, as  
17 redesignated by subparagraph (A), is amend-  
18 ed—

19 (i) by striking “a major party” and  
20 inserting “a party”;

21 (ii) by striking “contributions (other  
22 than” and inserting “contributions (other  
23 than qualified contributions”; and

24 (iii) by striking “(other than qualified  
25 campaign expenses with respect to which

1 payment is required under paragraph  
2 (2))”.

3 (3) CRIMINAL PENALTIES.—

4 (A) REPEAL OF PENALTY FOR EXCESS EX-  
5 PENSES.—Section 9012 of the Internal Revenue  
6 Code of 1986 is amended by striking subsection  
7 (a).

8 (B) PENALTY FOR ACCEPTANCE OF DIS-  
9 ALLOWED CONTRIBUTIONS; APPLICATION OF  
10 SAME PENALTY FOR CANDIDATES OF MAJOR,  
11 MINOR, AND NEW PARTIES.—Subsection (b) of  
12 section 9012 of such Code is amended to read  
13 as follows:

14 “(b) CONTRIBUTIONS.—

15 “(1) ACCEPTANCE OF DISALLOWED CONTRIBU-  
16 TIONS.—It shall be unlawful for an eligible can-  
17 didate of a party in a Presidential election or any of  
18 his authorized committees knowingly and willfully to  
19 accept—

20 “(A) any contribution other than a quali-  
21 fied campaign contribution to defray qualified  
22 campaign expenses, except to the extent nec-  
23 essary to make up any deficiency in payments  
24 received out of the fund on account of the ap-  
25 plication of section 9006(c); or

1           “(B) any contribution to defray expenses  
 2           which would be qualified campaign expenses but  
 3           for subparagraph (C) of section 9002(11).

4           “(2) PENALTY.—Any person who violates para-  
 5           graph (1) shall be fined not more than \$5,000, or  
 6           imprisoned not more than one year, or both. In the  
 7           case of a violation by an authorized committee, any  
 8           officer or member of such committee who knowingly  
 9           and willfully consents to such violation shall be fined  
 10          not more than \$5,000, or imprisoned not more than  
 11          one year, or both.”.

12 **SEC. 5213. MATCHING PAYMENTS AND OTHER MODIFICA-**  
 13 **TIONS TO PAYMENT AMOUNTS.**

14          (a) IN GENERAL.—

15           (1) AMOUNT OF PAYMENTS; APPLICATION OF  
 16          SAME AMOUNT FOR CANDIDATES OF MAJOR, MINOR,  
 17          AND NEW PARTIES.—Subsection (a) of section 9004  
 18          of the Internal Revenue Code of 1986 is amended to  
 19          read as follows:

20          “(a) IN GENERAL.—Subject to the provisions of this  
 21          chapter, the eligible candidates of a party in a Presidential  
 22          election shall be entitled to equal payment under section  
 23          9006 in an amount equal to 600 percent of the amount  
 24          of each matchable contribution received by such candidate  
 25          or by the candidate’s authorized committees (disregarding



1 any amount of contributions from any person to the extent  
 2 that the total of the amounts contributed by such person  
 3 for the election exceeds \$200), except that total amount  
 4 to which a candidate is entitled under this paragraph shall  
 5 not exceed \$250,000,000.”.

6 (2) REPEAL OF SEPARATE LIMITATIONS FOR  
 7 CANDIDATES OF MINOR AND NEW PARTIES; INFLA-  
 8 TION ADJUSTMENT.—Subsection (b) of section 9004  
 9 of such Code is amended to read as follows:

10 “(b) INFLATION ADJUSTMENT.—

11 “(1) IN GENERAL.—In the case of any applica-  
 12 ble period beginning after 2029, the \$250,000,000  
 13 dollar amount in subsection (a) shall be increased by  
 14 an amount equal to—

15 “(A) such dollar amount; multiplied by

16 “(B) the cost-of-living adjustment deter-  
 17 mined under section 1(f)(3) for the calendar  
 18 year following the year which such applicable  
 19 period begins, determined by substituting ‘cal-  
 20 endar year 2028’ for ‘calendar year 1992’ in  
 21 subparagraph (B) thereof.

22 “(2) APPLICABLE PERIOD.—For purposes of  
 23 this subsection, the term ‘applicable period’ means  
 24 the 4-year period beginning with the first day fol-  
 25 lowing the date of the general election for the office

1 of President and ending on the date of the next such  
2 general election.

3 “(3) ROUNDING.—If any amount as adjusted  
4 under paragraph (1) is not a multiple of \$10,000,  
5 such amount shall be rounded to the nearest mul-  
6 tiple of \$10,000.”.

7 (3) CONFORMING AMENDMENT.—Section  
8 9005(a) of such Code is amended by adding at the  
9 end the following new sentence: “The Commission  
10 shall make such additional certifications as may be  
11 necessary to receive payments under section 9004.”.

12 (b) MATCHABLE CONTRIBUTION.—Section 9002 of  
13 such Code, as amended by section 5212(b), is amended  
14 by adding at the end the following new paragraph:

15 “(14) MATCHABLE CONTRIBUTION.—The term  
16 ‘matchable contribution’ means, with respect to the  
17 election to the office of President of the United  
18 States, a contribution by an individual to a can-  
19 didate or an authorized committee of a candidate  
20 with respect to which the candidate has certified in  
21 writing that—

22 “(A) the individual making such contribu-  
23 tion has not made aggregate contributions (in-  
24 cluding such matchable contribution) to such  
25 candidate and the authorized committees of

1           such candidate in excess of \$1,000 for the elec-  
2           tion;

3           “(B) such candidate and the authorized  
4           committees of such candidate will not accept  
5           contributions from such individual (including  
6           such matchable contribution) aggregating more  
7           than the amount described in subparagraph (A)  
8           with respect to such election; and

9           “(C) such contribution was a direct con-  
10          tribution (as defined in section 9034(c)(3)).”.

11 **SEC. 5214. INCREASE IN LIMIT ON COORDINATED PARTY**  
12 **EXPENDITURES.**

13       (a) IN GENERAL.—Section 315(d)(2) of the Federal  
14 Election Campaign Act of 1971 (52 U.S.C. 30116(d)(2))  
15 is amended to read as follows:

16       “(2)(A) The national committee of a political party  
17 may not make any expenditure in connection with the gen-  
18 eral election campaign of any candidate for President of  
19 the United States who is affiliated with such party which  
20 exceeds \$100,000,000.

21       “(B) For purposes of this paragraph—

22       “(i) any expenditure made by or on behalf of a  
23 national committee of a political party and in con-  
24 nection with a Presidential election shall be consid-  
25 ered to be made in connection with the general elec-

1       tion campaign of a candidate for President of the  
2       United States who is affiliated with such party; and

3           “(ii) any communication made by or on behalf  
4       of such party shall be considered to be made in con-  
5       nection with the general election campaign of a can-  
6       didate for President of the United States who is af-  
7       filiated with such party if any portion of the commu-  
8       nication is in connection with such election.

9       “(C) Any expenditure under this paragraph shall be  
10      in addition to any expenditure by a national committee  
11      of a political party serving as the principal campaign com-  
12      mittee of a candidate for the office of President of the  
13      United States.”.

14       (b) CONFORMING AMENDMENTS RELATING TO TIM-  
15      ING OF COST-OF-LIVING ADJUSTMENT.—

16           (1) IN GENERAL.—Section 315(c)(1) of such  
17      Act (52 U.S.C. 30116(c)(1)) is amended—

18                   (A) in subparagraph (B), by striking “(d)”  
19                   and inserting “(d)(2)”; and

20                   (B) by adding at the end the following new  
21                   subparagraph:

22           “(D) In any calendar year after 2028—

23                   “(i) the dollar amount in subsection (d)(2) shall  
24                   be increased by the percent difference determined  
25                   under subparagraph (A);

1 “(ii) the amount so increased shall remain in  
2 effect for the calendar year; and

3 “(iii) if the amount after adjustment under  
4 clause (i) is not a multiple of \$100, such amount  
5 shall be rounded to the nearest multiple of \$100.”.

6 (2) BASE YEAR.—Section 315(c)(2)(B) of such  
7 Act (52 U.S.C. 30116(c)(2)(B)) is amended—

8 (A) in clause (i)—

9 (i) by striking “(d)” and inserting  
10 “(d)(3)”; and

11 (ii) by striking “and” at the end;

12 (B) in clause (ii), by striking the period at  
13 the end and inserting “; and”; and

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

16 “(iii) for purposes of subsection (d)(2), cal-  
17 endar year 2027.”.

18 **SEC. 5215. ESTABLISHMENT OF UNIFORM DATE FOR RE-**  
19 **LEASE OF PAYMENTS.**

20 (a) DATE FOR PAYMENTS.—

21 (1) IN GENERAL.—Section 9006(b) of the In-  
22 ternal Revenue Code of 1986 is amended to read as  
23 follows:

24 “(b) PAYMENTS FROM THE FUND.—If the Secretary  
25 of the Treasury receives a certification from the Commis-

1 sion under section 9005 for payment to the eligible can-  
 2 didates of a political party, the Secretary shall pay to such  
 3 candidates out of the fund the amount certified by the  
 4 Commission on the later of—

5           “(1) the last Friday occurring before the first  
 6       Monday in September; or

7           “(2) 24 hours after receiving the certifications  
 8       for the eligible candidates of all major political par-  
 9       ties.

10 Amounts paid to any such candidates shall be under the  
 11 control of such candidates.”.

12           (2) CONFORMING AMENDMENT.—The first sen-  
 13       tence of section 9006(c) of such Code is amended by  
 14       striking “the time of a certification by the Commis-  
 15       sion under section 9005 for payment” and inserting  
 16       “the time of making a payment under subsection  
 17       (b)”.

18       (b) TIME FOR CERTIFICATION.—Section 9005(a) of  
 19       the Internal Revenue Code of 1986 is amended by striking  
 20       “10 days” and inserting “24 hours”.

21 **SEC. 5216. AMOUNTS IN PRESIDENTIAL ELECTION CAM-**  
 22 **PAIGN FUND.**

23       Section 9006(c) of the Internal Revenue Code of  
 24       1986 is amended by adding at the end the following new  
 25       sentence: “In making a determination of whether there are

1 insufficient moneys in the fund for purposes of the pre-  
 2 vious sentence, the Secretary shall take into account in  
 3 determining the balance of the fund for a Presidential  
 4 election year the Secretary's best estimate of the amount  
 5 of moneys which will be deposited into the fund during  
 6 the year, except that the amount of the estimate may not  
 7 exceed the average of the annual amounts deposited in the  
 8 fund during the previous 3 years.”.

9 **SEC. 5217. USE OF GENERAL ELECTION PAYMENTS FOR**  
 10 **GENERAL ELECTION LEGAL AND ACCOUNT-**  
 11 **ING COMPLIANCE.**

12 Section 9002(11) of the Internal Revenue Code of  
 13 1986 is amended by adding at the end the following new  
 14 sentence: “For purposes of subparagraph (A), an expense  
 15 incurred by a candidate or authorized committee for gen-  
 16 eral election legal and accounting compliance purposes  
 17 shall be considered to be an expense to further the election  
 18 of such candidate.”.

19 **SEC. 5218. USE OF FREEDOM FROM INFLUENCE FUND AS**  
 20 **SOURCE OF PAYMENTS.**

21 (a) IN GENERAL.—Chapter 95 of subtitle H of the  
 22 Internal Revenue Code of 1986 is amended by adding at  
 23 the end the following new section:

1 **“SEC. 9013. USE OF FREEDOM FROM INFLUENCE FUND AS**  
2 **SOURCE OF PAYMENTS.**

3 “(a) IN GENERAL.—Notwithstanding any other pro-  
4 vision of this chapter, effective with respect to the Presi-  
5 dential election held in 2028 and each succeeding Presi-  
6 dential election, all payments made under this chapter  
7 shall be made from the Freedom From Influence Fund  
8 established under section 541 of the Federal Election  
9 Campaign Act of 1971.

10 “(b) MANDATORY REDUCTION OF PAYMENTS IN  
11 CASE OF INSUFFICIENT AMOUNTS IN FUND.—

12 “(1) ADVANCE AUDITS BY COMMISSION.—Not  
13 later than 90 days before the first day of each Presi-  
14 dential election cycle (beginning with the cycle for  
15 the election held in 2028), the Commission shall—

16 “(A) audit the Fund to determine whether,  
17 after first making payments to participating  
18 candidates under title V of the Federal Election  
19 Campaign Act of 1971 and then making pay-  
20 ments to States under the My Voice Voucher  
21 Program under the Government By the People  
22 Act of 2021 and then making payments to can-  
23 didates under chapter 96, the amounts remain-  
24 ing in the Fund will be sufficient to make pay-  
25 ments to candidates under this chapter in the



1 amounts provided under this chapter during  
2 such election cycle; and

3 “(B) submit a report to Congress describ-  
4 ing the results of the audit.

5 “(2) REDUCTIONS IN AMOUNT OF PAYMENTS.—

6 “(A) AUTOMATIC REDUCTION ON PRO  
7 RATA BASIS.—If, on the basis of the audit de-  
8 scribed in paragraph (1), the Commission deter-  
9 mines that the amount anticipated to be avail-  
10 able in the Fund with respect to the Presi-  
11 dential election cycle involved is not, or may not  
12 be, sufficient to satisfy the full entitlements of  
13 candidates to payments under this chapter for  
14 such cycle, the Commission shall reduce each  
15 amount which would otherwise be paid to a can-  
16 didate under this chapter by such pro rata  
17 amount as may be necessary to ensure that the  
18 aggregate amount of payments anticipated to  
19 be made with respect to the cycle will not ex-  
20 ceed the amount anticipated to be available for  
21 such payments in the Fund with respect to such  
22 cycle.

23 “(B) RESTORATION OF REDUCTIONS IN  
24 CASE OF AVAILABILITY OF SUFFICIENT FUNDS  
25 DURING ELECTION CYCLE.—If, after reducing

1           the amounts paid to candidates with respect to  
2           an election cycle under subparagraph (A), the  
3           Commission determines that there are sufficient  
4           amounts in the Fund to restore the amount by  
5           which such payments were reduced (or any por-  
6           tion thereof), to the extent that such amounts  
7           are available, the Commission may make a pay-  
8           ment on a pro rata basis to each such candidate  
9           with respect to the election cycle in the amount  
10          by which such candidate's payments were re-  
11          duced under subparagraph (A) (or any portion  
12          thereof, as the case may be).

13               “(C) NO USE OF AMOUNTS FROM OTHER  
14          SOURCES.—In any case in which the Commis-  
15          sion determines that there are insufficient mon-  
16          eys in the Fund to make payments to can-  
17          didates under this chapter, moneys shall not be  
18          made available from any other source for the  
19          purpose of making such payments.

20               “(3) NO EFFECT ON AMOUNTS TRANSFERRED  
21          FOR PEDIATRIC RESEARCH INITIATIVE.—This sec-  
22          tion does not apply to the transfer of funds under  
23          section 9008(i).

24               “(4) PRESIDENTIAL ELECTION CYCLE DE-  
25          FINED.—In this section, the term ‘Presidential elec-

1       tion cycle’ means, with respect to a Presidential elec-  
2       tion, the period beginning on the day after the date  
3       of the previous Presidential general election and  
4       ending on the date of the Presidential election.”.

5       (b) CLERICAL AMENDMENT.—The table of sections  
6       for chapter 95 of subtitle H of such Code is amended by  
7       adding at the end the following new item:

“Sec. 9013. Use of Freedom From Influence Fund as source of payments.”.

## 8                                   **PART 3—EFFECTIVE DATE**

### 9       **SEC. 5221. EFFECTIVE DATE.**

10       (a) IN GENERAL.—Except as otherwise provided, this  
11       subtitle and the amendments made by this subtitle shall  
12       apply with respect to the Presidential election held in 2028  
13       and each succeeding Presidential election, without regard  
14       to whether or not the Federal Election Commission has  
15       promulgated the final regulations necessary to carry out  
16       this part and the amendments made by this part by the  
17       deadline set forth in subsection (b).

18       (b) DEADLINE FOR REGULATIONS.—Not later than  
19       June 30, 2026, the Federal Election Commission shall  
20       promulgate such regulations as may be necessary to carry  
21       out this part and the amendments made by this part.

1 **Subtitle D—Personal Use Services**  
2 **as Authorized Campaign Ex-**  
3 **penditures**

4 **SEC. 5301. SHORT TITLE; FINDINGS; PURPOSE.**

5 (a) SHORT TITLE.—This subtitle may be cited as the  
6 “Help America Run Act”.

7 (b) FINDINGS.—Congress finds the following:

8 (1) Everyday Americans experience barriers to  
9 entry before they can consider running for office to  
10 serve their communities.

11 (2) Current law states that campaign funds  
12 cannot be spent on everyday expenses that would  
13 exist whether or not a candidate were running for  
14 office, like childcare and food. While the law seems  
15 neutral, its actual effect is to privilege the independ-  
16 ently wealthy who want to run, because given the de-  
17 mands of running for office, candidates who must  
18 work to pay for childcare or to afford health insur-  
19 ance are effectively being left out of the process,  
20 even if they have sufficient support to mount a via-  
21 ble campaign.

22 (3) Thus current practice favors those prospec-  
23 tive candidates who do not need to rely on a regular  
24 paycheck to make ends meet. The consequence is  
25 that everyday Americans who have firsthand knowl-

1 edge of the importance of stable childcare, a safety  
2 net, or great public schools are less likely to get a  
3 seat at the table. This governance by the few is anti-  
4 thetical to the democratic experiment, but most im-  
5 portantly, when lawmakers do not share the con-  
6 cerns of everyday Americans, their policies reflect  
7 that.

8 (4) These circumstances have contributed to a  
9 Congress that does not always reflect everyday  
10 Americans. The New York Times reported in 2019  
11 that fewer than 5 percent of representatives cite  
12 blue-collar or service jobs in their biographies. A  
13 2015 survey by the Center for Responsive Politics  
14 showed that the median net worth of lawmakers was  
15 just over \$1 million in 2013, or 18 times the wealth  
16 of the typical American household.

17 (5) These circumstances have also contributed  
18 to a governing body that does not reflect the nation  
19 it serves. For instance, women are 51 percent of the  
20 American population. Yet even with a record number  
21 of women serving in the One Hundred Sixteenth  
22 Congress, the Pew Research Center notes that more  
23 than three out of four Members of this Congress are  
24 male. The Center for American Women And Politics  
25 found that one third of women legislators surveyed

1        had been actively discouraged from running for of-  
2        fice, often by political professionals. This type of dis-  
3        couragement, combined with the prohibitions on  
4        using campaign funds for domestic needs like  
5        childcare, burdens that still fall disproportionately  
6        on American women, particularly disadvantages  
7        working mothers. These barriers may explain why  
8        only 10 women in history have given birth while  
9        serving in Congress, in spite of the prevalence of  
10       working parents in other professions. Yet working  
11       mothers and fathers are best positioned to create  
12       policy that reflects the lived experience of most  
13       Americans.

14            (6) Working mothers, those caring for their el-  
15       derly parents, and young professionals who rely on  
16       their jobs for health insurance should have the free-  
17       dom to run to serve the people of the United States.  
18       Their networks and net worth are simply not the  
19       best indicators of their strength as prospective pub-  
20       lic servants. In fact, helping ordinary Americans to  
21       run may create better policy for all Americans.

22       (c) PURPOSE.—It is the purpose of this subtitle to  
23       ensure that all Americans who are otherwise qualified to  
24       serve this Nation are able to run for office, regardless of  
25       their economic status. By expanding permissible uses of

1 campaign funds and providing modest assurance that test-  
 2 ing a run for office will not cost one’s livelihood, the Help  
 3 America Run Act will facilitate the candidacy of represent-  
 4 atives who more accurately reflect the experiences, chal-  
 5 lenges, and ideals of everyday Americans.

6 **SEC. 5302. TREATMENT OF PAYMENTS FOR CHILD CARE**  
 7 **AND OTHER PERSONAL USE SERVICES AS AU-**  
 8 **THORIZED CAMPAIGN EXPENDITURE.**

9 (a) PERSONAL USE SERVICES AS AUTHORIZED CAM-  
 10 PAIGN EXPENDITURE.—Section 313 of the Federal Elec-  
 11 tion Campaign Act of 1971 (52 U.S.C. 30114), as amend-  
 12 ed by section 5113, is amended by adding at the end the  
 13 following new subsection:

14 “(e) TREATMENT OF PAYMENTS FOR CHILD CARE  
 15 AND OTHER PERSONAL USE SERVICES AS AUTHORIZED  
 16 CAMPAIGN EXPENDITURE.—

17 “(1) AUTHORIZED EXPENDITURES.—For pur-  
 18 poses of subsection (a), the payment by an author-  
 19 ized committee of a candidate for any of the per-  
 20 sonal use services described in paragraph (3) shall  
 21 be treated as an authorized expenditure if the serv-  
 22 ices are necessary to enable the participation of the  
 23 candidate in campaign-connected activities.

24 “(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 (11), 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)(11)”.

9 (c) ACCOUNTS DESCRIBED.—Section 315(a) of such  
10 Act (52 U.S.C. 30116(a)), as amended by section 5112(a),  
11 is amended by adding at the end the following new para-  
12 graph:

13 “(11) An account described in this paragraph is a  
14 separate, segregated account of a national committee of  
15 a political party (including a national congressional cam-  
16 paign committee of a political party) consisting exclusively  
17 of contributions made during a calendar year by individ-  
18 uals whose aggregate contributions to the committee dur-  
19 ing the year do not exceed \$200.”.

20 (d) EFFECTIVE DATE.—The amendments made by  
21 this section shall apply with respect to elections held on  
22 or after the date of the enactment of this Act.

## 1                   **Subtitle F—Severability**

### 2   **SEC. 5501. 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 VI—CAMPAIGN FINANCE** 11                   **OVERSIGHT**

### Subtitle A—Restoring Integrity to America’s Elections

- Sec. 6001. Short title.
- Sec. 6002. Membership of Federal Election Commission.
- Sec. 6003. Assignment of powers to Chair of Federal Election Commission.
- Sec. 6004. Revision to enforcement process.
- Sec. 6005. Permitting appearance at hearings on requests for advisory opinions  
by persons opposing the requests.
- Sec. 6006. Permanent extension of administrative penalty authority.
- Sec. 6007. Restrictions on ex parte communications.
- Sec. 6008. Clarifying authority of FEC attorneys to represent FEC in Supreme  
Court.
- Sec. 6009. Requiring forms to permit use of accent marks.
- Sec. 6010. Effective date; transition.

### Subtitle B—Stopping Super PAC-Candidate Coordination

- Sec. 6101. Short title.
- Sec. 6102. Clarification of treatment of coordinated expenditures as contribu-  
tions to candidates.
- Sec. 6103. Clarification of ban on fundraising for super PACs by Federal can-  
didates and officeholders.

### Subtitle C—Disposal of Contributions or Donations

- Sec. 6201. Timeframe for and prioritization of disposal of contributions or do-  
nations.
- Sec. 6202. 1-year transition period for certain individuals.

### Subtitle D—Recommendations to Ensure Filing of Reports Before Date of Election

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

Subtitle E—Severability

Sec. 6401. Severability.

1     **Subtitle A—Restoring Integrity to**  
2                     **America’s Elections**

3     **SEC. 6001. SHORT TITLE.**

4             This subtitle may be cited as the “Restoring Integrity  
5 to America’s Elections Act”.

6     **SEC. 6002. MEMBERSHIP OF FEDERAL ELECTION COMMIS-**  
7                     **SION.**

8             (a) REDUCTION IN NUMBER OF MEMBERS; REMOVAL  
9 OF SECRETARY OF SENATE AND CLERK OF HOUSE AS  
10 EX OFFICIO MEMBERS.—

11             (1) IN GENERAL; QUORUM.—Section 306(a)(1)  
12 of the Federal Election Campaign Act of 1971 (52  
13 U.S.C. 30106(a)(1)) is amended by striking the sec-  
14 ond and third sentences and inserting the following:  
15 “The Commission is composed of 5 members ap-  
16 pointed by the President by and with the advice and  
17 consent of the Senate, of whom no more than 2 may  
18 be affiliated with the same political party. A member  
19 shall be treated as affiliated with a political party if  
20 the member was affiliated, including as a registered  
21 voter, employee, consultant, donor, officer, or attor-  
22 ney, with such political party or any of its can-  
23 didates or elected public officials at any time during

1 the 5-year period ending on the date on which such  
2 individual is nominated to be a member of the Com-  
3 mission. A majority of the number of members of  
4 the Commission who are serving at the time shall  
5 constitute a quorum.”.

6 (2) CONFORMING AMENDMENTS RELATING TO  
7 REDUCTION IN NUMBER OF MEMBERS.—(A) Section  
8 306(c) of such Act (52 U.S.C. 30106(c)) is amended  
9 by striking the period at the end of the first sen-  
10 tence and all that follows and inserting the fol-  
11 lowing: “, except that an affirmative vote of a major-  
12 ity of the members of the Commission who are serv-  
13 ing at the time shall be required in order for the  
14 Commission to take any action in accordance with  
15 paragraph (6), (7), (8), or (9) of section 307(a) or  
16 with chapter 95 or chapter 96 of the Internal Rev-  
17 enue Code of 1986. A member of the Commission  
18 may not delegate to any person his or her vote or  
19 any decisionmaking authority or duty vested in the  
20 Commission by the provisions of this Act”.

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 2024, 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 2024, 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 2024 (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)) is amended by strik-  
 9 ing “, and that end on or before December 31, 2023”.

10 (b) EFFECTIVE DATE.—The amendment made by  
 11 subsection (a) shall take effect on December 31, 2020.

12 **SEC. 6007. RESTRICTIONS ON EX PARTE COMMUNICATIONS.**

13 Section 306(e) of the Federal Election Campaign Act  
 14 of 1971 (52 U.S.C. 30106(e)) is amended—

15 (1) by striking “(e) The Commission” and in-  
 16 serting “(e)(1) The Commission”; and

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

19 “(2) Members and employees of the Commission shall  
 20 be subject to limitations on ex parte communications, as  
 21 provided in the regulations promulgated by the Commis-  
 22 sion regarding such communications which are in effect  
 23 on the date of the enactment of this paragraph.”.



1 **SEC. 6008. CLARIFYING AUTHORITY OF FEC ATTORNEYS TO**  
2 **REPRESENT FEC IN SUPREME COURT.**

3 (a) CLARIFYING AUTHORITY.—Section 306(f)(4) of  
4 the Federal Election Campaign Act of 1971 (52 U.S.C.  
5 30106(f)(4)) is amended by striking “any action instituted  
6 under this Act, either (A) by attorneys” and inserting  
7 “any action instituted under this Act, including an action  
8 before the Supreme Court of the United States, either (A)  
9 by the General Counsel of the Commission and other at-  
10 torneys”.

11 (b) EFFECTIVE DATE.—The amendment made by  
12 paragraph (1) shall apply with respect to actions insti-  
13 tuted before, on, or after the date of the enactment of  
14 this Act.

15 **SEC. 6009. REQUIRING FORMS TO PERMIT USE OF ACCENT**  
16 **MARKS.**

17 (a) REQUIREMENT.—Section 311(a)(1) of the Fed-  
18 eral Election Campaign Act of 1971 (52 U.S.C.  
19 30111(a)(1)) is amended by striking the semicolon at the  
20 end and inserting the following: “, and shall ensure that  
21 all such forms (including forms in an electronic format)  
22 permit the person using the form to include an accent  
23 mark as part of the person’s identification;”.

24 (b) EFFECTIVE DATE.—The amendment made by  
25 subsection (a) shall take effect upon the expiration of the

1 90-day period which begins on the date of the enactment  
2 of this Act.

3 **SEC. 6010. EFFECTIVE DATE; TRANSITION.**

4 (a) IN GENERAL.—Except as otherwise provided, the  
5 amendments made by this subtitle shall apply beginning  
6 January 1, 2024.

7 (b) TRANSITION.—

8 (1) TERMINATION OF SERVICE OF CURRENT  
9 MEMBERS.—Notwithstanding any provision of the  
10 Federal Election Campaign Act of 1971, the term of  
11 any individual serving as a member of the Federal  
12 Election Commission as of December 31, 2023, shall  
13 expire on that date.

14 (2) NO EFFECT ON EXISTING CASES OR PRO-  
15 CEEDINGS.—Nothing in this subtitle or in any  
16 amendment made by this subtitle shall affect any of  
17 the powers exercised by the Federal Election Com-  
18 mission prior to December 31, 2023, including any  
19 investigation initiated by the Commission prior to  
20 such date or any proceeding (including any enforce-  
21 ment action) pending as of such date.

1     **Subtitle B—Stopping Super PAC-**  
 2             **Candidate Coordination**

3     **SEC. 6101. SHORT TITLE.**

4             This subtitle may be cited as the “Stop Super PAC-  
 5     Candidate Coordination Act”.

6     **SEC. 6102. CLARIFICATION OF TREATMENT OF COORDI-**  
 7             **NATED EXPENDITURES AS CONTRIBUTIONS**  
 8             **TO CANDIDATES.**

9             (a) TREATMENT AS CONTRIBUTION TO CAN-  
 10     DIDATE.—Section 301(8)(A) of the Federal Election Cam-  
 11     paign Act of 1971 (52 U.S.C. 30101(8)(A)) is amended—

12             (1) by striking “or” at the end of clause (i);

13             (2) by striking the period at the end of clause  
 14     (ii) and inserting “; or”; and

15             (3) by adding at the end the following new  
 16     clause:

17             “(iii) any payment made by any person  
 18             (other than a candidate, an authorized com-  
 19             mittee of a candidate, or a political committee  
 20             of a political party) for a coordinated expendi-  
 21             ture (as such term is defined in section 326)  
 22             which is not otherwise treated as a contribution  
 23             under clause (i) or clause (ii).”.

24             (b) DEFINITIONS.—Title III of such Act (52 U.S.C.  
 25     30101 et seq.), as amended by section 4431 and section

1 4802(a), is amended by adding at the end the following  
2 new section:

3 **“SEC. 327. PAYMENTS FOR COORDINATED EXPENDITURES.**

4 “(a) COORDINATED EXPENDITURES.—

5 “(1) IN GENERAL.—For purposes of section  
6 301(8)(A)(iii), the term ‘coordinated expenditure’  
7 means—

8 “(A) any expenditure, or any payment for  
9 a covered communication described in sub-  
10 section (d), which is made in cooperation, con-  
11 sultation, or concert with, or at the request or  
12 suggestion of, a candidate, an authorized com-  
13 mittee of a candidate, a political committee of  
14 a political party, or agents of the candidate or  
15 committee, as defined in subsection (b); or

16 “(B) any payment for any communication  
17 which republishes, disseminates, or distributes,  
18 in whole or in part, any video or broadcast or  
19 any written, graphic, or other form of campaign  
20 material prepared by the candidate or com-  
21 mittee or by agents of the candidate or com-  
22 mittee (including any excerpt or use of any  
23 video from any such broadcast or written,  
24 graphic, or other form of campaign material).

1           “(2) EXCEPTION FOR PAYMENTS FOR CERTAIN  
2       COMMUNICATIONS.—A payment for a communication  
3       (including a covered communication described in  
4       subsection (d)) shall not be treated as a coordinated  
5       expenditure under this subsection if—

6           “(A) the communication appears in a news  
7       story, commentary, or editorial distributed  
8       through the facilities of any broadcasting sta-  
9       tion, newspaper, magazine, or other periodical  
10      publication, unless such facilities are owned or  
11      controlled by any political party, political com-  
12      mittee, or candidate; or

13          “(B) the communication constitutes a can-  
14      didate debate or forum conducted pursuant to  
15      regulations adopted by the Commission pursu-  
16      ant to section 304(f)(3)(B)(iii), or which solely  
17      promotes such a debate or forum and is made  
18      by or on behalf of the person sponsoring the de-  
19      bate or forum.

20      “(b) COORDINATION DESCRIBED.—

21          “(1) IN GENERAL.—For purposes of this sec-  
22      tion, a payment is made ‘in cooperation, consulta-  
23      tion, or concert with, or at the request or suggestion  
24      of,’ a candidate, an authorized committee of a can-  
25      didate, a political committee of a political party, or

1 agents of the candidate or committee, if the pay-  
2 ment, or any communication for which the payment  
3 is made, is not made entirely independently of the  
4 candidate, committee, or agents. For purposes of the  
5 previous sentence, a payment or communication not  
6 made entirely independently of the candidate or  
7 committee includes any payment or communication  
8 made pursuant to any general or particular under-  
9 standing with, or pursuant to any communication  
10 with, the candidate, committee, or agents about the  
11 payment or communication.

12 “(2) NO FINDING OF COORDINATION BASED  
13 SOLELY ON SHARING OF INFORMATION REGARDING  
14 LEGISLATIVE OR POLICY POSITION.—For purposes  
15 of this section, a payment shall not be considered to  
16 be made by a person in cooperation, consultation, or  
17 concert with, or at the request or suggestion of, a  
18 candidate or committee, solely on the grounds that  
19 the person or the person’s agent engaged in discus-  
20 sions with the candidate or committee, or with any  
21 agent of the candidate or committee, regarding that  
22 person’s position on a legislative or policy matter  
23 (including urging the candidate or committee to  
24 adopt that person’s position), so long as there is no  
25 communication between the person and the can-

1 didate or committee, or any agent of the candidate  
2 or committee, regarding the candidate's or commit-  
3 tee's campaign advertising, message, strategy, pol-  
4 icy, polling, allocation of resources, fundraising, or  
5 other campaign activities.

6 “(3) NO EFFECT ON PARTY COORDINATION  
7 STANDARD.—Nothing in this section shall be con-  
8 strued to affect the determination of coordination  
9 between a candidate and a political committee of a  
10 political party for purposes of section 315(d).

11 “(4) NO SAFE HARBOR FOR USE OF FIRE-  
12 WALL.—A person shall be determined to have made  
13 a payment in cooperation, consultation, or concert  
14 with, or at the request or suggestion of, a candidate  
15 or committee, in accordance with this section with-  
16 out regard to whether or not the person established  
17 and used a firewall or similar procedures to restrict  
18 the sharing of information between individuals who  
19 are employed by or who are serving as agents for the  
20 person making the payment.

21 “(c) PAYMENTS BY COORDINATED SPENDERS FOR  
22 COVERED COMMUNICATIONS.—

23 “(1) PAYMENTS MADE IN COOPERATION, CON-  
24 SULTATION, OR CONCERT WITH CANDIDATES.—For  
25 purposes of subsection (a)(1)(A), if the person who

1 makes a payment for a covered communication, as  
2 defined in subsection (d), is a coordinated spender  
3 under paragraph (2) with respect to the candidate  
4 as described in subsection (d)(1), the payment for  
5 the covered communication is made in cooperation,  
6 consultation, or concert with the candidate.

7 “(2) COORDINATED SPENDER DEFINED.—For  
8 purposes of this subsection, the term ‘coordinated  
9 spender’ means, with respect to a candidate or an  
10 authorized committee of a candidate, a person (other  
11 than a political committee of a political party) for  
12 which any of the following applies:

13 “(A) During the 4-year period ending on  
14 the date on which the person makes the pay-  
15 ment, the person was directly or indirectly  
16 formed or established by or at the request or  
17 suggestion of, or with the encouragement of,  
18 the candidate (including an individual who later  
19 becomes a candidate) or committee or agents of  
20 the candidate or committee, including with the  
21 approval of the candidate or committee or  
22 agents of the candidate or committee.

23 “(B) The candidate or committee or any  
24 agent of the candidate or committee solicits  
25 funds, appears at a fundraising event, or en-



1 gages in other fundraising activity on the per-  
2 son's behalf during the election cycle involved,  
3 including by providing the person with names of  
4 potential donors or other lists to be used by the  
5 person in engaging in fundraising activity, re-  
6 gardless of whether the person pays fair market  
7 value for the names or lists provided. For pur-  
8 poses of this subparagraph, the term 'election  
9 cycle' means, with respect to an election for  
10 Federal office, the period beginning on the day  
11 after the date of the most recent general elec-  
12 tion for that office (or, if the general election  
13 resulted in a runoff election, the date of the  
14 runoff election) and ending on the date of the  
15 next general election for that office (or, if the  
16 general election resulted in a runoff election,  
17 the date of the runoff election).

18 “(C) The person is established, directed, or  
19 managed by the candidate or committee or by  
20 any person who, during the 4-year period end-  
21 ing on the date on which the person makes the  
22 payment, has been employed or retained as a  
23 political, campaign media, or fundraising ad-  
24 viser or consultant for the candidate or com-  
25 mittee or for any other entity directly or indi-

1 rectly controlled by the candidate or committee,  
2 or has held a formal position with the candidate  
3 or committee (including a position as an em-  
4 ployee of the office of the candidate at any time  
5 the candidate held any Federal, State, or local  
6 public office during the 4-year period).

7 “(D) The person has retained the profes-  
8 sional services of any person who, during the 2-  
9 year period ending on the date on which the  
10 person makes the payment, has provided or is  
11 providing professional services relating to the  
12 campaign to the candidate or committee, with-  
13 out regard to whether the person providing the  
14 professional services used a firewall. For pur-  
15 poses of this subparagraph, the term ‘profes-  
16 sional services’ includes any services in support  
17 of the candidate’s or committee’s campaign ac-  
18 tivities, including advertising, message, strat-  
19 egy, policy, polling, allocation of resources,  
20 fundraising, and campaign operations, but does  
21 not include accounting or legal services.

22 “(E) The person is established, directed, or  
23 managed by a member of the immediate family  
24 of the candidate, or the person or any officer or  
25 agent of the person has had more than inci-

1 dental discussions about the candidate's cam-  
2 paign with a member of the immediate family  
3 of the candidate. For purposes of this subpara-  
4 graph, the term 'immediate family' has the  
5 meaning given such term in section 9004(e) of  
6 the Internal Revenue Code of 1986.

7 “(d) COVERED COMMUNICATION DEFINED.—

8 “(1) IN GENERAL.—For purposes of this sec-  
9 tion, the term ‘covered communication’ means, with  
10 respect to a candidate or an authorized committee of  
11 a candidate, a public communication (as defined in  
12 section 301(22)) which—

13 “(A) expressly advocates the election of the  
14 candidate or the defeat of an opponent of the  
15 candidate (or contains the functional equivalent  
16 of express advocacy);

17 “(B) promotes or supports the election of  
18 the candidate, or attacks or opposes the election  
19 of an opponent of the candidate (regardless of  
20 whether the communication expressly advocates  
21 the election or defeat of a candidate or contains  
22 the functional equivalent of express advocacy);  
23 or

24 “(C) refers to the candidate or an oppo-  
25 nent of the candidate but is not described in

1           subparagraph (A) or subparagraph (B), but  
2           only if the communication is disseminated dur-  
3           ing the applicable election period.

4           “(2) APPLICABLE ELECTION PERIOD.—In para-  
5           graph (1)(C), the ‘applicable election period’ with re-  
6           spect to a communication means—

7                   “(A) in the case of a communication which  
8                   refers to a candidate in a general, special, or  
9                   runoff election, the 120-day period which ends  
10                  on the date of the election; or

11                  “(B) in the case of a communication which  
12                  refers to a candidate in a primary or preference  
13                  election, or convention or caucus of a political  
14                  party that has authority to nominate a can-  
15                  didate, the 60-day period which ends on the  
16                  date of the election or convention or caucus.

17           “(3) SPECIAL RULES FOR COMMUNICATIONS IN-  
18           VOLVING CONGRESSIONAL CANDIDATES.—For pur-  
19           poses of this subsection, a public communication  
20           shall not be considered to be a covered communica-  
21           tion with respect to a candidate for election for an  
22           office other than the office of President or Vice  
23           President unless it is publicly disseminated or dis-  
24           tributed in the jurisdiction of the office the can-  
25           didate is seeking.

1 “(e) PENALTY.—

2 “(1) DETERMINATION OF AMOUNT.—Any per-  
3 son who knowingly and willfully commits a violation  
4 of this Act by making a contribution which consists  
5 of a payment for a coordinated expenditure shall be  
6 fined an amount equal to the greater of—

7 “(A) in the case of a person who makes a  
8 contribution which consists of a payment for a  
9 coordinated expenditure in an amount exceeding  
10 the applicable contribution limit under this Act,  
11 300 percent of the amount by which the  
12 amount of the payment made by the person ex-  
13 ceeds such applicable contribution limit; or

14 “(B) in the case of a person who is prohib-  
15 ited under this Act from making a contribution  
16 in any amount, 300 percent of the amount of  
17 the payment made by the person for the coordi-  
18 nated expenditure.

19 “(2) JOINT AND SEVERAL LIABILITY.—Any di-  
20 rector, manager, or officer of a person who is subject  
21 to a penalty under paragraph (1) shall be jointly and  
22 severally liable for any amount of such penalty that  
23 is not paid by the person prior to the expiration of  
24 the 1-year period which begins on the date the Com-  
25 mission imposes the penalty or the 1-year period

1 which begins on the date of the final judgment fol-  
2 lowing any judicial review of the Commission's ac-  
3 tion, whichever is later.''.  
4

(c) EFFECTIVE DATE.—

5 (1) REPEAL OF EXISTING REGULATIONS ON CO-  
6 ORDINATION.—Effective upon the expiration of the  
7 90-day period which begins on the date of the enact-  
8 ment of this Act—

9 (A) the regulations on coordinated commu-  
10 nications adopted by the Federal Election Com-  
11 mission which are in effect on the date of the  
12 enactment of this Act (as set forth in 11 CFR  
13 Part 109, Subpart C, under the heading “Co-  
14 ordination”) are repealed; and

15 (B) the Federal Election Commission shall  
16 promulgate new regulations on coordinated  
17 communications which reflect the amendments  
18 made by this Act.

19 (2) EFFECTIVE DATE.—The amendments made  
20 by this section shall apply with respect to payments  
21 made on or after the expiration of the 120-day pe-  
22 riod which begins on the date of the enactment of  
23 this Act, without regard to whether or not the Fed-  
24 eral Election Commission has promulgated regula-

1        tions in accordance with paragraph (1)(B) as of the  
2        expiration of such period.

3    **SEC. 6103. CLARIFICATION OF BAN ON FUNDRAISING FOR**  
4                    **SUPER PACS BY FEDERAL CANDIDATES AND**  
5                    **OFFICEHOLDERS.**

6        (a) IN GENERAL.—Section 323(e)(1) of the Federal  
7    Election Campaign Act of 1971 (52 U.S.C. 30125(e)(1))  
8    is amended—

9            (1) by striking “or” at the end of subparagraph  
10    (A);

11           (2) by striking the period at the end of sub-  
12    paragraph (B) and inserting “; or”; and

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

15            “(C) solicit, receive, direct, or transfer  
16    funds to or on behalf of any political committee  
17    which accepts donations or contributions that  
18    do not comply with the limitations, prohibitions,  
19    and reporting requirements of this Act (or to or  
20    on behalf of any account of a political com-  
21    mittee which is established for the purpose of  
22    accepting such donations or contributions), or  
23    to or on behalf of any political organization  
24    under section 527 of the Internal Revenue Code  
25    of 1986 which accepts such donations or con-

1           tributions (other than a committee of a State or  
2           local political party or a candidate for election  
3           for State or local office).”.

4           (b) EFFECTIVE DATE.—The amendment made by  
5           subsection (a) shall apply with respect to elections occur-  
6           ring after January 1, 2022.

## 7                           **Subtitle C—Disposal of** 8                           **Contributions or Donations**

### 9   **SEC. 6201. TIMEFRAME FOR AND PRIORITIZATION OF DIS-** 10                           **POSAL OF CONTRIBUTIONS OR DONATIONS.**

11           Section 313 of the Federal Election Campaign Act  
12           of 1971 (52 U.S.C. 30114), as amended by section 5113  
13           and section 5302, is amended—

14                   (1) by redesignating subsections (c), (d), and  
15                   (e) as subsections (d), (e), and (f), respectively; and

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

18           “(c) DISPOSAL.—

19                   “(1) TIMEFRAME.—Contributions or donations  
20           described in subsection (a) may only be used—

21                           “(A) in the case of an individual who is  
22                           not a candidate with respect to an election for  
23                           any Federal office for a 6-year period beginning  
24                           on the day after the date of the most recent  
25                           such election in which the individual was a can-



1           didate for any such office, during such 6-year  
2           period; or

3                 “(B) in the case of an individual who be-  
4           comes a registered lobbyist under the Lobbying  
5           Disclosure Act of 1995, before the date on  
6           which such individual becomes such a registered  
7           lobbyist.

8                 “(2) MEANS OF DISPOSAL; PRIORITIZATION.—  
9           Beginning on the date the 6-year period described in  
10          subparagraph (A) of paragraph (1) ends (or, in the  
11          case of an individual described in subparagraph (B)  
12          of such paragraph, the date on which the individual  
13          becomes a registered lobbyist under the Lobbying  
14          Disclosure Act of 1995), contributions or donations  
15          that remain available to an individual described in  
16          such paragraph shall be disposed of, not later than  
17          30 days after such date, as follows:

18                 “(A) First, to pay any debts or obligations  
19           owed in connection with the campaign for elec-  
20           tion for Federal office of the individual.

21                 “(B) Second, to the extent such contribu-  
22           tion or donations remain available after the ap-  
23           plication of subparagraph (A), through any of  
24           the following means of disposal (or a combina-

tion thereof), in any order the individual considers appropriate:

“(i) Returning such contributions or donations to the individuals, entities, or both, who made such contributions or donations.

“(ii) Making contributions to an organization described in section 170(e) of the Internal Revenue Code of 1986.

“(iii) Making transfers to a national, State, or local committee of a political party.”.

**SEC. 6202. 1-YEAR TRANSITION PERIOD FOR CERTAIN INDIVIDUALS.**

(a) IN GENERAL.—In the case of an individual described in subsection (b), any contributions or donations remaining available to the individual shall be disposed of—

(1) not later than one year after the date of the enactment of this section; and

(2) in accordance with the prioritization specified in subparagraphs (A) through (D) of subsection (c)(2) of section 313 of the Federal Election Campaign Act of 1971 (52 U.S.C. 30114), as amended by section 6201.

1 (b) INDIVIDUALS DESCRIBED.—An individual de-  
 2 scribed in this subsection is an individual who, as of the  
 3 date of the enactment of this section—

4 (1)(A) is not a candidate with respect to an  
 5 election for any Federal office for a period of not  
 6 less than 6 years beginning on the day after the date  
 7 of the most recent such election in which the indi-  
 8 vidual was a candidate for any such office; or

9 (B) is an individual who becomes a registered  
 10 lobbyist under the Lobbying Disclosure Act of 1995;  
 11 and

12 (2) would be in violation of subsection (c) of  
 13 section 313 of the Federal Election Campaign Act of  
 14 1971 (52 U.S.C. 30114), as amended by section  
 15 6201.

16 **Subtitle D—Recommendations to**  
 17 **Ensure Filing of Reports Before**  
 18 **Date of Election**

19 **SEC. 6301. RECOMMENDATIONS TO ENSURE FILING OF RE-**  
 20 **PORTS BEFORE DATE OF ELECTION.**

21 Not later than 180 days after the date of the enact-  
 22 ment of this Act, the Federal Election Commission shall  
 23 submit a report to Congress providing recommendations,  
 24 including recommendations for changes to existing law, on  
 25 how to ensure that each political committee under the

1 Federal Election Campaign Act of 1971, including a com-  
 2 mittee which accepts donations or contributions that do  
 3 not comply with the limitations, prohibitions, and report-  
 4 ing requirements of such Act, will file a report under sec-  
 5 tion 304 of such Act prior to the date of the election for  
 6 which the committee receives contributions or makes dis-  
 7 bursements, without regard to the date on which the com-  
 8 mittee first registered under such Act, and shall include  
 9 specific recommendations to ensure that such committees  
 10 will not delay until after the date of the election the re-  
 11 porting of the identification of persons making contribu-  
 12 tions that will be used to repay debt incurred by the com-  
 13 mittee.

## 14 **Subtitle E—Severability**

### 15 **SEC. 6401. 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.

## 23 **DIVISION C—ETHICS**

## 24 **TITLE VII—ETHICAL STANDARDS**

Subtitle A—Supreme Court Ethics

Sec. 7001. Code of conduct for Federal judges.

Subtitle B—Foreign Agents Registration

- Sec. 7101. Establishment of FARA investigation and enforcement unit within Department of Justice.
- Sec. 7102. Authority to impose civil money penalties.
- Sec. 7103. Disclosure of transactions involving things of financial value conferred on officeholders.
- Sec. 7104. Ensuring online access to registration statements.

Subtitle C—Lobbying Disclosure Reform

- Sec. 7201. Expanding scope of individuals and activities subject to requirements of Lobbying Disclosure Act of 1995.
- Sec. 7202. Prohibiting receipt of compensation for lobbying activities on behalf of foreign countries violating human rights.
- Sec. 7203. Requiring lobbyists to disclose status as lobbyists upon making any lobbying contacts.

Subtitle D—Recusal of Presidential Appointees

- Sec. 7301. Recusal of appointees.

Subtitle E—Clearinghouse on Lobbying Information

- Sec. 7401. Establishment of clearinghouse.

Subtitle F—Severability

- Sec. 7501. Severability.

## 1    **Subtitle A—Supreme Court Ethics**

### 2    **SEC. 7001. CODE OF CONDUCT FOR FEDERAL JUDGES.**

3        (a) IN GENERAL.—Chapter 57 of title 28, United  
 4 States Code, is amended by adding at the end the fol-  
 5 lowing:

#### 6    **“§ 964. Code of conduct**

7        “Not later than one year after the date of the enact-  
 8 ment of this section, the Judicial Conference shall issue  
 9 a code of conduct, which applies to each justice and judge  
 10 of the United States, except that the code of conduct may  
 11 include provisions that are applicable only to certain cat-  
 12 egories of judges or justices.”.

1 (b) CLERICAL AMENDMENT.—The table of sections  
 2 for chapter 57 of title 28, United States Code, is amended  
 3 by adding after the item related to section 963 the fol-  
 4 lowing:

“964. Code of conduct.”.

## 5 **Subtitle B—Foreign Agents** 6 **Registration**

### 7 **SEC. 7101. ESTABLISHMENT OF FARA INVESTIGATION AND** 8 **ENFORCEMENT UNIT WITHIN DEPARTMENT** 9 **OF JUSTICE.**

10 Section 8 of the Foreign Agents Registration Act of  
 11 1938, as amended (22 U.S.C. 618) is amended by adding  
 12 at the end the following new subsection:

13 “(i) DEDICATED ENFORCEMENT UNIT.—

14 “(1) ESTABLISHMENT.—Not later than 180  
 15 days after the date of enactment of this subsection,  
 16 the Attorney General shall establish a unit within  
 17 the counterespionage section of the National Secu-  
 18 rity Division of the Department of Justice with re-  
 19 sponsibility for the enforcement of this Act.

20 “(2) POWERS.—The unit established under this  
 21 subsection is authorized to—

22 “(A) take appropriate legal action against  
 23 individuals suspected of violating this Act; and

1 “(B) coordinate any such legal action with  
2 the United States Attorney for the relevant ju-  
3 risdiction.

4 “(3) CONSULTATION.—In operating the unit es-  
5 tablished under this subsection, the Attorney Gen-  
6 eral shall, as appropriate, consult with the Director  
7 of National Intelligence, the Secretary of Homeland  
8 Security, and the Secretary of State.

9 “(4) AUTHORIZATION OF APPROPRIATIONS.—  
10 There are authorized to be appropriated to carry out  
11 the activities of the unit established under this sub-  
12 section \$10,000,000 for fiscal year 2021 and each  
13 succeeding fiscal year.”.

14 **SEC. 7102. AUTHORITY TO IMPOSE CIVIL MONEY PEN-**  
15 **ALTIES.**

16 (a) ESTABLISHING AUTHORITY.—Section 8 of the  
17 Foreign Agents Registration Act of 1938, as amended (22  
18 U.S.C. 618) is amended by inserting after subsection (c)  
19 the following new subsection:

20 “(d) CIVIL MONEY PENALTIES.—

21 “(1) REGISTRATION STATEMENTS.—Whoever  
22 fails to file timely or complete a registration state-  
23 ment as provided under section 2(a) shall be subject  
24 to a civil money penalty of not more than \$10,000  
25 per violation.

1           “(2) SUPPLEMENTS.—Whoever fails to file  
2           timely or complete supplements as provided under  
3           section 2(b) shall be subject to a civil money penalty  
4           of not more than \$1,000 per violation.

5           “(3) OTHER VIOLATIONS.—Whoever knowingly  
6           fails to—

7                   “(A) remedy a defective filing within 60  
8                   days after notice of such defect by the Attorney  
9                   General; or

10                   “(B) comply with any other provision of  
11                   this Act,

12           shall upon proof of such knowing violation by a pre-  
13           ponderance of the evidence, be subject to a civil  
14           money penalty of not more than \$200,000, depend-  
15           ing on the extent and gravity of the violation.

16           “(4) NO FINES PAID BY FOREIGN PRIN-  
17           CIPALS.—A civil money penalty paid under para-  
18           graph (1) may not be paid, directly or indirectly, by  
19           a foreign principal.

20           “(5) USE OF FINES.—All civil money penalties  
21           collected under this subsection shall be used to de-  
22           fray the cost of the enforcement unit established  
23           under subsection (i).”.



1 (b) EFFECTIVE DATE.—The amendment made by  
2 subsection (a) shall take effect on the date of the enact-  
3 ment of this Act.

4 **SEC. 7103. DISCLOSURE OF TRANSACTIONS INVOLVING**  
5 **THINGS OF FINANCIAL VALUE CONFERRED**  
6 **ON OFFICEHOLDERS.**

7 (a) REQUIRING AGENTS TO DISCLOSE KNOWN  
8 TRANSACTIONS.—

9 (1) IN GENERAL.—Section 2(a) of the Foreign  
10 Agents Registration Act of 1938, as amended (22  
11 U.S.C. 612(a)) is amended—

12 (A) by redesignating paragraphs (10) and  
13 (11) as paragraphs (11) and (12); and

14 (B) by inserting after paragraph (9) the  
15 following new paragraph:

16 “(10) To the extent that the registrant has  
17 knowledge of any transaction which occurred in the  
18 preceding 60 days and in which the foreign principal  
19 for whom the registrant is acting as an agent con-  
20 ferred on a Federal or State officeholder any thing  
21 of financial value, including a gift, profit, salary, fa-  
22 vorable regulatory treatment, or any other direct or  
23 indirect economic or financial benefit, a detailed  
24 statement describing each such transaction.”.

1           (2) EFFECTIVE DATE.—The amendments made  
2       by paragraph (1) shall apply with respect to state-  
3       ments filed on or after the expiration of the 90-day  
4       period which begins on the date of the enactment of  
5       this Act.

6       (b) SUPPLEMENTAL DISCLOSURE FOR CURRENT  
7       REGISTRANTS.—Not later than the expiration of the 90-  
8       day period which begins on the date of the enactment of  
9       this Act, each registrant who (prior to the expiration of  
10      such period) filed a registration statement with the Attor-  
11      ney General under section 2(a) of the Foreign Agents Reg-  
12      istration Act of 1938, as amended (22 U.S.C. 612(a)) and  
13      who has knowledge of any transaction described in para-  
14      graph (10) of section 2(a) of such Act (as added by sub-  
15      section (a)(1)) which occurred at any time during which  
16      the registrant was an agent of the foreign principal in-  
17      volved, shall file with the Attorney General a supplement  
18      to such statement under oath, on a form prescribed by  
19      the Attorney General, containing a detailed statement de-  
20      scribing each such transaction.

21   **SEC. 7104. ENSURING ONLINE ACCESS TO REGISTRATION**  
22                   **STATEMENTS.**

23       (a) REQUIRING STATEMENTS FILED BY REG-  
24      ISTRANTS TO BE IN DIGITIZED FORMAT.—Section 2(g)  
25      of the Foreign Agents Registration Act of 1938, as

1 amended (22 U.S.C. 612(g)) is amended by striking “in  
 2 electronic form” and inserting “in a digitized format  
 3 which will enable the Attorney General to meet the re-  
 4 quirements of section 6(d)(1) (relating to public access to  
 5 an electronic database of statements and updates)”.

6 (b) REQUIREMENTS FOR ELECTRONIC DATABASE OF  
 7 REGISTRATION STATEMENTS AND UPDATES.—Section  
 8 6(d)(1) of such Act (22 U.S.C. 616(d)(1)) is amended—

9 (1) in the matter preceding subparagraph (A),  
 10 by striking “to the extent technically practicable,”;  
 11 and

12 (2) in subparagraph (A), by striking “includes  
 13 the information” and inserting “includes in a  
 14 digitized format the information”.

15 (c) EFFECTIVE DATE.—The amendments made by  
 16 this section shall apply with respect to statements filed  
 17 on or after the expiration of the 180-day period which be-  
 18 gins on the date of the enactment of this Act.

## 19 **Subtitle C—Lobbying Disclosure** 20 **Reform**

### 21 **SEC. 7201. EXPANDING SCOPE OF INDIVIDUALS AND AC-** 22 **TIVITIES SUBJECT TO REQUIREMENTS OF** 23 **LOBBYING DISCLOSURE ACT OF 1995.**

24 (a) COVERAGE OF INDIVIDUALS PROVIDING COUN-  
 25 SELING SERVICES.—

1           (1) TREATMENT OF COUNSELING SERVICES IN  
2       SUPPORT OF LOBBYING CONTACTS AS LOBBYING AC-  
3       TIVITY.—Section 3(7) of the Lobbying Disclosure  
4       Act of 1995 (2 U.S.C. 1602(7)) is amended—

5           (A) by striking “efforts” and inserting  
6       “any efforts”; and

7           (B) by striking “research and other back-  
8       ground work” and inserting the following:  
9       “counseling in support of such preparation and  
10      planning activities, research, and other back-  
11      ground work”.

12          (2) TREATMENT OF LOBBYING CONTACT MADE  
13      WITH SUPPORT OF COUNSELING SERVICES AS LOB-  
14      BYING CONTACT MADE BY INDIVIDUAL PROVIDING  
15      SERVICES.—Section 3(8) of such Act (2 U.S.C.  
16      1602(8)) is amended by adding at the end the fol-  
17      lowing new subparagraph:

18           “(C) TREATMENT OF PROVIDERS OF  
19      COUNSELING SERVICES.—Any individual, with  
20      authority to direct or substantially influence a  
21      lobbying contact or contacts made by another  
22      individual, and for financial or other compensa-  
23      tion provides counseling services in support of  
24      preparation and planning activities which are  
25      treated as lobbying activities under paragraph

1           (7) for that other individual’s lobbying contact  
 2           or contacts and who has knowledge that the  
 3           specific lobbying contact or contacts were made,  
 4           shall be considered to have made the same lob-  
 5           bying contact at the same time and in the same  
 6           manner to the covered executive branch official  
 7           or covered legislative branch official involved.”.

8           (b) REDUCTION OF PERCENTAGE EXEMPTION FOR  
 9           DETERMINATION OF THRESHOLD OF LOBBYING CON-  
 10          TACTS REQUIRED FOR INDIVIDUALS TO REGISTER AS  
 11          LOBBYISTS.—Section 3(10) of such Act (2 U.S.C.  
 12          1602(10)) is amended by striking “less than 20 percent”  
 13          and inserting “less than 10 percent”.

14          (c) EFFECTIVE DATE.—The amendments made by  
 15          this section shall apply with respect to lobbying contacts  
 16          made on or after the date of the enactment of this Act.

17      **SEC. 7202. PROHIBITING RECEIPT OF COMPENSATION FOR**  
 18                              **LOBBYING ACTIVITIES ON BEHALF OF FOR-**  
 19                              **EIGN COUNTRIES VIOLATING HUMAN**  
 20                              **RIGHTS.**

21          (a) PROHIBITION.—The Lobbying Disclosure Act of  
 22          1995 (2 U.S.C. 1601 et seq.) is amended by inserting  
 23          after section 5 the following new section:

1   **“SEC. 5A. PROHIBITING RECEIPT OF COMPENSATION FOR**  
2                   **LOBBYING ACTIVITIES ON BEHALF OF FOR-**  
3                   **EIGN COUNTRIES VIOLATING HUMAN**  
4                   **RIGHTS.**

5       “(a) PROHIBITION.—Notwithstanding any other pro-  
6 vision of this Act, no person may accept financial or other  
7 compensation for lobbying activity under this Act on be-  
8 half of a client who is a government which the President  
9 has determined is a government that engages in gross vio-  
10 lations of human rights.

11       “(b) CLARIFICATION OF TREATMENT OF DIPLO-  
12 MATIC OR CONSULAR OFFICERS.—Nothing in this section  
13 may be construed to affect any activity of a duly accred-  
14 ited diplomatic or consular officer of a foreign government  
15 who is so recognized by the Department of State, while  
16 said officer is engaged in activities which are recognized  
17 by the Department of State as being within the scope of  
18 the functions of such officer.”.

19       (b) EFFECTIVE DATE.—The amendments made by  
20 this section shall apply with respect to lobbying activity  
21 under the Lobbying Disclosure Act of 1995 which occurs  
22 pursuant to contracts entered into on or after the date  
23 of the enactment of this Act.

1 **SEC. 7203. REQUIRING LOBBYISTS TO DISCLOSE STATUS AS**  
2 **LOBBYISTS UPON MAKING ANY LOBBYING**  
3 **CONTACTS.**

4 (a) MANDATORY DISCLOSURE AT TIME OF CON-  
5 TACT.—Section 14 of the Lobbying Disclosure Act of 1995  
6 (2 U.S.C. 1609) is amended—

7 (1) by striking subsections (a) and (b) and in-  
8 serting the following:

9 “(a) REQUIRING IDENTIFICATION AT TIME OF LOB-  
10 BYING CONTACT.—Any person or entity that makes a lob-  
11 bying contact with a covered legislative branch official or  
12 a covered executive branch official shall, at the time of  
13 the lobbying contact—

14 “(1) indicate whether the person or entity is  
15 registered under this chapter and identify the client  
16 on whose behalf the lobbying contact is made; and

17 “(2) indicate whether such client is a foreign  
18 entity and identify any foreign entity required to be  
19 disclosed under section 4(b)(4) that has a direct in-  
20 terest in the outcome of the lobbying activity.”; and

21 (2) by redesignating subsection (c) as sub-  
22 section (b).

23 (b) EFFECTIVE DATE.—The amendment made by  
24 subsection (a) shall apply with respect to lobbying contacts  
25 made on or after the date of the enactment of this Act.

1   **Subtitle D—Recusal of Presidential**  
2                   **Appointees**

3   **SEC. 7301. RECUSAL OF APPOINTEES.**

4           Section 208 of title 18, United States Code, is  
5   amended by adding at the end the following:

6           “(e)(1) Any officer or employee appointed by the  
7   President shall recuse himself or herself from any par-  
8   ticular matter involving specific parties in which a party  
9   to that matter is—

10                   “(A) the President who appointed the offi-  
11                   cer or employee, which shall include any entity  
12                   in which the President has a substantial inter-  
13                   est; or

14                   “(B) the spouse of the President who ap-  
15                   pointed the officer or employee, which shall in-  
16                   clude any entity in which the spouse of the  
17                   President has a substantial interest.

18           “(2)(A) Subject to subparagraph (B), if an officer or  
19   employee is recused under paragraph (1), a career ap-  
20   pointee in the agency of the officer or employee shall per-  
21   form the functions and duties of the officer or employee  
22   with respect to the matter.

23           “(B)(i) In this subparagraph, the term ‘Commission’  
24   means a board, commission, or other agency for which the  
25   authority of the agency is vested in more than 1 member.



1       “(ii) If the recusal of a member of a Commission  
2 from a matter under paragraph (1) would result in there  
3 not being a statutorily required quorum of members of the  
4 Commission available to participate in the matter, not-  
5 withstanding such statute or any other provision of law,  
6 the members of the Commission not recused under para-  
7 graph (1) may—

8               “(I) consider the matter without regard to the  
9 quorum requirement under such statute;

10              “(II) delegate the authorities and responsibil-  
11 ities of the Commission with respect to the matter  
12 to a subcommittee of the Commission; or

13              “(III) designate an officer or employee of the  
14 Commission who was not appointed by the President  
15 who appointed the member of the Commission  
16 recused from the matter to exercise the authorities  
17 and duties of the recused member with respect to  
18 the matter.

19       “(3) Any officer or employee who violates paragraph  
20 (1) shall be subject to the penalties set forth in section  
21 216.

22       “(4) For purposes of this section, the term ‘particular  
23 matter’ shall have the meaning given the term in section  
24 207(i).”.

**Subtitle E—Clearinghouse on  
Lobbying Information**

**SEC. 7401. ESTABLISHMENT OF CLEARINGHOUSE.**

(a) ESTABLISHMENT.—The Attorney General shall establish and operate within the Department of Justice a clearinghouse through which members of the public may obtain copies (including in electronic form) of registration statements filed under the Lobbying Disclosure Act of 1995 (2 U.S.C. 1601 et seq.) and the Foreign Agents Registration Act of 1938, as amended (22 U.S.C. 611 et seq.).

(b) FORMAT.—The Attorney General shall ensure that the information in the clearinghouse established under this Act is maintained in a searchable and sortable format.

(c) AGREEMENTS WITH CLERK OF HOUSE AND SECRETARY OF THE SENATE.—The Attorney General shall enter into such agreements with the Clerk of the House of Representatives and the Secretary of the Senate as may be necessary for the Attorney General to obtain registration statements filed with the Clerk and the Secretary under the Lobbying Disclosure Act of 1995 for inclusion in the clearinghouse.

## 1                   **Subtitle F—Severability**

### 2   **SEC. 7501. SEVERABILITY.**

3           If any provision of this title or amendment made by  
 4 this title, or the application of a provision or amendment  
 5 to any person or circumstance, is held to be unconstitu-  
 6 tional, the remainder of this title and amendments made  
 7 by this title, and the application of the provisions and  
 8 amendment to any person or circumstance, shall not be  
 9 affected by the holding.

## 10   **TITLE VIII—ETHICS REFORMS** 11       **FOR THE PRESIDENT, VICE** 12       **PRESIDENT, AND FEDERAL** 13       **OFFICERS AND EMPLOYEES**

### Subtitle A—Executive Branch Conflict of Interest

- Sec. 8001. Short title.
- Sec. 8002. Restrictions on private sector payment for government service.
- Sec. 8003. Requirements relating to slowing the revolving door.
- Sec. 8004. Prohibition of procurement officers accepting employment from gov-  
ernment contractors.
- Sec. 8005. Revolving door restrictions on employees moving into the private  
sector.
- Sec. 8006. Guidance on unpaid employees.
- Sec. 8007. Limitation on use of Federal funds and contracting at businesses  
owned by certain Government officers and employees.

### Subtitle B—Presidential Conflicts of Interest

- Sec. 8011. Short title.
- Sec. 8012. Divestiture of personal financial interests of the President and Vice  
President that pose a potential conflict of interest.
- Sec. 8013. Initial financial disclosure.
- Sec. 8014. Contracts by the President or Vice President.
- Sec. 8015. Legal Defense Funds.

### Subtitle C—White House Ethics Transparency

- Sec. 8021. Short title.
- Sec. 8022. Procedure for waivers and authorizations relating to ethics require-  
ments.

Subtitle D—Executive Branch Ethics Enforcement

- Sec. 8031. Short title.
- Sec. 8032. Reauthorization of the Office of Government Ethics.
- Sec. 8033. Tenure of the Director of the Office of Government Ethics.
- Sec. 8034. Duties of Director of the Office of Government Ethics.
- Sec. 8035. Agency ethics officials training and duties.
- Sec. 8036. Prohibition on use of funds for certain Federal employee travel in  
contravention of certain regulations.
- Sec. 8037. Reports on cost of Presidential travel.
- Sec. 8038. Reports on cost of senior Federal official travel.

Subtitle E—Conflicts From Political Fundraising

- Sec. 8041. Short title.
- Sec. 8042. Disclosure of certain types of contributions.

Subtitle F—Transition Team Ethics

- Sec. 8051. Short title.
- Sec. 8052. Presidential transition ethics programs.

Subtitle G—Ethics Pledge For Senior Executive Branch Employees

- Sec. 8061. Short title.
- Sec. 8062. Ethics pledge requirement for senior executive branch employees.

Subtitle H—Travel on Private Aircraft by Senior Political Appointees

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

Subtitle I—Severability

- Sec. 8081. Severability.

# 1        **Subtitle A—Executive Branch** 2                    **Conflict of Interest**

## 3   **SEC. 8001. SHORT TITLE.**

4        This subtitle may be cited as the “Executive Branch  
5   Conflict of Interest Act”.

## 6   **SEC. 8002. RESTRICTIONS ON PRIVATE SECTOR PAYMENT** 7                    **FOR GOVERNMENT SERVICE.**

8        Section 209 of title 18, United States Code, is  
9   amended—

10                (1) in subsection (a);

1 (A) by striking “any salary” and inserting  
 2 “any salary (including a bonus)”; and

3 (B) by striking “as compensation for his  
 4 services” and inserting “at any time, as com-  
 5 pensation for serving”; and

6 (2) in subsection (b)—

7 (A) by inserting “(1)” after “(b)”; and

8 (B) by adding at the end the following:

9 “(2) For purposes of paragraph (1), a pension,  
 10 retirement, group life, health or accident insurance,  
 11 profit-sharing, stock bonus, or other employee wel-  
 12 fare or benefit plan that makes payment of any por-  
 13 tion of compensation contingent on accepting a posi-  
 14 tion in the United States Government shall not be  
 15 considered bona fide.”.

16 **SEC. 8003. REQUIREMENTS RELATING TO SLOWING THE RE-**  
 17 **VOLVING DOOR.**

18 (a) IN GENERAL.—The Ethics in Government Act of  
 19 1978 (5 U.S.C. App.) is amended by adding at the end  
 20 the following:

21 **“TITLE VI—ENHANCED RE-**  
 22 **QUIREMENTS FOR CERTAIN**  
 23 **EMPLOYEES**

24 **“§ 601. Definitions**

25 “In this title:

1           “(1) COVERED AGENCY.—The term ‘covered  
2       agency’—

3           “(A) means an Executive agency, as de-  
4       fined in section 105 of title 5, United States  
5       Code, the Postal Service and the Postal Rate  
6       Commission, but does not include the Govern-  
7       ment Accountability Office or the Government  
8       of the District of Columbia; and

9           “(B) shall include the Executive Office of  
10      the President.

11          “(2) COVERED EMPLOYEE.—The term ‘covered  
12      employee’ means an officer or employee referred to  
13      in paragraph (2) of section 207(c) or paragraph (1)  
14      of section 207(d) of title 18, United States Code.

15          “(3) DIRECTOR.—The term ‘Director’ means  
16      the Director of the Office of Government Ethics.

17          “(4) EXECUTIVE BRANCH.—The term ‘execu-  
18      tive branch’ has the meaning given that term in sec-  
19      tion 109.

20          “(5) FORMER CLIENT.—The term ‘former cli-  
21      ent’—

22          “(A) means a person for whom a covered  
23      employee served personally as an agent, attor-  
24      ney, or consultant during the 2-year period end-  
25      ing on the date before the date on which the

1 covered employee begins service in the Federal  
2 Government; and

3 “(B) does not include any agency or in-  
4 strumentality of the Federal Government.

5 “(6) FORMER EMPLOYER.—The term ‘former  
6 employer’—

7 “(A) means a person for whom a covered  
8 employee served as an employee, officer, direc-  
9 tor, trustee, agent, attorney, consultant, or con-  
10 tractor during the 2 year period ending on the  
11 date before the date on which the covered em-  
12 ployee begins service in the Federal Govern-  
13 ment; and

14 “(B) does not include—

15 “(i) an entity in the Federal Govern-  
16 ment, including an executive branch agen-  
17 cy;

18 “(ii) a State or local government;

19 “(iii) the District of Columbia;

20 “(iv) an Indian tribe, as defined in  
21 section 4 of the Indian Self-Determination  
22 and Education Assistance Act (25 U.S.C.  
23 5304); or

24 “(v) the government of a territory or  
25 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   **“§ 602. Conflict of interest and eligibility standards**

5           “(a) IN GENERAL.—A covered employee may not  
 6           participate personally and substantially in a particular  
 7           matter in which the covered employee knows or reasonably  
 8           should have known that a former employer or former cli-  
 9           ent of the covered employee has a financial interest.

10          “(b) WAIVER.—

11           “(1) IN GENERAL.—

12                   “(A) AGENCY HEADS.—With respect to the  
 13           head of a covered agency who is a covered em-  
 14           ployee, the Designated Agency Ethics Official  
 15           for the Executive Office of the President, in  
 16           consultation with the Director, may grant a  
 17           written waiver of the restrictions under sub-  
 18           section (a) before the head engages in the ac-  
 19           tion otherwise prohibited by such subsection if  
 20           the Designated Agency Ethics Official for the  
 21           Executive Office of the President determines  
 22           and certifies in writing that, in light of all the  
 23           relevant circumstances, the interest of the Fed-  
 24           eral Government in the head’s participation  
 25           outweighs the concern that a reasonable person



1           may question the integrity of the agency’s pro-  
2           grams or operations.

3           “(B) OTHER COVERED EMPLOYEES.—With  
4           respect to any covered employee not covered by  
5           subparagraph (A), the head of the covered  
6           agency employing the covered employee, in con-  
7           sultation with the Director, may grant a written  
8           waiver of the restrictions under subsection (a)  
9           before the covered employee engages in the ac-  
10          tion otherwise prohibited by such subsection if  
11          the head of the covered agency determines and  
12          certifies in writing that, in light of all the rel-  
13          evant circumstances, the interest of the Federal  
14          Government in the covered employee’s partici-  
15          pation outweighs the concern that a reasonable  
16          person may question the integrity of the agen-  
17          cy’s programs or operations.

18          “(2) PUBLICATION.—For any waiver granted  
19          under paragraph (1), the individual who granted the  
20          waiver shall—

21                 “(A) provide a copy of the waiver to the  
22                 Director not more than 48 hours after the waiv-  
23                 er is granted; and

1 “(B) publish the waiver on the website of  
2 the applicable agency not more than 30 cal-  
3 endar days 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 more 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 more than 30 calendar days  
18 after the waiver was granted.

19 **“§ 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  
 19 TO DISCLOSE JOB OFFERS MADE TO RELATIVES.—Sec-  
 20 tion 2103(a) of title 41, United States Code, is amended  
 21 in the matter preceding paragraph (1) by inserting after  
 22 “that official” the following: “, or for a relative (as defined  
 23 in section 3110 of title 5) of that official,”.

24 (c) REQUIREMENT ON AWARD OF GOVERNMENT  
 25 CONTRACTS TO FORMER EMPLOYERS.—

1           (1) IN GENERAL.—Chapter 21 of division B of  
 2           subtitle I of title 41, United States Code, is amend-  
 3           ed by adding at the end the following new section:

4   **“§ 2108. Prohibition on involvement by certain**  
 5                       **former contractor employees in procure-**  
 6                       **ments**

7           “An employee of the Federal Government may not  
 8           participate personally and substantially in any award of  
 9           a contract to, or the administration of a contract awarded  
 10          to, a contractor that is a former employer of the employee  
 11          during the 2-year period beginning on the date on which  
 12          the employee leaves the employment of the contractor.”.

13           (2) TECHNICAL AND CONFORMING AMEND-  
 14          MENT.—The table of sections for chapter 21 of title  
 15          41, United States Code, is amended by adding at  
 16          the end the following new item:

          “2108. Prohibition on involvement by certain former contractor employees  
   in procurements.”.

17          (d) REGULATIONS.—The Director of the Office of  
 18          Government Ethics, in consultation with the Adminis-  
 19          trator of General Services, shall promulgate regulations to  
 20          carry out and ensure the enforcement of chapter 21 of  
 21          title 41, United States Code, as amended by this section.

22          (e) MONITORING AND COMPLIANCE.—The Adminis-  
 23          trator of General Services, in consultation with designated  
 24          agency ethics officials (as that term is defined in section

1 109(3) of the Ethics in Government Act of 1978 (5 U.S.C.  
2 App.)), shall monitor compliance with such chapter 21 by  
3 individuals and agencies.

4 **SEC. 8005. REVOLVING DOOR RESTRICTIONS ON EMPLOY-**  
5 **EES MOVING INTO THE PRIVATE SECTOR.**

6 (a) IN GENERAL.—Subsection (c) of section 207 of  
7 title 18, United States Code, is amended—

8 (1) in the subsection heading, by striking  
9 “ONE-YEAR” and inserting “TWO-YEAR”;

10 (2) in paragraph (1)—

11 (A) by striking “1 year” in each instance  
12 and inserting “2 years”; and

13 (B) by inserting “, or conducts any lob-  
14 bying activity to facilitate any communication  
15 to or appearance before,” after “any commu-  
16 nication to or appearance before”; and

17 (3) in paragraph (2)(B), by striking “1-year”  
18 and inserting “2-year”.

19 (b) APPLICATION.—The amendments made by sub-  
20 section (a) shall apply to any individual covered by sub-  
21 section (c) of section 207 of title 18, United States Code,  
22 separating from the civil service on or after the date of  
23 enactment of this Act.

1 **SEC. 8006. GUIDANCE ON UNPAID EMPLOYEES.**

2 (a) IN GENERAL.—Not later than 120 days after the  
3 date of enactment of this Act, the Director of the Office  
4 of Government Ethics shall issue guidance on ethical  
5 standards applicable to unpaid employees of an agency.

6 (b) DEFINITIONS.—In this section—

7 (1) the term “agency” includes the Executive  
8 Office of the President and the White House; and

9 (2) the term “unpaid employee” includes any  
10 individual occupying a position at an agency and  
11 who is unpaid by operation of section 3110 of title  
12 5, United States Code, or any other provision of law,  
13 but does not include any employee who is unpaid  
14 due to a lapse in appropriations.

15 **SEC. 8007. LIMITATION ON USE OF FEDERAL FUNDS AND**  
16 **CONTRACTING AT BUSINESSES OWNED BY**  
17 **CERTAIN GOVERNMENT OFFICERS AND EM-**  
18 **PLOYEES.**

19 (a) LIMITATION ON FEDERAL FUNDS.—Beginning in  
20 fiscal year 2022 and in each fiscal year thereafter, no Fed-  
21 eral funds may be obligated or expended for purposes of  
22 procuring goods or services at any business owned or con-  
23 trolled by a covered individual or any family member of  
24 such an individual, unless such obligation or expenditure  
25 of funds is authorized under the Presidential Protection  
26 Assistance Act of 1976 (Public Law 94–524).



1       (b) PROHIBITION ON CONTRACTS.—No Executive  
2 agency may enter into or hold a contract with a business  
3 owned or controlled by a covered individual or any family  
4 member of such an individual.

5       (c) DETERMINATION OF OWNERSHIP.—For purposes  
6 of this section, a business shall be deemed to be owned  
7 or controlled by a covered individual or any family member  
8 of such an individual if the covered individual or member  
9 of family (as the case may be)—

10           (1) is a member of the board of directors or  
11 similar governing body of the business;

12           (2) directly or indirectly owns or controls more  
13 than 50 percent of the voting shares of the business;  
14 or

15           (3) is the beneficiary of a trust which owns or  
16 controls more than 50 percent of the business and  
17 can direct distributions under the terms of the trust.

18       (d) DEFINITIONS.—In this section:

19           (1) COVERED INDIVIDUAL.—The term “covered  
20 individual” means—

21                   (A) the President;

22                   (B) the Vice President;

23                   (C) the head of any Executive department

24                   (as that term is defined in section 101 of title

25                   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 subparagraphs (A) through (E).

18 (3) EXECUTIVE AGENCY.—The term “Executive  
 19 agency” has the meaning given that term in section  
 20 105 of title 5, United States Code.

## 21 **Subtitle B—Presidential Conflicts** 22 **of Interest**

### 23 **SEC. 8011. SHORT TITLE.**

24 This subtitle may be cited as the “Presidential Con-  
 25 flicts of Interest Act of 2021”.

1 **SEC. 8012. 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 **“§ 701. Divestiture of financial interests posing a con-**  
13 **flict of interest**

14 “(a) APPLICABILITY TO THE PRESIDENT AND VICE  
15 PRESIDENT.—The President and Vice President shall,  
16 within 30 days of assuming office, divest of all financial  
17 interests that pose a conflict of interest because the Presi-  
18 dent or Vice President, the spouse, dependent child, or  
19 general partner of the President or Vice President, or any  
20 person or organization with whom the President or Vice  
21 President is negotiating or has any arrangement con-  
22 cerning prospective employment, has a financial interest,  
23 by—

24 “(1) converting each such interest to cash or  
25 other investment that meets the criteria established  
26 by the Director of the Office of Government Ethics

1 through regulation as being an interest so remote or  
2 inconsequential as not to pose a conflict; or

3 “(2) placing each such interest in a qualified  
4 blind trust as defined in section 102(f)(3) or a diver-  
5 sified trust under section 102(f)(4)(B).

6 “(b) DISCLOSURE EXEMPTION.—Subsection (a) shall  
7 not apply if the President or Vice President complies with  
8 section 102.”.

9 (b) ADDITIONAL DISCLOSURES.—Section 102(a) of  
10 the Ethics in Government Act of 1978 (5 U.S.C. App.)  
11 is amended by adding at the end the following:

12 “(9) With respect to any such report filed by  
13 the President or Vice President, for any corporation,  
14 company, firm, partnership, or other business enter-  
15 prise in which the President, Vice President, or the  
16 spouse or dependent child of the President or Vice  
17 President, has a significant financial interest—

18 “(A) the name of each other person who  
19 holds a significant financial interest in the firm,  
20 partnership, association, corporation, or other  
21 entity;

22 “(B) the value, identity, and category of  
23 each liability in excess of \$10,000; and

1           “(C) a description of the nature and value  
2           of any assets with a value of \$10,000 or  
3           more.”.

4           (c) REGULATIONS.—Not later than 120 days after  
5           the date of enactment of this Act, the Director of the Of-  
6           fice of Government Ethics shall promulgate regulations to  
7           define the criteria required by section 701(a)(1) of the  
8           Ethics in Government Act of 1978 (as added by subsection  
9           (a)) and the term “significant financial interest” for pur-  
10          poses of section 102(a)(9) of the Ethics in Government  
11          Act (as added by subsection (b)).

12   **SEC. 8013. INITIAL FINANCIAL DISCLOSURE.**

13          Subsection (a) of section 101 of the Ethics in Govern-  
14          ment Act of 1978 (5 U.S.C. App.) is amended by striking  
15          “position” and adding at the end the following: “position,  
16          with the exception of the President and Vice President,  
17          who must file a new report.”.

18   **SEC. 8014. CONTRACTS BY THE PRESIDENT OR VICE PRESI-**  
19                           **DENT.**

20          (a) AMENDMENT.—Section 431 of title 18, United  
21          States Code, is amended—

22               (1) in the section heading, by inserting “**the**  
23               **President, Vice President, Cabinet Mem-**  
24               **ber, or a**” after “**Contracts by**”; and

1           (2) in the first undesignated paragraph, by in-  
 2           serting “the President, Vice President, or any Cabi-  
 3           net member” after “Whoever, being”.

4           (b) TABLE OF SECTIONS AMENDMENT.—The table of  
 5           sections for chapter 23 of title 18, United States Code,  
 6           is amended by striking the item relating to section 431  
 7           and inserting the following:

“431. Contracts by the President, Vice President, or a Member of Congress.”.

8   **SEC. 8015. LEGAL DEFENSE FUNDS.**

9           (a) DEFINITIONS.—In this section—

10           (1) the term “Director” means the Director of  
 11           the Office of Government Ethics;

12           (2) the term “legal defense fund” means a  
 13           trust—

14                   (A) that has only one beneficiary;

15                   (B) that is subject to a trust agreement  
 16           creating an enforceable fiduciary duty on the  
 17           part of the trustee to the beneficiary, pursuant  
 18           to the applicable law of the jurisdiction in which  
 19           the trust is established;

20                   (C) that is subject to a trust agreement  
 21           that provides for the mandatory public disclo-  
 22           sure of all donations and disbursements;

23                   (D) that is subject to a trust agreement  
 24           that prohibits the use of its resources for any  
 25           purpose other than—

1 (i) the administration of the trust;

2 (ii) the payment or reimbursement of  
3 legal fees or expenses incurred in investiga-  
4 tive, civil, criminal, or other legal pro-  
5 ceedings relating to or arising by virtue of  
6 service by the trust's beneficiary as an offi-  
7 cer or employee, as defined in this section,  
8 or as an employee, contractor, consultant  
9 or volunteer of the campaign of the Presi-  
10 dent or Vice President; or

11 (iii) the distribution of unused re-  
12 sources to a charity selected by the trustee  
13 that has not been selected or recommended  
14 by the beneficiary of the trust;

15 (E) that is subject to a trust agreement  
16 that prohibits the use of its resources for any  
17 other purpose or personal legal matters, includ-  
18 ing tax planning, personal injury litigation, pro-  
19 tection of property rights, divorces, or estate  
20 probate; and

21 (F) that is subject to a trust agreement  
22 that prohibits the acceptance of donations, ex-  
23 cept in accordance with this section and the  
24 regulations of the Office of Government Ethics;

1           (3) the term “lobbying activity” has the mean-  
2           ing given that term in section 3 of the Lobbying  
3           Disclosure Act of 1995 (2 U.S.C. 1602);

4           (4) the term “officer or employee” means—

5                   (A) an officer (as that term is defined in  
6                   section 2104 of title 5, United States Code) or  
7                   employee (as that term is defined in section  
8                   2105 of such title) of the executive branch of  
9                   the Government;

10                   (B) the Vice President; and

11                   (C) the President; and

12           (5) the term “relative” has the meaning given  
13           that term in section 3110 of title 5, United States  
14           Code.

15           (b) **LEGAL DEFENSE FUNDS.**—An officer or em-  
16           ployee may not accept or use any gift or donation for the  
17           payment or reimbursement of legal fees or expenses in-  
18           curred in investigative, civil, criminal, or other legal pro-  
19           ceedings relating to or arising by virtue of the officer or  
20           employee’s service as an officer or employee, as defined  
21           in this section, or as an employee, contractor, consultant  
22           or volunteer of the campaign of the President or Vice  
23           President except through a legal defense fund that is cer-  
24           tified by the Director of the Office of Government Ethics.



1       (c) LIMITS ON GIFTS AND DONATIONS.—Not later  
2 than 120 days after the date of the enactment of this Act,  
3 the Director shall promulgate regulations establishing lim-  
4 its with respect to gifts and donations described in sub-  
5 section (b), which shall, at a minimum—

6           (1) prohibit the receipt of any gift or donation  
7 described in subsection (b)—

8           (A) from a single contributor (other than  
9 a relative of the officer or employee) in a total  
10 amount of more than \$5,000 during any cal-  
11 endar year;

12           (B) from a registered lobbyist;

13           (C) from a foreign government or an agent  
14 of a foreign principal;

15           (D) from a State government or an agent  
16 of a State government;

17           (E) from any person seeking official action  
18 from, or seeking to do or doing business with,  
19 the agency employing the officer or employee;

20           (F) from any person conducting activities  
21 regulated by the agency employing the officer  
22 or employee;

23           (G) from any person whose interests may  
24 be substantially affected by the performance or

1 nonperformance of the official duties of the offi-  
2 cer or employee;

3 (H) from an officer or employee of the ex-  
4 ecutive branch; or

5 (I) from any organization a majority of  
6 whose members are described in (A)–(H); and

7 (2) require that a legal defense fund, in order  
8 to be certified by the Director, only permit distribu-  
9 tions to the applicable officer or employee.

10 (d) WRITTEN NOTICE.—

11 (1) IN GENERAL.—An officer or employee who  
12 wishes to accept funds or have a representative ac-  
13 cept funds from a legal defense fund shall first en-  
14 sure that the proposed trustee of the legal defense  
15 fund submits to the Director the following informa-  
16 tion:

17 (A) The name and contact information for  
18 any proposed trustee of the legal defense fund.

19 (B) A copy of any proposed trust docu-  
20 ment for the legal defense fund.

21 (C) The nature of the legal proceeding (or  
22 proceedings), investigation or other matter  
23 which give rise to the establishment of the legal  
24 defense fund.

1 (D) An acknowledgment signed by the offi-  
2 cer or employee and the trustee indicating that  
3 they will be bound by the regulations and limi-  
4 tation under this section.

5 (2) APPROVAL.—An officer or employee may  
6 not accept any gift or donation to pay, or to reim-  
7 burse any person for, fees or expenses described in  
8 subsection (b) of this section except through a legal  
9 defense fund that has been certified in writing by  
10 the Director following that office’s receipt and ap-  
11 proval of the information submitted under para-  
12 graph (1) and approval of the structure of the fund.

13 (e) REPORTING.—

14 (1) IN GENERAL.—An officer or employee who  
15 establishes a legal defense fund may not directly or  
16 indirectly accept distributions from a legal defense  
17 fund unless the fund has provided the Director a  
18 quarterly report for each quarter of every calendar  
19 year since the establishment of the legal defense  
20 fund that discloses, with respect to the quarter cov-  
21 ered by the report—

22 (A) the source and amount of each con-  
23 tribution to the legal defense fund; and

24 (B) the amount, recipient, and purpose of  
25 each expenditure from the legal defense fund,

1 including all distributions from the trust for  
2 any purpose.

3 (2) PUBLIC AVAILABILITY.—The Director shall  
4 make publicly available online—

5 (A) each report submitted under para-  
6 graph (1) in a searchable, sortable, and  
7 downloadable form;

8 (B) each trust agreement and any amend-  
9 ment thereto;

10 (C) the written notice and acknowledgment  
11 required by subsection (d); and

12 (D) the Director's written certification of  
13 the legal defense fund.

14 (f) RECUSAL.—An officer or employee, other than the  
15 President and the Vice President, who is the beneficiary  
16 of a legal defense fund may not participate personally and  
17 substantially in any particular matter in which the officer  
18 or employee knows a donor of any source of a gift or dona-  
19 tion to the legal defense fund established for the officer  
20 or employee has a financial interest, for a period of two  
21 years from the date of the most recent gift or donation  
22 to the legal defense fund.

1       **Subtitle C—White House Ethics**  
2                               **Transparency**

3   **SEC. 8021. SHORT TITLE.**

4           This subtitle may be cited as the “White House Eth-  
5   ics Transparency Act of 2021”.

6   **SEC. 8022. PROCEDURE FOR WAIVERS AND AUTHORIZA-**  
7                               **TIONS RELATING TO ETHICS REQUIREMENTS.**

8           (a) IN GENERAL.—Notwithstanding any other provi-  
9   sion of law, not later than 30 days after an officer or em-  
10   ployee issues or approves a waiver or authorization pursu-  
11   ant to any Executive order related to ethics commitments  
12   or compliance by covered employees, such officer or em-  
13   ployee shall—

14               (1) transmit a written copy of such waiver or  
15               authorization to the Director of the Office of Gov-  
16               ernment Ethics; and

17               (2) make a written copy of such waiver or au-  
18               thorization available to the public on the website of  
19               the employing agency of the covered employee.

20           (b) OFFICE OF GOVERNMENT ETHICS PUBLIC  
21   AVAILABILITY.—Not later than 30 days after receiving a  
22   written copy of a waiver or authorization under subsection  
23   (a)(1), the Director of the Office of Government Ethics  
24   shall make such waiver or authorization available to the  
25   public on the website of the Office of Government Ethics.

1 (c) DEFINITION OF COVERED EMPLOYEE.—In this  
 2 section, the term “covered employee”—

3 (1) means a non-career Presidential or Vice  
 4 Presidential appointee, non-career appointee in the  
 5 Senior Executive Service (or other SES-type sys-  
 6 tem), or an appointee to a position that has been ex-  
 7 cepted from the competitive service by reason of  
 8 being of a confidential or policymaking character  
 9 (Schedule C and other positions excepted under com-  
 10 parable criteria) in an executive agency; and

11 (2) does not include any individual appointed as  
 12 a member of the Senior Foreign Service or solely as  
 13 a uniformed service commissioned officer.

## 14 **Subtitle D—Executive Branch** 15 **Ethics Enforcement**

### 16 **SEC. 8031. SHORT TITLE.**

17 This subtitle may be cited as the “Executive Branch  
 18 Comprehensive Ethics Enforcement Act of 2021”.

### 19 **SEC. 8032. REAUTHORIZATION OF THE OFFICE OF GOVERN-** 20 **MENT ETHICS.**

21 Section 405 of the Ethics in Government Act of 1978  
 22 (5 U.S.C. App.) is amended by striking “fiscal year 2007”  
 23 and inserting “fiscal years 2021 through 2025.”.

1   **SEC. 8033. TENURE OF THE DIRECTOR OF THE OFFICE OF**  
2                   **GOVERNMENT ETHICS.**

3           Section 401(b) of the Ethics in Government Act of  
4   1978 (5 U.S.C. App.) is amended by striking the period  
5   at the end and inserting “, subject to removal only for  
6   inefficiency, neglect of duty, or malfeasance in office. The  
7   Director may continue to serve beyond the expiration of  
8   the term until a successor is appointed and has qualified,  
9   except that the Director may not continue to serve for  
10  more than one year after the date on which the term would  
11  otherwise expire under this subsection.”.

12   **SEC. 8034. DUTIES OF DIRECTOR OF THE OFFICE OF GOV-**  
13                   **ERNMENT ETHICS.**

14           (a) IN GENERAL.—Section 402(a) of the Ethics in  
15   Government Act of 1978 (5 U.S.C. App.) is amended by  
16   striking “, in consultation with the Office of Personnel  
17   Management,”.

18           (b) RESPONSIBILITIES OF THE DIRECTOR.—Section  
19   402(b) of the Ethics in Government Act of 1978 (5 U.S.C.  
20   App.) is amended—

21                   (1) in paragraph (1)—

22                           (A) by striking “developing, in consultation  
23                   with the Attorney General and the Office of  
24                   Personnel Management, rules and regulations  
25                   to be promulgated by the President or the Di-

1 rector” and inserting “developing and promul-  
2 gating rules and regulations”; and

3 (B) by striking “title II” and inserting  
4 “title I”;

5 (2) by striking paragraph (2) and inserting the  
6 following:

7 “(2) providing mandatory education and train-  
8 ing programs for designated agency ethics officials,  
9 which may be delegated to each agency or the White  
10 House Counsel as deemed appropriate by the Direc-  
11 tor;”;

12 (3) in paragraph (3), by striking “title II” and  
13 inserting “title I”;

14 (4) in paragraph (4), by striking “problems”  
15 and inserting “issues”;

16 (5) in paragraph (6)—

17 (A) by striking “issued by the President or  
18 the Director”; and

19 (B) by striking “problems” and inserting  
20 “issues”;

21 (6) in paragraph (7)—

22 (A) by striking “, when requested,”; and

23 (B) by striking “conflict of interest prob-  
24 lems” and inserting “conflicts of interest, as  
25 well as other ethics issues”;



1 (7) in paragraph (9)—

2 (A) by striking “ordering” and inserting  
3 “receiving allegations of violations of this Act or  
4 regulations of the Office of Government Ethics  
5 and, when necessary, investigating an allegation  
6 to determine whether a violation occurred, and  
7 ordering”; and

8 (B) by inserting before the semi-colon the  
9 following: “, and recommending appropriate  
10 disciplinary action”;

11 (8) in paragraph (12)—

12 (A) by striking “evaluating, with the as-  
13 sistance of” and inserting “promulgating, with  
14 input from”;

15 (B) by striking “the need for”; and

16 (C) by striking “conflict of interest and  
17 ethical problems” and inserting “conflict of in-  
18 terest and ethics issues”;

19 (9) in paragraph (13)—

20 (A) by striking “with the Attorney Gen-  
21 eral” and inserting “with the Inspectors Gen-  
22 eral and the Attorney General”;

23 (B) by striking “violations of the conflict  
24 of interest laws” and inserting “conflict of in-

1           terest issues and allegations of violations of eth-  
2           ics laws and regulations and this Act”; and

3           (C) by striking “, as required by section  
4           535 of title 28, United States Code”;

5           (10) in paragraph (14), by striking “and” at  
6           the end;

7           (11) in paragraph (15)—

8           (A) by striking “, in consultation with the  
9           Office of Personnel Management,”;

10          (B) by striking “title II” and inserting  
11          “title I”; and

12          (C) by striking the period at the end and  
13          inserting a semicolon; and

14          (12) by adding at the end the following:

15          “(16) directing and providing final approval,  
16          when determined appropriate by the Director, for  
17          designated agency ethics officials regarding the reso-  
18          lution of conflicts of interest as well as any other  
19          ethics issues under the purview of this Act in indi-  
20          vidual cases; and

21          “(17) reviewing and approving, when deter-  
22          mined appropriate by the Director, any recusals, ex-  
23          emptions, or waivers from the conflicts of interest  
24          and ethics laws, rules, and regulations and making  
25          approved recusals, exemptions, and waivers made

1 publicly available by the relevant agency available in  
2 a central location on the official website of the Office  
3 of Government Ethics.”.

4 (c) WRITTEN PROCEDURES.—Paragraph (1) of sec-  
5 tion 402(d) of the Ethics in Government Act of 1978 (5  
6 U.S.C. App.) is amended—

7 (1) by striking “, by the exercise of any author-  
8 ity otherwise available to the Director under this  
9 title,”;

10 (2) by striking “the agency is”; and

11 (3) by inserting after “filed by” the following:  
12 “, or written documentation of recusals, waivers, or  
13 ethics authorizations relating to,”.

14 (d) CORRECTIVE ACTIONS.—Section 402(f) of the  
15 Ethics in Government Act of 1978 (5 U.S.C. App.) is  
16 amended—

17 (1) in paragraph (1)—

18 (A) in clause (i) of subparagraph (A), by  
19 striking “of such agency”; and

20 (B) in subparagraph (B), by inserting be-  
21 fore the period at the end “and determine that  
22 a violation of this Act has occurred and issue  
23 appropriate administrative or legal remedies as  
24 prescribed in paragraph (2)”;

25 (2) in paragraph (2)—

1 (A) in subparagraph (A)—

2 (i) in clause (ii)—

3 (I) in subclause (I)—

4 (aa) by inserting “to the  
5 President or the President’s des-  
6 ignee if the matter involves em-  
7 ployees of the Executive Office of  
8 the President or” after “may rec-  
9 ommend”;

10 (bb) by striking “and” at  
11 the end; and

12 (II) in subclause (II)—

13 (aa) by inserting “President  
14 or” after “determines that the”;  
15 and

16 (bb) by adding “and” at the  
17 end;

18 (ii) in subclause (II) of clause (iii)—

19 (I) by striking “notify, in writ-  
20 ing,” and inserting “advise the Presi-  
21 dent or order”;

22 (II) by inserting “to take appro-  
23 priate disciplinary action including  
24 reprimand, suspension, demotion, or  
25 dismissal against the officer or em-

1            ployee (provided, however, that any  
2            order issued by the Director shall not  
3            affect an employee's right to appeal a  
4            disciplinary action under applicable  
5            law, regulation, collective bargaining  
6            agreement, or contractual provision).”  
7            after “employee's agency”; and

8            (III) by striking “of the officer's  
9            or employee's noncompliance, except  
10           that, if the officer or employee in-  
11           volved is the agency head, the notifi-  
12           cation shall instead be submitted to  
13           the President; and”; and

14           (iii) by striking clause (iv);

15           (B) in subparagraph (B)(i)—

16           (i) by striking “subparagraph (A)(iii)  
17           or (iv)” and inserting “subparagraph (A)”;

18           (ii) by inserting “(I)” before “In  
19           order to”; and

20           (iii) by adding at the end the fol-  
21           lowing:

22           “(II)(aa) The Director may se-  
23           cure directly from any agency infor-  
24           mation necessary to enable the Direc-  
25           tor to carry out this Act. Upon re-

1                   quest of the Director, the head of  
2                   such agency shall furnish that infor-  
3                   mation to the Director.

4                   “(bb) The Director may re-  
5                   quire by subpoena the production  
6                   of all information, documents, re-  
7                   ports, answers, records, accounts,  
8                   papers, and other data in any  
9                   medium and documentary evi-  
10                  dence necessary in the perform-  
11                  ance of the functions assigned by  
12                  this Act, which subpoena, in the  
13                  case of refusal to obey, shall be  
14                  enforceable by order of any ap-  
15                  propriate United States district  
16                  court.”;

17                  (C) in subparagraph (B)(ii)(I)—

18                   (i) by striking “Subject to clause (iv)  
19                   of this subparagraph, before” and insert-  
20                   ing “Before”; and

21                   (ii) by striking “subparagraphs (A)  
22                   (iii) or (iv)” and inserting “subparagraph  
23                   (A)(iii)”;

1 (D) in subparagraph (B)(iii), by striking  
 2 “Subject to clause (iv) of this subparagraph,  
 3 before” and inserting “Before”; and

4 (E) in subparagraph (B)(iv)—

5 (i) by striking “title 2” and inserting  
 6 “title I”; and

7 (ii) by striking “section 206” and in-  
 8 serting “section 106”; and

9 (3) in paragraph (4), by striking “(iv),”.

10 (e) DEFINITIONS.—Section 402 of the Ethics in Gov-  
 11 ernment Act of 1978 (5 U.S.C. App.) is amended by add-  
 12 ing at the end the following:

13 “(g) For purposes of this title—

14 “(1) the term ‘agency’ shall include the Execu-  
 15 tive Office of the President; and

16 “(2) the term ‘officer or employee’ shall include  
 17 any individual occupying a position, providing any  
 18 official services, or acting in an advisory capacity, in  
 19 the White House or the Executive Office of the  
 20 President.

21 “(h) In this title, a reference to the head of an agency  
 22 shall include the President or the President’s designee.

23 “(i) The Director shall not be required to obtain the  
 24 prior approval, comment, or review of any officer or agen-  
 25 cy of the United States, including the Office of Manage-

1 ment and Budget, before submitting to Congress, or any  
 2 committee or subcommittee thereof, any information, re-  
 3 ports, recommendations, testimony, or comments, if such  
 4 submissions include a statement indicating that the views  
 5 expressed therein are those of the Director and do not nec-  
 6 essarily represent the views of the President.”.

7 **SEC. 8035. AGENCY ETHICS OFFICIALS TRAINING AND DU-**  
 8 **TIES.**

9 (a) IN GENERAL.—Section 403 of the Ethics in Gov-  
 10 ernment Act of 1978 (5 U.S.C. App.) is amended—

11 (1) in subsection (a), by adding a period at the  
 12 end of the matter following paragraph (2); and

13 (2) by adding at the end the following:

14 “(c)(1) All designated agency ethics officials and al-  
 15 ternate designated agency ethics officials shall register  
 16 with the Director as well as with the appointing authority  
 17 of the official.

18 “(2) The Director shall provide ethics education  
 19 and training to all designated and alternate des-  
 20 ignated agency ethics officials in a time and manner  
 21 deemed appropriate by the Director.

22 “(3) Each designated agency ethics official and  
 23 each alternate designated agency ethics official shall  
 24 biannually attend ethics education and training, as  
 25 provided by the Director under paragraph (2).



1 “(d) Each Designated Agency Ethics Official, includ-  
2 ing the Designated Agency Ethics Official for the Execu-  
3 tive Office of the President—

4 “(1) shall provide to the Director, in writing, in  
5 a searchable, sortable, and downloadable format, all  
6 approvals, authorizations, certifications, compliance  
7 reviews, determinations, directed divestitures, public  
8 financial disclosure reports, notices of deficiency in  
9 compliance, records related to the approval or ac-  
10 ceptance of gifts, recusals, regulatory or statutory  
11 advisory opinions, waivers, including waivers under  
12 section 207 or 208 of title 18, United States Code,  
13 and any other records designated by the Director,  
14 unless disclosure is prohibited by law;

15 “(2) shall, for all information described in para-  
16 graph (1) that is permitted to be disclosed to the  
17 public under law, make the information available to  
18 the public by publishing the information on the  
19 website of the Office of Government Ethics, pro-  
20 viding a link to download an electronic copy of the  
21 information, or providing printed paper copies of  
22 such information to the public; and

23 “(3) may charge a reasonable fee for the cost  
24 of providing paper copies of the information pursu-  
25 ant to paragraph (2).

1       “(e)(1) For all information that is provided by an  
2 agency to the Director under paragraph (1) of subsection  
3 (d), the Director shall make the information available to  
4 the public in a searchable, sortable, downloadable format  
5 by publishing the information on the website of the Office  
6 of Government Ethics or providing a link to download an  
7 electronic copy of the information.

8       “(2) The Director may, upon request, provide printed  
9 paper copies of the information published under para-  
10 graph (1) and charge a reasonable fee for the cost of print-  
11 ing such copies.”.

12       (b) REPEAL.—Section 408 of the Ethics in Govern-  
13 ment Act of 1978 (5 U.S.C. App.) is hereby repealed.

14       **SEC. 8036. PROHIBITION ON USE OF FUNDS FOR CERTAIN**  
15                               **FEDERAL EMPLOYEE TRAVEL IN CON-**  
16                               **TRAVENTION OF CERTAIN REGULATIONS.**

17       (a) IN GENERAL.—Beginning on the date of enact-  
18 ment of this Act, no Federal funds appropriated or other-  
19 wise made available in any fiscal year may be used for  
20 the travel expenses of any senior Federal official in con-  
21 travention of sections 301–10.260 through 301–10.266 of  
22 title 41, Code of Federal Regulations, or any successor  
23 regulation.

24       (b) QUARTERLY REPORT ON TRAVEL.—

1           (1) IN GENERAL.—Not later than 90 days after  
2           the date of enactment of this Act and every 90 days  
3           thereafter, the head of each Federal agency shall  
4           submit a report to the Committee on Oversight and  
5           Reform of the House of Representatives and the  
6           Committee on Homeland Security and Governmental  
7           Affairs of the Senate detailing travel on Government  
8           aircraft by any senior Federal official employed at  
9           the applicable agency.

10          (2) APPLICATION.—Any report required under  
11          paragraph (1) shall not include any classified travel,  
12          and nothing in this Act shall be construed to super-  
13          sede, alter, or otherwise affect the application of sec-  
14          tion 101–37.408 of title 41, Code of Federal Regula-  
15          tions, or any successor regulation.

16          (c) TRAVEL REGULATION REPORT.—Not later than  
17          one year after enactment of this Act, the Director of the  
18          Office of Government Ethics shall submit a report to Con-  
19          gress detailing suggestions on strengthening Federal trav-  
20          el regulations. On the date such report is so submitted,  
21          the Director shall publish such report on the Office’s pub-  
22          lic website.

23          (d) SENIOR FEDERAL OFFICIAL DEFINED.—In this  
24          section, the term “senior Federal official” has the mean-  
25          ing given that term in section 101–37.100 of title 41, Code

1 of Federal Regulations, as in effect on the date of enact-  
2 ment of this Act, and includes any senior executive branch  
3 official (as that term is defined in such section).

4 **SEC. 8037. REPORTS ON COST OF PRESIDENTIAL TRAVEL.**

5 (a) REPORT REQUIRED.—Not later than 90 days  
6 after the date of the enactment of this Act, and every 90  
7 days thereafter, the Secretary of Defense, in consultation  
8 with the Secretary of the Air Force, shall submit to the  
9 Chairman and Ranking Member of the Committee on  
10 Armed Services of the House of Representatives a report  
11 detailing the direct and indirect costs to the Department  
12 of Defense in support of Presidential travel. Each such  
13 report shall include costs incurred for travel to a property  
14 owned or operated by the individual serving as President  
15 or an immediate family member of such individual.

16 (b) IMMEDIATE FAMILY MEMBER DEFINED.—In this  
17 section, the term “immediate family member” means the  
18 spouse of such individual, the adult or minor child of such  
19 individual, or the spouse of an adult child of such indi-  
20 vidual.

21 **SEC. 8038. REPORTS ON COST OF SENIOR FEDERAL OFFI-**  
22 **CIAL TRAVEL.**

23 (a) REPORT REQUIRED.—Not later than 90 days  
24 after the date of the enactment of this Act, and every 90  
25 days thereafter, the Secretary of Defense shall submit to

1 the Chairman and Ranking Member of the Committee on  
 2 Armed Services of the House of Representatives a report  
 3 detailing the direct and indirect costs to the Department  
 4 of Defense in support of travel by senior Federal officials  
 5 on military aircraft. Each such report shall include wheth-  
 6 er spousal travel furnished by the Department was reim-  
 7 bursed to the Federal Government.

8 (b) EXCEPTION.—Required use travel, as outlined in  
 9 Department of Defense Directive 4500.56, shall not be in-  
 10 cluded in reports under subsection (a).

11 (c) SENIOR FEDERAL OFFICIAL DEFINED.—In this  
 12 section, the term “senior Federal official” has the mean-  
 13 ing given that term in section 8036(d).

## 14 **Subtitle E—Conflicts From** 15 **Political Fundraising**

### 16 **SEC. 8041. SHORT TITLE.**

17 This subtitle may be cited as the “Conflicts from Po-  
 18 litical Fundraising Act of 2021”.

### 19 **SEC. 8042. DISCLOSURE OF CERTAIN TYPES OF CONTRIBU-** 20 **TIONS.**

21 (a) DEFINITIONS.—Section 109 of the Ethics in Gov-  
 22 ernment Act of 1978 (5 U.S.C. App.) is amended—

23 (1) by redesignating paragraphs (2) through  
 24 (19) as paragraphs (5) through (22), respectively;  
 25 and

1           (2) by inserting after paragraph (1) the fol-  
2       lowing:

3           “(2) ‘covered contribution’ means a payment,  
4       advance, forbearance, rendering, or deposit of  
5       money, or any thing of value—

6           “(A)(i) that—

7               “(I) is—

8                   “(aa) made by or on behalf of a  
9                   covered individual; or

10                   “(bb) solicited in writing by or at  
11                   the request of a covered individual;  
12                   and

13               “(II) is made—

14                   “(aa) to a political organization,  
15                   as defined in section 527 of the Inter-  
16                   nal Revenue Code of 1986; or

17                   “(bb) to an organization—

18                       “(AA) that is described in  
19                       paragraph (4) or (6) of section  
20                       501(c) of the Internal Revenue  
21                       Code of 1986 and exempt from  
22                       tax under section 501(a) of such  
23                       Code; and

24                       “(BB) that promotes or op-  
25                       poses changes in Federal laws or

1 regulations that are (or would  
2 be) administered by the agency in  
3 which the covered individual has  
4 been nominated for appointment  
5 to a covered position or is serving  
6 in a covered position; or

7 “(ii) that is—

8 “(I) solicited in writing by or on be-  
9 half of a covered individual; and

10 “(II) made—

11 “(aa) by an individual or entity  
12 the activities of which are subject to  
13 Federal laws or regulations that are  
14 (or would be) administered by the  
15 agency in which the covered individual  
16 has been nominated for appointment  
17 to a covered position or is serving in  
18 a covered position; and

19 “(bb) to—

20 “(AA) a political organiza-  
21 tion, as defined in section 527 of  
22 the Internal Revenue Code of  
23 1986; or

24 “(BB) an organization that  
25 is described in paragraph (4) or

1 (6) of section 501(c) of the Inter-  
2 nal Revenue Code of 1986 and  
3 exempt from tax under section  
4 501(a) of such Code; and

5 “(B) that is made to an organization de-  
6 scribed in item (aa) or (bb) of clause (i)(II) or  
7 clause (ii)(II)(bb) of subparagraph (A) for  
8 which the total amount of such payments, ad-  
9 vances, forbearances, renderings, or deposits of  
10 money, or any thing of value, during the cal-  
11 endar year in which it is made is not less than  
12 the contribution limitation in effect under sec-  
13 tion 315(a)(1)(A) of the Federal Election Cam-  
14 paign Act of 1971 (52 U.S.C. 30116(a)(1)(A))  
15 for elections occurring during such calendar  
16 year;

17 “(3) ‘covered individual’ means an individual  
18 who has been nominated or appointed to a covered  
19 position; and

20 “(4) ‘covered position’—

21 “(A) means—

22 “(i) a position described under sec-  
23 tions 5312 through 5316 of title 5, United  
24 States Code;



1 “(ii) a position placed in level IV or V  
 2 of the Executive Schedule under section  
 3 5317 of title 5, United States Code;

4 “(iii) a position as a limited term ap-  
 5 pointee, limited emergency appointee, or  
 6 noncareer appointee in the Senior Execu-  
 7 tive Service, as defined under paragraphs  
 8 (5), (6), and (7), respectively, of section  
 9 3132(a) of title 5, United States Code; and

10 “(iv) a position in the executive  
 11 branch of the Government of a confidential  
 12 or policy-determining character under  
 13 schedule C of subpart C of part 213 of  
 14 title 5 of the Code of Federal Regulations;  
 15 and

16 “(B) does not include a position if the in-  
 17 dividual serving in the position has been ex-  
 18 cluded from the application of section  
 19 101(f)(5);”.

20 (b) DISCLOSURE REQUIREMENTS.—The Ethics in  
 21 Government Act of 1978 (5 U.S.C. App.) is amended—

22 (1) in section 101—

23 (A) in subsection (a)—

24 (i) by inserting “(1)” before “With-  
 25 in”;

1 (ii) by striking “unless” and inserting  
2 “and, if the individual is assuming a cov-  
3 ered position, the information described in  
4 section 102(j), except that, subject to para-  
5 graph (2), the individual shall not be re-  
6 quired to file a report if”; and

7 (iii) by adding at the end the fol-  
8 lowing:

9 “(2) If an individual has left a position described in  
10 subsection (f) that is not a covered position and, within  
11 30 days, assumes a position that is a covered position, the  
12 individual shall, within 30 days of assuming the covered  
13 position, file a report containing the information described  
14 in section 102(j)(2)(A).”;

15 (B) in subsection (b)(1), in the first sen-  
16 tence, by inserting “and the information re-  
17 quired by section 102(j)” after “described in  
18 section 102(b)”;

19 (C) in subsection (d), by inserting “and, if  
20 the individual is serving in a covered position,  
21 the information required by section  
22 102(j)(2)(A)” after “described in section  
23 102(a)”;

24 (D) in subsection (e), by inserting “and, if  
25 the individual was serving in a covered position,

1 the information required by section  
2 102(j)(2)(A)” after “described in section  
3 102(a)”;  
4 (2) in section 102—

5 (A) in subsection (g), by striking “Political  
6 campaign funds” and inserting “Except as pro-  
7 vided in subsection (j), political campaign  
8 funds”; and

9 (B) by adding at the end the following:

10 “(j)(1) In this subsection—

11 “(A) the term ‘applicable period’ means—

12 “(i) with respect to a report filed pursuant  
13 to subsection (a) or (b) of section 101, the year  
14 of filing and the 4 calendar years preceding the  
15 year of the filing; and

16 “(ii) with respect to a report filed pursuant  
17 to subsection (d) or (e) of section 101, the pre-  
18 ceding calendar year; and

19 “(B) the term ‘covered gift’ means a gift that—

20 “(i) is made to a covered individual, the  
21 spouse of a covered individual, or the dependent  
22 child of a covered individual;

23 “(ii) is made by an entity described in item  
24 (aa) or (bb) of section 109(2)(A)(i)(II); and

1           “(iii) would have been required to be re-  
2           ported under subsection (a)(2) if the covered in-  
3           dividual had been required to file a report  
4           under section 101(d) with respect to the cal-  
5           endar year during which the gift was made.

6           “(2)(A) A report filed pursuant to subsection (a), (b),  
7           (d), or (e) of section 101 by a covered individual shall in-  
8           clude, for each covered contribution during the applicable  
9           period—

10           “(i) the date on which the covered contribution  
11           was made;

12           “(ii) if applicable, the date or dates on which  
13           the covered contribution was solicited;

14           “(iii) the value of the covered contribution;

15           “(iv) the name of the person making the cov-  
16           ered contribution; and

17           “(v) the name of the person receiving the cov-  
18           ered contribution.

19           “(B)(i) Subject to clause (ii), a covered contribution  
20           made by or on behalf of, or that was solicited in writing  
21           by or on behalf of, a covered individual shall constitute  
22           a conflict of interest, or an appearance thereof, with re-  
23           spect to the official duties of the covered individual.

24           “(ii) The Director of the Office of Government Ethics  
25           may exempt a covered contribution from the application

1 of clause (i) if the Director determines the circumstances  
2 of the solicitation and making of the covered contribution  
3 do not present a risk of a conflict of interest and the ex-  
4 emption of the covered contribution would not affect ad-  
5 versely the integrity of the Government or the public's con-  
6 fidence in the integrity of the Government.

7 “(3) A report filed pursuant to subsection (a) or (b)  
8 of section 101 by a covered individual shall include the  
9 information described in subsection (a)(2) with respect to  
10 each covered gift received during the applicable period.”.

11 (c) PROVISION OF REPORTS AND ETHICS AGREE-  
12 MENTS TO CONGRESS.—Section 105 of the Ethics in Gov-  
13 ernment Act of 1978 (5 U.S.C. App.) is amended by add-  
14 ing at the end the following:

15 “(e) Not later than 30 days after receiving a written  
16 request from the Chairman or Ranking Member of a com-  
17 mittee or subcommittee of either House of Congress, the  
18 Director of the Office of Government Ethics shall provide  
19 to the Chairman and Ranking Member each report filed  
20 under this title by the covered individual and any ethics  
21 agreement entered into between the agency and the cov-  
22 ered individual.”.

23 (d) RULES ON ETHICS AGREEMENTS.—The Director  
24 of the Office of Government Ethics shall promptly issue  
25 rules regarding how an agency in the executive branch

1 shall address information required to be disclosed under  
2 the amendments made by this subtitle in drafting ethics  
3 agreements between the agency and individuals appointed  
4 to positions in the agency.

5 (e) TECHNICAL AND CONFORMING AMENDMENTS.—

6 (1) The Ethics in Government Act of 1978 (5  
7 U.S.C. App.) is amended—

8 (A) in section 101(f)—

9 (i) in paragraph (9), by striking “sec-  
10 tion 109(12)” and inserting “section  
11 109(15)”;

12 (ii) in paragraph (10), by striking  
13 “section 109(13)” and inserting “section  
14 109(16)”;

15 (iii) in paragraph (11), by striking  
16 “section 109(10)” and inserting “section  
17 109(13)”;

18 (iv) in paragraph (12), by striking  
19 “section 109(8)” and inserting “section  
20 109(11)”;

21 (B) in section 103(l)—

22 (i) in paragraph (9), by striking “sec-  
23 tion 109(12)” and inserting “section  
24 109(15)”;

1 (ii) in paragraph (10), by striking  
2 “section 109(13)” and inserting “section  
3 109(16)”; and

4 (C) in section 105(b)(3)(A), by striking  
5 “section 109(8) or 109(10)” and inserting “sec-  
6 tion 109(11) or 109(13)”.

7 (2) Section 3(4)(D) of the Lobbying Disclosure  
8 Act of 1995 (2 U.S.C. 1602(4)(D)) is amended by  
9 striking “section 109(13)” and inserting “section  
10 109(16)”.

11 (3) Section 21A of the Securities Exchange Act  
12 of 1934 (15 U.S.C. 78u–1) is amended—

13 (A) in subsection (g)(2)(B)(ii), by striking  
14 “section 109(11) of the Ethics in Government  
15 Act of 1978 (5 U.S.C. App. 109(11)))” and in-  
16 serting “section 109 of the Ethics in Govern-  
17 ment Act of 1978 (5 U.S.C. App.)”; and

18 (B) in subsection (h)(2)—

19 (i) in subparagraph (B), by striking  
20 “section 109(8) of the Ethics in Govern-  
21 ment Act of 1978 (5 U.S.C. App. 109(8))”  
22 and inserting “section 109 of the Ethics in  
23 Government Act of 1978 (5 U.S.C. App.)”;  
24 and

1 (ii) in subparagraph (C), by striking  
 2 “section 109(10) of the Ethics in Govern-  
 3 ment Act of 1978 (5 U.S.C. App.  
 4 109(10))” and inserting “section 109 of  
 5 the Ethics in Government Act of 1978 (5  
 6 U.S.C. App.)”.

7 (4) Section 499(j)(2) of the Public Health Serv-  
 8 ice Act (42 U.S.C. 290b(j)(2)) is amended by strik-  
 9 ing “section 109(16) of the Ethics in Government  
 10 Act of 1978” and inserting “section 109 of the Eth-  
 11 ics in Government Act of 1978 (5 U.S.C. App.)”.

## 12 **Subtitle F—Transition Team Ethics**

### 13 **SEC. 8051. SHORT TITLE.**

14 This subtitle may be cited as the “Transition Team  
 15 Ethics Improvement Act”.

### 16 **SEC. 8052. PRESIDENTIAL TRANSITION ETHICS PROGRAMS.**

17 Section 6(b)(1) of the Presidential Transition Act of  
 18 1963 (3 U.S.C. 102 note) is amended—

19 (1) in subparagraph (A), by striking “and” at  
 20 the end;

21 (2) in subparagraph (B), by striking the period  
 22 at the end and inserting a semicolon; and

23 (3) by adding at the end the following:

24 “(C) a description of the role of each transition  
 25 team member, including a list of any policy issues



1       that the member expects to work on, and a list of  
 2       agencies the member expects to interact with, while  
 3       serving on the transition team;

4           “(D) a list of any issues from which each tran-  
 5       sition team member will be recused while serving as  
 6       a member of the transition team pursuant to the  
 7       transition team ethics plan outlined in section  
 8       4(g)(3); and

9           “(E) an affirmation that no transition team  
 10      member has a financial conflict of interest that pre-  
 11      cludes the member from working on the matters de-  
 12      scribed in subparagraph (E).”.

## 13   **Subtitle G—Ethics Pledge For Sen-** 14   **ior Executive Branch Employees**

### 15   **SEC. 8061. SHORT TITLE.**

16       This subtitle may be cited as the “Ethics in Public  
 17      Service Act”.

### 18   **SEC. 8062. ETHICS PLEDGE REQUIREMENT FOR SENIOR EX-** 19   **ECUTIVE BRANCH EMPLOYEES.**

20       The Ethics in Government Act of 1978 (5 U.S.C.  
 21      App. 101 et seq.) is amended by inserting after title I the  
 22      following new title:

1       **“TITLE II—ETHICS PLEDGE**

2       **“SEC. 201. DEFINITIONS.**

3       “For the purposes of this title, the following defini-  
4       tions apply:

5               “(1) The term ‘executive agency’ has the mean-  
6       ing given that term in section 105 of title 5, United  
7       States Code, and includes the Executive Office of  
8       the President, the United States Postal Service, and  
9       Postal Regulatory Commission, but does not include  
10      the Government Accountability Office.

11              “(2) The term ‘appointee’ means any noncareer  
12      Presidential or Vice-Presidential appointee, non-  
13      career appointee in the Senior Executive Service (or  
14      other SES-type system), or appointee to a position  
15      that has been excepted from the competitive service  
16      by reason of being of a confidential or policymaking  
17      character (Schedule C and other positions excepted  
18      under comparable criteria) in an executive agency,  
19      but does not include any individual appointed as a  
20      member of the Senior Foreign Service or solely as  
21      a uniformed service commissioned officer.

22              “(3) The term ‘gift’—

23                      “(A) has the meaning given that term in  
24                      section 2635.203(b) of title 5, Code of Federal  
25                      Regulations (or any successor regulation); and

1           “(B) does not include those items excluded  
2           by sections 2635.204(b), (c), (e)(1), (e)(3), (j),  
3           (k), and (l) of such title 5.

4           “(4) The term ‘covered executive branch offi-  
5           cial’ and ‘lobbyist’ have the meanings given those  
6           terms in section 3 of the Lobbying Disclosure Act of  
7           1995 (2 U.S.C. 1602).

8           “(5) The term ‘registered lobbyist or lobbying  
9           organization’ means a lobbyist or an organization fil-  
10          ing a registration pursuant to section 4(a) of the  
11          Lobbying Disclosure Act of 1995 (2 U.S.C.  
12          1603(a)), and in the case of an organization filing  
13          such a registration, ‘registered lobbyist’ includes  
14          each of the lobbyists identified therein.

15          “(6) The term ‘lobby’ and ‘lobbied’ mean to act  
16          or have acted as a registered lobbyist.

17          “(7) The term ‘former employer’—

18                 “(A) means a person or entity for whom  
19                 an appointee served as an employee, officer, di-  
20                 rector, trustee, partner, agent, attorney, con-  
21                 sultant, or contractor during the 2-year period  
22                 ending on the date before the date on which the  
23                 covered employee begins service in the Federal  
24                 Government; and

25                 “(B) does not include—

1 “(i) an agency or instrumentality of  
2 the Federal Government;

3 “(ii) a State or local government;

4 “(iii) the District of Columbia;

5 “(iv) an Indian tribe, as defined in  
6 section 4 of the Indian Self-Determination  
7 and Education Assistance Act (25 U.S.C.  
8 5304); or

9 “(v) the government of a territory or  
10 possession of the United States.

11 “(8) The term ‘former client’ means a person  
12 or entity for whom an appointee served personally as  
13 agent, attorney, or consultant during the 2-year pe-  
14 riod ending on the date before the date on which the  
15 covered employee begins service in the Federal Gov-  
16 ernment, but does not include an agency or instru-  
17 mentality of the Federal Government;

18 “(9) The term ‘directly and substantially re-  
19 lated to my former employer or former clients’  
20 means matters in which the appointee’s former em-  
21 ployer or a former client is a party or represents a  
22 party.

23 “(10) The term ‘participate’ means to partici-  
24 pate personally and substantially.

1           “(11) The term ‘post-employment restrictions’  
2 includes the provisions and exceptions in section  
3 207(c) of title 18, United States Code, and the im-  
4 plementing regulations.

5           “(12) The term ‘Government official’ means  
6 any employee of the executive branch.

7           “(13) The term ‘Administration’ means all  
8 terms of office of the incumbent President serving at  
9 the time of the appointment of an appointee covered  
10 by this title.

11           “(14) The term ‘pledge’ means the ethics  
12 pledge set forth in section 202 of this title.

13           “(15) All references to provisions of law and  
14 regulations shall refer to such provisions as in effect  
15 on the date of enactment of this title.

16 **“SEC. 202. ETHICS PLEDGE.**

17           “Each appointee in every executive agency appointed  
18 on or after the date of enactment of this section shall be  
19 required to sign an ethics pledge upon appointment. The  
20 pledge shall be signed and dated within 30 days of taking  
21 office and shall include, at a minimum, the following ele-  
22 ments:

23           “‘As a condition, and in consideration, of my employ-  
24 ment in the United States Government in a position in-  
25 vested with the public trust, I commit myself to the fol-

1 lowing obligations, which I understand are binding on me  
2 and are enforceable under law:

3 ““(1) Lobbyist Gift Ban.—I will not accept  
4 gifts from registered lobbyists or lobbying organiza-  
5 tions for the duration of my service as an appointee.

6 ““(2) Revolving Door Ban; Entering Govern-  
7 ment.—

8 ““(A) All Appointees Entering Govern-  
9 ment.—I will not, for a period of 2 years from  
10 the date of my appointment, participate in any  
11 particular matter involving specific party or  
12 parties that is directly and substantially related  
13 to my former employer or former clients, in-  
14 cluding regulations and contracts.

15 ““(B) Lobbyists Entering Government.—If  
16 I was a registered lobbyist within the 2 years  
17 before the date of my appointment, in addition  
18 to abiding by the limitations of subparagraph  
19 (A), I will not for a period of 2 years after the  
20 date of my appointment:

21 ““(i) participate in any particular  
22 matter on which I lobbied within the 2  
23 years before the date of my appointment;

1                   “(ii) participate in the specific issue  
2                   area in which that particular matter falls;  
3                   or

4                   “(iii) seek or accept employment with  
5                   any executive agency that I lobbied within  
6                   the 2 years before the date of my appoint-  
7                   ment.

8                   “(3) Revolving Door Ban; Appointees Leaving  
9                   Government.—

10                   “(A) All Appointees Leaving Govern-  
11                   ment.—If, upon my departure from the Govern-  
12                   ment, I am covered by the post-employment re-  
13                   strictions on communicating with employees of  
14                   my former executive agency set forth in section  
15                   207(c) of title 18, United States Code, I agree  
16                   that I will abide by those restrictions for a pe-  
17                   riod of 2 years following the end of my appoint-  
18                   ment.

19                   “(B) Appointees Leaving Government to  
20                   Lobby.—In addition to abiding by the limita-  
21                   tions of subparagraph (A), I also agree, upon  
22                   leaving Government service, not to lobby any  
23                   covered executive branch official or noncareer  
24                   Senior Executive Service appointee for the re-  
25                   mainder of the Administration.

1           “(4) Employment Qualification Commit-  
2           ment.—I agree that any hiring or other employment  
3           decisions I make will be based on the candidate’s  
4           qualifications, competence, and experience.

5           “(5) Assent to Enforcement.—I acknowledge  
6           that title II of the Ethics in Government Act of  
7           1978, which I have read before signing this docu-  
8           ment, defines certain of the terms applicable to the  
9           foregoing obligations and sets forth the methods for  
10          enforcing them. I expressly accept the provisions of  
11          that title as a part of this agreement and as binding  
12          on me. I understand that the terms of this pledge  
13          are in addition to any statutory or other legal re-  
14          strictions applicable to me by virtue of Federal Gov-  
15          ernment service.’”.

16   **“SEC. 203. WAIVER.**

17          “(a) The President or the President’s designee may  
18          grant to any current or former appointee a written waiver  
19          of any restrictions contained in the pledge signed by such  
20          appointee if, and to the extent that, the President or the  
21          President’s designee certifies (in writing) that, in light of  
22          all the relevant circumstances, the interest of the Federal  
23          Government in the employee’s participation outweighs the  
24          concern that a reasonable person may question the integ-  
25          rity of the agency’s programs or operations.



1 “(b) Any waiver under this section shall take effect  
2 when the certification is signed by the President or the  
3 President’s designee.

4 “(c) For purposes of subsection (a)(2), the public in-  
5 terest shall include exigent circumstances relating to na-  
6 tional security or to the economy. De minimis contact with  
7 an executive agency shall be cause for a waiver of the re-  
8 strictions contained in paragraph (2)(B) of the pledge.

9 “(d) For any waiver granted under this section, the  
10 individual who granted the waiver shall—

11 “(1) provide a copy of the waiver to the Direc-  
12 tor not more than 48 hours after the waiver is  
13 granted; and

14 “(2) publish the waiver on the website of the  
15 applicable agency not later than 30 calendar days  
16 after granting such waiver.

17 “(e) Upon receiving a written waiver under sub-  
18 section (d), the Director shall—

19 “(1) review the waiver to determine whether the  
20 Director has any objection to the issuance of the  
21 waiver; and

22 “(2) if the Director so objects—

23 “(A) provide reasons for the objection in  
24 writing to the head of the agency who granted

1 the waiver not more than 15 calendar days  
2 after the waiver was granted; and

3 “(B) publish the written objection on the  
4 website of the Office of Government Ethics not  
5 more than 30 calendar days after the waiver  
6 was granted.

7 **“SEC. 204. ADMINISTRATION.**

8 “(a) The head of each executive agency shall, in con-  
9 sultation with the Director of the Office of Government  
10 Ethics, establish such rules or procedures (conforming as  
11 nearly as practicable to the agency’s general ethics rules  
12 and procedures, including those relating to designated  
13 agency ethics officers) as are necessary or appropriate to  
14 ensure—

15 “(1) that every appointee in the agency signs  
16 the pledge upon assuming the appointed office or  
17 otherwise becoming an appointee;

18 “(2) that compliance with paragraph (2)(B) of  
19 the pledge is addressed in a written ethics agree-  
20 ment with each appointee to whom it applies;

21 “(3) that spousal employment issues and other  
22 conflicts not expressly addressed by the pledge are  
23 addressed in ethics agreements with appointees or,  
24 where no such agreements are required, through eth-  
25 ics counseling; and

1           “(4) compliance with this title within the agen-  
2       cy.

3           “(b) With respect to the Executive Office of the  
4 President, the duties set forth in subsection (a) shall be  
5 the responsibility of the Counsel to the President.

6           “(c) The Director of the Office of Government Ethics  
7 shall—

8           “(1) ensure that the pledge and a copy of this  
9 title are made available for use by agencies in ful-  
10 filling their duties under subsection (a);

11           “(2) in consultation with the Attorney General  
12 or the Counsel to the President, when appropriate,  
13 assist designated agency ethics officers in providing  
14 advice to current or former appointees regarding the  
15 application of the pledge;

16           “(3) adopt such rules or procedures as are nec-  
17 essary or appropriate—

18           “(A) to carry out the responsibilities as-  
19 signed by this subsection;

20           “(B) to apply the lobbyist gift ban set  
21 forth in paragraph 1 of the pledge to all execu-  
22 tive branch employees;

23           “(C) to authorize limited exceptions to the  
24 lobbyist gift ban for circumstances that do not  
25 implicate the purposes of the ban;

1           “(D) to make clear that no person shall  
2           have violated the lobbyist gift ban if the person  
3           properly disposes of a gift;

4           “(E) to ensure that existing rules and pro-  
5           cedures for Government employees engaged in  
6           negotiations for future employment with private  
7           businesses that are affected by their official ac-  
8           tions do not affect the integrity of the Govern-  
9           ment’s programs and operations; and

10          “(F) to ensure, in consultation with the  
11          Director of the Office of Personnel Manage-  
12          ment, that the requirement set forth in para-  
13          graph (4) of the pledge is honored by every em-  
14          ployee of the executive branch;

15          “(4) in consultation with the Director of the  
16          Office of Management and Budget, report to the  
17          President, the Committee on Oversight and Reform  
18          of the House of Representatives, and the Committee  
19          on Homeland Security and Governmental Affairs of  
20          the Senate on whether full compliance is being  
21          achieved with existing laws and regulations gov-  
22          erning executive branch procurement lobbying disclo-  
23          sure and on steps the executive branch can take to  
24          expand to the fullest extent practicable disclosure of  
25          such executive branch procurement lobbying and of

1 lobbying for presidential pardons, and to include in  
2 the report both immediate action the executive  
3 branch can take and, if necessary, recommendations  
4 for legislation; and

5 “(5) provide an annual public report on the ad-  
6 ministration of the pledge and this title.

7 “(d) All pledges signed by appointees, and all waiver  
8 certifications with respect thereto, shall be filed with the  
9 head of the appointee’s agency for permanent retention  
10 in the appointee’s official personnel folder or equivalent  
11 folder.”.

12 **Subtitle H—Travel on Private Air-**  
13 **craft by Senior Political Ap-**  
14 **pointees**

15 **SEC. 8071. SHORT TITLE.**

16 This subtitle may be cited as the “Stop Waste And  
17 Misuse by Presidential Flyers Landing Yet Evading Rules  
18 and Standards” or the “SWAMP FLYERS”.

19 **SEC. 8072. PROHIBITION ON USE OF FUNDS FOR TRAVEL**  
20 **ON PRIVATE AIRCRAFT.**

21 (a) IN GENERAL.—Beginning on the date of enact-  
22 ment of this subtitle, no Federal funds appropriated or  
23 otherwise made available in any fiscal year may be used  
24 to pay the travel expenses of any senior political appointee

1 for travel on official business on a non-commercial, pri-  
2 vate, or chartered flight.

3 (b) EXCEPTIONS.—The limitation in subsection (a)  
4 shall not apply—

5 (1) if no commercial flight was available for the  
6 travel in question, consistent with subsection (c); or

7 (2) to any travel on aircraft owned or leased by  
8 the Government.

9 (c) CERTIFICATION.—

10 (1) IN GENERAL.—Any senior political ap-  
11 pointee who travels on a non-commercial, private, or  
12 chartered flight under the exception provided in sub-  
13 section (b)(1) shall, not later than 30 days after the  
14 date of such travel, submit a written statement to  
15 Congress certifying that no commercial flight was  
16 available.

17 (2) PENALTY.—Any statement submitted under  
18 paragraph (1) shall be considered a statement for  
19 purposes of applying section 1001 of title 18, United  
20 States Code.

21 (d) DEFINITION OF SENIOR POLITICAL AP-  
22 POUNTEE.—In this subtitle, the term “senior political ap-  
23 pointee” means any individual occupying—

1 (1) a position listed under the Executive Sched-  
 2 ule (subchapter II of chapter 53 of title 5, United  
 3 States Code);

4 (2) a Senior Executive Service position that is  
 5 not a career appointee as defined under section  
 6 3132(a)(4) of such title; or

7 (3) a position of a confidential or policy-deter-  
 8 mining character under schedule C of subpart C of  
 9 part 213 of title 5, Code of Federal Regulations.

## 10 **Subtitle I—Severability**

### 11 **SEC. 8081. SEVERABILITY.**

12 If any provision of this title or any amendment made  
 13 by this title, or any application of such provision or  
 14 amendment to any person or circumstance, is held to be  
 15 unconstitutional, the remainder of the provisions of this  
 16 title and the amendments made by this title, and the appli-  
 17 cation of the provision or amendment to any other person  
 18 or circumstance, shall not be affected.

## 19 **TITLE IX—CONGRESSIONAL** 20 **ETHICS REFORM**

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

Sec. 9001. Requiring Members of Congress to reimburse Treasury for amounts  
 paid as settlements and awards under Congressional Account-  
 ability Act of 1995 in all cases of employment discrimination  
 acts by Members.

Subtitle B—Conflicts of Interests

- Sec. 9101. Prohibiting Members of House of Representatives from serving on boards of for-profit entities.
- Sec. 9102. Conflict of interest rules for Members of Congress and congressional staff.
- Sec. 9103. Exercise of rulemaking powers.

Subtitle C—Campaign Finance and Lobbying Disclosure

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

Subtitle D—Access to Congressionally Mandated Reports

- Sec. 9301. Short title.
- Sec. 9302. Definitions.
- Sec. 9303. Establishment of online portal for congressionally mandated reports.
- Sec. 9304. Federal agency responsibilities.
- Sec. 9305. Removing and altering reports.
- Sec. 9306. Relationship to the Freedom of Information Act.
- Sec. 9307. Implementation.

Subtitle E—Reports on Outside Compensation Earned by Congressional Employees

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

Subtitle F—Severability

- Sec. 9501. Severability.



1 **Subtitle A—Requiring Members of**  
2 **Congress To Reimburse Treas-**  
3 **ury for Amounts Paid as Settle-**  
4 **ments and Awards Under Con-**  
5 **gressional Accountability Act of**  
6 **1995**

7 **SEC. 9001. REQUIRING MEMBERS OF CONGRESS TO REIM-**  
8 **BURSE TREASURY FOR AMOUNTS PAID AS**  
9 **SETTLEMENTS AND AWARDS UNDER CON-**  
10 **GRESSIONAL ACCOUNTABILITY ACT OF 1995**  
11 **IN ALL CASES OF EMPLOYMENT DISCRIMINA-**  
12 **TION ACTS BY MEMBERS.**

13 (a) **REQUIRING REIMBURSEMENT.**—Clause (i) of sec-  
14 tion 415(d)(1)(C) of the Congressional Accountability Act  
15 of 1995 (2 U.S.C. 1415(d)(1)(C)) is amended to read as  
16 follows:

17 “(i) a violation of section 201(a) or  
18 section 206(a); or”.

19 (b) **CONFORMING AMENDMENT RELATING TO NOTI-**  
20 **FICATION OF POSSIBILITY OF REIMBURSEMENT.**—Clause  
21 (i) of section 402(b)(2)(B) of the Congressional Account-  
22 ability Act of 1995 (2 U.S.C. 1402(b)(2)(B)) is amended  
23 to read as follows:

24 “(i) a violation of section 201(a) or  
25 section 206(a); or”.

1 (c) EFFECTIVE DATE.—The amendments made by  
 2 this section shall take effect as if included in the enact-  
 3 ment of the Congressional Accountability Act of 1995 Re-  
 4 form Act.

## 5 **Subtitle B—Conflicts of Interests**

### 6 **SEC. 9101. PROHIBITING MEMBERS OF HOUSE OF REP-** 7 **RESENTATIVES FROM SERVING ON BOARDS** 8 **OF FOR-PROFIT ENTITIES.**

9 Rule XXIII of the Rules of the House of Representa-  
 10 tives is amended—

11 (1) by redesignating clause 22 as clause 23;

12 and

13 (2) by inserting after clause 21 the following

14 new clause:

15 “22. A Member, Delegate, or Resident Commissioner  
 16 may not serve on the board of directors of any for-profit  
 17 entity.”.

### 18 **SEC. 9102. CONFLICT OF INTEREST RULES FOR MEMBERS** 19 **OF CONGRESS AND CONGRESSIONAL STAFF.**

20 No Member, officer, or employee of a committee or  
 21 Member of either House of Congress may knowingly use  
 22 his or her official position to introduce or aid the progress  
 23 or passage of legislation, a principal purpose of which is  
 24 to further only his or her pecuniary interest, only the pecu-  
 25 niary interest of his or her immediate family, or only the

1 pecuniary interest of a limited class of persons or enter-  
2 prises, when he or she, or his or her immediate family,  
3 or enterprises controlled by them, are members of the af-  
4 fected class.

5 **SEC. 9103. EXERCISE OF RULEMAKING POWERS.**

6 The provisions of this subtitle are enacted by the  
7 Congress—

8 (1) as an exercise of the rulemaking power of  
9 the House of Representatives and the Senate, re-  
10 spectively, and as such they shall be considered as  
11 part of the rules of each House, respectively, or of  
12 that House to which they specifically apply, and  
13 such rules shall supersede other rules only to the ex-  
14 tent that they are inconsistent therewith; and

15 (2) with full recognition of the constitutional  
16 right of either House to change such rules (so far  
17 as relating to such House) at any time, in the same  
18 manner, and to the same extent as in the case of  
19 any other rule of such House.

20 **Subtitle C—Campaign Finance and**  
21 **Lobbying Disclosure**

22 **SEC. 9201. SHORT TITLE.**

23 This subtitle may be cited as the “Connecting Lobby-  
24 ists and Electeds for Accountability and Reform Act” or  
25 the “CLEAR Act”.

1 **SEC. 9202. REQUIRING DISCLOSURE IN CERTAIN REPORTS**  
2 **FILED WITH FEDERAL ELECTION COMMIS-**  
3 **SION OF PERSONS WHO ARE REGISTERED**  
4 **LOBBYISTS.**

5 (a) REPORTS FILED BY POLITICAL COMMITTEES.—  
6 Section 304(b) of the Federal Election Campaign Act of  
7 1971 (52 U.S.C. 30104(b)) is amended—

8 (1) by striking “and” at the end of paragraph  
9 (7);

10 (2) by striking the period at the end of para-  
11 graph (8) and inserting “; and”; and

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

14 “(9) if any person identified in subparagraph  
15 (A), (E), (F), or (G) of paragraph (3) is a registered  
16 lobbyist under the Lobbying Disclosure Act of 1995,  
17 a separate statement that such person is a reg-  
18 istered lobbyist under such Act.”.

19 (b) REPORTS FILED BY PERSONS MAKING INDE-  
20 PENDENT EXPENDITURES.—Section 304(c)(2) of such  
21 Act (52 U.S.C. 30104(c)(2)) is amended—

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

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

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

3           “(D) if the person filing the statement, or a  
4       person whose identification is required to be dis-  
5       closed under subparagraph (C), is a registered lob-  
6       byist under the Lobbying Disclosure Act of 1995, a  
7       separate statement that such person is a registered  
8       lobbyist under such Act.”.

9       (c) REPORTS FILED BY PERSONS MAKING DIS-  
10      BURSEMENTS FOR ELECTIONEERING COMMUNICA-  
11      TIONS.—Section 304(f)(2) of such Act (52 U.S.C.  
12      30104(f)(2)) is amended by adding at the end the fol-  
13      lowing new subparagraph:

14           “(G) If the person making the disburse-  
15       ment, or a contributor described in subpara-  
16       graph (E) or (F), is a registered lobbyist under  
17       the Lobbying Disclosure Act of 1995, a sepa-  
18       rate statement that such person or contributor  
19       is a registered lobbyist under such Act.”.

20       (d) REQUIRING COMMISSION TO ESTABLISH LINK TO  
21      WEBSITES OF CLERK OF HOUSE AND SECRETARY OF  
22      SENATE.—Section 304 of such Act (52 U.S.C. 30104),  
23      as amended by section 4002 and section 4208(a), is  
24      amended by adding at the end the following new sub-  
25      section:

1       “(1) REQUIRING INFORMATION ON REGISTERED LOB-  
2 BYISTS TO BE LINKED TO WEBSITES OF CLERK OF  
3 HOUSE AND SECRETARY OF SENATE.—

4           “(1) LINKS TO WEBSITES.—The Commission  
5 shall ensure that the Commission’s public database  
6 containing information described in paragraph (2) is  
7 linked electronically to the websites maintained by  
8 the Secretary of the Senate and the Clerk of the  
9 House of Representatives containing information  
10 filed pursuant to the Lobbying Disclosure Act of  
11 1995.

12           “(2) INFORMATION DESCRIBED.—The informa-  
13 tion described in this paragraph is each of the fol-  
14 lowing:

15           “(A) Information disclosed under para-  
16 graph (9) of subsection (b).

17           “(B) Information disclosed under subpara-  
18 graph (D) of subsection (c)(2).

19           “(C) Information disclosed under subpara-  
20 graph (G) of subsection (f)(2).”.

21 **SEC. 9203. EFFECTIVE DATE.**

22       The amendments made by this subtitle shall apply  
23 with respect to reports required to be filed under the Fed-  
24 eral Election Campaign Act of 1971 on or after the expira-

tion of the 90-day period which begins on the date of the enactment of this Act.

## **Subtitle D—Access to Congressionally Mandated Reports**

### **SEC. 9301. SHORT TITLE.**

This subtitle may be cited as the “Access to Congressionally Mandated Reports Act”.

### **SEC. 9302. DEFINITIONS.**

In this subtitle:

(1) CONGRESSIONALLY MANDATED REPORT.—

The term “congressionally mandated report”—

(A) means a report that is required to be submitted to either House of Congress or any committee of Congress, or subcommittee thereof, by a statute, resolution, or conference report that accompanies legislation enacted into law; and

(B) does not include a report required under part B of subtitle II of title 36, United States Code.

(2) DIRECTOR.—The term “Director” means the Director of the Government Publishing Office.

(3) FEDERAL AGENCY.—The term “Federal agency” has the meaning given that term under sec-

1       tion 102 of title 40, United States Code, but does  
2       not include the Government Accountability Office.

3           (4) OPEN FORMAT.—The term “open format”  
4       means a file format for storing digital data based on  
5       an underlying open standard that—

6           (A) is not encumbered by any restrictions  
7       that would impede reuse; and

8           (B) is based on an underlying open data  
9       standard that is maintained by a standards or-  
10      ganization.

11          (5) REPORTS ONLINE PORTAL.—The term “re-  
12      ports online portal” means the online portal estab-  
13      lished under section 9303(a).

14   **SEC. 9303. ESTABLISHMENT OF ONLINE PORTAL FOR CON-**  
15                   **GRESSIONALLY MANDATED REPORTS.**

16          (a) REQUIREMENT TO ESTABLISH ONLINE POR-  
17      TAL.—

18           (1) IN GENERAL.—Not later than 1 year after  
19      the date of enactment of this Act, the Director shall  
20      establish and maintain an online portal accessible by  
21      the public that allows the public to obtain electronic  
22      copies of all congressionally mandated reports in one  
23      place. The Director may publish other reports on the  
24      online portal.



1           (2) EXISTING FUNCTIONALITY.—To the extent  
2           possible, the Director shall meet the requirements  
3           under paragraph (1) by using existing online portals  
4           and functionality under the authority of the Direc-  
5           tor.

6           (3) CONSULTATION.—In carrying out this sub-  
7           title, the Director shall consult with the Clerk of the  
8           House of Representatives, the Secretary of the Sen-  
9           ate, and the Librarian of Congress regarding the re-  
10          quirements for and maintenance of congressionally  
11          mandated reports on the reports online portal.

12          (b) CONTENT AND FUNCTION.—The Director shall  
13          ensure that the reports online portal includes the fol-  
14          lowing:

15                (1) Subject to subsection (c), with respect to  
16                each congressionally mandated report, each of the  
17                following:

18                    (A) A citation to the statute, conference  
19                    report, or resolution requiring the report.

20                    (B) An electronic copy of the report, in-  
21                    cluding any transmittal letter associated with  
22                    the report, in an open format that is platform  
23                    independent and that is available to the public  
24                    without restrictions, including restrictions that

1 would impede the re-use of the information in  
2 the report.

3 (C) The ability to retrieve a report, to the  
4 extent practicable, through searches based on  
5 each, and any combination, of the following:

6 (i) The title of the report.

7 (ii) The reporting Federal agency.

8 (iii) The date of publication.

9 (iv) Each congressional committee re-  
10 ceiving the report, if applicable.

11 (v) The statute, resolution, or con-  
12 ference report requiring the report.

13 (vi) Subject tags.

14 (vii) A unique alphanumeric identifier  
15 for the report that is consistent across re-  
16 port editions.

17 (viii) The serial number, Super-  
18 intendent of Documents number, or other  
19 identification number for the report, if ap-  
20 plicable.

21 (ix) Key words.

22 (x) Full text search.

23 (xi) Any other relevant information  
24 specified by the Director.

1 (D) The date on which the report was re-  
2 quired to be submitted, and on which the report  
3 was submitted, to the reports online portal.

4 (E) Access to the report not later than 30  
5 calendar days after its submission to Congress.

6 (F) To the extent practicable, a permanent  
7 means of accessing the report electronically.

8 (2) A means for bulk download of all congres-  
9 sionally mandated reports.

10 (3) A means for downloading individual reports  
11 as the result of a search.

12 (4) An electronic means for the head of each  
13 Federal agency to submit to the reports online por-  
14 tal each congressionally mandated report of the  
15 agency, as required by section 9304.

16 (5) In tabular form, a list of all congressionally  
17 mandated reports that can be searched, sorted, and  
18 downloaded by—

19 (A) reports submitted within the required  
20 time;

21 (B) reports submitted after the date on  
22 which such reports were required to be sub-  
23 mitted; and

24 (C) reports not submitted.

25 (c) NONCOMPLIANCE BY FEDERAL AGENCIES.—

1           (1) REPORTS NOT SUBMITTED.—If a Federal  
2           agency does not submit a congressionally mandated  
3           report to the Director, the Director shall to the ex-  
4           tent practicable—

5                   (A) include on the reports online portal—

6                           (i) the information required under  
7                           clauses (i), (ii), (iv), and (v) of subsection  
8                           (b)(1)(C); and

9                           (ii) the date on which the report was  
10                          required to be submitted; and

11                   (B) include the congressionally mandated  
12           report on the list described in subsection  
13           (b)(5)(C).

14           (2) REPORTS NOT IN OPEN FORMAT.—If a Fed-  
15           eral agency submits a congressionally mandated re-  
16           port that is not in an open format, the Director shall  
17           include the congressionally mandated report in an-  
18           other format on the reports online portal.

19           (d) FREE ACCESS.—The Director may not charge a  
20           fee, require registration, or impose any other limitation  
21           in exchange for access to the reports online portal.

22           (e) UPGRADE CAPABILITY.—The reports online por-  
23           tal shall be enhanced and updated as necessary to carry  
24           out the purposes of this subtitle.

1 **SEC. 9304. FEDERAL AGENCY RESPONSIBILITIES.**

2 (a) SUBMISSION OF ELECTRONIC COPIES OF RE-  
3 PORTS.—Concurrently with the submission to Congress of  
4 each congressionally mandated report, the head of the  
5 Federal agency submitting the congressionally mandated  
6 report shall submit to the Director the information re-  
7 quired under subparagraphs (A) through (D) of section  
8 9303(b)(1) with respect to the congressionally mandated  
9 report. Nothing in this subtitle shall relieve a Federal  
10 agency of any other requirement to publish the congres-  
11 sionally mandated report on the online portal of the Fed-  
12 eral agency or otherwise submit the congressionally man-  
13 dated report to Congress or specific committees of Con-  
14 gress, or subcommittees thereof.

15 (b) GUIDANCE.—Not later than 240 days after the  
16 date of enactment of this Act, the Director of the Office  
17 of Management and Budget, in consultation with the Di-  
18 rector, shall issue guidance to agencies on the implementa-  
19 tion of this subtitle.

20 (c) STRUCTURE OF SUBMITTED REPORT DATA.—  
21 The head of each Federal agency shall ensure that each  
22 congressionally mandated report submitted to the Director  
23 complies with the open format criteria established by the  
24 Director in the guidance issued under subsection (b).

1 (d) POINT OF CONTACT.—The head of each Federal  
2 agency shall designate a point of contact for congression-  
3 ally mandated report.

4 (e) LIST OF REPORTS.—As soon as practicable each  
5 calendar year (but not later than April 1), and on a rolling  
6 basis during the year if feasible, the Librarian of Congress  
7 shall submit to the Director a list of congressionally man-  
8 dated reports from the previous calendar year, in consulta-  
9 tion with the Clerk of the House of Representatives, which  
10 shall—

11 (1) be provided in an open format;

12 (2) include the information required under  
13 clauses (i), (ii), (iv), and (v) of section  
14 9303(b)(1)(C) for each report;

15 (3) include the frequency of the report;

16 (4) include a unique alphanumeric identifier for  
17 the report that is consistent across report editions;

18 (5) include the date on which each report is re-  
19 quired to be submitted; and

20 (6) be updated and provided to the Director, as  
21 necessary.

22 **SEC. 9305. REMOVING AND ALTERING REPORTS.**

23 A report submitted to be published to the reports on-  
24 line portal may only be changed or removed, with the ex-

1 ception of technical changes, by the head of the Federal  
2 agency concerned if—

3           (1) the head of the Federal agency consults  
4       with each congressional committee to which the re-  
5       port is submitted; and

6           (2) Congress enacts a joint resolution author-  
7       izing the changing or removal of the report.

8 **SEC. 9306. RELATIONSHIP TO THE FREEDOM OF INFORMA-**  
9 **TION ACT.**

10       (a) IN GENERAL.—Nothing in this subtitle shall be  
11 construed to—

12           (1) require the disclosure of information or  
13       records that are exempt from public disclosure under  
14       section 552 of title 5, United States Code; or

15           (2) to impose any affirmative duty on the Di-  
16       rector to review congressionally mandated reports  
17       submitted for publication to the reports online portal  
18       for the purpose of identifying and redacting such in-  
19       formation or records.

20       (b) REDACTION OF INFORMATION.—The head of a  
21 Federal agency may redact information required to be dis-  
22 closed under this subtitle if the information would be prop-  
23 erly withheld from disclosure under section 552 of title  
24 5, United States Code, and shall—

1           (1) redact information required to be disclosed  
2           under this subtitle if disclosure of such information  
3           is prohibited by law;

4           (2) redact information being withheld under  
5           this subsection prior to submitting the information  
6           to the Director;

7           (3) redact only such information properly with-  
8           held under this subsection from the submission of  
9           information or from any congressionally mandated  
10          report submitted under this subtitle;

11          (4) identify where any such redaction is made  
12          in the submission or report; and

13          (5) identify the exemption under which each  
14          such redaction is made.

15 **SEC. 9307. IMPLEMENTATION.**

16          Except as provided in section 9304(b), this subtitle  
17          shall be implemented not later than 1 year after the date  
18          of enactment of this Act and shall apply with respect to  
19          congressionally mandated reports submitted to Congress  
20          on or after the date that is 1 year after such date of enact-  
21          ment.



1 **Subtitle E—Reports on Outside**  
2 **Compensation Earned by Con-**  
3 **gressional Employees**

4 **SEC. 9401. REPORTS ON OUTSIDE COMPENSATION EARNED**  
5 **BY CONGRESSIONAL EMPLOYEES.**

6 (a) REPORTS.—The supervisor of an individual who  
7 performs services for any Member, committee, or other of-  
8 fice of the Senate or House of Representatives for a period  
9 in excess of four weeks and who receives compensation  
10 therefor from any source other than the Federal Govern-  
11 ment shall submit a report identifying the identity of the  
12 source, amount, and rate of such compensation to—

13 (1) the Select Committee on Ethics of the Sen-  
14 ate, in the case of an individual who performs serv-  
15 ices for a Member, committee, or other office of the  
16 Senate; or

17 (2) the Committee on Ethics of the House of  
18 Representatives, in the case of an individual who  
19 performs services for a Member (including a Dele-  
20 gate or Resident Commissioner to the Congress),  
21 committee, or other office of the House.

22 (b) TIMING.—The supervisor shall submit the report  
23 required under subsection (a) with respect to an indi-  
24 vidual—

1 (1) when such individual first begins per-  
 2 forming services described in such subparagraph;

3 (2) at the close of each calendar quarter during  
 4 which such individual is performing such services;  
 5 and

6 (3) when such individual ceases to perform such  
 7 services.

## 8 **Subtitle F—Severability**

### 9 **SEC. 9501. SEVERABILITY.**

10 If any provision of this title or amendment made by  
 11 this title, or the application of a provision or amendment  
 12 to any person or circumstance, is held to be unconstitu-  
 13 tional, the remainder of this title and amendments made  
 14 by this title, and the application of the provisions and  
 15 amendment to any person or circumstance, shall not be  
 16 affected by the holding.

## 17 **TITLE X—PRESIDENTIAL AND** 18 **VICE PRESIDENTIAL TAX** 19 **TRANSPARENCY**

Sec. 10001. Presidential and Vice Presidential tax transparency.

### 20 **SEC. 10001. PRESIDENTIAL AND VICE PRESIDENTIAL TAX** 21 **TRANSPARENCY.**

22 (a) DEFINITIONS.—In this section—

1           (1) The term “covered candidate” means a can-  
2       didate of a major party in a general election for the  
3       office of President or Vice President.

4           (2) The term “major party” has the meaning  
5       given the term in section 9002 of the Internal Rev-  
6       enue Code of 1986.

7           (3) The term “income tax return” means, with  
8       respect to an individual, any return (as such term is  
9       defined in section 6103(b)(1) of the Internal Rev-  
10      enue Code of 1986, except that such term shall not  
11      include declarations of estimated tax) of—

12                (A) such individual, other than information  
13      returns issued to persons other than such indi-  
14      vidual; or

15                (B) of any corporation, partnership, or  
16      trust in which such individual holds, directly or  
17      indirectly, a significant interest as the sole or  
18      principal owner or the sole or principal bene-  
19      ficial owner (as such terms are defined in regu-  
20      lations prescribed by the Secretary of the  
21      Treasury or his delegate).

22           (4) The term “Secretary” means the Secretary  
23      of the Treasury or the delegate of the Secretary.

24      (b) DISCLOSURE.—

25           (1) IN GENERAL.—

1           (A) CANDIDATES FOR PRESIDENT AND  
2 VICE PRESIDENT.—Not later than the date that  
3 is 15 days after the date on which an individual  
4 becomes a covered candidate, the individual  
5 shall submit to the Federal Election Commis-  
6 sion a copy of the individual's income tax re-  
7 turns for the 10 most recent taxable years for  
8 which a return has been filed with the Internal  
9 Revenue Service.

10           (B) PRESIDENT AND VICE PRESIDENT.—  
11 With respect to an individual who is the Presi-  
12 dent or Vice President, not later than the due  
13 date for the return of tax for each taxable year,  
14 such individual shall submit to the Federal  
15 Election Commission a copy of the individual's  
16 income tax returns for the taxable year and for  
17 the 9 preceding taxable years.

18           (C) TRANSITION RULE FOR SITTING PRESI-  
19 DENTS AND VICE PRESIDENTS.—Not later than  
20 the date that is 30 days after the date of enact-  
21 ment of this section, an individual who is the  
22 President or Vice President on such date of en-  
23 actment shall submit to the Federal Election  
24 Commission a copy of the income tax returns  
25 for the 10 most recent taxable years for which

1           a return has been filed with the Internal Rev-  
2           enue Service.

3           (2) FAILURE TO DISCLOSE.—If any require-  
4           ment under paragraph (1) to submit an income tax  
5           return is not met, the chairman of the Federal Elec-  
6           tion Commission shall submit to the Secretary a  
7           written request that the Secretary provide the Fed-  
8           eral Election Commission with the income tax re-  
9           turn.

10          (3) PUBLICLY AVAILABLE.—The chairman of  
11          the Federal Election Commission shall make publicly  
12          available each income tax return submitted under  
13          paragraph (1) in the same manner as a return pro-  
14          vided under section 6103(l)(23) of the Internal Rev-  
15          enue Code of 1986 (as added by this section).

16          (4) TREATMENT AS A REPORT UNDER THE  
17          FEDERAL ELECTION CAMPAIGN ACT OF 1971.—For  
18          purposes of the Federal Election Campaign Act of  
19          1971, any income tax return submitted under para-  
20          graph (1) or provided under section 6103(l)(23) of  
21          the Internal Revenue Code of 1986 (as added by  
22          this section) shall, after redaction under paragraph  
23          (3) or subparagraph (B)(ii) of such section, be treat-  
24          ed as a report filed under the Federal Election Cam-  
25          paign Act of 1971.

1       (c) DISCLOSURE OF RETURNS OF PRESIDENTS AND  
2 VICE PRESIDENTS AND CERTAIN CANDIDATES FOR  
3 PRESIDENT AND VICE PRESIDENT.—

4           (1) IN GENERAL.—Section 6103(l) of the Inter-  
5 nal Revenue Code of 1986 is amended by adding at  
6 the end the following new paragraph:

7           “(23) DISCLOSURE OF RETURN INFORMATION  
8 OF PRESIDENTS AND VICE PRESIDENTS AND CER-  
9 TAIN CANDIDATES FOR PRESIDENT AND VICE PRESI-  
10 DENT.—

11           “(A) IN GENERAL.—Upon written request  
12 by the chairman of the Federal Election Com-  
13 mission under section 10001(b)(2) of the For  
14 the People Act of 2021, not later than the date  
15 that is 15 days after the date of such request,  
16 the Secretary shall provide copies of any return  
17 which is so requested to officers and employees  
18 of the Federal Election Commission whose offi-  
19 cial duties include disclosure or redaction of  
20 such return under this paragraph.

21           “(B) DISCLOSURE TO THE PUBLIC.—

22           “(i) IN GENERAL.—The chairman of  
23 the Federal Election Commission shall  
24 make publicly available any return which is  
25 provided under subparagraph (A).

1                   “(ii) REDACTION OF CERTAIN INFOR-  
2                   MATION.—Before making publicly available  
3                   under clause (i) any return, the chairman  
4                   of the Federal Election Commission shall  
5                   redact such information as the Federal  
6                   Election Commission and the Secretary  
7                   jointly determine is necessary for pro-  
8                   tecting against identity theft, such as so-  
9                   cial security numbers.”.

10               (2) CONFORMING AMENDMENTS.—Section  
11               6103(p)(4) of such Code is amended—

12                   (A) in the matter preceding subparagraph  
13                   (A) by striking “or (22)” and inserting “(22),  
14                   or (23)”; and

15                   (B) in subparagraph (F)(ii) by striking “or  
16                   (22)” and inserting “(22), or (23)”.

17               (3) EFFECTIVE DATE.—The amendments made  
18               by this subsection shall apply to disclosures made on  
19               or after the date of enactment of this Act.

○