

116TH CONGRESS
1ST SESSION

H. R. 1612

To ensure election security, enhance Americans' access to the ballot box, reduce the influence of big money in politics through transparency, establish accountability and integrity measures for Congress, and strengthen ethics rules for public servants, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 7, 2019

Mr. FITZPATRICK introduced the following bill; which was referred to the Committee on House Administration, and in addition to the Committees on Science, Space, and Technology, the Judiciary, Homeland Security, Intelligence (Permanent Select), Ways and Means, Financial Services, Oversight and Reform, and Ethics, 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

A BILL

To ensure election security, enhance Americans' access to the ballot box, reduce the influence of big money in politics through transparency, establish accountability and integrity measures for Congress, and strengthen ethics rules for public servants, and for other purposes.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Nonpartisan Bill For
5 the People Act of 2019”.

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

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

5 (1) Division A—Voting and Elections.

6 (2) Division B—Campaign Finance.

7 (3) Division C—Ethics.

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

Sec. 1. Short title.

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

DIVISION A—VOTING AND ELECTIONS

TITLE I—ELECTION ACCESS

Subtitle A—Voter Registration Modernization

Sec. 1001. Short title; findings and purpose.

Sec. 1002. Automatic registration of eligible individuals.

Sec. 1003. Contributing agency assistance in registration.

Sec. 1004. One-time contributing agency assistance in registration of eligible
voters in existing records.

Sec. 1005. Voter protection and security in automatic registration.

Sec. 1006. Registration portability and correction.

Sec. 1007. Payments and grants.

Sec. 1008. Treatment of exempt States.

Sec. 1009. Miscellaneous provisions.

Sec. 1010. Definitions.

Sec. 1011. Effective date.

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. Pilot programs for enabling individuals with disabilities to register
to vote and vote privately and independently at residences.

Sec. 1103. Expansion and reauthorization of grant program to assure voting
access for individuals with disabilities.

Subtitle C—CLEAN Elections

Sec. 1201. Short title.

Sec. 1202. Requiring open primaries.

Sec. 1203. Sense of Congress on need for term limits for Members.

Subtitle D—Election Integrity

Sec. 1301. Requiring voters to provide photo identification.

TITLE II—REDISTRICTING REFORM

Sec. 2001. Short title; finding of constitutional authority.

Subtitle A—Requirements for Congressional Redistricting

Sec. 2101. Limit on congressional redistricting after an apportionment.

Sec. 2102. Requiring congressional redistricting to be conducted through plan of independent State commission.

Subtitle B—Independent Redistricting Commissions

Sec. 2201. Independent redistricting commission.

Sec. 2202. Establishment of selection pool of individuals eligible to serve as members of commission.

Sec. 2203. Criteria for redistricting plan by independent commission; public notice and input.

Sec. 2204. Establishment of related entities.

Subtitle C—Administrative and Miscellaneous Provisions

Sec. 2301. Payments to States for carrying out redistricting.

Sec. 2302. State apportionment notice defined.

Sec. 2303. No effect on elections for State and local office.

Sec. 2304. Effective date.

Subtitle D—Severability

Sec. 2401. Severability.

TITLE III—ELECTION SECURITY

Sec. 3000. Short title; sense of Congress.

Subtitle A—Financial Support for Election Infrastructure

PART 1—GRANTS FOR RISK-LIMITING AUDITS OF RESULTS OF ELECTIONS

Sec. 3001. Grants to States for conducting risk-limiting audits of results of elections.

Sec. 3002. GAO analysis of effects of audits.

PART 2—ELECTION INFRASTRUCTURE INNOVATION GRANT PROGRAM

Sec. 3011. 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.

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.
- Sec. 3403. Definitions.

Subtitle F—Miscellaneous Provisions

- Sec. 3501. Definitions.
- Sec. 3502. Initial report on adequacy of resources available for implementation.

Subtitle G—Severability

- Sec. 3601. Severability.

DIVISION B—CAMPAIGN FINANCE

TITLE IV—CAMPAIGN FINANCE TRANSPARENCY

Subtitle A—Findings Relating to Illicit Money Undermining Our Democracy

- Sec. 4001. Findings relating to illicit money undermining our democracy.

Subtitle B—DISCLOSE Act

- Sec. 4100. Short title.

PART 1—REGULATION OF CERTAIN POLITICAL SPENDING

- Sec. 4101. Application of ban on contributions and expenditures by foreign nationals to domestic corporations, limited liability corporations, and partnerships that are foreign-controlled, foreign-influenced, and foreign-owned.
- Sec. 4102. Clarification of application of foreign money ban to certain disbursements and activities.

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—Honest Ads

- 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.

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—Secret Money Transparency

- Sec. 4401. Repeal of restriction of use of funds by Internal Revenue Service to bring transparency to political activity of certain nonprofit organizations.

Subtitle F—Shareholder Right-To-Know

- Sec. 4501. Repeal of restriction on use of funds by Securities and Exchange Commission to ensure shareholders of corporations have knowledge of corporation political activity.

Subtitle G—Disclosure of Political Spending by Government Contractors

- Sec. 4601. Repeal of restriction on use of funds to require disclosure of political spending by government contractors.

Subtitle H—Limitation and Disclosure Requirements for Presidential Inaugural Committees

- Sec. 4701. Short title.
- Sec. 4702. Limitations and disclosure of certain donations to, and disbursements by, inaugural committees.

Subtitle I—Severability

- Sec. 4801. Severability.

TITLE V—CAMPAIGN FINANCE OVERSIGHT

Subtitle A—Restoring Integrity to America’s Elections

- Sec. 5001. Short title.
- Sec. 5002. Membership of Federal Election Commission.
- Sec. 5003. Assignment of powers to Chair of Federal Election Commission.

- Sec. 5004. Revision to enforcement process.
- Sec. 5005. Permitting appearance at hearings on requests for advisory opinions by persons opposing the requests.
- Sec. 5006. Permanent extension of administrative penalty authority.
- Sec. 5007. Effective date; transition.

Subtitle B—Stopping Super PAC–Candidate Coordination

- Sec. 5101. Short title.
- Sec. 5102. Clarification of treatment of coordinated expenditures as contributions to candidates.
- Sec. 5103. Clarification of ban on fundraising for super PACs by Federal candidates and officeholders.

Subtitle C—Severability

- Sec. 5201. Severability.

DIVISION C—ETHICS

TITLE VI—ETHICAL STANDARDS

Subtitle A—Supreme Court Ethics

- Sec. 6001. Code of conduct for Federal judges.

Subtitle B—Foreign Agents Registration

- Sec. 6101. Establishment of FARA investigation and enforcement unit within Department of Justice.
- Sec. 6102. Authority to impose civil money penalties.
- Sec. 6103. Disclosure of transactions involving things of financial value conferred on officeholders.

Subtitle C—Lobbying Disclosure Reform

- Sec. 6201. Expanding scope of individuals and activities subject to requirements of Lobbying Disclosure Act of 1995.

Subtitle D—Recusal of Presidential Appointees

- Sec. 6301. Recusal of appointees.

Subtitle E—Severability

- Sec. 6401. Severability.

TITLE VII—ETHICS REFORMS FOR THE PRESIDENT, VICE PRESIDENT, AND FEDERAL OFFICERS AND EMPLOYEES

Subtitle A—Executive Branch Conflict of Interest

- Sec. 7001. Short title.
- Sec. 7002. Restrictions on private sector payment for Government service.
- Sec. 7003. Requirements relating to slowing the revolving door.
- Sec. 7004. Prohibition of procurement officers accepting employment from Government contractors.
- Sec. 7005. Revolving door restrictions on employees moving into the private sector.

Subtitle B—Presidential Conflicts of Interest

- Sec. 7011. Short title.
- Sec. 7012. Divestiture of personal financial interests of the President and Vice President that pose a potential conflict of interest.
- Sec. 7013. Initial financial disclosure.
- Sec. 7014. Contracts by the President or Vice President.

Subtitle C—White House Ethics Transparency

- Sec. 7021. Short title.
- Sec. 7022. Procedure for waivers and authorizations relating to ethics requirements.

Subtitle D—Executive Branch Ethics Enforcement

- Sec. 7031. Short title.
- Sec. 7032. Reauthorization of the Office of Government Ethics.
- Sec. 7033. Tenure of the Director of the Office of Government Ethics.
- Sec. 7034. Duties of Director of the Office of Government Ethics.
- Sec. 7035. Agency ethics officials training and duties.

Subtitle E—Conflicts From Political Fundraising

- Sec. 7041. Short title.
- Sec. 7042. Disclosure of certain types of contributions.

Subtitle F—Transition Team Ethics

- Sec. 7051. Short title.
- Sec. 7052. Presidential transition ethics programs.

Subtitle G—Ethics Pledge for Senior Executive Branch Employees

- Sec. 7061. Short title.
- Sec. 7062. Ethics pledge requirement for senior executive branch employees.

Subtitle H—Severability

- Sec. 7071. Severability.

TITLE VIII—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. 8001. 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. 8101. Prohibiting Members of House of Representatives from serving on boards of for-profit entities.
- Sec. 8102. Conflict of interest rules for Members of Congress and congressional staff.
- Sec. 8103. Exercise of rulemaking powers.

Subtitle C—Campaign Finance and Lobbying Disclosure

- Sec. 8201. Short title.
- Sec. 8202. Requiring disclosure in certain reports filed with Federal Election Commission of persons who are registered lobbyists.
- Sec. 8203. Effective date.

Subtitle D—Access to Congressionally Mandated Reports

- Sec. 8301. Short title.
- Sec. 8302. Definitions.
- Sec. 8303. Establishment of online portal for congressionally mandated reports.
- Sec. 8304. Federal agency responsibilities.
- Sec. 8305. Removing and altering reports.
- Sec. 8306. Relationship to the Freedom of Information Act.
- Sec. 8307. Implementation.

Subtitle E—CLEAN Congress

- Sec. 8401. Short title.
- Sec. 8402. Prohibiting multiple subjects in single bill.
- Sec. 8403. Requiring equal application of laws to Members of Congress.

Subtitle F—CLEAN Public Service

- Sec. 8501. Short title.
- Sec. 8502. Termination of further retirement benefits for Members of Congress.

Subtitle G—No Budget, No Pay

- Sec. 8601. Short title.
- Sec. 8602. Definition.
- Sec. 8603. Timely approval of concurrent resolution on the budget and the appropriations bills.
- Sec. 8604. No pay without concurrent resolution on the budget and the appropriations bills.
- Sec. 8605. Determinations.
- Sec. 8606. Effective date.

Subtitle H—No Work, No Pay

- Sec. 8701. Short title.
- Sec. 8702. Prohibiting paying Members of Congress during Government shutdowns.
- Sec. 8703. Definitions.

Subtitle I—Severability

- Sec. 8801. Severability.

TITLE IX—PRESIDENTIAL, VICE PRESIDENTIAL, AND CONGRESSIONAL TAX TRANSPARENCY

- Sec. 9001. Presidential, Vice Presidential, and congressional tax transparency.

1 **DIVISION A—VOTING AND**
 2 **ELECTIONS**
 3 **TITLE I—ELECTION ACCESS**

 Subtitle A—Voter Registration Modernization

- Sec. 1001. Short title; findings and purpose.
 Sec. 1002. Automatic registration of eligible individuals.
 Sec. 1003. Contributing agency assistance in registration.
 Sec. 1004. One-time contributing agency assistance in registration of eligible voters in existing records.
 Sec. 1005. Voter protection and security in automatic registration.
 Sec. 1006. Registration portability and correction.
 Sec. 1007. Payments and grants.
 Sec. 1008. Treatment of exempt States.
 Sec. 1009. Miscellaneous provisions.
 Sec. 1010. Definitions.
 Sec. 1011. Effective date.

 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. Pilot programs for enabling individuals with disabilities to register to vote and vote privately and independently at residences.
 Sec. 1103. Expansion and reauthorization of grant program to assure voting access for individuals with disabilities.

 Subtitle C—CLEAN Elections

- Sec. 1201. Short title.
 Sec. 1202. Requiring open primaries.
 Sec. 1203. Sense of Congress on need for term limits for Members.

 Subtitle D—Election Integrity

- Sec. 1301. Requiring voters to provide photo identification.

4 **Subtitle A—Voter Registration**
 5 **Modernization**

6 **SEC. 1001. SHORT TITLE; FINDINGS AND PURPOSE.**

7 (a) SHORT TITLE.—This subtitle may be cited as the
 8 “Automatic Voter Registration Act of 2019”.

9 (b) FINDINGS AND PURPOSE.—

10 (1) FINDINGS.—Congress finds that—

1 (A) the right to vote is a fundamental
2 right of citizens of the United States;

3 (B) it is the responsibility of the State and
4 Federal governments to ensure that every eligi-
5 ble citizen is registered to vote;

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

12 (D) voter registration systems must be up-
13 dated with 21st-century technologies and proce-
14 dures to maintain their security.

15 (2) PURPOSE.—It is the purpose of this sub-
16 title—

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

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

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

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

7 **SEC. 1002. AUTOMATIC REGISTRATION OF ELIGIBLE INDIVIDUALS.**
8

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

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

17 (2) **DEFINITION.**—The term “automatic registration” means a system that registers an individual to vote in elections for Federal office in a State, if eligible, by electronically transferring the information necessary for registration from government agencies to election officials of the State so that, unless the individual affirmatively declines to be registered, the individual will be registered to vote in such elections.

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

4 (1) not later than 15 days after a contributing
5 agency has transmitted information with respect to
6 an individual pursuant to section 1003, ensure that
7 the individual is registered to vote in elections for
8 Federal office in the State if the individual is eligible
9 to be registered to vote in such elections; and

10 (2) send written notice to the individual, in ad-
11 dition to other means of notice established by this
12 part, of the individual's voter registration status.

13 (c) ONE-TIME REGISTRATION OF VOTERS BASED ON
14 EXISTING CONTRIBUTING AGENCY RECORDS.—The chief
15 State election official shall—

16 (1) identify all individuals whose information is
17 transmitted by a contributing agency pursuant to
18 section 1004 and who are eligible to be, but are not
19 currently, registered to vote in that State;

20 (2) promptly send each such individual written
21 notice, in addition to other means of notice estab-
22 lished by this part, which shall not identify the con-
23 tributing agency that transmitted the information
24 but shall include—

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

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

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

17 (D) the substantive qualifications of an
18 elector in the State as listed in the mail voter
19 registration application form for elections for
20 Federal office prescribed pursuant to section 9
21 of the National Voter Registration Act of 1993,
22 the consequences of false registration, and a
23 statement that the individual should decline to
24 register if the individual does not meet all those
25 qualifications;

1 (E) instructions for correcting any erro-
2 neous information; and

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

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

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

24 (d) TREATMENT OF INDIVIDUALS UNDER 18 YEARS
25 OF AGE.—A State may not refuse to treat an individual

1 as an eligible individual for purposes of this subtitle on
2 the grounds that the individual is less than 18 years of
3 age at the time a contributing agency receives information
4 with respect to the individual, so long as the individual
5 is at least 16 years of age at such time.

6 (e) CONTRIBUTING AGENCY DEFINED.—In this part,
7 the term “contributing agency” means, with respect to a
8 State, an agency listed in section 1003(e).

9 **SEC. 1003. CONTRIBUTING AGENCY ASSISTANCE IN REG-**
10 **ISTRATION.**

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

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

17 (1) INSTRUCTIONS ON AUTOMATIC REGISTRA-
18 TION.—With each application for service or assist-
19 ance, and with each related recertification, renewal,
20 or change of address, or, in the case of an institu-
21 tion of higher education, with each registration of a
22 student for enrollment in a course of study, each
23 contributing agency that (in the normal course of its
24 operations) requests individuals to affirm United
25 States citizenship (either directly or as part of the

1 overall application for service or assistance) shall in-
2 form each such individual who is a citizen of the
3 United States of the following:

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

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

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

24 (D) Voter registration is voluntary, and
25 neither registering nor declining to register to

1 vote will in any way affect the availability of
2 services or benefits, nor be used for other pur-
3 poses.

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

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

24 (A) The individual's given name(s) and
25 surname(s).

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

2 (C) The individual's residential address.

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

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

8 (F) If available, the individual's signature
9 in electronic form.

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

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

21 (c) ALTERNATE PROCEDURE FOR CERTAIN CON-
22 TRIBUTING AGENCIES.—With each application for service
23 or assistance, and with each related recertification, re-
24 newal, or change of address, or in the case of an institu-
25 tion of higher education, with each registration of a stu-

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

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

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

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

18 (d) REQUIRED AVAILABILITY OF AUTOMATIC REG-
 19 ISTRATION OPPORTUNITY WITH EACH APPLICATION FOR
 20 SERVICE OR ASSISTANCE.—Each contributing agency
 21 shall offer each individual, with each application for serv-
 22 ice or assistance, and with each related recertification, re-
 23 newal, or change of address, or in the case of an institu-
 24 tion of higher education, with each registration of a stu-
 25 dent for enrollment in a course of study, the opportunity

1 to register to vote as prescribed by this section without
2 regard to whether the individual previously declined a reg-
3 istration opportunity.

4 (e) CONTRIBUTING AGENCIES.—

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

8 (A) Each agency in a State that is re-
9 quired by Federal law to provide voter registra-
10 tion services, including the State motor vehicle
11 authority and other voter registration agencies
12 under the National Voter Registration Act of
13 1993.

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

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

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

1 including, where applicable, the State agency
2 responsible for maintaining the education data
3 system described in section 6201(e)(2) of the
4 America COMPETES Act (20 U.S.C.
5 9871(e)(2)).

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

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

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

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

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

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

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

22 (D) Any other agency of the Federal Gov-
23 ernment which the State designates as a con-
24 tributing agency, but only if the State and the
25 head of the agency determine that the agency

1 collects information sufficient to carry out the
2 responsibilities of a contributing agency under
3 this section.

4 (3) INSTITUTIONS OF HIGHER EDUCATION.—
5 Each institution of higher education that receives
6 Federal funds shall be treated as a contributing
7 agency in the State in which it is located, but only
8 with respect to students of the institution (including
9 students who attend classes online) who reside in the
10 State. An institution of higher education described
11 in the previous sentence shall be exempt from the
12 voter registration requirements of section 487(a)(23)
13 of the Higher Education Act of 1965 (20 U.S.C.
14 1094(a)(23)) if the institution is in compliance with
15 the applicable requirements of this part.

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

22 (5) PUBLIC EDUCATION.—The chief State elec-
23 tion official of each State, in collaboration with each
24 contributing agency, shall take appropriate measures

1 to educate the public about voter registration under
2 this section.

3 **SEC. 1004. ONE-TIME CONTRIBUTING AGENCY ASSISTANCE**
4 **IN REGISTRATION OF ELIGIBLE VOTERS IN**
5 **EXISTING RECORDS.**

6 (a) INITIAL TRANSMITTAL OF INFORMATION.—For
7 each individual already listed in a contributing agency’s
8 records as of the date of enactment of this Act, and for
9 whom the agency has the information listed in section
10 1003(b)(3), the agency shall promptly transmit that infor-
11 mation to the appropriate State election official in accord-
12 ance with section 1003(b)(3) not later than the effective
13 date described in section 1001(a).

14 (b) TRANSITION.—For each individual listed in a con-
15 tributing agency’s records as of the effective date de-
16 scribed in section 1001(a) (but who was not listed in a
17 contributing agency’s records as of the date of enactment
18 of this Act), and for whom the agency has the information
19 listed in section 1003(b)(3), the Agency shall promptly
20 transmit that information to the appropriate State election
21 official in accordance with section 1003(b)(3) not later
22 than 6 months after the effective date described in section
23 1001(a).

1 **SEC. 1005. VOTER PROTECTION AND SECURITY IN AUTO-**
2 **MATIC REGISTRATION.**

3 (a) PROTECTIONS FOR ERRORS IN REGISTRATION.—

4 An individual shall not be prosecuted under any Federal
5 law, adversely affected in any civil adjudication concerning
6 immigration status or naturalization, or subject to an alle-
7 gation in any legal proceeding that the individual is not
8 a citizen of the United States on any of the following
9 grounds:

10 (1) The individual notified an election office of
11 the individual's automatic registration to vote under
12 this part.

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

16 (3) The individual was automatically registered
17 to vote under this subtitle at an incorrect address.

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

22 (b) LIMITS ON USE OF AUTOMATIC REGISTRA-
23 TION.—The automatic registration of any individual or the
24 fact that an individual declined the opportunity to register
25 to vote or did not make an affirmation of citizenship (in-
26 cluding through automatic registration) under this subtitle

1 may not be used as evidence against that individual in any
2 State or Federal law enforcement proceeding, and an indi-
3 vidual's lack of knowledge or willfulness of such registra-
4 tion may be demonstrated by the individual's testimony
5 alone.

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

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

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

15 (d) CONTRIBUTING AGENCIES' PROTECTION OF IN-
16 FORMATION.—Nothing in this subtitle authorizes a con-
17 tributing agency to collect, retain, transmit, or publicly
18 disclose any of the following:

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

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

23 (3) Any information that a contributing agency
24 transmits pursuant to section 1003(b)(3), except in
25 pursuing the agency's ordinary course of business.

1 (e) ELECTION OFFICIALS' PROTECTION OF INFOR-
2 MATION.—

3 (1) PUBLIC DISCLOSURE PROHIBITED.—

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

10 (i) The identity of the contributing
11 agency.

12 (ii) Any information not necessary to
13 voter registration.

14 (iii) Any voter information otherwise
15 shielded from disclosure under State law or
16 section 8(a) of the National Voter Reg-
17 istration Act of 1993 (52 U.S.C.
18 20507(a)).

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

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

23 (vi) The individual's signature.

24 (vii) The individual's telephone num-
25 ber.

1 (viii) The individual's email address.

2 (B) SPECIAL RULE FOR INDIVIDUALS REG-
3 ISTERED TO VOTE.—With respect to any indi-
4 vidual for whom any State election official re-
5 ceives information from a contributing agency
6 and who, on the basis of such information, is
7 registered to vote in the State under this part,
8 the State election officials shall not publicly dis-
9 close any of the following:

10 (i) The identity of the contributing
11 agency.

12 (ii) Any information not necessary to
13 voter registration.

14 (iii) Any voter information otherwise
15 shielded from disclosure under State law or
16 section 8(a) of the National Voter Reg-
17 istration Act of 1993 (52 U.S.C.
18 20507(a)).

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

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

23 (vi) The individual's signature.

24 (2) VOTER RECORD CHANGES.—Each State
25 shall maintain for at least 2 years and shall make

1 available for public inspection and, where available,
2 photocopying at a reasonable cost, all records of
3 changes to voter records, including removals and up-
4 dates.

5 (3) DATABASE MANAGEMENT STANDARDS.—

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

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

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

22 (C) publish the standards developed pursu-
23 ant to this paragraph on the Director's website
24 and make those standards available in written
25 form upon request.

1 (4) SECURITY POLICY.—The Director of the
2 National Institute of Standards and Technology
3 shall, after providing the public with notice and the
4 opportunity to comment, publish privacy and secu-
5 rity standards for voter registration information.
6 The standards shall require the chief State election
7 official of each State to adopt a policy that shall
8 specify—

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

16 (B) security safeguards to protect personal
17 information transmitted through the informa-
18 tion transmittal processes of section 1003 or
19 section 1004, the online system used pursuant
20 to section 1007, any telephone interface, the
21 maintenance of the voter registration database,
22 and any audit procedure to track access to the
23 system.

24 (5) STATE COMPLIANCE WITH NATIONAL
25 STANDARDS.—

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

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

23 (C) FUNDING DEPENDENT ON CERTIFI-
24 CATION.—If a State does not timely file the cer-
25 tification required under this paragraph, it shall

1 not receive any payment under this subtitle for
2 the upcoming fiscal year.

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

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

19 (1) Voter registration records.

20 (2) An individual's declination to register to
21 vote or complete an affirmation of citizenship under
22 section 1003(b).

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

24 (g) PROHIBITION ON THE USE OF VOTER REGISTRA-
25 TION INFORMATION FOR COMMERCIAL PURPOSES.—In-

1 formation collected under this subtitle shall not be used
2 for commercial purposes. Nothing in this subsection may
3 be construed to prohibit the transmission, exchange, or
4 dissemination of information for political purposes, includ-
5 ing the support of campaigns for election for Federal,
6 State, or local public office or the activities of political
7 committees (including committees of political parties)
8 under the Federal Election Campaign Act of 1971.

9 **SEC. 1006. REGISTRATION PORTABILITY AND CORRECTION.**

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

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

20 (2) correct any incorrect information relating to
21 the individual, including the individual’s name and
22 political party affiliation, in the records of the elec-
23 tion official; and

24 (3) cast a ballot in the election on the basis of
25 the updated address or corrected information, and to

1 have the ballot treated as a regular ballot and not
2 as a provisional ballot under section 302(a) of such
3 Act.

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

13 **SEC. 1007. PAYMENTS AND GRANTS.**

14 (a) IN GENERAL.—The Election Assistance Commis-
15 sion shall make grants to each eligible State to assist the
16 State in implementing the requirements of this subtitle
17 (or, in the case of an exempt State, in implementing its
18 existing automatic voter registration program).

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

23 (1) a description of the activities the State will
24 carry out with the grant;

1 (2) an assurance that the State shall carry out
2 such activities without partisan bias and without
3 promoting any particular point of view regarding
4 any issue; and

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

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

17 (1) investments supporting electronic informa-
18 tion transfer, including electronic collection and
19 transfer of signatures, between contributing agencies
20 and the appropriate State election officials;

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

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

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

7 (d) AUTHORIZATION OF APPROPRIATIONS.—

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

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

11 (B) such sums as may be necessary for
12 each succeeding fiscal year.

13 (2) CONTINUING AVAILABILITY OF FUNDS.—

14 Any amounts appropriated pursuant to the authority
15 of this subsection shall remain available without fis-
16 cal year limitation until expended.

17 **SEC. 1008. TREATMENT OF EXEMPT STATES.**

18 (a) WAIVER OF REQUIREMENTS.—Except as pro-
19 vided in subsection (b), this subtitle does not apply with
20 respect to an exempt State.

21 (b) EXCEPTIONS.—The following provisions of this
22 subtitle apply with respect to an exempt State:

23 (1) Section 1006 (relating to registration port-
24 ability and correction).

1 (2) Section 1007 (relating to payments and
2 grants).

3 (3) Section 1009(e) (relating to enforcement).

4 (4) Section 1009(f) (relating to relation to
5 other laws).

6 **SEC. 1009. MISCELLANEOUS PROVISIONS.**

7 (a) ACCESSIBILITY OF REGISTRATION SERVICES.—
8 Each contributing agency shall ensure that the services
9 it provides under this subtitle are made available to indi-
10 viduals with disabilities to the same extent as services are
11 made available to all other individuals.

12 (b) TRANSMISSION THROUGH SECURE THIRD PARTY
13 PERMITTED.—Nothing in this subtitle shall be construed
14 to prevent a contributing agency from contracting with a
15 third party to assist the agency in meeting the information
16 transmittal requirements of this part, so long as the data
17 transmittal complies with the applicable requirements of
18 this part, including the privacy and security provisions of
19 section 1005.

20 (c) NONPARTISAN, NONDISCRIMINATORY PROVISION
21 OF SERVICES.—The services made available by contrib-
22 uting agencies under this subtitle and by the State under
23 sections 1005 and 1006 shall be made in a manner con-
24 sistent with paragraphs (4), (5), and (6)(C) of section 7(a)

1 of the National Voter Registration Act of 1993 (52 U.S.C.
2 20506(a)).

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

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

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

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

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

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

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

3 **SEC. 1010. DEFINITIONS.**

4 In this subtitle, the following definitions apply:

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

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

13 (3) The term “exempt State” means a State
14 which, under law which is in effect continuously on
15 and after the date of the enactment of this Act, op-
16 erates an automatic voter registration program
17 under which an individual is automatically registered
18 to vote in elections for Federal office in the State if
19 the individual provides the motor vehicle authority of
20 the State with such identifying information as the
21 State may require.

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

1 **SEC. 1011. EFFECTIVE DATE.**

2 (a) IN GENERAL.—Except as provided in subsection
3 (b), this subtitle and the amendments made by this sub-
4 title shall apply with respect to a State beginning January
5 1, 2021.

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

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

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

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

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

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

1 **“SEC. 304. ACCESS TO VOTER REGISTRATION AND VOTING**
2 **FOR INDIVIDUALS WITH DISABILITIES.**

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

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

8 “(2) accept and process, with respect to any
9 election for Federal office, any otherwise valid voter
10 registration application and absentee ballot applica-
11 tion from an individual with a disability if the appli-
12 cation is received by the appropriate State election
13 official not less than 30 days before the election;

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

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

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

1 tions requested under subparagraph (A) in ac-
2 cordance with subsection (c); and

3 “(C) by which such an individual can des-
4 ignate whether the individual prefers that such
5 voter registration application or absentee ballot
6 application be transmitted by mail or electroni-
7 cally;

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

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

16 “(A) except as provided in subsection (e),
17 in the case in which the request is received at
18 least 45 days before an election for Federal of-
19 fice, not later than 45 days before the election;
20 and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 “(e) HARDSHIP EXEMPTION.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

14 “(3) TIMING OF WAIVER.—

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

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

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

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

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

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

1 “(h) EFFECTIVE DATE.—This section shall apply
2 with respect to elections for Federal office held on or after
3 January 1, 2020.”.

4 (b) CONFORMING AMENDMENT RELATING TO
5 ISSUANCE OF VOLUNTARY GUIDANCE BY ELECTION AS-
6 SISTANCE COMMISSION.—Section 311(b) of such Act (52
7 U.S.C. 21101(b)) is amended—

8 (1) by striking “and” at the end of paragraph
9 (2);

10 (2) by striking the period at the end of para-
11 graph (3) and inserting “; and”; and

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

14 “(4) in the case of the recommendations with
15 respect to section 304, January 1, 2020.”.

16 (c) CLERICAL AMENDMENT.—The table of contents
17 of such Act is amended—

18 (1) by redesignating the items relating to sec-
19 tions 304 and 305 as relating to sections 305 and
20 306; and

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

“Sec. 304. Access to voter registration and voting for individuals with disabili-
ties.”.

1 **SEC. 1102. PILOT PROGRAMS FOR ENABLING INDIVIDUALS**
2 **WITH DISABILITIES TO REGISTER TO VOTE**
3 **AND VOTE PRIVATELY AND INDEPENDENTLY**
4 **AT RESIDENCES.**

5 (a) ESTABLISHMENT OF PILOT PROGRAMS.—The
6 Election Assistance Commission (hereafter referred to as
7 the “Commission”) shall make grants to eligible States to
8 conduct pilot programs under which—

9 (1) individuals with disabilities may use elec-
10 tronic means (including the internet and telephones
11 utilizing assistive devices) to register to vote and to
12 request and receive absentee ballots, in a manner
13 which permits such individuals to do so privately
14 and independently at their own residences; and

15 (2) individuals with disabilities may use the
16 telephone to cast ballots electronically from their
17 own residences, but only if the telephone used is not
18 connected to the internet.

19 (b) REPORTS.—

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

25 (2) DEADLINE.—A State shall submit a report
26 under paragraph (1) not later than 90 days after

1 the last election for public office held in the State
2 during the year.

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

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

13 (e) AUTHORIZATION OF APPROPRIATIONS.—There is
14 authorized to be appropriated for grants for pilot pro-
15 grams under this section \$30,000,000 for fiscal year 2020
16 and each succeeding fiscal year.

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

1 **SEC. 1103. EXPANSION AND REAUTHORIZATION OF GRANT**
2 **PROGRAM TO ASSURE VOTING ACCESS FOR**
3 **INDIVIDUALS WITH DISABILITIES.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 **Subtitle C—CLEAN Elections**

2 **SEC. 1201. SHORT TITLE.**

3 This title may be cited as the “Citizen Legislature
4 Anti-Corruption Reform of Elections Act” or the
5 “CLEAN Elections Act”.

6 **SEC. 1202. REQUIRING OPEN PRIMARIES.**

7 (a) IN GENERAL.—

8 (1) ELECTIONS FOR FEDERAL OFFICE.—Each
9 State shall hold open primaries for elections for Fed-
10 eral office held in the State.

11 (2) ELECTIONS FOR STATE AND LOCAL OF-
12 FICE.—Notwithstanding any other provision of law,
13 a State may not use any funds provided by the Fed-
14 eral Government directly for election administration
15 purposes unless the State certifies to the Election
16 Assistance Commission that the State holds open
17 primaries for elections for State and local office.

18 (b) OPEN PRIMARIES DESCRIBED.—For purposes of
19 this section, a State holds open primaries for an election
20 for an office if any individual who is registered to vote
21 in a general election for such office in the State may cast
22 a ballot in any primary election (including a primary elec-
23 tion held for the selection of delegates to a national nomi-
24 nating convention of a political party and a primary elec-
25 tion held for the expression of a preference for the nomina-

tion of individuals for election to the office of President) held by any political party to nominate candidates for election for that office, including a convention or caucus of a political party which has authority to nominate a candidate.

(c) STATE DEFINED.—In this section, the term “State” has the meaning given such term in section 901 of the Help America Vote Act of 2002 (52 U.S.C. 21141).

(d) EFFECTIVE DATE.—Subsection (a) shall apply with respect to elections held after the date of the enactment of this Act.

SEC. 1203. SENSE OF CONGRESS ON NEED FOR TERM LIMITS FOR MEMBERS.

It is the sense of Congress that, in order to root out the culture of corruption in Washington, DC, Congress should pass and send to the States for ratification an amendment to the Constitution of the United States which would limit the number of terms an individual may serve as a Member of Congress.

Subtitle D—Election Integrity

SEC. 1301. REQUIRING VOTERS TO PROVIDE PHOTO IDENTIFICATION.

(a) REQUIREMENT TO PROVIDE PHOTO IDENTIFICATION AS CONDITION OF CASTING BALLOT.—

1 (1) IN GENERAL.—Title III of the Help Amer-
2 ica Vote Act of 2002 (52 U.S.C. 15481 et seq.) is
3 amended by inserting after section 303 the following
4 new section:

5 **“SEC. 303A. PHOTO IDENTIFICATION REQUIREMENTS.**

6 “(a) PROVISION OF IDENTIFICATION REQUIRED AS
7 CONDITION OF CASTING BALLOT.—

8 “(1) INDIVIDUALS VOTING IN PERSON.—

9 “(A) REQUIREMENT TO PROVIDE IDENTI-
10 FICATION.—Notwithstanding any other provi-
11 sion of law and except as provided in subpara-
12 graph (B), the appropriate State or local elec-
13 tion official may not provide a ballot for an
14 election for Federal office to an individual who
15 desires to vote in person unless the individual
16 presents to the official a valid photo identifica-
17 tion.

18 “(B) AVAILABILITY OF PROVISIONAL BAL-
19 LOT.—

20 “(i) IN GENERAL.—If an individual
21 does not present the identification required
22 under subparagraph (A), the individual
23 shall be permitted to cast a provisional bal-
24 lot with respect to the election under sec-
25 tion 302(a), except that the appropriate

1 State or local election official may not
2 make a determination under section
3 302(a)(4) that the individual is eligible
4 under State law to vote in the election un-
5 less, not later than 10 days after casting
6 the provisional ballot, the individual pre-
7 sents to the official—

8 “(I) the identification required
9 under subparagraph (A); or

10 “(II) an affidavit attesting that
11 the individual does not possess the
12 identification required under subpara-
13 graph (A) because the individual has
14 a religious objection to being photo-
15 graphed.

16 “(ii) NO EFFECT ON OTHER PROVI-
17 SIONAL BALLOTING RULES.—Nothing in
18 clause (i) may be construed to apply to the
19 casting of a provisional ballot pursuant to
20 section 302(a) or any State law for reasons
21 other than the failure to present the identi-
22 fication required under subparagraph (A).

23 “(2) INDIVIDUALS VOTING OTHER THAN IN
24 PERSON.—

1 “(A) IN GENERAL.—Notwithstanding any
2 other provision of law and except as provided in
3 subparagraph (B), the appropriate State or
4 local election official may not accept any ballot
5 for an election for Federal office provided by an
6 individual who votes other than in person unless
7 the individual submits with the ballot a copy of
8 a valid photo identification.

9 “(B) EXCEPTION FOR OVERSEAS MILITARY
10 VOTERS.—Subparagraph (A) does not apply
11 with respect to a ballot provided by an absent
12 uniformed services voter who, by reason of ac-
13 tive duty or service, is absent from the United
14 States on the date of the election involved. In
15 this subparagraph, the term ‘absent uniformed
16 services voter’ has the meaning given such term
17 in section 107(1) of the Uniformed and Over-
18 seas Citizens Absentee Voting Act (52 U.S.C.
19 20310(1)), other than an individual described
20 in section 107(1)(C) of such Act.

21 “(b) PROVISION OF IDENTIFICATIONS WITHOUT
22 CHARGE TO INDIVIDUALS UNABLE TO PAY COSTS OF OB-
23 TAINING IDENTIFICATION OR OTHERWISE UNABLE TO
24 OBTAIN IDENTIFICATION.—If an individual presents a
25 State or local election official with an affidavit attesting

1 that the individual is unable to pay the costs associated
2 with obtaining a valid photo identification under this sec-
3 tion, or attesting that the individual is otherwise unable
4 to obtain a valid photo identification under this section
5 after making reasonable efforts to obtain such an identi-
6 fication, the official shall provide the individual with a
7 valid photo identification under this subsection without
8 charge to the individual.

9 “(c) VALID PHOTO IDENTIFICATIONS DESCRIBED.—
10 For purposes of this section, a ‘valid photo identification’
11 means, with respect to an individual who seeks to vote in
12 a State, any of the following:

13 “(1) A valid State-issued motor vehicle driver’s
14 license that includes a photo of the individual and an
15 expiration date.

16 “(2) A valid State-issued identification card
17 that includes a photo of the individual and an expi-
18 ration date.

19 “(3) A valid United States passport for the in-
20 dividual.

21 “(4) A valid military identification for the indi-
22 vidual.

23 “(5) Any other form of government-issued iden-
24 tification that the State may specify as a valid photo
25 identification for purposes of this subsection.

1 “(d) NOTIFICATION OF IDENTIFICATION REQUIRE-
2 MENT TO APPLICANTS FOR VOTER REGISTRATION.—

3 “(1) IN GENERAL.—Each State shall ensure
4 that, at the time an individual applies to register to
5 vote in elections for Federal office in the State, the
6 appropriate State or local election official notifies
7 the individual of the photo identification require-
8 ments of this section.

9 “(2) SPECIAL RULE FOR INDIVIDUALS APPLY-
10 ING TO REGISTER TO VOTE ONLINE.—Each State
11 shall ensure that, in the case of an individual who
12 applies to register to vote in elections for Federal of-
13 fice in the State online, the online voter registration
14 system notifies the individual of the photo identifica-
15 tion requirements of this section before the indi-
16 vidual completes the online registration process.

17 “(e) TREATMENT OF STATES WITH PHOTO IDENTI-
18 FICATION REQUIREMENTS IN EFFECT AS OF DATE OF
19 ENACTMENT.—If, as of the date of the enactment of this
20 section, a State has in effect a law requiring an individual
21 to provide a photo identification as a condition of casting
22 a ballot in elections for Federal office held in the State
23 and the law remains in effect on and after the effective
24 date of this section, the State shall be considered to meet
25 the requirements of this section if—

1 “(1) the State submits a request to the Attor-
2 ney General and provides such information as the
3 Attorney General may consider necessary to deter-
4 mine that the State has in effect such a law and
5 that the law remains in effect; and

6 “(2) the Attorney General approves the request.

7 “(f) EFFECTIVE DATE.—This section shall apply
8 with respect to elections for Federal office held in 2020
9 or any succeeding year.”.

10 (2) CLERICAL AMENDMENT.—The table of con-
11 tents of such Act is amended by inserting after the
12 item relating to section 303 the following new item:

“Sec. 303A. Photo identification requirements.”.

13 (b) CONFORMING AMENDMENT RELATING TO VOL-
14 UNTARY GUIDANCE BY ELECTION ASSISTANCE COMMIS-
15 SION.—Section 311(b) of such Act (52 U.S.C. 21101(b))
16 is amended—

17 (1) by striking “and” at the end of paragraph
18 (2);

19 (2) by striking the period at the end of para-
20 graph (3) and inserting “; and”; and

21 (3) by adding at the end the following new
22 paragraph:

23 “(4) in the case of the recommendations with
24 respect to section 303A, October 1, 2018.”.

1 (c) CONFORMING AMENDMENT RELATING TO EN-
2 FORCEMENT.—Section 401 of such Act (52 U.S.C. 21111)
3 is amended by striking “and 303” and inserting “303, and
4 303A”.

5 (d) CONFORMING AMENDMENTS RELATING TO RE-
6 PEAL OF EXISTING PHOTO IDENTIFICATION REQUIRE-
7 MENTS FOR CERTAIN VOTERS.—

8 (1) IN GENERAL.—Section 303 of such Act (42
9 U.S.C. 15483) is amended—

10 (A) in the heading, by striking “**AND RE-**
11 **QUIREMENTS FOR VOTERS WHO REGISTER**
12 **BY MAIL**”;

13 (B) in the heading of subsection (b), by
14 striking “FOR VOTERS WHO REGISTER BY
15 MAIL” and inserting “FOR MAIL-IN REGISTRA-
16 TION FORMS”;

17 (C) in subsection (b), by striking para-
18 graphs (1) through (3) and redesignating para-
19 graphs (4) and (5) as paragraphs (1) and (2),
20 respectively; and

21 (D) in subsection (c), by striking “sub-
22 sections (a)(5)(A)(i)(II) and (b)(3)(B)(i)(II)”
23 and inserting “subsection (a)(5)(A)(i)(II)”.

1 (2) CLERICAL AMENDMENT.—The table of con-
 2 tents of such Act is amended by amending the item
 3 relating to section 303 to read as follows:

“Sec. 303. Computerized statewide voter registration list requirements.”.

4 (e) EFFECTIVE DATE.—This section and the amend-
 5 ments made by this section shall apply with respect to
 6 elections for Federal office held in 2020 or any succeeding
 7 year.

8 **TITLE II—REDISTRICTING** 9 **REFORM**

Sec. 2001. Short title; finding of constitutional authority.

Subtitle A—Requirements for Congressional Redistricting

Sec. 2101. Limit on congressional redistricting after an apportionment.

Sec. 2102. Requiring congressional redistricting to be conducted through plan
 of independent State commission.

Subtitle B—Independent Redistricting Commissions

Sec. 2201. Independent redistricting commission.

Sec. 2202. Establishment of selection pool of individuals eligible to serve as
 members of commission.

Sec. 2203. Criteria for redistricting plan by independent commission; public no-
 tice and input.

Sec. 2204. Establishment of related entities.

Subtitle C—Administrative and Miscellaneous Provisions

Sec. 2301. Payments to States for carrying out redistricting.

Sec. 2302. State apportionment notice defined.

Sec. 2303. No effect on elections for State and local office.

Sec. 2304. Effective date.

Subtitle D—Severability

Sec. 2401. Severability.

10 **SEC. 2001. SHORT TITLE; FINDING OF CONSTITUTIONAL AU-** 11 **THORITY.**

12 (a) SHORT TITLE.—This title may be cited as the
 13 “Redistricting Reform Act of 2019”.

1 (b) FINDING OF CONSTITUTIONAL AUTHORITY.—
 2 Congress finds that it has the authority to establish the
 3 terms and conditions States must follow in carrying out
 4 congressional redistricting after an apportionment of
 5 Members of the House of Representatives because—

6 (1) the authority granted to Congress under ar-
 7 ticle I, section 4 of the Constitution of the United
 8 States gives Congress the power to enact laws gov-
 9 erning the time, place, and manner of elections for
 10 Members of the House of Representatives; and

11 (2) the authority granted to Congress under
 12 section 5 of the fourteenth amendment to the Con-
 13 stitution gives Congress the power to enact laws to
 14 enforce section 2 of such amendment, which requires
 15 Representatives to be apportioned among the several
 16 States according to their number.

17 **Subtitle A—Requirements for**
 18 **Congressional Redistricting**

19 **SEC. 2101. LIMIT ON CONGRESSIONAL REDISTRICTING**
 20 **AFTER AN APPORTIONMENT.**

21 The Act entitled “An Act for the relief of Doctor Ri-
 22 cardo Vallejo Samala and to provide for congressional re-
 23 districting”, approved December 14, 1967 (2 U.S.C. 2c),
 24 is amended by adding at the end the following: “A State
 25 which has been redistricted in the manner provided by law

1 after an apportionment under section 22(a) of the Act en-
 2 titled ‘An Act to provide for the fifteenth and subsequent
 3 decennial censuses and to provide for an apportionment
 4 of Representatives in Congress’, approved June 18, 1929
 5 (2 U.S.C. 2a), may not be redistricted again until after
 6 the next apportionment of Representatives under such sec-
 7 tion, unless a court requires the State to conduct such
 8 subsequent redistricting to comply with the Constitution
 9 or to enforce the Voting Rights Act of 1965 (52 U.S.C.
 10 10301 et seq.).”.

11 **SEC. 2102. REQUIRING CONGRESSIONAL REDISTRICTING**
 12 **TO BE CONDUCTED THROUGH PLAN OF INDE-**
 13 **PENDENT STATE COMMISSION.**

14 (a) **USE OF PLAN REQUIRED.**—Notwithstanding any
 15 other provision of law, any congressional redistricting con-
 16 ducted by a State shall be conducted in accordance with
 17 the redistricting plan developed and enacted into law by
 18 the independent redistricting commission established in
 19 the State, in accordance with subtitle B.

20 (b) **CONFORMING AMENDMENT.**—Section 22(c) of
 21 the Act entitled “An Act to provide for the fifteenth and
 22 subsequent decennial censuses and to provide for an ap-
 23 portionment of Representatives in Congress”, approved
 24 June 18, 1929 (2 U.S.C. 2a(c)), is amended by striking
 25 “in the manner provided by the law thereof” and insert-

1 ing: “in the manner provided by the Redistricting Reform
2 Act of 2019”.

3 **Subtitle B—Independent** 4 **Redistricting Commissions**

5 **SEC. 2201. INDEPENDENT REDISTRICTING COMMISSION.**

6 (a) APPOINTMENT OF MEMBERS.—

7 (1) IN GENERAL.—The nonpartisan agency es-
8 tablished or designated by a State under section
9 2204(a) shall establish an independent redistricting
10 commission for the State, which shall consist of 15
11 members appointed by the agency as follows:

12 (A) The agency shall first appoint 6 mem-
13 bers as follows:

14 (i) The agency shall appoint 2 mem-
15 bers on a random basis from the majority
16 category of the approved selection pool (as
17 described in section 2202(b)(1)(A)).

18 (ii) The agency shall appoint 2 mem-
19 bers on a random basis from the minority
20 category of the approved selection pool (as
21 described in section 2202(b)(1)(B)).

22 (iii) The agency shall appoint 2 mem-
23 bers on a random basis from the inde-
24 pendent category of the approved selection

1 pool (as described in section
2 2202(b)(1)(C)).

3 (B) The members appointed by the agency
4 under subparagraph (A) shall then appoint 9
5 members as follows:

6 (i) The members shall appoint 3 mem-
7 bers on a random basis from the majority
8 category of the approved selection pool (as
9 described in section 2202(b)(1)(A)).

10 (ii) The members shall appoint 3
11 members on a random basis from the mi-
12 nority category of the approved selection
13 pool (as described in section
14 2202(b)(1)(B)).

15 (iii) The members shall appoint 3
16 members on a random basis from the inde-
17 pendent category of the approved selection
18 pool (as described in section
19 2202(b)(1)(C)).

20 (2) APPOINTMENT OF ALTERNATES TO SERVE
21 IN CASE OF VACANCIES.—

22 (A) MEMBERS APPOINTED BY AGENCY.—
23 At the time the agency appoints the members
24 of the independent redistricting commission
25 under subparagraph (A) of paragraph (1) from

1 each of the categories referred to in such sub-
2 paragraph, the agency shall, on a random basis,
3 designate 2 other individuals from such cat-
4 egory to serve as alternate members who may
5 be appointed to fill vacancies in the commission
6 in accordance with paragraph (3).

7 (B) MEMBERS APPOINTED BY FIRST MEM-
8 BERS.—At the time the members appointed by
9 the agency appoint the other members of the
10 independent redistricting commission under
11 subparagraph (B) of paragraph (1) from each
12 of the categories referred to in such subpara-
13 graph, the members shall, on a random basis,
14 designate 2 other individuals from such cat-
15 egory to serve as alternate members who may
16 be appointed to fill vacancies in the commission
17 in accordance with paragraph (3).

18 (3) VACANCY.—

19 (A) MEMBERS APPOINTED BY AGENCY.—If
20 a vacancy occurs in the commission with respect
21 to a member who was appointed by the non-
22 partisan agency under subparagraph (A) of
23 paragraph (1) from one of the categories re-
24 ferred to in such subparagraph, the agency
25 shall fill the vacancy by appointing, on a ran-

dom basis, one of the 2 alternates from such category who was designated under subparagraph (A) of paragraph (2). 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 (2).

(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 fill the vacancy by appointing, on a random basis, one of the 2 alternates from such category who was designated under subparagraph (B) of paragraph (2). At the time the first members appoint an alternate to fill a vacancy under the previous sentence, the first members shall designate, on a random basis, another individual from the same category to serve as an alternate member, in accordance with subparagraph (B) of paragraph (2).

1 (4) SPECIAL RULES FOR APPOINTMENT OF
2 MEMBERS APPOINTED BY FIRST MEMBERS.—The
3 appointment of any of the 9 members of the inde-
4 pendent redistricting commission who are appointed
5 by the first members of the commission pursuant to
6 subparagraph (B) of paragraph (1), as well as the
7 appointment of alternates for such members pursu-
8 ant to subparagraph (B) of paragraph (2) and the
9 appointment of members to fill vacancies with re-
10 spect to such members pursuant to subparagraph
11 (B) of paragraph (3), shall require the affirmative
12 vote of at least 4 of the members appointed by the
13 nonpartisan agency under subparagraph (A) of para-
14 graph (1), including at least one member from each
15 of the categories referred to in such subparagraph.
16 The 9 members appointed pursuant to subparagraph
17 (B) of paragraph (1), as well as the alternates ap-
18 pointed pursuant to subparagraph (B) of paragraph
19 (2) and the members appointed to fill vacancies pur-
20 suant to subparagraph (B) of paragraph (3), shall
21 be selected, if necessary, to ensure that the commis-
22 sion as a whole reflects the demographic and geo-
23 graphic diversity of the State, including racial and
24 language minorities protected under the Voting
25 Rights Act, and that such minorities are provided

1 with a meaningful opportunity to participate in the
2 development and enactment of the State's redistricting plan.
3

4 (b) PROCEDURES FOR CONDUCTING COMMISSION
5 BUSINESS.—

6 (1) CHAIR.—Members of an independent redistricting
7 commission established under this section
8 shall select by majority vote one member who was
9 appointed from the independent category of the approved
10 selection pool described in section
11 2202(b)(1)(C) to serve as chair of the commission.
12 The commission may not take any action to develop
13 a redistricting plan for the State under section 2203
14 until the appointment of the commission's chair.

15 (2) REQUIRING MAJORITY APPROVAL FOR ACTIONS.—The independent
16 redistricting commission of a State may not publish and disseminate any
17 draft or final redistricting plan, or take any other
18 action, without the approval of at least—

20 (A) a majority of the whole membership of
21 the commission; and

22 (B) at least one member of the commission
23 appointed from each of the categories of the approved
24 selection pool described in section
25 2202(b)(1).

1 (3) QUORUM.—A majority of the members of
2 the commission shall constitute a quorum.

3 (c) STAFF; CONTRACTORS.—

4 (1) STAFF.—The independent redistricting
5 commission of a State may appoint and set the pay
6 of such staff as it considers appropriate, subject to
7 State law.

8 (2) CONTRACTORS.—The independent redistricting
9 commission of a State may enter into such
10 contracts with vendors as it considers appropriate,
11 subject to State law, except that any such contract
12 shall be valid only if approved by the vote of a majority
13 of the members of the commission, including
14 at least one member appointed from each of the categories
15 of the approved selection pool described in
16 section 2202(b)(1).

17 (3) GOAL OF IMPARTIALITY.—The commission
18 shall take such steps as it considers appropriate to
19 ensure that any staff appointed under this subsection,
20 and any vendor with whom the commission
21 enters into a contract under this subsection, will
22 work in an impartial manner, and may require any
23 person who applies for an appointment to a staff position
24 or for a vendor's contract with the commission
25 to provide information on the person's history of po-

1 litical activity (including donations to candidates, po-
2 litical committees, and political parties) as a condi-
3 tion of the appointment or the contract.

4 (d) TERMINATION.—

5 (1) IN GENERAL.—The independent redis-
6 tricting commission of a State shall terminate on the
7 earlier of—

8 (A) June 14 of the following year ending
9 in the numeral zero; or

10 (B) the day on which the nonpartisan
11 agency established or designated by a State
12 under section 2204(a) has, in accordance with
13 section 2202(b)(1), submitted a selection pool
14 to the Select Committee on Redistricting for the
15 State established under section 2204(b).

16 (2) PRESERVATION OF RECORDS.—The State
17 shall ensure that the records of the independent re-
18 districting commission are retained in the appro-
19 priate State archive in such manner as may be nec-
20 essary to enable the State to respond to any civil ac-
21 tion brought with respect to congressional redis-
22 tricting in the State.

1 **SEC. 2202. ESTABLISHMENT OF SELECTION POOL OF INDIVIDUALS ELIGIBLE TO SERVE AS MEMBERS**
2 **OF COMMISSION.**
3

4 (a) **CRITERIA FOR ELIGIBILITY.—**

5 (1) **IN GENERAL.**—An individual is eligible to
6 serve as a member of an independent redistricting
7 commission if the individual meets each of the fol-
8 lowing criteria:

9 (A) As of the date of appointment, the in-
10 dividual is registered to vote in elections for
11 Federal office held in the State.

12 (B) During the 3-year period ending on
13 the date of the individual's appointment, the in-
14 dividual has been continuously registered to
15 vote with the same political party, or has not
16 been registered to vote with any political party.

17 (C) The individual submits to the non-
18 partisan agency established or designated by a
19 State under section 2203, at such time and in
20 such form as the agency may require, an appli-
21 cation for inclusion in the selection pool under
22 this section, and includes with the application a
23 written statement containing the following in-
24 formation and assurances:

1 (i) A statement of the political party
2 with which the individual is affiliated, if
3 any.

4 (ii) An assurance that the individual
5 shall commit to carrying out the individ-
6 ual's duties under this subtitle in an hon-
7 est, independent, and impartial fashion,
8 and to upholding public confidence in the
9 integrity of the redistricting process.

10 (iii) An assurance that, during the
11 covered periods described in paragraph (3),
12 the individual has not taken and will not
13 take any action which would disqualify the
14 individual from serving as a member of the
15 commission under paragraph (2).

16 (2) DISQUALIFICATIONS.—An individual is not
17 eligible to serve as a member of the commission if
18 any of the following applies during any of the cov-
19 ered periods described in paragraph (3):

20 (A) The individual or (in the case of the
21 covered periods described in subparagraphs (A)
22 and (B) of paragraph (3)) an immediate family
23 member of the individual holds public office or
24 is a candidate for election for public office.

1 (B) The individual or (in the case of the
2 covered periods described in subparagraphs (A)
3 and (B) of paragraph (3)) an immediate family
4 member of the individual serves as an officer of
5 a political party or as an officer, employee, or
6 paid consultant of a campaign committee of a
7 candidate for public office.

8 (C) The individual or (in the case of the
9 covered periods described in subparagraphs (A)
10 and (B) of paragraph (3)) an immediate family
11 member of the individual holds a position as a
12 registered lobbyist under the Lobbying Discl-
13 sure Act of 1995 (2 U.S.C. 1601 et seq.) or an
14 equivalent State or local law.

15 (D) The individual or (in the case of the
16 covered periods described in subparagraphs (A)
17 and (B) of paragraph (3)) an immediate family
18 member of the individual is an employee of an
19 elected public official, a contractor with the leg-
20 islature of the State, or a donor to the cam-
21 paign of any candidate for public office (other
22 than a donor who, during any of such covered
23 periods, gives an aggregate amount of \$20,000
24 or less to the campaigns of all candidates for all
25 public offices).

1 (3) COVERED PERIODS DESCRIBED.—In this
2 subsection, the term “covered period” means, with
3 respect to the appointment of an individual to the
4 commission, any of the following:

5 (A) The 5-year period ending on the date
6 of the individual’s appointment.

7 (B) The period beginning on the date of
8 the individual’s appointment and ending on Au-
9 gust 14 of the next year ending in the numeral
10 one.

11 (C) The 5-year period beginning on the
12 day after the last day of the period described in
13 subparagraph (B).

14 (4) IMMEDIATE FAMILY MEMBER DEFINED.—In
15 this subsection, the term “immediate family mem-
16 ber” means, with respect to an individual, a father,
17 stepfather, mother, stepmother, son, stepson, daugh-
18 ter, stepdaughter, brother, stepbrother, sister, step-
19 sister, husband, wife, father-in-law, or mother-in-
20 law.

21 (b) DEVELOPMENT AND SUBMISSION OF SELECTION
22 POOL.—

23 (1) IN GENERAL.—Not later than June 15 of
24 each year ending in the numeral zero, the non-
25 partisan agency established or designated by a State

1 under section 2204(a) shall develop and submit to
2 the Select Committee on Redistricting for the State
3 established under section 2204(b) a selection pool of
4 36 individuals who are eligible to serve as members
5 of the independent redistricting commission of the
6 State under this subtitle, consisting of individuals in
7 the following categories:

8 (A) A majority category, consisting of 12
9 individuals who are affiliated with the political
10 party with the largest percentage of the reg-
11 istered voters in the State who are affiliated
12 with a political party (as determined with re-
13 spect to the most recent statewide election for
14 Federal office held in the State for which such
15 information is available).

16 (B) A minority category, consisting of 12
17 individuals who are affiliated with the political
18 party with the second largest percentage of the
19 registered voters in the State who are affiliated
20 with a political party (as so determined).

21 (C) An independent category, consisting of
22 12 individuals who are not affiliated with either
23 of the political parties described in subpara-
24 graph (A) or subparagraph (B).

1 (2) FACTORS TAKEN INTO ACCOUNT IN DEVEL-
2 OPING POOL.—In selecting individuals for the selec-
3 tion pool under this subsection, the nonpartisan
4 agency shall—

5 (A) to the maximum extent practicable, en-
6 sure that the pool reflects the representative de-
7 mographic groups (including races, ethnicities,
8 and genders) and geographic regions of the
9 State; and

10 (B) take into consideration the analytical
11 skills of the individuals selected in relevant
12 fields (including mapping, data management,
13 law, community outreach, demography, and the
14 geography of the State) and their ability to
15 work on an impartial basis.

16 (3) DETERMINATION OF POLITICAL PARTY AF-
17 FILIATION OF INDIVIDUALS IN SELECTION POOL.—
18 For purposes of this section, an individual shall be
19 considered to be affiliated with a political party on
20 the basis of the information the individual provides
21 in the application submitted under subsection
22 (a)(1)(D).

23 (4) ENCOURAGING RESIDENTS TO APPLY FOR
24 INCLUSION IN POOL.—The nonpartisan agency shall
25 take such steps as may be necessary to ensure that

1 residents of the State across various geographic re-
2 gions and demographic groups are aware of the op-
3 portunity to serve on the independent redistricting
4 commission, including publicizing the role of the
5 panel and using newspapers, broadcast media, and
6 online sources, including ethnic media, to encourage
7 individuals to apply for inclusion in the selection
8 pool developed under this subsection.

9 (5) REPORT ON ESTABLISHMENT OF SELEC-
10 TION POOL.—At the time the nonpartisan agency
11 submits the selection pool to the Select Committee
12 on Redistricting under paragraph (1), it shall pub-
13 lish a report describing the process by which the
14 pool was developed, and shall include in the report
15 a description of how the individuals in the pool meet
16 the eligibility criteria of subsection (a) and of how
17 the pool reflects the factors the agency is required
18 to take into consideration under paragraph (2).

19 (6) ACTION BY SELECT COMMITTEE.—

20 (A) IN GENERAL.—Not later than 14 days
21 after receiving the selection pool from the non-
22 partisan agency under paragraph (1), the Select
23 Committee on Redistricting shall—

24 (i) approve the pool as submitted by
25 the nonpartisan agency, in which case the

pool shall be considered the approved selection pool for purposes of section 2201(a)(1); or

(ii) reject the pool, in which case the nonpartisan agency shall develop and submit a replacement selection pool in accordance with subsection (c).

(B) INACTION DEEMED REJECTION.—If the Select Committee on Redistricting fails to approve or reject the pool within the deadline set forth in subparagraph (A), the Select Committee shall be deemed to have rejected the pool for purposes of such subparagraph.

(c) DEVELOPMENT OF REPLACEMENT SELECTION POOL.—

(1) IN GENERAL.—If the Select Committee on Redistricting rejects the selection pool submitted by the nonpartisan agency under subsection (b), not later than 14 days after the rejection, the nonpartisan agency shall develop and submit to the Select Committee a replacement selection pool, under the same terms and conditions that applied to the development and submission of the selection pool under paragraphs (1) through (5) of subsection (b). The replacement pool submitted under this para-

graph may include individuals who were included in the rejected selection pool submitted under subsection (b), so long as at least one of the individuals in the replacement pool was not included in such rejected pool.

(2) ACTION BY SELECT COMMITTEE.—

(A) IN GENERAL.—Not later than 14 days after receiving the replacement selection pool from the nonpartisan agency under paragraph (1), the Select Committee on Redistricting shall—

(i) approve the pool as submitted by the nonpartisan agency, in which case the pool shall be considered the approved selection pool for purposes of section 2201(a)(1); or

(ii) reject the pool, in which case the nonpartisan agency shall develop and submit a second replacement selection pool in accordance with subsection (d).

(B) INACTION DEEMED REJECTION.—If the Select Committee on Redistricting fails to approve or reject the pool within the deadline set forth in subparagraph (A), the Select Com-

1 mittee shall be deemed to have rejected the pool
2 for purposes of such subparagraph.

3 (d) DEVELOPMENT OF SECOND REPLACEMENT SE-
4 LECTION POOL.—

5 (1) IN GENERAL.—If the Select Committee on
6 Redistricting rejects the replacement selection pool
7 submitted by the nonpartisan agency under sub-
8 section (c), not later than 14 days after the rejec-
9 tion, the nonpartisan agency shall develop and sub-
10 mit to the Select Committee a second replacement
11 selection pool, under the same terms and conditions
12 that applied to the development and submission of
13 the selection pool under paragraphs (1) through (5)
14 of subsection (b). The second replacement selection
15 pool submitted under this paragraph may include in-
16 dividuals who were included in the rejected selection
17 pool submitted under subsection (b) or the rejected
18 replacement selection pool submitted under sub-
19 section (c), so long as at least one of the individuals
20 in the replacement pool was not included in either
21 such rejected pool.

22 (2) ACTION BY SELECT COMMITTEE.—

23 (A) IN GENERAL.—Not later than 14 days
24 after receiving the second replacement selection
25 pool from the nonpartisan agency under para-

graph (1), the Select Committee on Redistricting shall—

(i) approve the pool as submitted by the nonpartisan agency, in which case the pool shall be considered the approved selection pool for purposes of section 2201(a)(1); or

(ii) reject the pool, in which case the nonpartisan agency shall not develop or submit any other selection pool for purposes of this subtitle.

(B) INACTION DEEMED REJECTION.—If the Select Committee on Redistricting fails to approve or reject the pool within the deadline set forth in subparagraph (A), the Select Committee shall be deemed to have rejected the pool for purposes of such subparagraph.

SEC. 2203. CRITERIA FOR REDISTRICTING PLAN BY INDEPENDENT COMMISSION; PUBLIC NOTICE AND INPUT.

(a) DEVELOPMENT OF REDISTRICTING PLAN.—

(1) CRITERIA.—In developing a redistricting plan of a State, the independent redistricting commission of a State shall establish single-member con-

gressional districts using the following criteria as set forth in the following order of priority:

(A) Districts shall comply with the United States Constitution, including the requirement that they equalize total population.

(B) Districts shall comply with the Voting Rights Act of 1965 (52 U.S.C. 10301 et seq.) and all applicable Federal laws.

(C) Districts shall provide racial, ethnic, and language minorities with an equal opportunity to participate in the political process and to elect candidates of choice and shall not dilute or diminish their ability to elect candidates of choice whether alone or in coalition with others.

(D) Districts shall minimize the division of communities of interest, neighborhoods, and political subdivisions to the extent practicable. A community of interest is defined as an area with recognized similarities of interests, including but not limited to ethnic, economic, social, cultural, geographic or historic identities. The term communities of interest may, in circumstances, include political subdivisions such as counties, municipalities, or school districts, but shall not include common relationships with

1 political parties, officeholders, or political can-
2 didates.

3 (2) NO FAVORING OR DISFAVORING OF POLIT-
4 ICAL PARTIES.—The redistricting plan developed by
5 the independent redistricting commission shall not,
6 when considered on a statewide basis, unduly favor
7 or disfavor any political party.

8 (3) FACTORS PROHIBITED FROM CONSIDER-
9 ATION.—In developing the redistricting plan for the
10 State, the independent redistricting commission may
11 not take into consideration any of the following fac-
12 tors, except to the extent necessary to comply with
13 the Voting Rights Act of 1965:

14 (A) The political party affiliation or voting
15 history of the population of a district.

16 (B) The residence of any Member of the
17 House of Representatives or candidate.

18 (b) PUBLIC NOTICE AND INPUT.—

19 (1) USE OF OPEN AND TRANSPARENT PROC-
20 ESS.—The independent redistricting commission of a
21 State shall hold each of its meetings in public, shall
22 solicit and take into consideration comments from
23 the public throughout the process of developing the
24 redistricting plan for the State, and shall carry out
25 its duties in an open and transparent manner which

1 provides for the widest public dissemination reason-
2 ably possible of its proposed and final redistricting
3 plans.

4 (2) WEBSITE.—The commission shall maintain
5 a public internet site which is not affiliated with or
6 maintained by the office of any elected official and
7 which includes the following features:

8 (A) General information on the commission
9 and its members, including contact information.

10 (B) An updated schedule of commission
11 hearings and activities, including deadlines for
12 the submission of comments.

13 (C) All draft redistricting plans developed
14 by the commission under subsection (c) and the
15 final redistricting plan developed under sub-
16 section (d).

17 (D) Live streaming of commission hearings
18 and an archive of previous meetings and other
19 commission records.

20 (E) A method by which members of the
21 public may submit comments directly to the
22 commission.

23 (F) Access to the demographic data used
24 by the commission to develop the proposed re-

1 districting plans, together with any software
2 used to draw maps of proposed districts.

3 (3) PUBLIC COMMENT PERIOD.—The commis-
4 sion shall solicit, accept, and consider comments
5 from the public with respect to its duties, activities,
6 and procedures at any time during the period—

7 (A) which begins on January 1 of the year
8 ending in the numeral one; and

9 (B) which ends 7 days before the date of
10 the meeting at which the commission shall vote
11 on approving the final redistricting plan for en-
12 actment into law under subsection (d)(2).

13 (4) MEETINGS AND HEARINGS IN VARIOUS GEO-
14 GRAPHIC LOCATIONS.—To the greatest extent prac-
15 ticable, the commission shall hold its meetings and
16 hearings in various geographic regions and locations
17 throughout the State.

18 (c) DEVELOPMENT AND PUBLICATION OF PRELIMI-
19 NARY REDISTRICTING PLAN.—

20 (1) IN GENERAL.—Prior to developing and pub-
21 lishing a final redistricting plan under subsection
22 (d), the independent redistricting commission of a
23 State shall develop and publish a preliminary redis-
24 tricting plan.

1 (2) MINIMUM PUBLIC HEARINGS PRIOR TO DE-
2 VELOPMENT.—

3 (A) 3 HEARINGS REQUIRED.—Prior to de-
4 veloping a preliminary redistricting plan under
5 this subsection, the commission shall hold not
6 fewer than 3 public hearings at which members
7 of the public may provide input and comments
8 regarding the potential contents of redistricting
9 plans for the State and the process by which
10 the commission will develop the preliminary
11 plan under this subsection.

12 (B) MINIMUM PERIOD FOR NOTICE PRIOR
13 TO HEARINGS.—The commission shall notify
14 the public through the website maintained
15 under subsection (b)(2), as well as through pub-
16 lication of notice in newspapers of general cir-
17 culation throughout the State, of the date, time,
18 and location of each of the hearings held under
19 this paragraph not fewer than 14 days prior to
20 the date of the hearing.

21 (3) PUBLICATION OF PRELIMINARY PLAN.—

22 (A) IN GENERAL.—The commission shall
23 post the preliminary redistricting plan devel-
24 oped under this subsection, together with a re-
25 port that includes the commission's responses

1 to any public comments received under sub-
2 section (b)(3), on the website maintained under
3 subsection (b)(2), and shall provide for the pub-
4 lication of each such plan in newspapers of gen-
5 eral circulation throughout the State.

6 (B) MINIMUM PERIOD FOR NOTICE PRIOR
7 TO PUBLICATION.—Not fewer than 14 days
8 prior to the date on which the commission posts
9 and publishes the preliminary plan under this
10 paragraph, the commission shall notify the pub-
11 lic through the website maintained under sub-
12 section (b)(2), as well as through publication of
13 notice in newspapers of general circulation
14 throughout the State, of the pending publica-
15 tion of the plan.

16 (4) MINIMUM PERIOD FOR PUBLIC COMMENT
17 AFTER PUBLICATION OF PLAN.—The commission
18 shall accept and consider comments from the public
19 with respect to the preliminary redistricting plan
20 published under paragraph (3) for not fewer than 30
21 days after the date on which the plan is published.

22 (5) POST-PUBLICATION HEARINGS.—

23 (A) 3 HEARINGS REQUIRED.—After post-
24 ing and publishing the preliminary redistricting
25 plan under paragraph (3), the commission shall

1 hold not fewer than 3 public hearings at which
2 members of the public may provide input and
3 comments regarding the preliminary plan.

4 (B) MINIMUM PERIOD FOR NOTICE PRIOR
5 TO HEARINGS.—The commission shall notify
6 the public through the website maintained
7 under subsection (b)(2), as well as through pub-
8 lication of notice in newspapers of general cir-
9 culation throughout the State, of the date, time,
10 and location of each of the hearings held under
11 this paragraph not fewer than 14 days prior to
12 the date of the hearing.

13 (6) PERMITTING MULTIPLE PRELIMINARY
14 PLANS.—At the option of the commission, after de-
15 veloping and publishing the preliminary redistricting
16 plan under this subsection, the commission may de-
17 velop and publish subsequent preliminary redis-
18 tricting plans, so long as the process for the develop-
19 ment and publication of each such subsequent plan
20 meets the requirements set forth in this subsection
21 for the development and publication of the first pre-
22 liminary redistricting plan.

23 (d) PROCESS FOR ENACTMENT OF FINAL REDIS-
24 TRICTING PLAN.—

1 (1) IN GENERAL.—After taking into consider-
2 ation comments from the public on any preliminary
3 redistricting plan developed and published under
4 subsection (c), the independent redistricting commis-
5 sion of a State shall develop and publish a final re-
6 districting plan for the State.

7 (2) MEETING; FINAL VOTE.—Not later than
8 August 15 of each year ending in the numeral one,
9 the commission shall hold a public hearing at which
10 the members of the commission shall vote on approv-
11 ing the final plan for enactment into law.

12 (3) PUBLICATION OF PLAN AND ACCOMPANYING
13 MATERIALS.—Not fewer than 14 days before the
14 date of the meeting under paragraph (2), the com-
15 mission shall provide the following information to
16 the public through the website maintained under
17 subsection (b)(2), as well as through newspapers of
18 general circulation throughout the State:

19 (A) The final redistricting plan, including
20 all relevant maps.

21 (B) A report by the commission to accom-
22 pany the plan which provides the background
23 for the plan and the commission's reasons for
24 selecting the plan as the final redistricting plan,
25 including responses to the public comments re-

1 ceived on any preliminary redistricting plan de-
2 veloped and published under subsection (c).

3 (C) Any dissenting or additional views with
4 respect to the plan of individual members of the
5 commission.

6 (4) ENACTMENT.—The final redistricting plan
7 developed and published under this subsection shall
8 be deemed to be enacted into law if—

9 (A) the plan is approved by a majority of
10 the whole membership of the commission; and

11 (B) at least one member of the commission
12 appointed from each of the categories of the ap-
13 proved selection pool described in section
14 2202(b)(1) approves the plan.

15 (e) DEADLINE.—The independent redistricting com-
16 mission of a State shall approve a final redistricting plan
17 for the State not later than August 15 of each year ending
18 in the numeral one.

19 **SEC. 2204. ESTABLISHMENT OF RELATED ENTITIES.**

20 (a) ESTABLISHMENT OR DESIGNATION OF NON-
21 PARTISAN AGENCY OF STATE LEGISLATURE.—

22 (1) IN GENERAL.—Each State shall establish a
23 nonpartisan agency in the legislative branch of the
24 State government to appoint the members of the

1 independent redistricting commission for the State
2 in accordance with section 2201.

3 (2) NONPARTISANSHIP DESCRIBED.—For pur-
4 poses of this subsection, an agency shall be consid-
5 ered to be nonpartisan if under law the agency—

6 (A) is required to provide services on a
7 nonpartisan basis;

8 (B) is required to maintain impartiality;
9 and

10 (C) is prohibited from advocating for the
11 adoption or rejection of any legislative proposal.

12 (3) DESIGNATION OF EXISTING AGENCY.—At
13 its option, a State may designate an existing agency
14 in the legislative branch of its government to appoint
15 the members of the independent redistricting com-
16 mission plan for the State under this subtitle, so
17 long as the agency meets the requirements for non-
18 partisanship under this subsection.

19 (4) TERMINATION OF AGENCY SPECIFICALLY
20 ESTABLISHED FOR REDISTRICTING.—If a State does
21 not designate an existing agency under paragraph
22 (3) but instead establishes a new agency to serve as
23 the nonpartisan agency under this section, the new
24 agency shall terminate upon the enactment into law
25 of the redistricting plan for the State.

1 (5) DEADLINE.—The State shall meet the re-
2 quirements of this subsection not later than each
3 August 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 2202.

11 (2) APPOINTMENT.—The Select Committee on
12 Redistricting for a State under this subsection shall
13 consist of the following members:

14 (A) 1 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) 1 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) 1 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) 1 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) 2 members of the State legislature ap-
 11 pointed by the leader of the party with the
 12 greatest number of seats in the legislature.

13 (B) 2 members of the State legislature ap-
 14 pointed by the leader of the party with the sec-
 15 ond greatest number of seats in legislature.

16 (4) DEADLINE.—The State shall meet the re-
 17 quirements of this subsection not later than each
 18 January 15 of a year ending in the numeral zero.

19 **Subtitle C—Administrative and** 20 **Miscellaneous Provisions**

21 **SEC. 2301. PAYMENTS TO STATES FOR CARRYING OUT RE-** 22 **DISTRICTING.**

23 (a) AUTHORIZATION OF PAYMENTS.—Subject to sub-
 24 section (d), not later than 30 days after a State receives
 25 a State apportionment notice, the Election Assistance

1 Commission shall make a payment to the State in an
2 amount equal to the product of—

- 3 (1) the number of Representatives to which the
4 State is entitled, as provided under the notice; and
5 (2) \$150,000.

6 (b) USE OF FUNDS.—A State shall use the payment
7 made under this section to establish and operate the
8 State’s independent redistricting commission, to imple-
9 ment the State redistricting plan, and to otherwise carry
10 out congressional redistricting in the State.

11 (c) NO PAYMENT TO STATES WITH SINGLE MEM-
12 BER.—The Election Assistance Commission shall not
13 make a payment under this section to any State which
14 is not entitled to more than one Representative under its
15 State apportionment notice.

16 (d) REQUIRING SUBMISSION OF SELECTION POOL AS
17 CONDITION OF PAYMENT.—The Election Assistance Com-
18 mission may not make a payment to a State under this
19 section until the State certifies to the Commission that
20 the nonpartisan agency established or designated by a
21 State under section 2204(a) has, in accordance with sec-
22 tion 2202(b)(1), submitted a selection pool to the Select
23 Committee on Redistricting for the State established
24 under section 2204(b).

1 (e) AUTHORIZATION OF APPROPRIATIONS.—There
2 are authorized to be appropriated such sums as may be
3 necessary for payments under this section.

4 **SEC. 2302. 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. 2303. NO EFFECT ON ELECTIONS FOR STATE AND**
14 **LOCAL OFFICE.**

15 Nothing in this title or in any amendment made by
16 this title may be construed to affect the manner in which
17 a State carries out elections for State or local office, in-
18 cluding the process by which a State establishes the dis-
19 tricts used in such elections.

20 **SEC. 2304. EFFECTIVE DATE.**

21 This title and the amendments made by this title
22 shall apply with respect to redistricting carried out pursu-
23 ant to the decennial census conducted during 2020 or any
24 succeeding decennial census.

1 **Subtitle D—Severability**

2 **SEC. 2401. 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 III—ELECTION SECURITY**

Sec. 3000. Short title; sense of Congress.

Subtitle A—Financial Support for Election Infrastructure

PART 1—GRANTS FOR RISK-LIMITING AUDITS OF RESULTS OF ELECTIONS

Sec. 3001. Grants to States for conducting risk-limiting audits of results of elections.

Sec. 3002. GAO analysis of effects of audits.

PART 2—ELECTION INFRASTRUCTURE INNOVATION GRANT PROGRAM

Sec. 3011. 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.

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.

Sec. 3403. Definitions.

Subtitle F—Miscellaneous Provisions

Sec. 3501. Definitions.

Sec. 3502. Initial report on adequacy of resources available for implementation.

Subtitle G—Severability

Sec. 3601. 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.

1 **Subtitle A—Financial Support for**
 2 **Election Infrastructure**

3 **PART 1—GRANTS FOR RISK-LIMITING AUDITS OF**
 4 **RESULTS OF ELECTIONS**

5 **SEC. 3001. GRANTS TO STATES FOR CONDUCTING RISK-LIM-**
 6 **ITING AUDITS OF RESULTS OF ELECTIONS.**

7 (a) AVAILABILITY OF GRANTS.—Subtitle D of title
 8 II of the Help America Vote Act of 2002 (52 U.S.C.
 9 21001 et seq.) is amended by adding at the end the fol-
 10 lowing new part:

11 **“PART 7—GRANTS FOR CONDUCTING RISK-**
 12 **LIMITING AUDITS OF RESULTS OF ELECTIONS**
 13 **“SEC. 297. GRANTS FOR CONDUCTING RISK-LIMITING AU-**
 14 **DITS OF RESULTS OF ELECTIONS.**

15 “(a) AVAILABILITY OF GRANTS.—The Commission
 16 shall make a grant to each eligible State to conduct risk-
 17 limiting audits as described in subsection (b) with respect
 18 to the regularly scheduled general elections for Federal of-
 19 fice held in November 2020 and each succeeding election
 20 for Federal office.

21 “(b) RISK-LIMITING AUDITS DESCRIBED.—In this
 22 part, a ‘risk-limiting audit’ is a post-election process—

23 “(1) which is conducted in accordance with
 24 rules and procedures established by the chief State

1 election official of the State which meet the require-
2 ments of subsection (c); and

3 “(2) under which, if the reported outcome of
4 the election is incorrect, there is at least a predeter-
5 mined percentage chance that the audit will replace
6 the incorrect outcome with the correct outcome as
7 determined by a full, hand-to-eye tabulation of all
8 votes validly cast in that election that ascertains
9 voter intent manually and directly from voter-
10 verifiable paper records.

11 “(c) REQUIREMENTS FOR RULES AND PROCE-
12 DURES.—The rules and procedures established for con-
13 ducting a risk-limiting audit shall include the following
14 elements:

15 “(1) Rules for ensuring the security of ballots
16 and documenting that prescribed procedures were
17 followed.

18 “(2) Rules and procedures for ensuring the ac-
19 curacy of ballot manifests produced by election agen-
20 cies.

21 “(3) Rules and procedures for governing the
22 format of ballot manifests, cast vote records, and
23 other data involved in the audit.

24 “(4) Methods to ensure that any cast vote
25 records used in the audit are those used by the vot-

1 ing system to tally the election results sent to the
2 chief State election official and made public.

3 “(5) Procedures for the random selection of
4 ballots to be inspected manually during each audit.

5 “(6) Rules for the calculations and other meth-
6 ods to be used in the audit and to determine wheth-
7 er and when the audit of an election is complete.

8 “(7) Procedures and requirements for testing
9 any software used to conduct risk-limiting audits.

10 “(d) DEFINITIONS.—In this part, the following defi-
11 nitions apply:

12 “(1) The term ‘ballot manifest’ means a record
13 maintained by each election agency that meets each
14 of the following requirements:

15 “(A) The record is created without reliance
16 on any part of the voting system used to tab-
17 ulate votes.

18 “(B) The record functions as a sampling
19 frame for conducting a risk-limiting audit.

20 “(C) The record contains the following in-
21 formation with respect to the ballots cast and
22 counted in the election:

23 “(i) The total number of ballots cast
24 and counted by the agency (including

1 undervotes, overvotes, and other invalid
2 votes).

3 “(ii) The total number of ballots cast
4 in each election administered by the agency
5 (including undervotes, overvotes, and other
6 invalid votes).

7 “(iii) A precise description of the
8 manner in which the ballots are physically
9 stored, including the total number of phys-
10 ical groups of ballots, the numbering sys-
11 tem for each group, a unique label for each
12 group, and the number of ballots in each
13 such group.

14 “(2) The term ‘incorrect outcome’ means an
15 outcome that differs from the outcome that would be
16 determined by a full tabulation of all votes validly
17 cast in the election, determining voter intent manu-
18 ally, directly from voter-verifiable paper records.

19 “(3) The term ‘outcome’ means the winner of
20 an election, whether a candidate or a position.

21 “(4) The term ‘reported outcome’ means the
22 outcome of an election which is determined accord-
23 ing to the canvass and which will become the official,
24 certified outcome unless it is revised by an audit, re-
25 count, or other legal process.

1 **“SEC. 297A. 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 297;

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 297(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. 297B. AUTHORIZATION OF APPROPRIATIONS.**

7 “There are authorized to be appropriated for grants
 8 under this part \$20,000,000 for fiscal year 2019, to re-
 9 main available until expended.”.

10 (b) CLERICAL AMENDMENT.—The table of contents
 11 of such Act is amended by adding at the end of the items
 12 relating to subtitle D of title II the following:

“PART 7—GRANTS FOR CONDUCTING RISK-LIMITING AUDITS OF RESULTS
 OF ELECTIONS

“Sec. 297. Grants for conducting risk-limiting audits of results of elec-
 tions.

“Sec. 297A. Eligibility of States.

“Sec. 297B. Authorization of appropriations.

13 **SEC. 3002. GAO ANALYSIS OF EFFECTS OF AUDITS.**

14 (a) ANALYSIS.—Not later than 6 months after the
 15 first election for Federal office is held after grants are
 16 first awarded to States for conducting risk-limiting audits
 17 under part 7 of subtitle D of title II of the Help America
 18 Vote Act of 2002 (as added by section 3001) for con-
 19 ducting risk-limiting audits of elections for Federal office,
 20 the Comptroller General of the United States shall con-
 21 duct an analysis of the extent to which such audits have
 22 improved the administration of such elections and the se-

1 curity of election infrastructure in the States receiving
2 such grants.

3 (b) REPORT.—The Comptroller General of the
4 United States shall submit a report on the analysis con-
5 ducted under subsection (a) to the appropriate congres-
6 sional committees.

7 **PART 2—ELECTION INFRASTRUCTURE**

8 **INNOVATION GRANT PROGRAM**

9 **SEC. 3011. ELECTION INFRASTRUCTURE INNOVATION**
10 **GRANT PROGRAM.**

11 (a) IN GENERAL.—Title III of the Homeland Secu-
12 rity Act of 2002 (6 U.S.C. 181 et seq.) is amended—

13 (1) by redesignating the second section 319 (re-
14 lating to EMP and GMD mitigation research and
15 development) as section 320; and

16 (2) by adding at the end the following new sec-
17 tion:

18 **“SEC. 321. ELECTION INFRASTRUCTURE INNOVATION**
19 **GRANT PROGRAM.**

20 “(a) ESTABLISHMENT.—The Secretary, acting
21 through the Under Secretary for Science and Technology,
22 in coordination with the Chairman of the Election Assist-
23 ance Commission (established pursuant to the Help Amer-
24 ica Vote Act of 2002) and in consultation with the Direc-
25 tor of the National Science Foundation, shall establish a

1 competitive grant program to award grants to eligible enti-
2 ties, on a competitive basis, for purposes of research and
3 development that are determined to have the potential to
4 significantly to improve the security (including cybersecu-
5 rity), quality, reliability, accuracy, accessibility, and af-
6 fordability of election infrastructure.

7 “(b) REPORT TO CONGRESS.—Not later than 90 days
8 after the conclusion of each fiscal year for which grants
9 are awarded under this section, the Secretary shall submit
10 to the Committee on Homeland Security and the Com-
11 mittee on House Administration of the House of Rep-
12 resentatives and the Committee on Homeland Security
13 and Governmental Affairs and the Committee on Rules
14 and Administration of the Senate a report describing such
15 grants and analyzing the impact, if any, of such grants
16 on the security and operation of election infrastructure.

17 “(c) AUTHORIZATION OF APPROPRIATIONS.—There
18 is authorized to be appropriated to the Secretary
19 \$6,250,000 for each of fiscal years 2019 through 2027
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 de-
24 fined in section 101(a) of the Higher Education Act
25 of 1965 (20 U.S.C. 1001(a))), including an institu-

tion of higher education that is a historically Black college or university (which has the meaning given the term ‘part B institution’ in section 322 of such Act (20 U.S.C. 1061)) or other minority-serving institution listed in section 371(a) of such Act (20 U.S.C. 1067q(a));

“(2) an organization described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code; or

“(3) an organization, association, or a for-profit company, including a small business concern (as such term is defined under section 3 of the Small Business Act (15 U.S.C. 632)), including a small business concern owned and controlled by socially and economically disadvantaged individuals as defined under section 8(d)(3)(C) of the Small Business Act (15 U.S.C. 637(d)(3)(C)).”.

(b) DEFINITION.—Section 2 of the Homeland Security Act of 2002 (6 U.S.C. 101) is amended—

(1) by redesignating paragraphs (6) through (20) as paragraphs (7) through (21), respectively; and

(2) by inserting after paragraph (5) the following new paragraph:

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 striking both items relating to section 319
19 and the item relating to section 318 and inserting the fol-
20 lowing new items:

“Sec. 318. Social media working group.

“Sec. 319. Transparency in research and development.

“Sec. 320. EMP and GMD mitigation research and development.

“Sec. 321. Election infrastructure innovation grant program.”.

1 **Subtitle B—Security Measures**

2 **SEC. 3101. ELECTION INFRASTRUCTURE DESIGNATION.**

3 Subparagraph (J) of section 2001(3) of the Home-
4 land Security Act of 2002 (6 U.S.C. 601(3)) is amended
5 by inserting “, including election infrastructure” before
6 the period at the end.

7 **SEC. 3102. TIMELY THREAT INFORMATION.**

8 Subsection (d) of section 201 of the Homeland Secu-
9 rity Act of 2002 (6 U.S.C. 121) is amended by adding
10 at the end the following new paragraph:

11 “(24) To provide timely threat information re-
12 garding election infrastructure to the chief State
13 election official of the State with respect to which
14 such information pertains.”.

15 **SEC. 3103. SECURITY CLEARANCE ASSISTANCE FOR ELEC-** 16 **TION OFFICIALS.**

17 In order to promote the timely sharing of information
18 on threats to election infrastructure, the Secretary may—

19 (1) help expedite a security clearance for the
20 chief State election official and other appropriate
21 State personnel involved in the administration of
22 elections, as designated by the chief State election
23 official;

24 (2) sponsor a security clearance for the chief
25 State election official and other appropriate State

1 personnel involved in the administration of elections,
2 as designated by the chief State election official; and

3 (3) facilitate the issuance of a temporary clear-
4 ance to the chief State election official and other ap-
5 propriate State personnel involved in the administra-
6 tion of elections, as designated by the chief State
7 election official, if the Secretary determines classi-
8 fied information to be timely and relevant to the
9 election infrastructure of the State at issue.

10 **SEC. 3104. SECURITY RISK AND VULNERABILITY ASSESS-**
11 **MENTS.**

12 (a) IN GENERAL.—Paragraph (6) of section 2209(c)
13 of the Homeland Security Act of 2002 (6 U.S.C. 659(c))
14 is amended by inserting “(including by carrying out a se-
15 curity risk and vulnerability assessment)” after “risk
16 management support”.

17 (b) PRIORITIZATION TO ENHANCE ELECTION SECU-
18 RITY.—

19 (1) IN GENERAL.—Not later than 90 days after
20 receiving a written request from a chief State elec-
21 tion official, the Secretary shall, to the extent prac-
22 ticable, commence a security risk and vulnerability
23 assessment (pursuant to paragraph (6) of section
24 2209(c) of the Homeland Security Act of 2002, as

1 amended by subsection (a)) on election infrastruc-
2 ture in the State at issue.

3 (2) NOTIFICATION.—If the Secretary, upon re-
4 ceipt of a request described in paragraph (1), deter-
5 mines that a security risk and vulnerability assess-
6 ment cannot be commenced within 90 days, the Sec-
7 retary shall expeditiously notify the chief State elec-
8 tion official who submitted such request.

9 **SEC. 3105. ANNUAL REPORTS.**

10 (a) REPORTS ON ASSISTANCE AND ASSESSMENTS.—
11 Not later than one year after the date of the enactment
12 of this Act and annually thereafter through 2026, the Sec-
13 retary shall submit to the appropriate congressional com-
14 mittees—

15 (1) efforts to carry out section 203 during the
16 prior year, including specific information on which
17 States were helped, how many officials have been
18 helped in each State, how many security clearances
19 have been sponsored in each State, and how many
20 temporary clearances have been issued in each State;
21 and

22 (2) efforts to carry out section 205 during the
23 prior year, including specific information on which
24 States were helped, the dates on which the Secretary
25 received a request for a security risk and vulner-

1 ability assessment pursuant to such section, the
2 dates on which the Secretary commenced each such
3 request, and the dates on which the Secretary trans-
4 mitted a notification in accordance with subsection
5 (b)(2) of such section.

6 (b) REPORTS ON FOREIGN THREATS.—Not later
7 than 90 days after the end of each fiscal year (beginning
8 with fiscal year 2019), the Secretary and the Director of
9 National Intelligence, in coordination with the heads of
10 appropriate offices of the Federal Government, shall sub-
11 mit a joint report to the appropriate congressional com-
12 mittees on foreign threats to elections in the United
13 States, including physical and cybersecurity threats.

14 (c) INFORMATION FROM STATES.—For purposes of
15 preparing the reports required under this section, the Sec-
16 retary shall solicit and consider information and comments
17 from States and election agencies, except that the provi-
18 sion of such information and comments by a State or elec-
19 tion agency shall be voluntary and at the discretion of the
20 State or agency.

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 Western govern-
16 ments the institutions of which were subject to a
17 cyber attack, influence operation, disinformation
18 campaign, or other activity aimed at undermining
19 the security and integrity of such institutions, as
20 well as actions that could be taken by the United
21 States Government to bolster collaboration with for-
22 eign partners to detect, deter, prevent, and counter
23 such activities.

24 (5) Potential impacts such as an erosion of
25 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 multistate in-
7 formation sharing and analysis center.

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 but may contain a classified annex.

4 **SEC. 3202. NATIONAL COMMISSION TO PROTECT UNITED**
5 **STATES DEMOCRATIC INSTITUTIONS.**

6 (a) ESTABLISHMENT.—There is established within
7 the legislative branch the National Commission to Protect
8 United States Democratic Institutions (hereafter in this
9 section referred to as the “Commission”).

10 (b) PURPOSE.—The purpose of the Commission is to
11 counter efforts to undermine democratic institutions with-
12 in the United States.

13 (c) COMPOSITION.—

14 (1) MEMBERSHIP.—The Commission shall be
15 composed of 10 members appointed for the life of
16 the Commission as follows:

17 (A) One member shall be appointed by the
18 Secretary.

19 (B) One member shall be appointed by the
20 Chairman.

21 (C) 2 members shall be appointed by the
22 majority leader of the Senate, in consultation
23 with the Chairman of the Committee on Home-
24 land Security and Governmental Affairs, the
25 Chairman of the Committee on the Judiciary,

1 and the Chairman of the Committee on Rules
2 and Administration.

3 (D) 2 members shall be appointed by the
4 minority leader of the Senate, in consultation
5 with the ranking minority member of the Com-
6 mittee on Homeland Security and Govern-
7 mental Affairs, the ranking minority member of
8 the Committee on the Judiciary, and the rank-
9 ing minority member of the Committee on
10 Rules and Administration.

11 (E) 2 members shall be appointed by the
12 Speaker of the House of Representatives, in
13 consultation with the Chairman of the Com-
14 mittee on Homeland Security, the Chairman of
15 the Committee on House Administration, and
16 the Chairman of the Committee on the Judici-
17 ary.

18 (F) 2 members shall be appointed by the
19 minority leader of the House of Representa-
20 tives, in consultation with the ranking minority
21 member of the Committee on Homeland Secu-
22 rity, the ranking minority member of the Com-
23 mittee on the Judiciary, and the ranking minor-
24 ity member of the Committee on House Admin-
25 istration.

1 (2) QUALIFICATIONS.—Individuals shall be se-
2 lected for appointment to the Commission solely on
3 the basis of their professional qualifications, achieve-
4 ments, public stature, experience, and expertise in
5 relevant fields, including, but not limited to cyberse-
6 curity, national security, and the Constitution of the
7 United States.

8 (3) NO COMPENSATION FOR SERVICE.—Mem-
9 bers shall not receive compensation for service on
10 the Commission, but shall receive travel expenses,
11 including per diem in lieu of subsistence, in accord-
12 ance with chapter 57 of title 5, United States Code.

13 (4) DEADLINE FOR APPOINTMENT.—All mem-
14 bers of the Commission shall be appointed no later
15 than 60 days after the date of the enactment of this
16 Act.

17 (5) VACANCIES.—A vacancy on the Commission
18 shall not affect its powers and shall be filled in the
19 manner in which the original appointment was
20 made. The appointment of the replacement member
21 shall be made not later than 60 days after the date
22 on which the vacancy occurs.

23 (d) CHAIR AND VICE CHAIR.—The Commission shall
24 elect a Chair and Vice Chair from among its members.

25 (e) QUORUM AND MEETINGS.—

1 (1) QUORUM.—The Commission shall meet and
2 begin the operations of the Commission not later
3 than 30 days after the date on which all members
4 have been appointed or, if such meeting cannot be
5 mutually agreed upon, on a date designated by the
6 Speaker of the House of Representatives and the
7 President pro tempore of the Senate. Each subse-
8 quent meeting shall occur upon the call of the Chair
9 or a majority of its members. A majority of the
10 members of the Commission shall constitute a
11 quorum, but a lesser number may hold meetings.

12 (2) AUTHORITY OF INDIVIDUALS TO ACT FOR
13 COMMISSION.—Any member of the Commission may,
14 if authorized by the Commission, take any action
15 that the Commission is authorized to take under this
16 section.

17 (f) POWERS.—

18 (1) HEARINGS AND EVIDENCE.—The Commis-
19 sion (or, on the authority of the Commission, any
20 subcommittee or member thereof) may, for the pur-
21 pose of carrying out this section, hold hearings and
22 sit and act at such times and places, take such testi-
23 mony, receive such evidence, and administer such
24 oaths as the Commission considers advisable to
25 carry out its duties.

1 (2) CONTRACTING.—The Commission may, to
2 such extent and in such amounts as are provided in
3 appropriation Acts, enter into contracts to enable
4 the Commission to discharge its duties under this
5 section.

6 (g) ASSISTANCE FROM FEDERAL AGENCIES.—

7 (1) GENERAL SERVICES ADMINISTRATION.—
8 The Administrator of General Services shall provide
9 to the Commission on a reimbursable basis adminis-
10 trative support and other services for the perform-
11 ance of the Commission's functions.

12 (2) OTHER DEPARTMENTS AND AGENCIES.—In
13 addition to the assistance provided under paragraph
14 (1), the Department of Homeland Security, the
15 Election Assistance Commission, and other appro-
16 priate departments and agencies of the United
17 States shall provide to the Commission such serv-
18 ices, funds, facilities, and staff as they may deter-
19 mine advisable and as may be authorized by law.

20 (h) PUBLIC MEETINGS.—Any public meetings of the
21 Commission shall be conducted in a manner consistent
22 with the protection of information provided to or developed
23 for or by the Commission as required by any applicable
24 statute, regulation, or Executive order.

25 (i) SECURITY CLEARANCES.—

1 (1) IN GENERAL.—The heads of appropriate
2 departments and agencies of the executive branch
3 shall cooperate with the Commission to expeditiously
4 provide Commission members and staff with appro-
5 priate security clearances to the extent possible
6 under applicable procedures and requirements.

7 (2) PREFERENCES.—In appointing staff, ob-
8 taining detailees, and entering into contracts for the
9 provision of services for the Commission, the Com-
10 mission shall give preference to individuals otherwise
11 who have active security clearances.

12 (j) REPORTS.—

13 (1) INTERIM REPORTS.—At any time prior to
14 the submission of the final report under paragraph
15 (2), the Commission may submit interim reports to
16 the President and Congress such findings, conclu-
17 sions, and recommendations to strengthen protec-
18 tions for democratic institutions in the United
19 States as have been agreed to by a majority of the
20 members of the Commission.

21 (2) FINAL REPORT.—Not later than 18 months
22 after the date of the first meeting of the Commis-
23 sion, the Commission shall submit to the President
24 and Congress a final report containing such find-
25 ings, conclusions, and recommendations to strength-

1 en protections for democratic institutions in the
2 United States as have been agreed to by a majority
3 of the members of the Commission.

4 (k) TERMINATION.—

5 (1) IN GENERAL.—The Commission shall termi-
6 nate upon the expiration of the 60-day period which
7 begins on the date on which the Commission submits
8 the final report required under subsection (j)(2).

9 (2) ADMINISTRATIVE ACTIVITIES PRIOR TO
10 TERMINATION.—During the 60-day period described
11 in paragraph (2), the Commission may carry out
12 such administrative activities as may be required to
13 conclude its work, including providing testimony to
14 committees of Congress concerning the final report
15 and disseminating the final report.

16 (l) NONAPPLICABILITY OF FEDERAL ADVISORY COM-
17 MITTEE ACT.—The Federal Advisory Committee Act (5
18 U.S.C. App.) shall not apply to the Commission.

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

(including election cybersecurity guidelines)
issued under this Act.

“(B) DECERTIFICATION OF HARDWARE OR
SOFTWARE FAILING TO MEET GUIDELINES.—If,
on the basis of the testing described in subpara-
graph (A), the Commission determines that any
voting system hardware or software does not
meet the most recent guidelines applicable to
such hardware or software issued under this
Act, the Commission shall decertify such hard-
ware or software.”.

(2) EFFECTIVE DATE.—The amendment made
by paragraph (1) shall apply with respect to the reg-
ularly scheduled general election for Federal office
held in November 2020 and each succeeding regu-
larly scheduled general election for Federal office.

(b) ISSUANCE OF CYBERSECURITY GUIDELINES BY
TECHNICAL GUIDELINES DEVELOPMENT COMMITTEE.—
Section 221(b) of the Help America Vote Act of 2002 (52
U.S.C. 20961(b)) is amended by adding at the end the
following new paragraph:

“(3) ELECTION CYBERSECURITY GUIDE-
LINES.—Not later than 6 months after the date of
the enactment of this paragraph, the Development
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 (c) 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 2020.”.

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 2020 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 2019”.

13 **SEC. 3402. ELECTION SECURITY BUG BOUNTY PROGRAM.**

14 (a) ESTABLISHMENT.—Not later than 1 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” (hereafter in this subtitle referred
18 to as the “Program”) to improve the cybersecurity of the
19 systems used to administer elections for Federal office by
20 facilitating and encouraging assessments by independent
21 technical experts, in cooperation with State and local elec-
22 tion officials and election service providers, to identify and
23 report 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 subpara-
21 graph (A) and establish criteria for individuals, or-
22 ganizations, and companies to be considered eligible
23 for such compensation in compliance with Federal
24 laws;

1 (4) consult with the Attorney General on how
2 to ensure that approved individuals, organizations,
3 or companies that comply with the requirements of
4 the Program are protected from prosecution under
5 section 1030 of title 18, United States Code, and
6 similar provisions of law, and from liability under
7 civil actions for specific activities authorized under
8 the Program;

9 (5) consult with the Secretary of Defense and
10 the heads of other departments and agencies that
11 have implemented programs to provide compensation
12 for reports of previously undisclosed vulnerabilities
13 in information systems, regarding lessons that may
14 be applied from such programs;

15 (6) develop an expeditious process by which an
16 individual, organization, or company can register
17 with the Department, submit to a background check
18 as determined by the Department, and receive a de-
19 termination as to eligibility for participation in the
20 Program; and

21 (7) engage qualified interested persons, includ-
22 ing representatives of private entities, about the
23 structure of the Program and, to the extent prac-
24 ticable, establish a recurring competition for inde-
25 pendent technical experts to assess election systems

1 for the purpose of identifying and reporting election
2 cybersecurity vulnerabilities.

3 (d) USE OF SERVICE PROVIDERS.—The Secretary
4 may award competitive contracts as necessary to manage
5 the Program.

6 **SEC. 3403. DEFINITIONS.**

7 In this subtitle, the following definitions apply:

8 (1) The terms “election” and “Federal office”
9 have the meanings given such terms in section 301
10 of the Federal Election Campaign Act of 1971 (52
11 U.S.C. 30101).

12 (2) The term “election cybersecurity vulner-
13 ability” means any security vulnerability (as defined
14 in section 102 of the Cybersecurity Information
15 Sharing Act of 2015 (6 U.S.C. 1501)) that affects
16 an election system.

17 (3) The term “election service provider” means
18 any person providing, supporting, or maintaining an
19 election system on behalf of a State or local election
20 official, such as a contractor or vendor.

21 (4) The term “election system” means any in-
22 formation system (as defined in section 3502 of title
23 44, United States Code) which is part of an election
24 infrastructure.

1 (5) The term “Secretary” means the Secretary
 2 of Homeland Security, or, upon designation by the
 3 Secretary of Homeland Security, the Deputy Sec-
 4 retary of Homeland Security, the Director of Cyber-
 5 security and Infrastructure Security of the Depart-
 6 ment of Homeland Security, or a Senate-confirmed
 7 official that reports to the Director.

8 (6) The term “State” means each of the several
 9 States, the District of Columbia, the Commonwealth
 10 of Puerto Rico, Guam, American Samoa, the Com-
 11 monwealth of the Northern Mariana Islands, and
 12 the United States Virgin Islands.

13 (7) The term “voting system” has the meaning
 14 given such term in section 301(b) of the Help Amer-
 15 ica Vote Act of 2002 (52 U.S.C. 21081(b)).

16 **Subtitle F—Miscellaneous** 17 **Provisions**

18 **SEC. 3501. DEFINITIONS.**

19 Except as provided in section 3403, in this title, the
 20 following definitions apply:

21 (1) The term “Chairman” means the chair of
 22 the Election Assistance Commission.

23 (2) The term “appropriate congressional com-
 24 mittees” means the Committees on Homeland Secu-
 25 rity and House Administration of the House of Rep-

1 representatives and the Committees on Homeland Secu-
2 rity and Governmental Affairs and Rules and Ad-
3 ministration of the Senate.

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

10 (4) The term “Commission” means the Election
11 Assistance Commission.

12 (5) The term “democratic institutions” means
13 the diverse range of institutions that are essential to
14 ensuring an independent judiciary, free and fair elec-
15 tions, and rule of law.

16 (6) The term “election agency” means any com-
17 ponent of a State, or any component of a unit of
18 local government in a State, which is responsible for
19 the administration of elections for Federal office in
20 the State.

21 (7) The term “election infrastructure” means
22 storage facilities, polling places, and centralized vote
23 tabulation locations used to support the administra-
24 tion of elections for public office, as well as related
25 information and communications technology, includ-

1 ing voter registration databases, voting machines,
2 electronic mail and other communications systems
3 (including electronic mail and other systems of ven-
4 dors who have entered into contracts with election
5 agencies to support the administration of elections,
6 manage the election process, and report and display
7 election results), and other systems used to manage
8 the election process and to report and display elec-
9 tion results on behalf of an election agency.

10 (8) The term “Secretary” means the Secretary
11 of Homeland Security.

12 (9) The term “State” has the meaning given
13 such term in section 901 of the Help America Vote
14 Act of 2002 (52 U.S.C. 21141).

15 **SEC. 3502. INITIAL REPORT ON ADEQUACY OF RESOURCES**

16 **AVAILABLE FOR IMPLEMENTATION.**

17 Not later than 120 days after enactment of this Act,
18 the Chairman and the Secretary shall submit a report to
19 the appropriate committees of Congress, including the
20 Committees on Homeland Security and House Adminis-
21 tration of the House of Representatives and the Com-
22 mittee on Homeland Security and Governmental Affairs
23 of the Senate, analyzing the adequacy of the funding, re-
24 sources, and personnel available to carry out this title and
25 the amendments made by this title.

1 **Subtitle G—Severability**

2 **SEC. 3601. SEVERABILITY.**

3 If any provision of this title or amendment made by
 4 this title, or the application of a provision or amendment
 5 to any person or circumstance, is held to be unconstitu-
 6 tional, the remainder of this title and amendments made
 7 by this title, and the application of the provisions and
 8 amendment to any person or circumstance, shall not be
 9 affected by the holding.

10 **DIVISION B—CAMPAIGN** 11 **FINANCE**

12 **TITLE IV—CAMPAIGN FINANCE** 13 **TRANSPARENCY**

Subtitle A—Findings Relating to Illicit Money Undermining Our Democracy

Sec. 4001. Findings relating to illicit money undermining our democracy.

Subtitle B—DISCLOSE Act

Sec. 4100. Short title.

PART 1—REGULATION OF CERTAIN POLITICAL SPENDING

Sec. 4101. Application of ban on contributions and expenditures by foreign na-
 tionals to domestic corporations, limited liability corporations,
 and partnerships that are foreign-controlled, foreign-influenced,
 and foreign-owned.

Sec. 4102. Clarification of application of foreign money ban to certain disburse-
 ments and activities.

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-re-
 lated 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—Honest Ads

- 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.

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—Secret Money Transparency

- Sec. 4401. Repeal of restriction of use of funds by Internal Revenue Service to bring transparency to political activity of certain nonprofit organizations.

Subtitle F—Shareholder Right-To-Know

- Sec. 4501. Repeal of restriction on use of funds by Securities and Exchange Commission to ensure shareholders of corporations have knowledge of corporation political activity.

Subtitle G—Disclosure of Political Spending by Government Contractors

- Sec. 4601. Repeal of restriction on use of funds to require disclosure of political spending by government contractors.

Subtitle H—Limitation and Disclosure Requirements for Presidential Inaugural Committees

- Sec. 4701. Short title.
- Sec. 4702. Limitations and disclosure of certain donations to, and disbursements by, inaugural committees.

Subtitle I—Severability

- Sec. 4801. Severability.

1 **Subtitle A—Findings Relating to Il-**
2 **licit Money Undermining Our**
3 **Democracy**

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-
23 ficiaries and transactions from regulators and law
24 enforcement.

1 (3) Congress should curb the use of anonymous
2 shell companies for illicit purposes by requiring
3 United States companies to disclose their beneficial
4 owners, strengthening anti-money laundering and
5 counter-terrorism finance laws.

6 (4) Congress should examine the money laun-
7 dering and terrorist financing risks in the real estate
8 market, including the role of anonymous parties, and
9 review legislation to address any vulnerabilities iden-
10 tified in this sector.

11 (5) Congress should examine the methods by
12 which corruption flourishes and the means to detect
13 and deter the financial misconduct that fuels this
14 driver of global instability. Congress should monitor
15 government efforts to enforce United States anti-
16 corruption laws and regulations.

17 **Subtitle B—DISCLOSE Act**

18 **SEC. 4100. SHORT TITLE.**

19 This subtitle may be cited as the “Democracy Is
20 Strengthened by Casting Light On Spending in Elections
21 Act of 2019” or the “DISCLOSE Act of 2019”.

1 **PART 1—REGULATION OF CERTAIN POLITICAL**
2 **SPENDING**

3 **SEC. 4101. APPLICATION OF BAN ON CONTRIBUTIONS AND**
4 **EXPENDITURES BY FOREIGN NATIONALS TO**
5 **DOMESTIC CORPORATIONS, LIMITED LIABIL-**
6 **ITY CORPORATIONS, AND PARTNERSHIPS**
7 **THAT ARE FOREIGN-CONTROLLED, FOREIGN-**
8 **INFLUENCED, AND FOREIGN-OWNED.**

9 (a) APPLICATION OF BAN.—Section 319(b) of the
10 Federal Election Campaign Act of 1971 (52 U.S.C.
11 30121(b)) is amended—

12 (1) by striking “or” at the end of paragraph
13 (1);

14 (2) by striking the period at the end of para-
15 graph (2) and inserting “; or”; and

16 (3) by adding at the end the following new
17 paragraph:

18 “(3) any corporation, limited liability corpora-
19 tion, or partnership which is not a foreign national
20 described in paragraph (1) and—

21 “(A) in which a foreign national described
22 in paragraph (1) or (2) directly or indirectly
23 owns or controls—

24 “(i) 5 percent or more of the voting
25 shares, if the foreign national is a foreign
26 country, a foreign government official, or a

1 corporation principally owned or controlled
2 by a foreign country or foreign government
3 official; or

4 “(ii) 20 percent or more of the voting
5 shares, if the foreign national is not de-
6 scribed in clause (i);

7 “(B) in which two or more foreign nation-
8 als described in paragraph (1) or (2), each of
9 whom owns or controls at least 5 percent of the
10 voting shares, directly or indirectly own or con-
11 trol 50 percent or more of the voting shares;

12 “(C) over which one or more foreign na-
13 tionals described in paragraph (1) or (2) has
14 the power to direct, dictate, or control the deci-
15 sionmaking process of the corporation, limited
16 liability corporation, or partnership with respect
17 to its interests in the United States; or

18 “(D) over which one or more foreign na-
19 tionals described in paragraph (1) or (2) has
20 the power to direct, dictate, or control the deci-
21 sionmaking process of the corporation, limited
22 liability corporation, or partnership with respect
23 to activities in connection with a Federal, State,
24 or local election, including—

1 “(i) the making of a contribution, do-
2 nation, expenditure, independent expendi-
3 ture, or disbursement for an electioneering
4 communication (within the meaning of sec-
5 tion 304(f)(3)); or

6 “(ii) the administration of a political
7 committee established or maintained by the
8 corporation.”.

9 (b) CERTIFICATION OF COMPLIANCE.—Section 319
10 of such Act (52 U.S.C. 30121) is amended by adding at
11 the end the following new subsection:

12 “(c) CERTIFICATION OF COMPLIANCE REQUIRED
13 PRIOR TO CARRYING OUT ACTIVITY.—Prior to the mak-
14 ing in connection with an election for Federal office of any
15 contribution, donation, expenditure, independent expendi-
16 ture, or disbursement for an electioneering communication
17 by a corporation, limited liability corporation, or partner-
18 ship during a year, the chief executive officer of the cor-
19 poration, limited liability corporation, or partnership (or,
20 if the corporation, limited liability corporation, or partner-
21 ship does not have a chief executive officer, the highest
22 ranking official of the corporation, limited liability cor-
23 poration, or partnership), shall file a certification with the
24 Commission, under penalty of perjury, that the corpora-
25 tion, limited liability corporation, or partnership is not

1 prohibited from carrying out such activity under sub-
2 section (b)(3), unless the chief executive officer has pre-
3 viously filed such a certification during that calendar
4 year.”.

5 (c) EFFECTIVE DATE.—The amendments made by
6 this section shall take effect upon the expiration of the
7 180-day period which begins on the date of the enactment
8 of this Act, and shall take effect without regard to whether
9 or not the Federal Election Commission has promulgated
10 regulations to carry out such amendments.

11 **SEC. 4102. CLARIFICATION OF APPLICATION OF FOREIGN**
12 **MONEY BAN TO CERTAIN DISBURSEMENTS**
13 **AND ACTIVITIES.**

14 (a) APPLICATION TO DISBURSEMENTS TO SUPER
15 PACs.—Section 319(a)(1)(A) of the Federal Election
16 Campaign Act of 1971 (52 U.S.C. 30121(a)(1)(A)) is
17 amended by striking the semicolon and inserting the fol-
18 lowing: “, including any disbursement to a political com-
19 mittee which accepts donations or contributions that do
20 not comply with the limitations, prohibitions, and report-
21 ing requirements of this Act (or any disbursement to or
22 on behalf of any account of a political committee which
23 is established for the purpose of accepting such donations
24 or contributions);”.

1 (b) CONDITIONS UNDER WHICH CORPORATE PACS
2 MAY MAKE CONTRIBUTIONS AND EXPENDITURES.—Sec-
3 tion 316(b) of such Act (52 U.S.C. 30118(b)) is amended
4 by adding at the end the following new paragraph:

5 “(8) A separate segregated fund established by a cor-
6 poration may not make a contribution or expenditure dur-
7 ing a year unless the fund has certified to the Commission
8 the following during the year:

9 “(A) Each individual who manages the fund,
10 and who is responsible for exercising decisionmaking
11 authority for the fund, is a citizen of the United
12 States or is lawfully admitted for permanent resi-
13 dence in the United States.

14 “(B) No foreign national under section 319
15 participates in any way in the decisionmaking proc-
16 esses of the fund with regard to contributions or ex-
17 penditures under this Act.

18 “(C) The fund does not solicit or accept rec-
19 ommendations from any foreign national under sec-
20 tion 319 with respect to the contributions or expend-
21 itures made by the fund.

22 “(D) Any member of the board of directors of
23 the corporation who is a foreign national under sec-
24 tion 319 abstains from voting on matters concerning
25 the fund or its activities.”.

1 **PART 2—REPORTING OF CAMPAIGN-RELATED**
2 **DISBURSEMENTS**

3 **SEC. 4111. REPORTING OF CAMPAIGN-RELATED DISBURSE-**
4 **MENTS.**

5 (a) DISCLOSURE REQUIREMENTS FOR CORPORA-
6 TIONS, LABOR ORGANIZATIONS, AND CERTAIN OTHER
7 ENTITIES.—

8 (1) IN GENERAL.—Section 324 of the Federal
9 Election Campaign Act of 1971 (52 U.S.C. 30126)
10 is amended to read as follows:

11 **“SEC. 324. DISCLOSURE OF CAMPAIGN-RELATED DISBURSE-**
12 **MENTS BY COVERED ORGANIZATIONS.**

13 “(a) DISCLOSURE STATEMENT.—

14 “(1) IN GENERAL.—Any covered organization
15 that makes campaign-related disbursements aggre-
16 gating more than \$10,000 in an election reporting
17 cycle shall, not later than 24 hours after each disclo-
18 sure date, file a statement with the Commission
19 made under penalty of perjury that contains the in-
20 formation described in paragraph (2)—

21 “(A) in the case of the first statement filed
22 under this subsection, for the period beginning
23 on the first day of the election reporting cycle
24 (or, if earlier, the period beginning one year be-
25 fore the first such disclosure date) and ending
26 on the first such disclosure date; and

1 “(B) in the case of any subsequent state-
2 ment filed under this subsection, for the period
3 beginning on the previous disclosure date and
4 ending on such disclosure date.

5 “(2) INFORMATION DESCRIBED.—The informa-
6 tion described in this paragraph is as follows:

7 “(A) The name of the covered organization
8 and the principal place of business of such or-
9 ganization and, in the case of a covered organi-
10 zation that is a corporation (other than a busi-
11 ness concern that is an issuer of a class of secu-
12 rities registered under section 12 of the Securi-
13 ties Exchange Act of 1934 (15 U.S.C. 78l) or
14 that is required to file reports under section
15 15(d) of that Act (15 U.S.C. 78o(d))) or an en-
16 tity described in subsection (e)(2), a list of the
17 beneficial owners (as defined in paragraph
18 (4)(A)) of the entity that—

19 “(i) identifies each beneficial owner by
20 name and current residential or business
21 street address; and

22 “(ii) if any beneficial owner exercises
23 control over the entity through another
24 legal entity, such as a corporation, partner-
25 ship, limited liability company, or trust,

1 identifies each such other legal entity and
2 each such beneficial owner who will use
3 that other entity to exercise control over
4 the entity.

5 “(B) The amount of each campaign-related
6 disbursement made by such organization during
7 the period covered by the statement of more
8 than \$1,000, and the name and address of the
9 person to whom the disbursement was made.

10 “(C) In the case of a campaign-related dis-
11 bursement that is not a covered transfer, the
12 election to which the campaign-related disburse-
13 ment pertains and if the disbursement is made
14 for a public communication, the name of any
15 candidate identified in such communication and
16 whether such communication is in support of or
17 in opposition to a candidate.

18 “(D) A certification by the chief executive
19 officer or person who is the head of the covered
20 organization that the campaign-related dis-
21 bursement is not made in cooperation, consulta-
22 tion, or concert with or at the request or sug-
23 gestion of a candidate, authorized committee, or
24 agent of a candidate, political party, or agent of
25 a political party.

1 “(E)(i) If the covered organization makes
2 campaign-related disbursements using exclu-
3 sively funds in a segregated bank account con-
4 sisting of funds that were paid directly to such
5 account by persons other than the covered orga-
6 nization that controls the account, for each
7 such payment to the account—

8 “(I) the name and address of each
9 person who made such payment during the
10 period covered by the statement;

11 “(II) the date and amount of such
12 payment; and

13 “(III) the aggregate amount of all
14 such payments made by the person during
15 the period beginning on the first day of the
16 election reporting cycle (or, if earlier, the
17 period beginning one year before the dis-
18 closure date) and ending on the disclosure
19 date,

20 but only if such payment was made by a person
21 who made payments to the account in an aggre-
22 gate amount of \$10,000 or more during the pe-
23 riod beginning on the first day of the election
24 reporting cycle (or, if earlier, the period begin-

1 ning one year before the disclosure date) and
2 ending on the disclosure date.

3 “(ii) In any calendar year after 2020, sec-
4 tion 315(c)(1)(B) shall apply to the amount de-
5 scribed in clause (i) in the same manner as
6 such section applies to the limitations estab-
7 lished under subsections (a)(1)(A), (a)(1)(B),
8 (a)(3), and (h) of such section, except that for
9 purposes of applying such section to the
10 amounts described in subsection (b), the ‘base
11 period’ shall be 2020.

12 “(F)(i) If the covered organization makes
13 campaign-related disbursements using funds
14 other than funds in a segregated bank account
15 described in subparagraph (E), for each pay-
16 ment to the covered organization—

17 “(I) the name and address of each
18 person who made such payment during the
19 period covered by the statement;

20 “(II) the date and amount of such
21 payment; and

22 “(III) the aggregate amount of all
23 such payments made by the person during
24 the period beginning on the first day of the
25 election reporting cycle (or, if earlier, the

1 period beginning one year before the dis-
2 closure date) and ending on the disclosure
3 date,

4 but only if such payment was made by a person
5 who made payments to the covered organization
6 in an aggregate amount of \$10,000 or more
7 during the period beginning on the first day of
8 the election reporting cycle (or, if earlier, the
9 period beginning one year before the disclosure
10 date) and ending on the disclosure date.

11 “(ii) In any calendar year after 2020, sec-
12 tion 315(c)(1)(B) shall apply to the amount de-
13 scribed in clause (i) in the same manner as
14 such section applies to the limitations estab-
15 lished under subsections (a)(1)(A), (a)(1)(B),
16 (a)(3), and (h) of such section, except that for
17 purposes of applying such section to the
18 amounts described in subsection (b), the ‘base
19 period’ shall be 2020.

20 “(G) Such other information as required in
21 rules established by the Commission to promote
22 the purposes of this section.

23 “(3) EXCEPTIONS.—

24 “(A) AMOUNTS RECEIVED IN ORDINARY
25 COURSE OF BUSINESS.—The requirement to in-

1 clude in a statement filed under paragraph (1)
2 the information described in paragraph (2)
3 shall not apply to amounts received by the cov-
4 ered organization in commercial transactions in
5 the ordinary course of any trade or business
6 conducted by the covered organization or in the
7 form of investments (other than investments by
8 the principal shareholder in a limited liability
9 corporation) in the covered organization.

10 “(B) DONOR RESTRICTION ON USE OF
11 FUNDS.—The requirement to include in a state-
12 ment submitted under paragraph (1) the infor-
13 mation described in subparagraph (F) of para-
14 graph (2) shall not apply if—

15 “(i) the person described in such sub-
16 paragraph prohibited, in writing, the use of
17 the payment made by such person for cam-
18 paign-related disbursements; and

19 “(ii) the covered organization agreed
20 to follow the prohibition and deposited the
21 payment in an account which is segregated
22 from any account used to make campaign-
23 related disbursements.

24 “(C) AMOUNTS RECEIVED FROM AFFILI-
25 ATES.—The requirement to include in a state-

1 ment submitted under paragraph (1) the infor-
2 mation described in subparagraph (F) of para-
3 graph (2) shall not apply to any amount which
4 is described in subsection (f)(3).

5 “(D) THREAT OF HARASSMENT OR RE-
6 PRISAL.—The requirement to include any infor-
7 mation relating to the name or address of any
8 person (other than a candidate) in a statement
9 submitted under paragraph (1) shall not apply
10 if the inclusion of the information would subject
11 the person to serious threats, harassment, or
12 reprisals.

13 “(4) OTHER DEFINITIONS.—For purposes of
14 this section:

15 “(A) BENEFICIAL OWNER DEFINED.—

16 “(i) IN GENERAL.—Except as pro-
17 vided in clause (ii), the term ‘beneficial
18 owner’ means, with respect to any entity,
19 a natural person who, directly or indi-
20 rectly—

21 “(I) exercises substantial control
22 over an entity through ownership, vot-
23 ing rights, agreement, or otherwise; or

1 “(II) has a substantial interest in
2 or receives substantial economic bene-
3 fits from the assets of an entity.

4 “(ii) EXCEPTIONS.—The term ‘bene-
5 ficial owner’ shall not include—

6 “(I) a minor child;

7 “(II) a person acting as a nomi-
8 nee, intermediary, custodian, or agent
9 on behalf of another person;

10 “(III) a person acting solely as
11 an employee of an entity and whose
12 control over or economic benefits from
13 the entity derives solely from the em-
14 ployment status of the person;

15 “(IV) a person whose only inter-
16 est in an entity is through a right of
17 inheritance, unless the person also
18 meets the requirements of clause (i);
19 or

20 “(V) a creditor of an entity, un-
21 less the creditor also meets the re-
22 quirements of clause (i).

23 “(iii) ANTI-ABUSE RULE.—The excep-
24 tions under clause (ii) shall not apply if
25 used for the purpose of evading, circum-

1 venting, or abusing the provisions of clause
2 (i) or paragraph (2)(A).

3 “(B) DISCLOSURE DATE.—The term ‘dis-
4 closure date’ means—

5 “(i) the first date during any election
6 reporting cycle by which a person has
7 made campaign-related disbursements ag-
8 gregating more than \$10,000; and

9 “(ii) any other date during such elec-
10 tion reporting cycle by which a person has
11 made campaign-related disbursements ag-
12 gregating more than \$10,000 since the
13 most recent disclosure date for such elec-
14 tion reporting cycle.

15 “(C) ELECTION REPORTING CYCLE.—The
16 term ‘election reporting cycle’ means the 2-year
17 period beginning on the date of the most recent
18 general election for Federal office.

19 “(D) PAYMENT.—The term ‘payment’ in-
20 cludes any contribution, donation, transfer, pay-
21 ment of dues, or other payment.

22 “(b) COORDINATION WITH OTHER PROVISIONS.—

23 “(1) OTHER REPORTS FILED WITH THE COM-
24 MISSION.—Information included in a statement filed

1 under this section may be excluded from statements
2 and reports filed under section 304.

3 “(2) TREATMENT AS SEPARATE SEGREGATED
4 FUND.—A segregated bank account referred to in
5 subsection (a)(2)(E) may be treated as a separate
6 segregated fund for purposes of section 527(f)(3) of
7 the Internal Revenue Code of 1986.

8 “(c) FILING.—Statements required to be filed under
9 subsection (a) shall be subject to the requirements of sec-
10 tion 304(d) to the same extent and in the same manner
11 as if such reports had been required under subsection (c)
12 or (g) of section 304.

13 “(d) CAMPAIGN-RELATED DISBURSEMENT DE-
14 FINED.—

15 “(1) IN GENERAL.—In this section, the term
16 ‘campaign-related disbursement’ means a disburse-
17 ment by a covered organization for any of the fol-
18 lowing:

19 “(A) An independent expenditure which ex-
20 pressly advocates the election or defeat of a
21 clearly identified candidate for election for Fed-
22 eral office, or is the functional equivalent of ex-
23 press advocacy because, when taken as a whole,
24 it can be interpreted by a reasonable person

1 only as advocating the election or defeat of a
2 candidate for election for Federal office.

3 “(B) Any public communication which re-
4 fers to a clearly identified candidate for election
5 for Federal office and which promotes or sup-
6 ports a candidate for that office, or attacks or
7 opposes a candidate for that office, without re-
8 gard to whether the communication expressly
9 advocates a vote for or against a candidate for
10 that office.

11 “(C) An electioneering communication, as
12 defined in section 304(f)(3).

13 “(D) A covered transfer.

14 “(2) INTENT NOT REQUIRED.—A disbursement
15 for an item described in subparagraph (A), (B), (C),
16 or (D) of paragraph (1) shall be treated as a cam-
17 paign-related disbursement regardless of the intent
18 of the person making the disbursement.

19 “(e) COVERED ORGANIZATION DEFINED.—In this
20 section, the term ‘covered organization’ means any of the
21 following:

22 “(1) A corporation (other than an organization
23 described in section 501(c)(3) of the Internal Rev-
24 enue Code of 1986).

1 “(2) A limited liability corporation that is not
2 otherwise treated as a corporation for purposes of
3 this Act (other than an organization described in
4 section 501(c)(3) of the Internal Revenue Code of
5 1986).

6 “(3) An organization described in section
7 501(c) of such Code and exempt from taxation
8 under section 501(a) of such Code (other than an
9 organization described in section 501(c)(3) of such
10 Code).

11 “(4) A labor organization (as defined in section
12 316(b)).

13 “(5) Any political organization under section
14 527 of the Internal Revenue Code of 1986, other
15 than a political committee under this Act (except as
16 provided in paragraph (6)).

17 “(6) A political committee with an account that
18 accepts donations or contributions that do not com-
19 ply with the contribution limits or source prohibi-
20 tions under this Act, but only with respect to such
21 accounts.

22 “(f) COVERED TRANSFER DEFINED.—

23 “(1) IN GENERAL.—In this section, the term
24 ‘covered transfer’ means any transfer or payment of

1 funds by a covered organization to another person if
2 the covered organization—

3 “(A) designates, requests, or suggests that
4 the amounts be used for—

5 “(i) campaign-related disbursements
6 (other than covered transfers); or

7 “(ii) making a transfer to another
8 person for the purpose of making or pay-
9 ing for such campaign-related disburse-
10 ments;

11 “(B) made such transfer or payment in re-
12 sponse to a solicitation or other request for a
13 donation or payment for—

14 “(i) the making of or paying for cam-
15 paign-related disbursements (other than
16 covered transfers); or

17 “(ii) making a transfer to another
18 person for the purpose of making or pay-
19 ing for such campaign-related disburse-
20 ments;

21 “(C) engaged in discussions with the re-
22 cipient of the transfer or payment regarding—

23 “(i) the making of or paying for cam-
24 paign-related disbursements (other than
25 covered transfers); or

1 “(ii) donating or transferring any
2 amount of such transfer or payment to an-
3 other person for the purpose of making or
4 paying for such campaign-related disburse-
5 ments;

6 “(D) made campaign-related disburse-
7 ments (other than a covered transfer) in an ag-
8 gregate amount of \$50,000 or more during the
9 2-year period ending on the date of the transfer
10 or payment, or knew or had reason to know
11 that the person receiving the transfer or pay-
12 ment made such disbursements in such an ag-
13 gregate amount during that 2-year period; or

14 “(E) knew or had reason to know that the
15 person receiving the transfer or payment would
16 make campaign-related disbursements in an ag-
17 gregate amount of \$50,000 or more during the
18 2-year period beginning on the date of the
19 transfer or payment.

20 “(2) EXCLUSIONS.—The term ‘covered transfer’
21 does not include any of the following:

22 “(A) A disbursement made by a covered
23 organization in a commercial transaction in the
24 ordinary course of any trade or business con-
25 ducted by the covered organization or in the

1 form of investments made by the covered orga-
2 nization.

3 “(B) A disbursement made by a covered
4 organization if—

5 “(i) the covered organization prohib-
6 ited, in writing, the use of such disburse-
7 ment for campaign-related disbursements;
8 and

9 “(ii) the recipient of the disbursement
10 agreed to follow the prohibition and depos-
11 ited the disbursement in an account which
12 is segregated from any account used to
13 make campaign-related disbursements.

14 “(3) SPECIAL RULE REGARDING TRANSFERS
15 AMONG AFFILIATES.—

16 “(A) SPECIAL RULE.—A transfer of an
17 amount by one covered organization to another
18 covered organization which is treated as a
19 transfer between affiliates under subparagraph
20 (C) shall be considered a covered transfer by
21 the covered organization which transfers the
22 amount only if the aggregate amount trans-
23 ferred during the year by such covered organi-
24 zation to that same covered organization is
25 equal to or greater than \$50,000.

1 “(B) DETERMINATION OF AMOUNT OF
2 CERTAIN PAYMENTS AMONG AFFILIATES.—In
3 determining the amount of a transfer between
4 affiliates for purposes of subparagraph (A), to
5 the extent that the transfer consists of funds
6 attributable to dues, fees, or assessments which
7 are paid by individuals on a regular, periodic
8 basis in accordance with a per-individual cal-
9 culation which is made on a regular basis, the
10 transfer shall be attributed to the individuals
11 paying the dues, fees, or assessments and shall
12 not be attributed to the covered organization.

13 “(C) DESCRIPTION OF TRANSFERS BE-
14 TWEEN AFFILIATES.—A transfer of amounts
15 from one covered organization to another cov-
16 ered organization shall be treated as a transfer
17 between affiliates if—

18 “(i) one of the organizations is an af-
19 filiate of the other organization; or

20 “(ii) each of the organizations is an
21 affiliate of the same organization,

22 except that the transfer shall not be treated as
23 a transfer between affiliates if one of the orga-
24 nizations is established for the purpose of mak-
25 ing campaign-related disbursements.

1 “(D) DETERMINATION OF AFFILIATE STA-
2 TUS.—For purposes of subparagraph (C), a
3 covered organization is an affiliate of another
4 covered organization if—

5 “(i) the governing instrument of the
6 organization requires it to be bound by de-
7 cisions of the other organization;

8 “(ii) the governing board of the orga-
9 nization includes persons who are specifi-
10 cally designated representatives of the
11 other organization or are members of the
12 governing board, officers, or paid executive
13 staff members of the other organization, or
14 whose service on the governing board is
15 contingent upon the approval of the other
16 organization; or

17 “(iii) the organization is chartered by
18 the other organization.

19 “(E) COVERAGE OF TRANSFERS TO AF-
20 FILATED SECTION 501(c)(3) ORGANIZA-
21 TIONS.—This paragraph shall apply with re-
22 spect to an amount transferred by a covered or-
23 ganization to an organization described in para-
24 graph (3) of section 501(c) of the Internal Rev-
25 enue Code of 1986 and exempt from tax under

1 section 501(a) of such Code in the same man-
2 ner as this paragraph applies to an amount
3 transferred by a covered organization to an-
4 other covered organization.

5 “(g) NO EFFECT ON OTHER REPORTING REQUIRE-
6 MENTS.—Nothing in this section shall be construed to
7 waive or otherwise affect any other requirement of this
8 Act which relates to the reporting of campaign-related dis-
9 bursements.”.

10 (2) CONFORMING AMENDMENT.—Section
11 304(f)(6) of such Act (52 U.S.C. 30104) is amended
12 by striking “Any requirement” and inserting “Ex-
13 cept as provided in section 324(b), any require-
14 ment”.

15 (b) COORDINATION WITH FINCEN.—

16 (1) IN GENERAL.—The Director of the Finan-
17 cial Crimes Enforcement Network of the Depart-
18 ment of the Treasury shall provide the Federal Elec-
19 tion Commission with such information as necessary
20 to assist in administering and enforcing section 324
21 of the Federal Election Campaign Act of 1971, as
22 added by this section.

23 (2) REPORT.—Not later than 6 months after
24 the date of the enactment of this Act, the Chairman
25 of the Federal Election Commission, in consultation

1 with the Director of the Financial Crimes Enforce-
2 ment Network of the Department of the Treasury,
3 shall submit to Congress a report with recommenda-
4 tions for providing further legislative authority to as-
5 sist in the administration and enforcement of such
6 section 324.

7 **SEC. 4112. APPLICATION OF FOREIGN MONEY BAN TO DIS-**
8 **BURSEMENTS FOR CAMPAIGN-RELATED DIS-**
9 **BURSEMENTS CONSISTING OF COVERED**
10 **TRANSFERS.**

11 Section 319(a)(1)(A) of the Federal Election Cam-
12 paign Act of 1971 (52 U.S.C. 30121(a)(1)(A)), as amend-
13 ed by section 4102, is amended by striking the semicolon
14 and inserting the following: “, and any disbursement to
15 another person who made a campaign-related disburse-
16 ment consisting of a covered transfer (as described in sec-
17 tion 324) during the 2-year period ending on the date of
18 the disbursement;”.

19 **SEC. 4113. EFFECTIVE DATE.**

20 The amendments made by this part shall apply with
21 respect to disbursements made on or after January 1,
22 2020, and shall take effect without regard to whether or
23 not the Federal Election Commission has promulgated
24 regulations to carry out such amendments.

1 **PART 3—OTHER ADMINISTRATIVE REFORMS**

2 **SEC. 4121. PETITION FOR CERTIORARI.**

3 Section 307(a)(6) of the Federal Election Campaign
4 Act of 1971 (52 U.S.C. 30107(a)(6)) is amended by in-
5 serting “(including a proceeding before the Supreme
6 Court on certiorari)” after “appeal”.

7 **SEC. 4122. JUDICIAL REVIEW OF ACTIONS RELATED TO**
8 **CAMPAIGN FINANCE LAWS.**

9 (a) IN GENERAL.—Title IV of the Federal Election
10 Campaign Act of 1971 (52 U.S.C. 30141 et seq.) is
11 amended by inserting after section 406 the following new
12 section:

13 **“SEC. 407. JUDICIAL REVIEW.**

14 “(a) IN GENERAL.—Notwithstanding section 373(f),
15 if any action is brought for declaratory or injunctive relief
16 to challenge the constitutionality of any provision of this
17 Act or of chapter 95 or 96 of the Internal Revenue Code
18 of 1986, or is brought to with respect to any action of
19 the Commission under chapter 95 or 96 of the Internal
20 Revenue Code of 1986, the following rules shall apply:

21 “(1) The action shall be filed in the United
22 States District Court for the District of Columbia
23 and an appeal from the decision of the district court
24 may be taken to the Court of Appeals for the Dis-
25 trict of Columbia Circuit.

1 “(2) In the case of an action relating to declar-
2 atory or injunctive relief to challenge the constitu-
3 tionality of a provision—

4 “(A) a copy of the complaint shall be deliv-
5 ered promptly to the Clerk of the House of
6 Representatives and the Secretary of the Sen-
7 ate; and

8 “(B) it shall be the duty of the United
9 States District Court for the District of Colum-
10 bia, the Court of Appeals for the District of Co-
11 lumbia, and the Supreme Court of the United
12 States to advance on the docket and to expedite
13 to the greatest possible extent the disposition of
14 the action and appeal.

15 “(b) INTERVENTION BY MEMBERS OF CONGRESS.—
16 In any action in which the constitutionality of any provi-
17 sion of this Act or chapter 95 or 96 of the Internal Rev-
18 enue Code of 1986 is raised, any Member of the House
19 of Representatives (including a Delegate or Resident Com-
20 missioner to the Congress) or Senate shall have the right
21 to intervene either in support of or opposition to the posi-
22 tion of a party to the case regarding the constitutionality
23 of the provision. To avoid duplication of efforts and reduce
24 the burdens placed on the parties to the action, the court
25 in any such action may make such orders as it considers

1 necessary, including orders to require interveners taking
2 similar positions to file joint papers or to be represented
3 by a single attorney at oral argument.

4 “(c) CHALLENGE BY MEMBERS OF CONGRESS.—Any
5 Member of Congress may bring an action, subject to the
6 special rules described in subsection (a), for declaratory
7 or injunctive relief to challenge the constitutionality of any
8 provision of this Act or chapter 95 or 96 of the Internal
9 Revenue Code of 1986.”.

10 (b) CONFORMING AMENDMENTS.—

11 (1) IN GENERAL.—

12 (A) Section 9011 of the Internal Revenue
13 Code of 1986 is amended to read as follows:

14 **“SEC. 9011. JUDICIAL REVIEW.**

15 “For provisions relating to judicial review of certifi-
16 cations, determinations, and actions by the Commission
17 under this chapter, see section 407 of the Federal Election
18 Campaign Act of 1971.”.

19 (B) Section 9041 of the Internal Revenue
20 Code of 1986 is amended to read as follows:

21 **“SEC. 9041. JUDICIAL REVIEW.**

22 “For provisions relating to judicial review of actions
23 by the Commission under this chapter, see section 407 of
24 the Federal Election Campaign Act of 1971.”.

1 (C) Section 403 of the Bipartisan Cam-
 2 paign Reform Act of 2002 (52 U.S.C. 30110
 3 note) is repealed.

4 (c) EFFECTIVE DATE.—The amendments made by
 5 this section shall apply to actions brought on or after Jan-
 6 uary 1, 2019.

7 **Subtitle C—Honest Ads**

8 **SEC. 4201. SHORT TITLE.**

9 This subtitle may be cited as the “Honest Ads Act”.

10 **SEC. 4202. PURPOSE.**

11 The purpose of this subtitle is to enhance the integ-
 12 rity of American democracy and national security by im-
 13 proving disclosure requirements for online political adver-
 14 tisements in order to uphold the Supreme Court’s well-
 15 established standard that the electorate bears the right to
 16 be fully informed.

17 **SEC. 4203. FINDINGS.**

18 Congress makes the following findings:

19 (1) On January 6, 2017, the Office of the Di-
 20 rector of National Intelligence published a report ti-
 21 tled “Assessing Russian Activities and Intentions in
 22 Recent U.S. Elections”, noting that “Russian Presi-
 23 dent Vladimir Putin ordered an influence campaign
 24 in 2016 aimed at the US presidential election . . .”.
 25 Moscow’s influence campaign followed a Russian

1 messaging strategy that blends covert intelligence
2 operation—such as cyber activity—with overt efforts
3 by Russian Government agencies, state-funded
4 media, third-party intermediaries, and paid social
5 media users or “trolls”.

6 (2) On November 24, 2016, The Washington
7 Post reported findings from 2 teams of independent
8 researchers that concluded Russians “exploited
9 American-made technology platforms to attack U.S.
10 democracy at a particularly vulnerable moment . . .
11 as part of a broadly effective strategy of sowing dis-
12 trust in U.S. democracy and its leaders.”.

13 (3) Findings from a 2017 study on the manipu-
14 lation of public opinion through social media con-
15 ducted by the Computational Propaganda Research
16 Project at the Oxford Internet Institute found that
17 the Kremlin is using pro-Russian bots to manipulate
18 public discourse to a highly targeted audience. With
19 a sample of nearly 1,300,000 tweets, researchers
20 found that in the 2016 election’s 3 decisive States,
21 propaganda constituted 40 percent of the sampled
22 election-related tweets that went to Pennsylvanians,
23 34 percent to Michigan voters, and 30 percent to
24 those in Wisconsin. In other swing States, the figure
25 reached 42 percent in Missouri, 41 percent in Flor-

1 ida, 40 percent in North Carolina, 38 percent in
2 Colorado, and 35 percent in Ohio.

3 (4) On September 6, 2017, the nation’s largest
4 social media platform disclosed that between June
5 2015 and May 2017, Russian entities purchased
6 \$100,000 in political advertisements, publishing
7 roughly 3,000 ads linked to fake accounts associated
8 with the Internet Research Agency, a pro-Kremlin
9 organization. According to the company, the ads
10 purchased focused “on amplifying divisive social and
11 political messages . . .”.

12 (5) In 2002, the Bipartisan Campaign Reform
13 Act became law, establishing disclosure requirements
14 for political advertisements distributed from a tele-
15 vision or radio broadcast station or provider of cable
16 or satellite television. In 2003, the Supreme Court
17 upheld regulations on electioneering communications
18 established under the Act, noting that such require-
19 ments “provide the electorate with information and
20 insure that the voters are fully informed about the
21 person or group who is speaking.”.

22 (6) According to a study from Borrell Associ-
23 ates, in 2016, \$1,415,000,000 was spent on online
24 advertising, more than quadruple the amount in
25 2012.

1 (7) The reach of a few large internet plat-
2 forms—larger than any broadcast, satellite, or cable
3 provider—has greatly facilitated the scope and effec-
4 tiveness of disinformation campaigns. For instance,
5 the largest platform has over 210,000,000 Ameri-
6 cans users—over 160,000,000 of them on a daily
7 basis. By contrast, the largest cable television pro-
8 vider has 22,430,000 subscribers, while the largest
9 satellite television provider has 21,000,000 sub-
10 scribers. And the most-watched television broadcast
11 in United States history had 118,000,000 viewers.

12 (8) The public nature of broadcast television,
13 radio, and satellite ensures a level of publicity for
14 any political advertisement. These communications
15 are accessible to the press, fact-checkers, and polit-
16 ical opponents; this creates strong disincentives for
17 a candidate to disseminate materially false, inflam-
18 matory, or contradictory messages to the public. So-
19 cial media platforms, in contrast, can target portions
20 of the electorate with direct, ephemeral advertise-
21 ments often on the basis of private information the
22 platform has on individuals, enabling political adver-
23 tisements that are contradictory, racially or socially
24 inflammatory, or materially false.

1 (9) According to comScore, 2 companies own 8
2 of the 10 most popular smartphone applications as
3 of June 2017, including the most popular social
4 media and email services—which deliver information
5 and news to users without requiring proactivity by
6 the user. Those same 2 companies accounted for 99
7 percent of revenue growth from digital advertising in
8 2016, including 77 percent of gross spending. 79
9 percent of online Americans—representing 68 per-
10 cent of all Americans—use the single largest social
11 network, while 66 percent of these users are most
12 likely to get their news from that site.

13 (10) In its 2006 rulemaking, the Federal Elec-
14 tion Commission noted that only 18 percent of all
15 Americans cited the internet as their leading source
16 of news about the 2004 Presidential election; by con-
17 trast, the Pew Research Center found that 65 per-
18 cent of Americans identified an internet-based
19 source as their leading source of information for the
20 2016 election.

21 (11) The Federal Election Commission, the
22 independent Federal agency charged with protecting
23 the integrity of the Federal campaign finance proc-
24 ess by providing transparency and administering

1 campaign finance laws, has failed to take action to
2 address online political advertisements.

3 (12) In testimony before the Senate Select
4 Committee on Intelligence titled, “Disinformation: A
5 Primer in Russian Active Measures and Influence
6 Campaigns”, multiple expert witnesses testified that
7 while the disinformation tactics of foreign adver-
8 saries have not necessarily changed, social media
9 services now provide “platform[s] practically pur-
10 pose-built for active measures[.]”. Similarly, as Gen.
11 Keith B. Alexander (RET.), the former Director of
12 the National Security Agency, testified, during the
13 Cold War “if the Soviet Union sought to manipulate
14 information flow, it would have to do so principally
15 through its own propaganda outlets or through ac-
16 tive measures that would generate specific news:
17 planting of leaflets, inciting of violence, creation of
18 other false materials and narratives. But the news
19 itself was hard to manipulate because it would have
20 required actual control of the organs of media, which
21 took long-term efforts to penetrate. Today, however,
22 because the clear majority of the information on so-
23 cial media sites is uncured and there is a rapid
24 proliferation of information sources and other sites
25 that can reinforce information, there is an increasing

1 likelihood that the information available to average
2 consumers may be inaccurate (whether intentionally
3 or otherwise) and may be more easily manipulable
4 than in prior eras.”.

5 (13) Current regulations on political advertise-
6 ments do not provide sufficient transparency to up-
7 hold the public’s right to be fully informed about po-
8 litical advertisements made online.

9 **SEC. 4204. SENSE OF CONGRESS.**

10 It is the sense of Congress that—

11 (1) the dramatic increase in digital political ad-
12 vertisements, and the growing centrality of online
13 platforms in the lives of Americans, requires the
14 Congress and the Federal Election Commission to
15 take meaningful action to ensure that laws and reg-
16 ulations provide the accountability and transparency
17 that is fundamental to our democracy;

18 (2) free and fair elections require both trans-
19 parency and accountability which give the public a
20 right to know the true sources of funding for polit-
21 ical advertisements in order to make informed polit-
22 ical choices and hold elected officials accountable;
23 and

24 (3) transparency of funding for political adver-
25 tisements is essential to enforce other campaign fi-

1 nance laws, including the prohibition on campaign
2 spending by foreign nationals.

3 **SEC. 4205. EXPANSION OF DEFINITION OF PUBLIC COMMU-**
4 **NICATION.**

5 (a) IN GENERAL.—Paragraph (22) of section 301 of
6 the Federal Election Campaign Act of 1971 (52 U.S.C.
7 30101(22)) is amended by striking “or satellite commu-
8 nication” and inserting “satellite, paid internet, or paid
9 digital communication”.

10 (b) TREATMENT OF CONTRIBUTIONS AND EXPENDI-
11 TURES.—Section 301 of such Act (52 U.S.C. 30101) is
12 amended—

13 (1) in paragraph (8)(B)—

14 (A) in clause (v), by striking “on broad-
15 casting stations, or in newspapers, magazines,
16 or similar types of general public political ad-
17 vertising” and inserting “in any public commu-
18 nication”;

19 (B) in clause (ix), by striking “broad-
20 casting, newspaper, magazine, billboard, direct
21 mail, or similar type of general public commu-
22 nication or political advertising” and inserting
23 “public communication”; and

24 (C) in clause (x), by striking “but not in-
25 cluding the use of broadcasting, newspapers,

1 magazines, billboards, direct mail, or similar
2 types of general public communication or polit-
3 ical advertising” and inserting “but not includ-
4 ing use in any public communication”; and

5 (2) in paragraph (9)(B)—

6 (A) by amending clause (i) to read as fol-
7 lows:

8 “(i) any news story, commentary, or
9 editorial distributed through the facilities
10 of any broadcasting station or any print,
11 online, or digital newspaper, magazine,
12 blog, publication, or periodical, unless such
13 broadcasting, print, online, or digital facili-
14 ties are owned or controlled by any polit-
15 ical party, political committee, or can-
16 didate;” and

17 (B) in clause (iv), by striking “on broad-
18 casting stations, or in newspapers, magazines,
19 or similar types of general public political ad-
20 vertising” and inserting “in any public commu-
21 nication”.

22 (c) DISCLOSURE AND DISCLAIMER STATEMENTS.—

23 Subsection (a) of section 318 of such Act (52 U.S.C.
24 30120) is amended—

1 (1) by striking “financing any communication
 2 through any broadcasting station, newspaper, maga-
 3 zine, outdoor advertising facility, mailing, or any
 4 other type of general public political advertising”
 5 and inserting “financing any public communication”;
 6 and

7 (2) by striking “solicits any contribution
 8 through any broadcasting station, newspaper, maga-
 9 zine, outdoor advertising facility, mailing, or any
 10 other type of general public political advertising”
 11 and inserting “solicits any contribution through any
 12 public communication”.

13 **SEC. 4206. EXPANSION OF DEFINITION OF ELECTION-**
 14 **EEING COMMUNICATION.**

15 (a) EXPANSION TO ONLINE COMMUNICATIONS.—

16 (1) APPLICATION TO QUALIFIED INTERNET AND
 17 DIGITAL COMMUNICATIONS.—

18 (A) IN GENERAL.—Subparagraph (A) of
 19 section 304(f)(3) of the Federal Election Cam-
 20 paign Act of 1971 (52 U.S.C. 30104(f)(3)(A))
 21 is amended by striking “or satellite communica-
 22 tion” each place it appears in clauses (i) and
 23 (ii) and inserting “satellite, or qualified internet
 24 or digital communication”.

(B) QUALIFIED INTERNET OR DIGITAL COMMUNICATION.—Paragraph (3) of section 304(f) of such Act (52 U.S.C. 30104(f)) is amended by adding at the end the following new subparagraph:

“(D) QUALIFIED INTERNET OR DIGITAL COMMUNICATION.—The term ‘qualified internet or digital communication’ means any communication which is placed or promoted for a fee on an online platform (as defined in subsection (j)(3)).”.

(2) NONAPPLICATION OF RELEVANT ELECTORATE TO ONLINE COMMUNICATIONS.—Section 304(f)(3)(A)(i)(III) of such Act (52 U.S.C. 30104(f)(3)(A)(i)(III)) is amended by inserting “any broadcast, cable, or satellite” before “communication”.

(3) NEWS EXEMPTION.—Section 304(f)(3)(B)(i) of such Act (52 U.S.C. 30104(f)(3)(B)(i)) is amended to read as follows:

“(i) a communication appearing in a news story, commentary, or editorial distributed through the facilities of any broadcasting station or any online or digital newspaper, magazine, blog, publica-

1 tion, or periodical, unless such broad-
 2 casting, online, or digital facilities are
 3 owned or controlled by any political party,
 4 political committee, or candidate;”.

5 (b) EFFECTIVE DATE.—The amendments made by
 6 this section shall apply with respect to communications
 7 made on or after January 1, 2020.

8 **SEC. 4207. APPLICATION OF DISCLAIMER STATEMENTS TO**
 9 **ONLINE COMMUNICATIONS.**

10 (a) CLEAR AND CONSPICUOUS MANNER REQUIRE-
 11 MENT.—Subsection (a) of section 318 of the Federal Elec-
 12 tion Campaign Act of 1971 (52 U.S.C. 30120(a)) is
 13 amended—

14 (1) by striking “shall clearly state” each place
 15 it appears in paragraphs (1), (2), and (3) and in-
 16 serting “shall state in a clear and conspicuous man-
 17 ner”; and

18 (2) by adding at the end the following flush
 19 sentence: “For purposes of this section, a commu-
 20 nication does not make a statement in a clear and
 21 conspicuous manner if it is difficult to read or hear
 22 or if the placement is easily overlooked.”.

23 (b) SPECIAL RULES FOR QUALIFIED INTERNET OR
 24 DIGITAL COMMUNICATIONS.—

1 (1) IN GENERAL.—Section 318 of such Act (52
2 U.S.C. 30120) is amended by adding at the end the
3 following new subsection:

4 “(e) SPECIAL RULES FOR QUALIFIED INTERNET OR
5 DIGITAL COMMUNICATIONS.—

6 “(1) SPECIAL RULES WITH RESPECT TO STATE-
7 MENTS.—In the case of any qualified internet or
8 digital communication (as defined in section
9 304(f)(3)(D)) which is disseminated through a me-
10 dium in which the provision of all of the information
11 specified in this section is not possible, the commu-
12 nication shall, in a clear and conspicuous manner—

13 “(A) state the name of the person who
14 paid for the communication; and

15 “(B) provide a means for the recipient of
16 the communication to obtain the remainder of
17 the information required under this section with
18 minimal effort and without receiving or viewing
19 any additional material other than such re-
20 quired information.

21 “(2) SAFE HARBOR FOR DETERMINING CLEAR
22 AND CONSPICUOUS MANNER.—A statement in quali-
23 fied internet or digital communication (as defined in
24 section 304(f)(3)(D)) shall be considered to be made
25 in a clear and conspicuous manner as provided in

1 subsection (a) if the communication meets the fol-
2 lowing requirements:

3 “(A) TEXT OR GRAPHIC COMMUNICA-
4 TIONS.—In the case of a text or graphic com-
5 munication, the statement—

6 “(i) appears in letters at least as large
7 as the majority of the text in the commu-
8 nication; and

9 “(ii) meets the requirements of para-
10 graphs (2) and (3) of subsection (c).

11 “(B) AUDIO COMMUNICATIONS.—In the
12 case of an audio communication, the statement
13 is spoken in a clearly audible and intelligible
14 manner at the beginning or end of the commu-
15 nication and lasts at least 3 seconds.

16 “(C) VIDEO COMMUNICATIONS.—In the
17 case of a video communication which also in-
18 cludes audio, the statement—

19 “(i) is included at either the beginning
20 or the end of the communication; and

21 “(ii) is made both in—

22 “(I) a written format that meets
23 the requirements of subparagraph (A)
24 and appears for at least 4 seconds;
25 and

1 “(II) an audible format that
2 meets the requirements of subpara-
3 graph (B).

4 “(D) OTHER COMMUNICATIONS.—In the
5 case of any other type of communication, the
6 statement is at least as clear and conspicuous
7 as the statement specified in subparagraph (A),
8 (B), or (C).”.

9 (2) NONAPPLICATION OF CERTAIN EXCEP-
10 TIONS.—The exceptions provided in section
11 110.11(f)(1)(i) and (ii) of title 11, Code of Federal
12 Regulations, or any successor to such rules, shall
13 have no application to qualified internet or digital
14 communications (as defined in section 304(f)(3)(D)
15 of the Federal Election Campaign Act of 1971).

16 (c) MODIFICATION OF ADDITIONAL REQUIREMENTS
17 FOR CERTAIN COMMUNICATIONS.—Section 318(d) of such
18 Act (52 U.S.C. 30120(d)) is amended—

19 (1) in paragraph (1)(A)—

20 (A) by striking “which is transmitted
21 through radio” and inserting “which is in an
22 audio format”; and

23 (B) by striking “BY RADIO” in the heading
24 and inserting “AUDIO FORMAT”;

25 (2) in paragraph (1)(B)—

1 (A) by striking “which is transmitted
2 through television” and inserting “which is in
3 video format”; and

4 (B) by striking “BY TELEVISION” in the
5 heading and inserting “VIDEO FORMAT”; and
6 (3) in paragraph (2)—

7 (A) by striking “transmitted through radio
8 or television” and inserting “made in audio or
9 video format”; and

10 (B) by striking “through television” in the
11 second sentence and inserting “in video for-
12 mat”.

13 **SEC. 4208. POLITICAL RECORD REQUIREMENTS FOR ON-**
14 **LINE PLATFORMS.**

15 (a) IN GENERAL.—Section 304 of the Federal Elec-
16 tion Campaign Act of 1971 (52 U.S.C. 30104) is amended
17 by adding at the end the following new subsection:

18 “(j) DISCLOSURE OF CERTAIN ONLINE ADVERTISE-
19 MENTS.—

20 “(1) IN GENERAL.—

21 “(A) REQUIREMENTS FOR ONLINE PLAT-
22 FORMS.—An online platform shall maintain,
23 and make available for online public inspection
24 in machine readable format, a complete record
25 of any request to purchase on such online plat-

1 form a qualified political advertisement which is
2 made by a person whose aggregate requests to
3 purchase qualified political advertisements on
4 such online platform during the calendar year
5 exceeds \$500.

6 “(B) REQUIREMENTS FOR ADVER-
7 TISERS.—Any person who requests to purchase
8 a qualified political advertisement on an online
9 platform shall provide the online platform with
10 such information as is necessary for the online
11 platform to comply with the requirements of
12 subparagraph (A).

13 “(2) CONTENTS OF RECORD.—A record main-
14 tained under paragraph (1)(A) shall contain—

15 “(A) a digital copy of the qualified political
16 advertisement;

17 “(B) a description of the audience targeted
18 by the advertisement, the number of views gen-
19 erated from the advertisement, and the date
20 and time that the advertisement is first dis-
21 played and last displayed; and

22 “(C) information regarding—

23 “(i) the average rate charged for the
24 advertisement;

1 “(ii) the name of the candidate to
2 which the advertisement refers and the of-
3 fice to which the candidate is seeking elec-
4 tion, the election to which the advertise-
5 ment refers, or the national legislative
6 issue to which the advertisement refers (as
7 applicable);

8 “(iii) in the case of a request made
9 by, or on behalf of, a candidate, the name
10 of the candidate, the authorized committee
11 of the candidate, and the treasurer of such
12 committee; and

13 “(iv) in the case of any request not
14 described in clause (iii), the name of the
15 person purchasing the advertisement, the
16 name, address, and phone number of a
17 contact person for such person, and a list
18 of the chief executive officers or members
19 of the executive committee or of the board
20 of directors of such person.

21 “(3) ONLINE PLATFORM.—For purposes of this
22 subsection, the term ‘online platform’ means any
23 public-facing website, web application, or digital ap-
24 plication (including a social network, ad network, or
25 search engine) which—

1 “(A) sells qualified political advertise-
2 ments; and

3 “(B) has 50,000,000 or more unique
4 monthly United States visitors or users for a
5 majority of months during the preceding 12
6 months.

7 “(4) QUALIFIED POLITICAL ADVERTISEMENT.—

8 “(A) IN GENERAL.—For purposes of this
9 subsection, the term ‘qualified political adver-
10 tisement’ means any advertisement (including
11 search engine marketing, display advertise-
12 ments, video advertisements, native advertise-
13 ments, and sponsorships) that—

14 “(i) is made by or on behalf of a can-
15 didate; or

16 “(ii) communicates a message relating
17 to any political matter of national impor-
18 tance, including—

19 “(I) a candidate;

20 “(II) any election to Federal of-
21 fice; or

22 “(III) a national legislative issue
23 of public importance.

24 “(5) TIME TO MAINTAIN FILE.—The informa-
25 tion required under this subsection shall be made

1 available as soon as possible and shall be retained by
2 the online platform for a period of not less than 4
3 years.

4 “(6) PENALTIES.—For penalties for failure by
5 online platforms, and persons requesting to purchase
6 a qualified political advertisement on online plat-
7 forms, to comply with the requirements of this sub-
8 section, see section 309.”.

9 (b) RULEMAKING.—Not later than 90 days after the
10 date of the enactment of this Act, the Federal Election
11 Commission shall establish rules—

12 (1) requiring common data formats for the
13 record required to be maintained under section
14 304(j) of the Federal Election Campaign Act of
15 1971 (as added by subsection (a)) so that all online
16 platforms submit and maintain data online in a com-
17 mon, machine-readable and publicly accessible for-
18 mat; and

19 (2) establishing search interface requirements
20 relating to such record, including searches by can-
21 didate name, issue, purchaser, and date.

22 (c) REPORTING.—Not later than 2 years after the
23 date of the enactment of this Act, and biannually there-
24 after, the Chairman of the Federal Election Commission
25 shall submit a report to Congress on—

1 (1) matters relating to compliance with and the
2 enforcement of the requirements of section 304(j) of
3 the Federal Election Campaign Act of 1971, as
4 added by subsection (a);

5 (2) recommendations for any modifications to
6 such section to assist in carrying out its purposes;
7 and

8 (3) identifying ways to bring transparency and
9 accountability to political advertisements distributed
10 online for free.

11 **SEC. 4209. PREVENTING CONTRIBUTIONS, EXPENDITURES,**
12 **INDEPENDENT EXPENDITURES, AND DIS-**
13 **BURSEMENTS FOR ELECTIONEERING COM-**
14 **MUNICATIONS BY FOREIGN NATIONALS IN**
15 **THE FORM OF ONLINE ADVERTISING.**

16 Section 319 of the Federal Election Campaign Act
17 of 1971 (52 U.S.C. 30121), as amended by section
18 4101(b), is further amended by adding at the end the fol-
19 lowing new subsection:

20 “(d) RESPONSIBILITIES OF BROADCAST STATIONS,
21 PROVIDERS OF CABLE AND SATELLITE TELEVISION, AND
22 ONLINE PLATFORMS.—Each television or radio broadcast
23 station, provider of cable or satellite television, or online
24 platform (as defined in section 304(j)(3)) shall make rea-
25 sonable efforts to ensure that communications described

1 in section 318(a) and made available by such station, pro-
 2 vider, or platform are not purchased by a foreign national,
 3 directly or indirectly.”.

4 **Subtitle D—Stand By Every Ad**

5 **SEC. 4301. SHORT TITLE.**

6 This Act may be cited as the “Stand By Every Ad
 7 Act”.

8 **SEC. 4302. STAND BY EVERY AD.**

9 (a) EXPANDED DISCLAIMER REQUIREMENTS FOR
 10 CERTAIN COMMUNICATIONS.—Section 318 of the Federal
 11 Election Campaign Act of 1971 (52 U.S.C. 30120), as
 12 amended by section 4207(b)(1), is further amended—

13 (1) by redesignating subsection (e) as sub-
 14 section (f); and

15 (2) by inserting after subsection (d) the fol-
 16 lowing new subsection:

17 “(e) EXPANDED DISCLAIMER REQUIREMENTS FOR
 18 COMMUNICATIONS NOT AUTHORIZED BY CANDIDATES OR
 19 COMMITTEES.—

20 “(1) IN GENERAL.—Except as provided in para-
 21 graph (6), any communication described in para-
 22 graph (3) of subsection (a) which is transmitted in
 23 an audio or video format (including an internet or
 24 digital communication), or which is an internet or
 25 digital communication transmitted in a text or

1 graphic format, shall include, in addition to the re-
2 quirements of paragraph (3) of subsection (a), the
3 following:

4 “(A) The individual disclosure statement
5 described in paragraph (2)(A) (if the person
6 paying for the communication is an individual)
7 or the organizational disclosure statement de-
8 scribed in paragraph (2)(B) (if the person pay-
9 ing for the communication is not an individual).

10 “(B) If the communication is transmitted
11 in a video format, or is an internet or digital
12 communication which is transmitted in a text or
13 graphic format, and is paid for in whole or in
14 part with a payment which is treated as a cam-
15 paign-related disbursement under section 324,
16 the Top Five Funders list (if applicable), un-
17 less, on the basis of criteria established in regu-
18 lations issued by the Commission, the commu-
19 nication is of such short duration that including
20 the Top Five Funders list in the communication
21 would constitute a hardship to the person pay-
22 ing for the communication by requiring a dis-
23 proportionate amount of the content of the
24 communication to consist of the Top Five
25 Funders list.

1 “(C) If the communication is transmitted
2 in an audio format and is paid for in whole or
3 in part with a payment which is treated as a
4 campaign-related disbursement under section
5 324, the Top Two Funders list (if applicable),
6 unless, on the basis of criteria established in
7 regulations issued by the Commission, the com-
8 munication is of such short duration that in-
9 cluding the Top Two Funders list in the com-
10 munication would constitute a hardship to the
11 person paying for the communication by requir-
12 ing a disproportionate amount of the content of
13 the communication to consist of the Top Two
14 Funders list.

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) EXCEPTION FOR COMMUNICATIONS PAID
22 FOR BY POLITICAL PARTIES AND CERTAIN POLIT-
23 ICAL COMMITTEES.—This subsection does not apply
24 to any communication to which subsection (d)(2) ap-
25 plies.”.

1 (b) APPLICATION OF EXPANDED REQUIREMENTS TO
2 PUBLIC COMMUNICATIONS CONSISTING OF CAMPAIGN-
3 RELATED DISBURSEMENTS.—Section 318(a) of such Act
4 (52 U.S.C. 30120(a)) is amended by striking “for the pur-
5 pose of financing communications expressly advocating the
6 election or defeat of a clearly identified candidate” and
7 inserting “for a campaign-related disbursement, as de-
8 fined in section 324, consisting of a public communica-
9 tion”.

10 (c) EXCEPTION FOR COMMUNICATIONS PAID FOR BY
11 POLITICAL PARTIES AND CERTAIN POLITICAL COMMIT-
12 TEES.—Section 318(d)(2) of such Act (52 U.S.C.
13 30120(d)(2)) is amended—

14 (1) in the heading, by striking “OTHERS” and
15 inserting “CERTAIN POLITICAL COMMITTEES”;

16 (2) by striking “Any communication” and in-
17 serting “(A) Any communication”;

18 (3) by inserting “which (except to the extent
19 provided in subparagraph (B)) is paid for by a polit-
20 ical committee (including a political committee of a
21 political party) and” after “subsection (a)”;

22 (4) by striking “or other person” each place it
23 appears; and

24 (5) by adding at the end the following new sub-
25 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 inserting after “public communication”
11 each place it appears the following: “(including a
12 telephone call consisting in substantial part of a
13 prerecorded audio message)”.

14 (2) APPLICATION TO COMMUNICATIONS SUB-
15 JECT TO EXPANDED DISCLAIMER REQUIREMENTS.—
16 Section 318(e)(1) of such Act (52 U.S.C.
17 30120(e)(1)), as added by section 4302(a), is
18 amended in the matter preceding subparagraph (A)
19 by striking “which is transmitted in an audio or
20 video format” and inserting “which is transmitted in
21 an audio or video format or which consists of a tele-
22 phone call consisting in substantial part of a
23 prerecorded audio message”.

24 (b) TREATMENT AS COMMUNICATION TRANSMITTED
25 IN AUDIO FORMAT.—

1 (1) COMMUNICATIONS BY CANDIDATES OR AU-
2 THORIZED PERSONS.—Section 318(d) of such Act
3 (52 U.S.C. 30120(d)) is amended by adding at the
4 end the following new paragraph:

5 “(3) PRERECORDED TELEPHONE CALLS.—Any
6 communication described in paragraph (1), (2), or
7 (3) of subsection (a) (other than a communication
8 which is subject to subsection (e)) which is a tele-
9 phone call consisting in substantial part of a
10 prerecorded audio message shall include, in addition
11 to the requirements of such paragraph, the audio
12 statement required under subparagraph (A) of para-
13 graph (1) or the audio statement required under
14 paragraph (2) (whichever is applicable), except that
15 the statement shall be made at the beginning of the
16 telephone call.”.

17 (2) COMMUNICATIONS SUBJECT TO EXPANDED
18 DISCLAIMER REQUIREMENTS.—Section 318(e)(3) of
19 such Act (52 U.S.C. 30120(e)(3)), as added by sec-
20 tion 4302(a), is amended by adding at the end the
21 following new subparagraph:

22 “(C) PRERECORDED TELEPHONE CALLS.—

23 In the case of a communication to which this
24 subsection applies which is a telephone call con-
25 sisting in substantial part of a prerecorded

1 audio message, the communication shall be con-
2 sidered to be transmitted in an audio format.”.

3 **SEC. 4304. NO EXPANSION OF PERSONS SUBJECT TO DIS-**
4 **CLAIMER REQUIREMENTS ON INTERNET**
5 **COMMUNICATIONS.**

6 Nothing in this subtitle or the amendments made by
7 this subtitle may be construed to require any person who
8 is not required under section 318 of the Federal Election
9 Campaign Act of 1971 (as provided under section 110.11
10 of title 11 of the Code of Federal Regulations) to include
11 a disclaimer on communications made by the person
12 through the internet to include any disclaimer on any such
13 communications.

14 **SEC. 4305. EFFECTIVE DATE.**

15 The amendments made by this subtitle shall apply
16 with respect to communications made on or after January
17 1, 2020, and shall take effect without regard to whether
18 or not the Federal Election Commission has promulgated
19 regulations to carry out such amendments.

1 **Subtitle E—Secret Money**
2 **Transparency**

3 **SEC. 4401. REPEAL OF RESTRICTION OF USE OF FUNDS BY**
4 **INTERNAL REVENUE SERVICE TO BRING**
5 **TRANSPARENCY TO POLITICAL ACTIVITY OF**
6 **CERTAIN NONPROFIT ORGANIZATIONS.**

7 Section 124 of the Financial Services and General
8 Government Appropriations Act, 2019 (division D of Pub-
9 lic Law 116–6) is hereby repealed.

10 **Subtitle F—Shareholder Right-To-**
11 **Know**

12 **SEC. 4501. REPEAL OF RESTRICTION ON USE OF FUNDS BY**
13 **SECURITIES AND EXCHANGE COMMISSION TO**
14 **ENSURE SHAREHOLDERS OF CORPORATIONS**
15 **HAVE KNOWLEDGE OF CORPORATION POLIT-**
16 **ICAL ACTIVITY.**

17 Section 629 of the Financial Services and General
18 Government Appropriations Act, 2019 (division D of Pub-
19 lic Law 116–6) is hereby repealed.

1 Subtitle G—Disclosure of Political
2 Spending by Government Con-
3 tractors

4 SEC. 4601. REPEAL OF RESTRICTION ON USE OF FUNDS TO
5 REQUIRE DISCLOSURE OF POLITICAL SPEND-
6 ING BY GOVERNMENT CONTRACTORS.

7 Section 735 of the Financial Services and General
8 Government Appropriations Act, 2019 (division D of Pub-
9 lic Law 116–6) is hereby repealed.

10 Subtitle H—Limitation and Disclo-
11 sure Requirements for Presi-
12 dential Inaugural Committees

13 SEC. 4701. SHORT TITLE.

14 This subtitle may be cited as the “Presidential Inau-
15 gural Committee Oversight Act”.

16 SEC. 4702. LIMITATIONS AND DISCLOSURE OF CERTAIN DO-
17 NATIONS TO, AND DISBURSEMENTS BY, INAU-
18 GURAL COMMITTEES.

19 (a) REQUIREMENTS FOR INAUGURAL COMMIT-
20 TEES.—Title III of the Federal Election Campaign Act
21 of 1971 (52 U.S.C. 30101 et seq.) is amended by adding
22 at the end the following new section:

23 “SEC. 325. INAUGURAL COMMITTEES.

24 “(a) PROHIBITED DONATIONS.—

25 “(1) IN GENERAL.—It shall be unlawful—

1 “(A) for an Inaugural Committee—

2 “(i) to solicit, accept, or receive a do-
3 nation from a person that is not an indi-
4 vidual; or

5 “(ii) to solicit, accept, or receive a do-
6 nation from a foreign national;

7 “(B) for a person—

8 “(i) to make a donation to an Inau-
9 gural Committee in the name of another
10 person, or to knowingly authorize his or
11 her name to be used to effect such a dona-
12 tion;

13 “(ii) to knowingly accept a donation
14 to an Inaugural Committee made by a per-
15 son in the name of another person; or

16 “(iii) to convert a donation to an In-
17 augural Committee to personal use as de-
18 scribed in paragraph (2); and

19 “(C) for a foreign national to, directly or
20 indirectly, make a donation, or make an express
21 or implied promise to make a donation, to an
22 Inaugural Committee.

23 “(2) CONVERSION OF DONATION TO PERSONAL
24 USE.—For purposes of paragraph (1)(B)(iii), a do-
25 nation shall be considered to be converted to per-

1 sonal use if any part of the donated amount is used
2 to fulfill a commitment, obligation, or expense of a
3 person that would exist irrespective of the respon-
4 sibilities of the Inaugural Committee under chapter
5 5 of title 36, United States Code.

6 “(3) NO EFFECT ON DISBURSEMENT OF UN-
7 USED FUNDS TO NONPROFIT ORGANIZATIONS.—
8 Nothing in this subsection may be construed to pro-
9 hibit an Inaugural Committee from disbursing un-
10 used funds to an organization which is described in
11 section 501(c)(3) of the Internal Revenue Code of
12 1986 and is exempt from taxation under section
13 501(a) of such Code.

14 “(b) LIMITATION ON DONATIONS.—

15 “(1) IN GENERAL.—It shall be unlawful for an
16 individual to make donations to an Inaugural Com-
17 mittee which, in the aggregate, exceed \$50,000.

18 “(2) INDEXING.—At the beginning of each
19 Presidential election year (beginning with 2024), the
20 amount described in paragraph (1) shall be in-
21 creased by the cumulative percent difference deter-
22 mined in section 315(c)(1)(A) since the previous
23 Presidential election year. If any amount after such
24 increase is not a multiple of \$1,000, such amount
25 shall be rounded to the nearest multiple of \$1,000.

1 “(c) DISCLOSURE OF CERTAIN DONATIONS AND DIS-
2 BURSEMENTS.—

3 “(1) DONATIONS OVER \$1,000.—

4 “(A) IN GENERAL.—An Inaugural Com-
5 mittee shall file with the Commission a report
6 disclosing any donation by an individual to the
7 committee in an amount of \$1,000 or more not
8 later than 24 hours after the receipt of such do-
9 nation.

10 “(B) CONTENTS OF REPORT.—A report
11 filed under subparagraph (A) shall contain—

12 “(i) the amount of the donation;

13 “(ii) the date the donation is received;

14 and

15 “(iii) the name and address of the in-
16 dividual making the donation.

17 “(2) FINAL REPORT.—Not later than the date
18 that is 90 days after the date of the Presidential in-
19 augural ceremony, the Inaugural Committee shall
20 file with the Commission a report containing the fol-
21 lowing information:

22 “(A) For each donation of money or any-
23 thing of value made to the committee in an ag-
24 gregate amount equal to or greater than
25 \$200—

1 “(i) the amount of the donation;

2 “(ii) the date the donation is received;

3 and

4 “(iii) the name and address of the in-
5 dividual making the donation.

6 “(B) The total amount of all disburse-
7 ments, and all disbursements in the following
8 categories:

9 “(i) Disbursements made to meet
10 committee operating expenses.

11 “(ii) Repayment of all loans.

12 “(iii) Donation refunds and other off-
13 sets to donations.

14 “(iv) Any other disbursements.

15 “(C) The name and address of each per-
16 son—

17 “(i) to whom a disbursement in an ag-
18 gregate amount or value in excess of \$200
19 is made by the committee to meet a com-
20 mittee operating expense, together with
21 date, amount, and purpose of such oper-
22 ating expense;

23 “(ii) who receives a loan repayment
24 from the committee, together with the date
25 and amount of such loan repayment;

1 “(iii) who receives a donation refund
2 or other offset to donations from the com-
3 mittee, together with the date and amount
4 of such disbursement; and

5 “(iv) to whom any other disbursement
6 in an aggregate amount or value in excess
7 of \$200 is made by the committee, to-
8 gether with the date and amount of such
9 disbursement.

10 “(d) DEFINITIONS.—For purposes of this section:

11 “(1)(A) The term ‘donation’ includes—

12 “(i) any gift, subscription, loan, advance,
13 or deposit of money or anything of value made
14 by any person to the committee; or

15 “(ii) the payment by any person of com-
16 pensation for the personal services of another
17 person which are rendered to the committee
18 without charge for any purpose.

19 “(B) The term ‘donation’ does not include the
20 value of services provided without compensation by
21 any individual who volunteers on behalf of the com-
22 mittee.

23 “(2) The term ‘foreign national’ has the mean-
24 ing given that term by section 319(b).

1 “(3) The term ‘Inaugural Committee’ has the
2 meaning given that term by section 501 of title 36,
3 United States Code.”.

4 (b) CONFIRMING AMENDMENT RELATED TO RE-
5 PORTING REQUIREMENTS.—Section 304 of the Federal
6 Election Campaign Act (52 U.S.C. 30104) is amended—

7 (1) by striking subsection (h); and

8 (2) by redesignating subsection (i) as subsection
9 (h).

10 (c) CONFORMING AMENDMENT RELATED TO STATUS
11 OF COMMITTEE.—Section 510 of title 36, United States
12 Code, is amended to read as follows:

13 **“§ 510. Disclosure of and prohibition on certain dona-**
14 **tions**

15 “A committee shall not be considered to be the Inau-
16 gural Committee for purposes of this chapter unless the
17 committee agrees to, and meets, the requirements of sec-
18 tion 325 of the Federal Election Campaign Act of 1971.”.

19 (d) EFFECTIVE DATE.—The amendments made by
20 this Act shall apply with respect to Inaugural Committees
21 established under chapter 5 of title 36, United States
22 Code, for inaugurations held in 2021 and any succeeding
23 year.

1 **Subtitle I—Severability**

2 **SEC. 4801. SEVERABILITY.**

3 If any provision of this title or amendment made by
 4 this title, or the application of a provision or amendment
 5 to any person or circumstance, is held to be unconstitu-
 6 tional, the remainder of this title and amendments made
 7 by this title, and the application of the provisions and
 8 amendment to any person or circumstance, shall not be
 9 affected by the holding.

10 **TITLE V—CAMPAIGN FINANCE** 11 **OVERSIGHT**

Subtitle A—Restoring Integrity to America’s Elections

- Sec. 5001. Short title.
- Sec. 5002. Membership of Federal Election Commission.
- Sec. 5003. Assignment of powers to Chair of Federal Election Commission.
- Sec. 5004. Revision to enforcement process.
- Sec. 5005. Permitting appearance at hearings on requests for advisory opinions
by persons opposing the requests.
- Sec. 5006. Permanent extension of administrative penalty authority.
- Sec. 5007. Effective date; transition.

Subtitle B—Stopping Super PAC—Candidate Coordination

- Sec. 5101. Short title.
- Sec. 5102. Clarification of treatment of coordinated expenditures as contribu-
tions to candidates.
- Sec. 5103. Clarification of ban on fundraising for super PACs by Federal can-
didates and officeholders.

Subtitle C—Severability

- Sec. 5201. Severability.

1 **Subtitle A—Restoring Integrity to**
2 **America’s Elections**

3 **SEC. 5001. SHORT TITLE.**

4 This subtitle may be cited as the “Restoring Integrity
5 to America’s Elections Act”.

6 **SEC. 5002. 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 major-
19 ity of the number of members of the Commission
20 who are serving at the time shall constitute a
21 quorum, except that 3 members shall constitute a
22 quorum if there are 4 members serving at the
23 time.”.

24 (2) CONFORMING AMENDMENTS RELATING TO
25 REDUCTION IN NUMBER OF MEMBERS.—(A) The

1 second sentence of section 306(c) of such Act (52
2 U.S.C. 30106(c)) is amended by striking “affirma-
3 tive vote of 4 members of the Commission” and in-
4 serting “affirmative vote of a majority of the mem-
5 bers of the Commission who are serving at the
6 time”.

7 (B) Such Act is further amended by striking
8 “affirmative vote of 4 of its members” and inserting
9 “affirmative vote of a majority of the members of
10 the Commission who are serving at the time” each
11 place it appears in the following sections:

12 (i) Section 309(a)(2) (52 U.S.C.
13 30109(a)(2)).

14 (ii) Section 309(a)(4)(A)(i) (52 U.S.C.
15 30109(a)(4)(A)(i)).

16 (iii) Section 309(a)(5)(C) (52 U.S.C.
17 30109(a)(5)(C)).

18 (iv) Section 309(a)(6)(A) (52 U.S.C.
19 30109(a)(6)(A)).

20 (v) Section 311(b) (52 U.S.C. 30111(b)).

21 (3) CONFORMING AMENDMENT RELATING TO
22 REMOVAL OF EX OFFICIO MEMBERS.—Section
23 306(a) of such Act (52 U.S.C. 30106(a)) is amend-
24 ed by striking “(other than the Secretary of the Sen-

1 ate and the Clerk of the House of Representatives)”
 2 each place it appears in paragraphs (4) and (5).

3 (b) TERMS OF SERVICE.—Section 306(a)(2) of such
 4 Act (52 U.S.C. 30106(a)(2)) is amended to read as fol-
 5 lows:

6 “(2) TERMS OF SERVICE.—

7 “(A) IN GENERAL.—Each member of the
 8 Commission shall serve for a single term of 6
 9 years.

10 “(B) SPECIAL RULE FOR INITIAL APPOINT-
 11 MENTS.—Of the members first appointed to
 12 serve terms that begin in January 2022, the
 13 President shall designate 2 to serve for a 3-year
 14 term.

15 “(C) NO REAPPOINTMENT PERMITTED.—
 16 An individual who served a term as a member
 17 of the Commission may not serve for an addi-
 18 tional term, except that—

19 “(i) an individual who served a 3-year
 20 term under subparagraph (B) may also be
 21 appointed to serve a 6-year term under
 22 subparagraph (A); and

23 “(ii) for purposes of this subpara-
 24 graph, an individual who is appointed to
 25 fill a vacancy under subparagraph (D)

1 shall not be considered to have served a
2 term if the portion of the unexpired term
3 the individual fills is less than 50 percent
4 of the period of the term.

5 “(D) VACANCIES.—Any vacancy occurring
6 in the membership of the Commission shall be
7 filled in the same manner as in the case of the
8 original appointment. Except as provided in
9 subparagraph (C), an individual appointed to
10 fill a vacancy occurring other than by the expi-
11 ration of a term of office shall be appointed
12 only for the unexpired term of the member he
13 or she succeeds.

14 “(E) LIMITATION ON SERVICE AFTER EX-
15 PIRATION OF TERM.—A member of the Com-
16 mission may continue to serve on the Commis-
17 sion after the expiration of the member’s term
18 for an additional period, but only until the ear-
19 lier of—

20 “(i) the date on which the member’s
21 successor has taken office as a member of
22 the Commission; or

23 “(ii) the expiration of the 1-year pe-
24 riod that begins on the last day of the
25 member’s term.”.

1 (c) QUALIFICATIONS.—Section 306(a)(3) of such Act
2 (52 U.S.C. 30106(a)(3)) is amended to read as follows:

3 “(3) QUALIFICATIONS.—

4 “(A) IN GENERAL.—The President may
5 select an individual for service as a member of
6 the Commission if the individual has experience
7 in election law and has a demonstrated record
8 of integrity, impartiality, and good judgment.

9 “(B) ASSISTANCE OF BLUE RIBBON ADVI-
10 SORY PANEL.—

11 “(i) IN GENERAL.—Prior to the regu-
12 larly scheduled expiration of the term of a
13 member of the Commission and upon the
14 occurrence of a vacancy in the membership
15 of the Commission prior to the expiration
16 of a term, the President shall convene a
17 Blue Ribbon Advisory Panel, consisting of
18 an odd number of individuals selected by
19 the President from retired Federal judges,
20 former law enforcement officials, or indi-
21 viduals with experience in election law, ex-
22 cept that the President may not select any
23 individual to serve on the panel who holds
24 any public office at the time of selection.

1 “(ii) RECOMMENDATIONS.—With re-
2 spect to each member of the Commission
3 whose term is expiring or each vacancy in
4 the membership of the Commission (as the
5 case may be), the Blue Ribbon Advisory
6 Panel shall recommend to the President at
7 least one but not more than 3 individuals
8 for nomination for appointment as a mem-
9 ber of the Commission.

10 “(iii) PUBLICATION.—At the time the
11 President submits to the Senate the nomi-
12 nations for individuals to be appointed as
13 members of the Commission, the President
14 shall publish the Blue Ribbon Advisory
15 Panel’s recommendations for such nomina-
16 tions.

17 “(iv) EXEMPTION FROM FEDERAL AD-
18 VISORY COMMITTEE ACT.—The Federal
19 Advisory Committee Act (5 U.S.C. App.)
20 does not apply to a Blue Ribbon Advisory
21 Panel convened under this subparagraph.

22 “(C) PROHIBITING ENGAGEMENT WITH
23 OTHER BUSINESS OR EMPLOYMENT DURING
24 SERVICE.—A member of the Commission shall
25 not engage in any other business, vocation, or

1 employment. Any individual who is engaging in
2 any other business, vocation, or employment at
3 the time of his or her appointment to the Com-
4 mission shall terminate or liquidate such activ-
5 ity no later than 90 days after such appoint-
6 ment.”.

7 **SEC. 5003. ASSIGNMENT OF POWERS TO CHAIR OF FED-**
8 **ERAL ELECTION COMMISSION.**

9 (a) APPOINTMENT OF CHAIR BY PRESIDENT.—

10 (1) IN GENERAL.—Section 306(a)(5) of the
11 Federal Election Campaign Act of 1971 (52 U.S.C.
12 30106(a)(5)) is amended to read as follows:

13 “(5) CHAIR.—

14 “(A) INITIAL APPOINTMENT.—Of the
15 members first appointed to serve terms that
16 begin in January 2022, one such member (as
17 designated by the President at the time the
18 President submits nominations to the Senate)
19 shall serve as Chair of the Commission.

20 “(B) SUBSEQUENT APPOINTMENTS.—Any
21 individual who is appointed to succeed the
22 member who serves as Chair of the Commission
23 for the term beginning in January 2022 (as
24 well as any individual who is appointed to fill
25 a vacancy if such member does not serve a full

1 term as Chair) shall serve as Chair of the Com-
 2 mission.

3 “(C) VICE CHAIR.—The Commission shall
 4 select, by majority vote of its members, one of
 5 its members to serve as Vice Chair, who shall
 6 act as Chair in the absence or disability of the
 7 Chair or in the event of a vacancy in the posi-
 8 tion of Chair.”.

9 (2) CONFORMING AMENDMENT.—Section
 10 309(a)(2) of such Act (52 U.S.C. 30109(a)(2)) is
 11 amended by striking “through its chairman or vice
 12 chairman” and inserting “through the Chair”.

13 (b) POWERS.—

14 (1) ASSIGNMENT OF CERTAIN POWERS TO
 15 CHAIR.—Section 307(a) of such Act (52 U.S.C.
 16 30107(a)) is amended to read as follows:

17 “(a) DISTRIBUTION OF POWERS BETWEEN CHAIR
 18 AND COMMISSION.—

19 “(1) POWERS ASSIGNED TO CHAIR.—

20 “(A) ADMINISTRATIVE POWERS.—The
 21 Chair of the Commission shall be the chief ad-
 22 ministrative officer of the Commission and shall
 23 have the authority to administer the Commis-
 24 sion and its staff, and (in consultation with the

1 other members of the Commission) shall have
2 the power—

3 “(i) to appoint and remove the staff
4 director of the Commission;

5 “(ii) to request the assistance (includ-
6 ing personnel and facilities) of other agen-
7 cies and departments of the United States,
8 whose heads may make such assistance
9 available to the Commission with or with-
10 out reimbursement; and

11 “(iii) to prepare and establish the
12 budget of the Commission and to make
13 budget requests to the President, the Di-
14 rector of the Office of Management and
15 Budget, and Congress.

16 “(B) OTHER POWERS.—The Chair of the
17 Commission shall have the power—

18 “(i) to appoint and remove the gen-
19 eral counsel of the Commission with the
20 concurrence of at least 2 other members of
21 the Commission;

22 “(ii) to require by special or general
23 orders, any person to submit, under oath,
24 such written reports and answers to ques-
25 tions as the Chair may prescribe;

1 “(iii) to administer oaths or affirma-
2 tions;

3 “(iv) to require by subpoena, signed
4 by the Chair, the attendance and testimony
5 of witnesses and the production of all doc-
6 umentary evidence relating to the execu-
7 tion of its duties;

8 “(v) in any proceeding or investiga-
9 tion, to order testimony to be taken by
10 deposition before any person who is des-
11 ignated by the Chair, and shall have the
12 power to administer oaths and, in such in-
13 stances, to compel testimony and the pro-
14 duction of evidence in the same manner as
15 authorized under clause (iv); and

16 “(vi) to pay witnesses the same fees
17 and mileage as are paid in like cir-
18 cumstances in the courts of the United
19 States.

20 “(2) POWERS ASSIGNED TO COMMISSION.—The
21 Commission shall have the power—

22 “(A) to initiate (through civil actions for
23 injunctive, declaratory, or other appropriate re-
24 lief), defend (in the case of any civil action
25 brought under section 309(a)(8) of this Act) or

1 appeal any civil action in the name of the Com-
2 mission to enforce the provisions of this Act
3 and chapter 95 and chapter 96 of the Internal
4 Revenue Code of 1986, through its general
5 counsel;

6 “(B) to render advisory opinions under
7 section 308 of this Act;

8 “(C) to develop such prescribed forms and
9 to make, amend, and repeal such rules, pursu-
10 ant to the provisions of chapter 5 of title 5,
11 United States Code, as are necessary to carry
12 out the provisions of this Act and chapter 95
13 and chapter 96 of the Internal Revenue Code of
14 1986;

15 “(D) to conduct investigations and hear-
16 ings expeditiously, to encourage voluntary com-
17 pliance, and to report apparent violations to the
18 appropriate law enforcement authorities; and

19 “(E) to transmit to the President and Con-
20 gress not later than June 1 of each year a re-
21 port which states in detail the activities of the
22 Commission in carrying out its duties under
23 this Act, and which includes any recommenda-
24 tions for any legislative or other action the
25 Commission considers appropriate.

1 “(3) PERMITTING COMMISSION TO EXERCISE
2 OTHER POWERS OF CHAIR.—With respect to any in-
3 vestigation, action, or proceeding, the Commission,
4 by an affirmative vote of a majority of the members
5 who are serving at the time, may exercise any of the
6 powers of the Chair described in paragraph (1)(B).”.

7 (2) CONFORMING AMENDMENTS RELATING TO
8 PERSONNEL AUTHORITY.—Section 306(f) of such
9 Act (52 U.S.C. 30106(f)) is amended—

10 (A) by amending the first sentence of
11 paragraph (1) to read as follows: “The Com-
12 mission shall have a staff director who shall be
13 appointed by the Chair of the Commission in
14 consultation with the other members and a gen-
15 eral counsel who shall be appointed by the
16 Chair with the concurrence of at least two other
17 members.”;

18 (B) in paragraph (2), by striking “With
19 the approval of the Commission” and inserting
20 “With the approval of the Chair of the Commis-
21 sion”; and

22 (C) by striking paragraph (3).

23 (3) CONFORMING AMENDMENT RELATING TO
24 BUDGET SUBMISSION.—Section 307(d)(1) of such
25 Act (52 U.S.C. 30107(d)(1)) is amended by striking

1 “the Commission submits any budget” and inserting
 2 “the Chair (or, pursuant to subsection (a)(3), the
 3 Commission) submits any budget”.

4 (4) OTHER CONFORMING AMENDMENTS.—Sec-
 5 tion 306(c) of such Act (52 U.S.C. 30106(c)) is
 6 amended by striking “All decisions” and inserting
 7 “Subject to section 307(a), all decisions”.

8 (5) TECHNICAL AMENDMENT.—The heading of
 9 section 307 of such Act (52 U.S.C. 30107) is
 10 amended by striking “THE COMMISSION” and insert-
 11 ing “THE CHAIR AND THE COMMISSION”.

12 **SEC. 5004. REVISION TO ENFORCEMENT PROCESS.**

13 (a) STANDARD FOR INITIATING INVESTIGATIONS AND
 14 DETERMINING WHETHER VIOLATIONS HAVE OC-
 15 CURRED.—

16 (1) REVISION OF STANDARDS.—Section 309(a)
 17 of the Federal Election Campaign Act of 1971 (52
 18 U.S.C. 30109(a)) is amended by striking paragraphs
 19 (2) and (3) and inserting the following:

20 “(2)(A) The general counsel, upon receiving a com-
 21 plaint filed with the Commission under paragraph (1) or
 22 upon the basis of information ascertained by the Commis-
 23 sion in the normal course of carrying out its supervisory
 24 responsibilities, shall make a determination as to whether
 25 or not there is reason to believe that a person has com-

mitted, or is about to commit, a violation of this Act or chapter 95 or chapter 96 of the Internal Revenue Code of 1986, and as to whether or not the Commission should either initiate an investigation of the matter or that the complaint should be dismissed. The general counsel shall promptly provide notification to the Commission of such determination and the reasons therefore, together with any written response submitted under paragraph (1) by the person alleged to have committed the violation. Upon the expiration of the 30-day period which begins on the date the general counsel provides such notification, the general counsel's determination shall take effect, unless during such 30-day period the Commission, by vote of a majority of the members of the Commission who are serving at the time, overrules the general counsel's determination. If the determination by the general counsel that the Commission should investigate the matter takes effect, or if the determination by the general counsel that the complaint should be dismissed is overruled as provided under the previous sentence, the general counsel shall initiate an investigation of the matter on behalf of the Commission.

“(B) If the Commission initiates an investigation pursuant to subparagraph (A), the Commission, through the Chair, shall notify the subject of the investigation of the alleged violation. Such notification shall set forth the

1 factual basis for such alleged violation. The Commission
2 shall make an investigation of such alleged violation, which
3 may include a field investigation or audit, in accordance
4 with the provisions of this section. The general counsel
5 shall provide notification to the Commission of any intent
6 to issue a subpoena or conduct any other form of discovery
7 pursuant to the investigation. Upon the expiration of the
8 15-day period which begins on the date the general counsel
9 provides such notification, the general counsel may issue
10 the subpoena or conduct the discovery, unless during such
11 15-day period the Commission, by vote of a majority of
12 the members of the Commission who are serving at the
13 time, prohibits the general counsel from issuing the sub-
14 poena or conducting the discovery.

15 “(3)(A) Upon completion of an investigation under
16 paragraph (2), the general counsel shall promptly submit
17 to the Commission the general counsel’s recommendation
18 that the Commission find either that there is probable
19 cause or that there is not probable cause to believe that
20 a person has committed, or is about to commit, a violation
21 of this Act or chapter 95 or chapter 96 of the Internal
22 Revenue Code of 1986, and shall include with the rec-
23 ommendation a brief stating the position of the general
24 counsel on the legal and factual issues of the case.

1 “(B) At the time the general counsel submits to the
2 Commission the recommendation under subparagraph (A),
3 the general counsel shall simultaneously notify the re-
4 spondent of such recommendation and the reasons there-
5 fore, shall provide the respondent with an opportunity to
6 submit a brief within 30 days stating the position of the
7 respondent on the legal and factual issues of the case and
8 replying to the brief of the general counsel. The general
9 counsel and shall promptly submit such brief to the Com-
10 mission upon receipt.

11 “(C) Not later than 30 days after the general counsel
12 submits the recommendation to the Commission under
13 subparagraph (A) (or, if the respondent submits a brief
14 under subparagraph (B), not later than 30 days after the
15 general counsel submits the respondent’s brief to the Com-
16 mission under such subparagraph), the Commission shall
17 approve or disapprove the recommendation by vote of a
18 majority of the members of the Commission who are serv-
19 ing at the time.”.

20 (2) CONFORMING AMENDMENT RELATING TO
21 INITIAL RESPONSE TO FILING OF COMPLAINT.—Sec-
22 tion 309(a)(1) of such Act (52 U.S.C. 30109(a)(1))
23 is amended—

1 (A) in the third sentence, by striking “the
2 Commission” and inserting “the general coun-
3 sel”; and

4 (B) by amending the fourth sentence to
5 read as follows: “Not later than 15 days after
6 receiving notice from the general counsel under
7 the previous sentence, the person may provide
8 the general counsel with a written response that
9 no action should be taken against such person
10 on the basis of the complaint.”.

11 (b) REVISION OF STANDARD FOR REVIEW OF DIS-
12 MISSAL OF COMPLAINTS.—

13 (1) IN GENERAL.—Section 309(a)(8) of such
14 Act (52 U.S.C. 30109(a)(8)) is amended to read as
15 follows:

16 “(8)(A)(i) Any party aggrieved by an order of the
17 Commission dismissing a complaint filed by such party
18 after finding either no reason to believe a violation has
19 occurred or no probable cause a violation has occurred
20 may file a petition with the United States District Court
21 for the District of Columbia. Any petition under this sub-
22 paragraph shall be filed within 60 days after the date on
23 which the party received notice of the dismissal of the
24 complaint.

1 “(ii) In any proceeding under this subparagraph, the
2 court shall determine by de novo review whether the agen-
3 cy’s dismissal of the complaint is contrary to law. In any
4 matter in which the penalty for the alleged violation is
5 greater than \$50,000, the court should disregard any
6 claim or defense by the Commission of prosecutorial dis-
7 cretion as a basis for dismissing the complaint.

8 “(B)(i) Any party who has filed a complaint with the
9 Commission and who is aggrieved by a failure of the Com-
10 mission, within one year after the filing of the complaint,
11 to either dismiss the complaint or to find reason to believe
12 a violation has occurred or is about to occur, may file a
13 petition with the United States District Court for the Dis-
14 trict of Columbia.

15 “(ii) In any proceeding under this subparagraph, the
16 court shall treat the failure to act on the complaint as
17 a dismissal of the complaint, and shall determine by de
18 novo review whether the agency’s failure to act on the
19 complaint is contrary to law.

20 “(C) In any proceeding under this paragraph the
21 court may declare that the dismissal of the complaint or
22 the failure to act is contrary to law, and may direct the
23 Commission to conform with such declaration within 30
24 days, failing which the complainant may bring, in the

1 name of such complainant, a civil action to remedy the
 2 violation involved in the original complaint.”.

3 (2) EFFECTIVE DATE.—The amendments made
 4 by paragraph (1) shall apply—

5 (A) in the case of complaints which are
 6 dismissed by the Federal Election Commission,
 7 with respect to complaints which are dismissed
 8 on or after the date of the enactment of this
 9 Act; and

10 (B) in the case of complaints upon which
 11 the Federal Election Commission failed to act,
 12 with respect to complaints which were filed on
 13 or after the date of the enactment of this Act.

14 **SEC. 5005. PERMITTING APPEARANCE AT HEARINGS ON RE-**
 15 **QUESTS FOR ADVISORY OPINIONS BY PER-**
 16 **SONS OPPOSING THE REQUESTS.**

17 (a) IN GENERAL.—Section 308 of such Act (52
 18 U.S.C. 30108) is amended by adding at the end the fol-
 19 lowing new subsection:

20 “(e) To the extent that the Commission provides an
 21 opportunity for a person requesting an advisory opinion
 22 under this section (or counsel for such person) to appear
 23 before the Commission to present testimony in support of
 24 the request, and the person (or counsel) accepts such op-
 25 portunity, the Commission shall provide a reasonable op-

1 portunity for an interested party who submitted written
 2 comments under subsection (d) in response to the request
 3 (or counsel for such interested party) to appear before the
 4 Commission to present testimony in response to the re-
 5 quest.”.

6 (b) EFFECTIVE DATE.—The amendment made by
 7 subsection (a) shall apply with respect to requests for advi-
 8 sory opinions under section 308 of the Federal Election
 9 Campaign Act of 1971 which are made on or after the
 10 date of the enactment of this Act.

11 **SEC. 5006. PERMANENT EXTENSION OF ADMINISTRATIVE**
 12 **PENALTY AUTHORITY.**

13 (a) EXTENSION OF AUTHORITY.—Section
 14 309(a)(4)(C)(v) of the Federal Election Campaign Act of
 15 1971 (52 U.S.C. 30109(a)(4)(C)(v)) is amended by strik-
 16 ing “, and that end on or before December 31, 2018”.

17 (b) EFFECTIVE DATE.—The amendment made by
 18 subsection (a) shall take effect on December 31, 2018.

19 **SEC. 5007. EFFECTIVE DATE; TRANSITION.**

20 (a) IN GENERAL.—Except as otherwise provided, the
 21 amendments made by this subtitle shall apply beginning
 22 January 1, 2022.

23 (b) TRANSITION.—

24 (1) TERMINATION OF SERVICE OF CURRENT
 25 MEMBERS.—Notwithstanding any provision of the

1 Federal Election Campaign Act of 1971, the term of
 2 any individual serving as a member of the Federal
 3 Election Commission as of December 31, 2021, shall
 4 expire on that date.

5 (2) NO EFFECT ON EXISTING CASES OR PRO-
 6 CEEDINGS.—Nothing in this subtitle or in any
 7 amendment made by this subtitle shall affect any of
 8 the powers exercised by the Federal Election Com-
 9 mission prior to December 31, 2021, including any
 10 investigation initiated by the Commission prior to
 11 such date or any proceeding (including any enforce-
 12 ment action) pending as of such date.

13 **Subtitle B—Stopping Super PAC–** 14 **Candidate Coordination**

15 **SEC. 5101. SHORT TITLE.**

16 This subtitle may be cited as the “Stop Super PAC–
 17 Candidate Coordination Act”.

18 **SEC. 5102. CLARIFICATION OF TREATMENT OF COORDI-** 19 **NATED EXPENDITURES AS CONTRIBUTIONS** 20 **TO CANDIDATES.**

21 (a) TREATMENT AS CONTRIBUTION TO CAN-
 22 DIDATE.—Section 301(8)(A) of the Federal Election Cam-
 23 paign Act of 1971 (52 U.S.C. 30101(8)(A)) is amended—
 24 (1) by striking “or” at the end of clause (i);

1 (2) by striking the period at the end of clause
2 (ii) and inserting “; or”; and

3 (3) by adding at the end the following new
4 clause:

5 “(iii) any payment made by any person
6 (other than a candidate, an authorized com-
7 mittee of a candidate, or a political committee
8 of a political party) for a coordinated expendi-
9 ture (as such term is defined in section 326)
10 which is not otherwise treated as a contribution
11 under clause (i) or clause (ii).”.

12 (b) DEFINITIONS.—Title III of such Act (52 U.S.C.
13 30101 et seq.), as amended by section 4702(a), is amend-
14 ed by adding at the end the following new section:

15 **“SEC. 326. PAYMENTS FOR COORDINATED EXPENDITURES.**

16 “(a) COORDINATED EXPENDITURES.—

17 “(1) IN GENERAL.—For purposes of section
18 301(8)(A)(iii), the term ‘coordinated expenditure’
19 means—

20 “(A) any expenditure, or any payment for
21 a covered communication described in sub-
22 section (d), which is made in cooperation, con-
23 sultation, or concert with, or at the request or
24 suggestion of, a candidate, an authorized com-
25 mittee of a candidate, a political committee of

1 a political party, or agents of the candidate or
2 committee, as defined in subsection (b); or

3 “(B) any payment for any communication
4 which republishes, disseminates, or distributes,
5 in whole or in part, any video or broadcast or
6 any written, graphic, or other form of campaign
7 material prepared by the candidate or com-
8 mittee or by agents of the candidate or com-
9 mittee (including any excerpt or use of any
10 video from any such broadcast or written,
11 graphic, or other form of campaign material).

12 “(2) EXCEPTION FOR PAYMENTS FOR CERTAIN
13 COMMUNICATIONS.—A payment for a communication
14 (including a covered communication described in
15 subsection (d)) shall not be treated as a coordinated
16 expenditure under this subsection if—

17 “(A) the communication appears in a news
18 story, commentary, or editorial distributed
19 through the facilities of any broadcasting sta-
20 tion, newspaper, magazine, or other periodical
21 publication, unless such facilities are owned or
22 controlled by any political party, political com-
23 mittee, or candidate; or

24 “(B) the communication constitutes a can-
25 didate debate or forum conducted pursuant to

1 regulations adopted by the Commission pursu-
2 ant to section 304(f)(3)(B)(iii), or which solely
3 promotes such a debate or forum and is made
4 by or on behalf of the person sponsoring the de-
5 bate or forum.

6 “(b) COORDINATION DESCRIBED.—

7 “(1) IN GENERAL.—For purposes of this sec-
8 tion, a payment is made ‘in cooperation, consulta-
9 tion, or concert with, or at the request or suggestion
10 of,’ a candidate, an authorized committee of a can-
11 didate, a political committee of a political party, or
12 agents of the candidate or committee, if the pay-
13 ment, or any communication for which the payment
14 is made, is not made entirely independently of the
15 candidate, committee, or agents. For purposes of the
16 previous sentence, a payment or communication not
17 made entirely independently of the candidate or
18 committee includes any payment or communication
19 made pursuant to any general or particular under-
20 standing with, or pursuant to any communication
21 with, the candidate, committee, or agents about the
22 payment or communication.

23 “(2) NO FINDING OF COORDINATION BASED
24 SOLELY ON SHARING OF INFORMATION REGARDING
25 LEGISLATIVE OR POLICY POSITION.—For purposes

1 of this section, a payment shall not be considered to
2 be made by a person in cooperation, consultation, or
3 concert with, or at the request or suggestion of, a
4 candidate or committee, solely on the grounds that
5 the person or the person's agent engaged in discus-
6 sions with the candidate or committee, or with any
7 agent of the candidate or committee, regarding that
8 person's position on a legislative or policy matter
9 (including urging the candidate or committee to
10 adopt that person's position), so long as there is no
11 communication between the person and the can-
12 didate or committee, or any agent of the candidate
13 or committee, regarding the candidate's or commit-
14 tee's campaign advertising, message, strategy, pol-
15 icy, polling, allocation of resources, fundraising, or
16 other campaign activities.

17 “(3) NO EFFECT ON PARTY COORDINATION
18 STANDARD.—Nothing in this section shall be con-
19 strued to affect the determination of coordination
20 between a candidate and a political committee of a
21 political party for purposes of section 315(d).

22 “(4) NO SAFE HARBOR FOR USE OF FIRE-
23 WALL.—A person shall be determined to have made
24 a payment in cooperation, consultation, or concert
25 with, or at the request or suggestion of, a candidate

1 or committee, in accordance with this section with-
2 out regard to whether or not the person established
3 and used a firewall or similar procedures to restrict
4 the sharing of information between individuals who
5 are employed by or who are serving as agents for the
6 person making the payment.

7 “(c) PAYMENTS BY COORDINATED SPENDERS FOR
8 COVERED COMMUNICATIONS.—

9 “(1) PAYMENTS MADE IN COOPERATION, CON-
10 SULTATION, OR CONCERT WITH CANDIDATES.—For
11 purposes of subsection (a)(1)(A), if the person who
12 makes a payment for a covered communication, as
13 defined in subsection (d), is a coordinated spender
14 under paragraph (2) with respect to the candidate
15 as described in subsection (d)(1), the payment for
16 the covered communication is made in cooperation,
17 consultation, or concert with the candidate.

18 “(2) COORDINATED SPENDER DEFINED.—For
19 purposes of this subsection, the term ‘coordinated
20 spender’ means, with respect to a candidate or an
21 authorized committee of a candidate, a person (other
22 than a political committee of a political party) for
23 which any of the following applies:

24 “(A) During the 4-year period ending on
25 the date on which the person makes the pay-

1 ment, the person was directly or indirectly
2 formed or established by or at the request or
3 suggestion of, or with the encouragement of,
4 the candidate (including an individual who later
5 becomes a candidate) or committee or agents of
6 the candidate or committee, including with the
7 approval of the candidate or committee or
8 agents of the candidate or committee.

9 “(B) The candidate or committee or any
10 agent of the candidate or committee solicits
11 funds, appears at a fundraising event, or en-
12 gages in other fundraising activity on the per-
13 son’s behalf during the election cycle involved,
14 including by providing the person with names of
15 potential donors or other lists to be used by the
16 person in engaging in fundraising activity, re-
17 gardless of whether the person pays fair market
18 value for the names or lists provided. For pur-
19 poses of this subparagraph, the term ‘election
20 cycle’ means, with respect to an election for
21 Federal office, the period beginning on the day
22 after the date of the most recent general elec-
23 tion for that office (or, if the general election
24 resulted in a runoff election, the date of the
25 runoff election) and ending on the date of the

1 next general election for that office (or, if the
2 general election resulted in a runoff election,
3 the date of the runoff election).

4 “(C) The person is established, directed, or
5 managed by the candidate or committee or by
6 any person who, during the 4-year period end-
7 ing on the date on which the person makes the
8 payment, has been employed or retained as a
9 political, campaign media, or fundraising ad-
10 viser or consultant for the candidate or com-
11 mittee or for any other entity directly or indi-
12 rectly controlled by the candidate or committee,
13 or has held a formal position with the candidate
14 or committee (including a position as an em-
15 ployee of the office of the candidate at any time
16 the candidate held any Federal, State, or local
17 public office during the 4-year period).

18 “(D) The person has retained the profes-
19 sional services of any person who, during the 2-
20 year period ending on the date on which the
21 person makes the payment, has provided or is
22 providing professional services relating to the
23 campaign to the candidate or committee, with-
24 out regard to whether the person providing the
25 professional services used a firewall. For pur-

1 poses of this subparagraph, the term ‘profes-
2 sional services’ includes any services in support
3 of the candidate’s or committee’s campaign ac-
4 tivities, including advertising, message, strat-
5 egy, policy, polling, allocation of resources,
6 fundraising, and campaign operations, but does
7 not include accounting or legal services.

8 “(E) The person is established, directed, or
9 managed by a member of the immediate family
10 of the candidate, or the person or any officer or
11 agent of the person has had more than inci-
12 dental discussions about the candidate’s cam-
13 paign with a member of the immediate family
14 of the candidate. For purposes of this subpara-
15 graph, the term ‘immediate family’ has the
16 meaning given such term in section 9004(e) of
17 the Internal Revenue Code of 1986.

18 “(d) COVERED COMMUNICATION DEFINED.—

19 “(1) IN GENERAL.—For purposes of this sec-
20 tion, the term ‘covered communication’ means, with
21 respect to a candidate or an authorized committee of
22 a candidate, a public communication (as defined in
23 section 301(22)) which—

24 “(A) expressly advocates the election of the
25 candidate or the defeat of an opponent of the

1 candidate (or contains the functional equivalent
2 of express advocacy);

3 “(B) promotes or supports the candidate,
4 or attacks or opposes an opponent of the can-
5 didate (regardless of whether the communica-
6 tion expressly advocates the election or defeat
7 of a candidate or contains the functional equiv-
8 alent of express advocacy); or

9 “(C) refers to the candidate or an oppo-
10 nent of the candidate but is not described in
11 subparagraph (A) or subparagraph (B), but
12 only if the communication is disseminated dur-
13 ing the applicable election period.

14 “(2) APPLICABLE ELECTION PERIOD.—In para-
15 graph (1)(C), the ‘applicable election period’ with re-
16 spect to a communication means—

17 “(A) in the case of a communication which
18 refers to a candidate in a general, special, or
19 runoff election, the 120-day period which ends
20 on the date of the election; or

21 “(B) in the case of a communication which
22 refers to a candidate in a primary or preference
23 election, or convention or caucus of a political
24 party that has authority to nominate a can-

1 didate, the 60-day period which ends on the
2 date of the election or convention or caucus.

3 “(3) SPECIAL RULES FOR COMMUNICATIONS IN-
4 VOLVING CONGRESSIONAL CANDIDATES.—For pur-
5 poses of this subsection, a public communication
6 shall not be considered to be a covered communica-
7 tion with respect to a candidate for election for an
8 office other than the office of President or Vice
9 President unless it is publicly disseminated or dis-
10 tributed in the jurisdiction of the office the can-
11 didate is seeking.

12 “(e) PENALTY.—

13 “(1) DETERMINATION OF AMOUNT.—Any per-
14 son who knowingly and willfully commits a violation
15 of this Act by making a contribution which consists
16 of a payment for a coordinated expenditure shall be
17 fined an amount equal to the greater of—

18 “(A) in the case of a person who makes a
19 contribution which consists of a payment for a
20 coordinated expenditure in an amount exceeding
21 the applicable contribution limit under this Act,
22 300 percent of the amount by which the
23 amount of the payment made by the person ex-
24 ceeds such applicable contribution limit; or

1 “(B) in the case of a person who is prohib-
2 ited under this Act from making a contribution
3 in any amount, 300 percent of the amount of
4 the payment made by the person for the coordi-
5 nated expenditure.

6 “(2) JOINT AND SEVERAL LIABILITY.—Any di-
7 rector, manager, or officer of a person who is subject
8 to a penalty under paragraph (1) shall be jointly and
9 severally liable for any amount of such penalty that
10 is not paid by the person prior to the expiration of
11 the 1-year period which begins on the date the Com-
12 mission imposes the penalty or the 1-year period
13 which begins on the date of the final judgment fol-
14 lowing any judicial review of the Commission’s ac-
15 tion, whichever is later.”.

16 (c) EFFECTIVE DATE.—

17 (1) REPEAL OF EXISTING REGULATIONS ON CO-
18 ORDINATION.—Effective upon the expiration of the
19 90-day period which begins on the date of the enact-
20 ment of this Act—

21 (A) the regulations on coordinated commu-
22 nications adopted by the Federal Election Com-
23 mission which are in effect on the date of the
24 enactment of this Act (as set forth in 11 CFR

1 Part 109, Subpart C, under the heading “Co-
2 ordination”) are repealed; and

3 (B) the Federal Election Commission shall
4 promulgate new regulations on coordinated
5 communications which reflect the amendments
6 made by this Act.

7 (2) EFFECTIVE DATE.—The amendments made
8 by this section shall apply with respect to payments
9 made on or after the expiration of the 120-day pe-
10 riod which begins on the date of the enactment of
11 this Act, without regard to whether or not the Fed-
12 eral Election Commission has promulgated regula-
13 tions in accordance with paragraph (1)(B) as of the
14 expiration of such period.

15 **SEC. 5103. CLARIFICATION OF BAN ON FUNDRAISING FOR**
16 **SUPER PACS BY FEDERAL CANDIDATES AND**
17 **OFFICEHOLDERS.**

18 (a) IN GENERAL.—Section 323(e)(1) of the Federal
19 Election Campaign Act of 1971 (52 U.S.C. 30125(e)(1))
20 is amended—

21 (1) by striking “or” at the end of subparagraph
22 (A);

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

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

3 “(C) solicit, receive, direct, or transfer
4 funds to or on behalf of any political committee
5 which accepts donations or contributions that
6 do not comply with the limitations, prohibitions,
7 and reporting requirements of this Act (or to or
8 on behalf of any account of a political com-
9 mittee which is established for the purpose of
10 accepting such donations or contributions), or
11 to or on behalf of any political organization
12 under section 527 of the Internal Revenue Code
13 of 1986 which accepts such donations or con-
14 tributions (other than a committee of a State or
15 local political party or a candidate for election
16 for State or local office).”.

17 (b) EFFECTIVE DATE.—The amendment made by
18 subsection (a) shall apply with respect to elections occur-
19 ring after January 1, 2020.

20 **Subtitle C—Severability**

21 **SEC. 5201. SEVERABILITY.**

22 If any provision of this title or amendment made by
23 this title, or the application of a provision or amendment
24 to any person or circumstance, is held to be unconstitu-
25 tional, the remainder of this title and amendments made

1 by this title, and the application of the provisions and
 2 amendment to any person or circumstance, shall not be
 3 affected by the holding.

4 **DIVISION C—ETHICS**

5 **TITLE VI—ETHICAL STANDARDS**

Subtitle A—Supreme Court Ethics

Sec. 6001. Code of conduct for Federal judges.

Subtitle B—Foreign Agents Registration

Sec. 6101. Establishment of FARA investigation and enforcement unit within
 Department of Justice.

Sec. 6102. Authority to impose civil money penalties.

Sec. 6103. Disclosure of transactions involving things of financial value conferred on officeholders.

Subtitle C—Lobbying Disclosure Reform

Sec. 6201. Expanding scope of individuals and activities subject to requirements of Lobbying Disclosure Act of 1995.

Subtitle D—Recusal of Presidential Appointees

Sec. 6301. Recusal of appointees.

Subtitle E—Severability

Sec. 6401. Severability.

6 **Subtitle A—Supreme Court Ethics**

7 **SEC. 6001. CODE OF CONDUCT FOR FEDERAL JUDGES.**

8 (a) IN GENERAL.—Chapter 57 of title 28, United
 9 States Code, is amended by adding at the end the following:
 10

11 **“§ 964. Code of conduct**

12 “Not later than one year after the date of the enactment of this section, the Judicial Conference shall issue
 13 a code of conduct, which applies to each justice and judge
 14 of the United States, except that the code of conduct may
 15

1 include provisions that are applicable only to certain cat-
 2 egories of judges or justices.”.

3 (b) CLERICAL AMENDMENT.—The table of sections
 4 for chapter 57 of title 28, United States Code, is amended
 5 by adding after the item related to section 963 the fol-
 6 lowing:

“964. Code of conduct.”.

7 **Subtitle B—Foreign Agents** 8 **Registration**

9 **SEC. 6101. ESTABLISHMENT OF FARA INVESTIGATION AND** 10 **ENFORCEMENT UNIT WITHIN DEPARTMENT** 11 **OF JUSTICE.**

12 Section 8 of the Foreign Agents Registration Act of
 13 1938, as amended (22 U.S.C. 618) is amended by adding
 14 at the end the following new subsection:

15 “(i) DEDICATED ENFORCEMENT UNIT.—

16 “(1) ESTABLISHMENT.—Not later than 180
 17 days after the date of enactment of this subsection,
 18 the Attorney General shall establish a unit within
 19 the counterespionage section of the National Secu-
 20 rity Division of the Department of Justice with re-
 21 sponsibility for the enforcement of this Act.

22 “(2) POWERS.—The unit established under this
 23 subsection is authorized to—

24 “(A) take appropriate legal action against
 25 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 2019 and each
13 succeeding fiscal year.”.

14 **SEC. 6102. 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. 6103. 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.

1 **Subtitle C—Lobbying Disclosure**
2 **Reform**

3 **SEC. 6201. EXPANDING SCOPE OF INDIVIDUALS AND AC-**
4 **TIVITIES SUBJECT TO REQUIREMENTS OF**
5 **LOBBYING DISCLOSURE ACT OF 1995.**

6 (a) COVERAGE OF INDIVIDUALS PROVIDING LEGIS-
7 LATIVE, POLITICAL, AND STRATEGIC COUNSELING SERV-
8 ICES.—

9 (1) TREATMENT OF LEGISLATIVE, POLITICAL,
10 AND STRATEGIC COUNSELING SERVICES IN SUPPORT
11 OF LOBBYING CONTACTS AS LOBBYING ACTIVITY.—
12 Section 3(7) of such Act (2 U.S.C. 1602(7)) is
13 amended—

14 (A) by striking “efforts” and inserting
15 “any efforts”; and

16 (B) by striking “research and other back-
17 ground work” and inserting the following: “leg-
18 islative, political, and strategic counseling serv-
19 ices, research, and other background work”.

20 (2) TREATMENT OF LOBBYING CONTACT MADE
21 WITH SUPPORT OF LEGISLATIVE, POLITICAL, AND
22 STRATEGIC COUNSELING SERVICES AS LOBBYING
23 CONTACT MADE BY INDIVIDUAL PROVIDING SERV-
24 ICES.—Section 3(8) of such Act (2 U.S.C. 1602(8))

1 is amended by adding at the end the following new
2 subparagraph:

3 “(C) TREATMENT OF PROVIDERS OF LEG-
4 ISLATIVE, POLITICAL, AND STRATEGIC COUN-
5 SELING SERVICES.—Any individual who for fi-
6 nancial or other compensation provides legisla-
7 tive, political, and strategic counseling services
8 which are treated as lobbying activity under
9 paragraph (7), and which are used in support
10 of a lobbying contact under this paragraph
11 which is made by another individual, shall be
12 considered to have made the same lobbying con-
13 tact at the same time and in the same manner
14 to the covered executive branch official or cov-
15 ered legislative branch official involved.”.

16 (b) EFFECTIVE DATE.—The amendments made by
17 this section shall apply with respect to lobbying contacts
18 made on or after the date of the enactment of this Act.

19 **Subtitle D—Recusal of Presidential** 20 **Appointees**

21 **SEC. 6301. RECUSAL OF APPOINTEES.**

22 Section 208 of title 18, United States Code, is
23 amended by adding at the end the following:

24 “(e)(1) Any officer or employee appointed by the
25 President shall recuse himself or herself from any par-

1 ticular matter involving specific parties in which a party
2 to that matter is—

3 “(A) the President who appointed the officer or
4 employee, which shall include any entity in which the
5 President has a substantial interest; or

6 “(B) the spouse of the President who appointed
7 the officer or employee, which shall include any enti-
8 ty in which the spouse of the President has a sub-
9 stantial interest.

10 “(2)(A) Subject to subparagraph (B), if an officer or
11 employee is recused under paragraph (1), a career ap-
12 pointee in the agency of the officer or employee shall per-
13 form the functions and duties of the officer or employee
14 with respect to the matter.

15 “(B)(i) In this subparagraph, the term ‘Commission’
16 means a board, commission, or other agency for which the
17 authority of the agency is vested in more than 1 member.

18 “(ii) If the recusal of a member of a Commission
19 from a matter under paragraph (1) would result in there
20 not being a statutorily required quorum of members of the
21 Commission available to participate in the matter, not-
22 withstanding such statute or any other provision of law,
23 the members of the Commission not recused under para-
24 graph (1) may—

1 “(I) consider the matter without regard to the
2 quorum requirement under such statute;

3 “(II) delegate the authorities and responsibil-
4 ities of the Commission with respect to the matter
5 to a subcommittee of the Commission; or

6 “(III) designate an officer or employee of the
7 Commission who was not appointed by the President
8 who appointed the member of the Commission
9 recused from the matter to exercise the authorities
10 and duties of the recused member with respect to
11 the matter.

12 “(3) Any officer or employee who violates paragraph
13 (1) shall be subject to the penalties set forth in section
14 216.

15 “(4) For purposes of this section, the term ‘particular
16 matter’ shall have the meaning given the term in section
17 207(i).”.

18 **Subtitle E—Severability**

19 **SEC. 6401. 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 VII—ETHICS REFORMS**
 4 **FOR THE PRESIDENT, VICE**
 5 **PRESIDENT, AND FEDERAL**
 6 **OFFICERS AND EMPLOYEES**

Subtitle A—Executive Branch Conflict of Interest

- Sec. 7001. Short title.
- Sec. 7002. Restrictions on private sector payment for Government service.
- Sec. 7003. Requirements relating to slowing the revolving door.
- Sec. 7004. Prohibition of procurement officers accepting employment from Government contractors.
- Sec. 7005. Revolving door restrictions on employees moving into the private sector.

Subtitle B—Presidential Conflicts of Interest

- Sec. 7011. Short title.
- Sec. 7012. Divestiture of personal financial interests of the President and Vice President that pose a potential conflict of interest.
- Sec. 7013. Initial financial disclosure.
- Sec. 7014. Contracts by the President or Vice President.

Subtitle C—White House Ethics Transparency

- Sec. 7021. Short title.
- Sec. 7022. Procedure for waivers and authorizations relating to ethics requirements.

Subtitle D—Executive Branch Ethics Enforcement

- Sec. 7031. Short title.
- Sec. 7032. Reauthorization of the Office of Government Ethics.
- Sec. 7033. Tenure of the Director of the Office of Government Ethics.
- Sec. 7034. Duties of Director of the Office of Government Ethics.
- Sec. 7035. Agency ethics officials training and duties.

Subtitle E—Conflicts From Political Fundraising

- Sec. 7041. Short title.
- Sec. 7042. Disclosure of certain types of contributions.

Subtitle F—Transition Team Ethics

- Sec. 7051. Short title.
- Sec. 7052. Presidential transition ethics programs.

Subtitle G—Ethics Pledge for Senior Executive Branch Employees

- Sec. 7061. Short title.

Sec. 7062. Ethics pledge requirement for senior executive branch employees.

Subtitle H—Severability

Sec. 7071. Severability.

1 **Subtitle A—Executive Branch**
2 **Conflict of Interest**

3 **SEC. 7001. SHORT TITLE.**

4 This subtitle may be cited as the “Executive Branch
5 Conflict of Interest Act”.

6 **SEC. 7002. 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), by striking “any salary”
11 and inserting “any salary (including a bonus)”; and

12 (2) in subsection (b)—

13 (A) by inserting “(1)” after “(b)”; and

14 (B) by adding at the end the following:

15 “(2) For purposes of paragraph (1), a pension,
16 retirement, group life, health or accident insurance,
17 profit-sharing, stock bonus, or other employee wel-
18 fare or benefit plan that makes payment of any por-
19 tion of compensation contingent on accepting a posi-
20 tion in the United States Government shall not be
21 considered bona fide.”.

1 **SEC. 7003. REQUIREMENTS RELATING TO SLOWING THE RE-**
2 **VOLVING DOOR.**

3 (a) IN GENERAL.—The Ethics in Government Act of
4 1978 (5 U.S.C. App.) is amended by adding at the end
5 the following:

6 **“TITLE VI—ENHANCED RE-**
7 **QUIREMENTS FOR CERTAIN**
8 **EMPLOYEES**

9 **“SEC. 601. DEFINITIONS.**

10 “In this title:

11 “(1) COVERED AGENCY.—The term ‘covered
12 agency’—

13 “(A) means an Executive agency, as de-
14 fined in section 105 of title 5, United States
15 Code, the Postal Service and the Postal Rate
16 Commission, but does not include the Govern-
17 ment Accountability Office or the Government
18 of the District of Columbia; and

19 “(B) shall include the Executive Office of
20 the President.

21 “(2) COVERED EMPLOYEE.—The term ‘covered
22 employee’ means an officer or employee referred to
23 in paragraph (2) of section 207(c) of title 18,
24 United States Code.

25 “(3) DIRECTOR.—The term ‘Director’ means
26 the Director of the Office of Government Ethics.

1 “(4) EXECUTIVE BRANCH.—The term ‘execu-
2 tive branch’ has the meaning given that term in sec-
3 tion 109.

4 “(5) FORMER CLIENT.—The term ‘former cli-
5 ent’—

6 “(A) means a person for whom a covered
7 employee served personally as an agent, attor-
8 ney, or consultant during the 2-year period end-
9 ing on the date before the date on which the
10 covered employee begins service in the Federal
11 Government; and

12 “(B) does not include—

13 “(i) instances in which the service
14 provided was limited to a speech or similar
15 appearance by the covered employee; or

16 “(ii) a client of the former employer
17 of the covered employee to whom the cov-
18 ered employee did not personally provide
19 such services.

20 “(6) FORMER EMPLOYER.—The term ‘former
21 employer’—

22 “(A) means a person for whom a covered
23 employee served as an employee, officer, direc-
24 tor, trustee, or general partner during the 2
25 year period ending on the date before the date

1 on which the covered employee begins service in
 2 the Federal Government; and

3 “(B) does not include—

4 “(i) an entity in the Federal Govern-
 5 ment, including an executive branch agen-
 6 cy;

7 “(ii) a State or local government;

8 “(iii) the District of Columbia;

9 “(iv) an Indian tribe, as defined in
 10 section 4 of the Indian Self-Determination
 11 and Education Assistance Act (25 U.S.C.
 12 5304); or

13 “(v) the government of a territory or
 14 possession of the United States.

15 “(7) PARTICULAR MATTER.—The term ‘par-
 16 ticular matter’ has the meaning given that term in
 17 section 207(i) of title 18, United States Code.

18 **“SEC. 602. CONFLICT OF INTEREST AND ELIGIBILITY**
 19 **STANDARDS.**

20 “(a) IN GENERAL.—A covered employee may not use,
 21 or attempt to use, the official position of the covered em-
 22 ployee to participate in a particular matter in which the
 23 covered employee knows a former employer or former cli-
 24 ent of the covered employee has a financial interest.

25 “(b) WAIVER.—

1 “(1) IN GENERAL.—The head of the covered
2 agency employing a covered employee, in consulta-
3 tion with the Director, may grant a written waiver
4 of the restrictions under subsection (a) prior to en-
5 gaging in the action otherwise prohibited by sub-
6 section (a) if, and to the extent that, the head of the
7 covered agency certifies in writing that—

8 “(A) the application of the restriction to
9 the particular matter is inconsistent with the
10 purposes of the restriction; or

11 “(B) it is in the public interest to grant
12 the waiver.

13 “(2) PUBLICATION.—The head of the covered
14 agency shall provide a waiver under paragraph (1)
15 to the Director and post the waiver on the website
16 of the agency within 30 calendar days after granting
17 such waiver.

18 **“SEC. 603. PENALTIES AND INJUNCTIONS.**

19 “(a) CRIMINAL PENALTIES.—

20 “(1) IN GENERAL.—Any person who violates
21 section 602 shall be fined under title 18, United
22 States Code, imprisoned for not more than 1 year,
23 or both.

24 “(2) WILLFUL VIOLATIONS.—Any person who
25 willfully violates section 602 shall be fined under

1 title 18, United States Code, imprisoned for not
2 more than 5 years, or both.

3 “(b) CIVIL ENFORCEMENT.—

4 “(1) IN GENERAL.—The Attorney General may
5 bring a civil action in an appropriate district court
6 of the United States against any person who vio-
7 lates, or whom the Attorney General has reason to
8 believe is engaging in conduct that violates, section
9 602.

10 “(2) CIVIL PENALTY.—

11 “(A) IN GENERAL.—If the court finds by
12 a preponderance of the evidence that a person
13 violated section 602, the court shall impose a
14 civil penalty of not more than the greater of—

15 “(i) \$100,000 for each violation; or

16 “(ii) the amount of compensation the
17 person received or was offered for the con-
18 duct constituting the violation.

19 “(B) RULE OF CONSTRUCTION.—A civil
20 penalty under this subsection may be in addi-
21 tion to any other criminal or civil statutory,
22 common law, or administrative remedy available
23 to the United States or any other person.

24 “(3) INJUNCTIVE RELIEF.—

1 “(A) IN GENERAL.—In a civil action
 2 brought under paragraph (1) against a person,
 3 the Attorney General may petition the court for
 4 an order prohibiting the person from engaging
 5 in conduct that violates section 602.

6 “(B) STANDARD.—The court may issue an
 7 order under subparagraph (A) if the court finds
 8 by a preponderance of the evidence that the
 9 conduct of the person violates section 602.

10 “(C) RULE OF CONSTRUCTION.—The filing
 11 of a petition seeking injunctive relief under this
 12 paragraph shall not preclude any other remedy
 13 that is available by law to the United States or
 14 any other person.”.

15 **SEC. 7004. PROHIBITION OF PROCUREMENT OFFICERS AC-**
 16 **CEPTING EMPLOYMENT FROM GOVERNMENT**
 17 **CONTRACTORS.**

18 (a) EXPANSION OF PROHIBITION ON ACCEPTANCE
 19 BY FORMER OFFICIALS OF COMPENSATION FROM CON-
 20 TRACTORS.—Section 2104 of title 41, United States Code,
 21 is amended—

22 (1) in subsection (a)—

23 (A) in the matter preceding paragraph

24 (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 ON BEHALF OF REL-
20 ATIVES.—Section 2103(a) of title 41, United States Code,
21 is amended in the matter preceding paragraph (1) by in-
22 serting after “that official” the following: “, or for a rel-
23 ative (as defined in section 3110 of title 5) of that offi-
24 cial,”.

1 (c) REQUIREMENT ON AWARD OF GOVERNMENT
2 CONTRACTS TO FORMER EMPLOYERS.—

3 (1) IN GENERAL.—Chapter 21 of division B of
4 subtitle I of title 41, United States Code, is amend-
5 ed by adding at the end the following new section:

6 **“§ 2108. Prohibition on involvement by certain**
7 **former contractor employees in procure-**
8 **ments**

9 “An employee of the Federal Government may not
10 be personally and substantially involved with any award
11 of a contract to, or the administration of a contract award-
12 ed to, a contractor that is a former employer of the em-
13 ployee during the 2-year period beginning on the date on
14 which the employee leaves the employment of the con-
15 tractor.”.

16 (2) TECHNICAL AND CONFORMING AMEND-
17 MENT.—The table of sections for chapter 21 of title
18 41, United States Code, is amended by adding at
19 the end the following new item:

“2108. Prohibition on involvement by certain former contractor employees
in procurements.”.

20 (d) REGULATIONS.—The Administrator for Federal
21 Procurement Policy and the Director of the Office of Man-
22 agement and Budget shall—

23 (1) in consultation with the Director of the Of-
24 fice of Personnel Management and the Counsel to

1 the President, promulgate regulations to carry out
2 and ensure the enforcement of chapter 21 of title
3 41, United States Code, as amended by this section;
4 and

5 (2) in consultation with designated agency eth-
6 ics officials (as that term is defined in section
7 109(3) of the Ethics in Government Act of 1978 (5
8 U.S.C. App.)), monitor compliance with that chapter
9 by individuals and agencies.

10 **SEC. 7005. REVOLVING DOOR RESTRICTIONS ON EMPLOY-**
11 **EES MOVING INTO THE PRIVATE SECTOR.**

12 (a) IN GENERAL.—Subsection (c) of section 207 of
13 title 18, United States Code, is amended—

14 (1) in the subsection heading, by striking
15 “ONE-YEAR” and inserting “TWO-YEAR”;

16 (2) in paragraph (1), by striking “1 year” in
17 each instance and inserting “2 years”; and

18 (3) in paragraph (2)(B), by striking “1-year”
19 and inserting “2-year”.

20 (b) APPLICATION.—The amendments made by sub-
21 section (a) shall apply to any individual covered by sub-
22 section (c) of section 207 of title 18, United States Code,
23 separating from the civil service on or after the date of
24 enactment of this Act.

1 **Subtitle B—Presidential Conflicts**
2 **of Interest**

3 **SEC. 7011. SHORT TITLE.**

4 This subtitle may be cited as the “Presidential Con-
5 flicts of Interest Act of 2019”.

6 **SEC. 7012. DIVESTITURE OF PERSONAL FINANCIAL INTER-**
7 **ESTS OF THE PRESIDENT AND VICE PRESI-**
8 **DENT THAT POSE A POTENTIAL CONFLICT OF**
9 **INTEREST.**

10 It is the sense of Congress that the President and
11 the Vice President should conduct themselves as if they
12 were bound by section 208 of title 18, United States Code,
13 by divesting conflicting assets in accordance with that sec-
14 tion and implementing regulations issued by the Office of
15 Government Ethics, or by establishing a qualified blind
16 trust (as that term is defined in section 102(f)(3) of the
17 Ethics in Government Act of 1978 (5 U.S.C. App.)), or
18 both.

19 **SEC. 7013. INITIAL FINANCIAL DISCLOSURE.**

20 Subsection (a) of section 101 of the Ethics in Govern-
21 ment Act of 1978 (5 U.S.C. App.) is amended by striking
22 “position” and adding at the end the following: “position,
23 with the exception of the President and Vice President,
24 who must file a new report.”.

1 **SEC. 7014. CONTRACTS BY THE PRESIDENT OR VICE PRESI-**
 2 **DENT.**

3 (a) AMENDMENT.—Section 431 of title 18, United
 4 States Code, is amended—

5 (1) in the section heading, by inserting “**the**
 6 **President, Vice President, or a**” after
 7 “**Contracts by**”; and

8 (2) in the first undesignated paragraph, by in-
 9 serting “the President or Vice President,” after
 10 “Whoever, being”.

11 (b) TABLE OF SECTIONS AMENDMENT.—The table of
 12 sections for chapter 23 of title 18, United States Code,
 13 is amended by striking the item relating to section 431
 14 and inserting the following:

“431. Contracts by the President, Vice President, or a Member of Congress.”.

15 **Subtitle C—White House Ethics**
 16 **Transparency**

17 **SEC. 7021. SHORT TITLE.**

18 This subtitle may be cited as the “White House Eth-
 19 ics Transparency Act of 2019”.

20 **SEC. 7022. PROCEDURE FOR WAIVERS AND AUTHORIZA-**
 21 **TIONS RELATING TO ETHICS REQUIREMENTS.**

22 (a) IN GENERAL.—Notwithstanding any other provi-
 23 sion of law, not later than 30 days after an officer or em-
 24 ployee issues or approves a waiver or authorization pursu-
 25 ant to section 3 of Executive Order 13770 (82 Fed. Reg.

1 9333), or any subsequent similar order, such officer or
2 employee shall—

3 (1) transmit a written copy of such waiver or
4 authorization to the Director of the Office of Gov-
5 ernment Ethics; and

6 (2) make a written copy of such waiver or au-
7 thorization available to the public on the website of
8 the employing agency of the covered employee.

9 (b) RETROACTIVE APPLICATION.—In the case of a
10 waiver or authorization described in subsection (a) issued
11 during the period beginning on January 20, 2017, and
12 ending on the date of enactment of this Act, the issuing
13 officer or employee of such waiver or authorization shall
14 comply with the requirements of paragraphs (1) and (2)
15 of such subsection not later than 30 days after the date
16 of enactment of this Act.

17 (c) OFFICE OF GOVERNMENT ETHICS PUBLIC AVAIL-
18 ABILITY.—Not later than 14 days after receiving a written
19 copy of a waiver or authorization under subsection (a)(1),
20 the Director of the Office of Government Ethics shall
21 make such waiver or authorization available to the public
22 on the website of the Office of Government Ethics.

23 (d) DEFINITION OF COVERED EMPLOYEE.—In this
24 section, the term “covered employee”—

1 (1) means a full-time, noncareer Presidential or
 2 Vice Presidential appointee, noncareer appointee in
 3 the Senior Executive Service (or other SES-type sys-
 4 tem), or an appointee to a position that has been ex-
 5 cepted from the competitive service by reason of
 6 being of a confidential or policymaking character
 7 (Schedule C and other positions excepted under com-
 8 parable criteria) in an executive agency; and

9 (2) does not include any individual appointed as
 10 a member of the Senior Foreign Service or solely as
 11 a uniformed service commissioned officer.

12 **Subtitle D—Executive Branch** 13 **Ethics Enforcement**

14 **SEC. 7031. SHORT TITLE.**

15 This subtitle may be cited as the “Executive Branch
 16 Comprehensive Ethics Enforcement Act of 2019”.

17 **SEC. 7032. REAUTHORIZATION OF THE OFFICE OF GOVERN-** 18 **MENT ETHICS.**

19 Section 405 of the Ethics in Government Act of 1978
 20 (5 U.S.C. App.) is amended by striking “fiscal year 2007”
 21 and inserting “fiscal years 2019 through 2023.”.

22 **SEC. 7033. TENURE OF THE DIRECTOR OF THE OFFICE OF** 23 **GOVERNMENT ETHICS.**

24 Section 401(b) of the Ethics in Government Act of
 25 1978 (5 U.S.C. App.) is amended by striking the period

1 at the end and inserting “, subject to removal only for
 2 inefficiency, neglect of duty, or malfeasance in office. The
 3 Director may continue to serve beyond the expiration of
 4 the term until a successor is appointed and has qualified,
 5 except that the Director may not continue to serve for
 6 more than one year after the date on which the term would
 7 otherwise expire under this subsection.”.

8 **SEC. 7034. DUTIES OF DIRECTOR OF THE OFFICE OF GOV-**
 9 **ERNMENT ETHICS.**

10 (a) IN GENERAL.—Section 402(b) of the Ethics in
 11 Government Act of 1978 (5 U.S.C. App.) is amended—

12 (1) in paragraph (1)—

13 (A) by striking “developing, in consulta-
 14 tion” and inserting “consulting”;

15 (B) by striking “Management, rules, and
 16 regulations to be promulgated by the President
 17 or the Director,” and inserting “Management
 18 for input on the promulgation of rules and reg-
 19 ulations to be promulgated by the Director”;
 20 and

21 (C) by striking “title II” and inserting
 22 “title I”;

23 (2) by striking paragraph (2) and inserting the
 24 following:

1 “(2) providing mandatory education and train-
2 ing programs for designated agency ethics officials,
3 which may be delegated to each agency or the White
4 House Counsel as deemed appropriate by the Direc-
5 tor;”;

6 (3) in paragraph (3), by striking “title II” and
7 inserting “title I”;

8 (4) in paragraph (4), by striking “problems”
9 and inserting “issues”;

10 (5) in paragraph (6), by striking “problems”
11 and inserting “issues”;

12 (6) in paragraph (7)—

13 (A) by striking “, when requested,”; and

14 (B) by striking “conflict of interest prob-
15 lems” and inserting “conflicts of interest, as
16 well as other ethics issues”;

17 (7) in paragraph (9)—

18 (A) by striking “ordering” and inserting
19 “receiving allegations of violations of this Act
20 and, when necessary, investigating an allegation
21 to determine whether a violation occurred, and
22 ordering”; and

23 (B) by inserting before the semi-colon the
24 following: “, and recommending appropriate
25 disciplinary action”;

1 (8) in paragraph (12)—

2 (A) by striking “evaluating, with the as-
3 sistance of” and inserting “promulgating, with
4 input from”;

5 (B) by striking “the need for”; and

6 (C) by striking “conflict of interest and
7 ethical problems” and inserting “conflict of in-
8 terest and ethics issues”;

9 (9) in paragraph (13)—

10 (A) by striking “with the Attorney Gen-
11 eral” and inserting “with the Inspectors Gen-
12 eral and the Attorney General”;

13 (B) by striking “violations of the conflict
14 of interest laws” and inserting “conflict of in-
15 terest issues and allegations of violations of eth-
16 ics laws and regulations and this Act”; and

17 (C) by striking “, as required by section
18 535 of title 28, United States Code”;

19 (10) in paragraph (14), by striking “and” at
20 the end;

21 (11) in paragraph (15)—

22 (A) by striking “title II” and inserting
23 “title I”; and

24 (B) by striking the period at the end and
25 inserting a semicolon; and

1 (12) by adding at the end the following:

2 “(16) directing and providing final approval,
3 when determined appropriate by the Director, for
4 designated agency ethics officials regarding the reso-
5 lution of conflicts of interest as well as any other
6 ethics issues under the purview of this Act in indi-
7 vidual cases; and

8 “(17) reviewing and approving, when deter-
9 mined appropriate by the Director, any recusals, ex-
10 emptions, or waivers from the conflicts of interest
11 and ethics laws, rules, and regulations and making
12 approved recusals, exemptions, and waivers made
13 publicly available by the relevant agency available in
14 a central location on the official website of the Office
15 of Government Ethics.”.

16 (b) WRITTEN PROCEDURES.—Section 402(d) of the
17 Ethics in Government Act of 1978 (5 U.S.C. App.) is
18 amended—

19 (1) in paragraph (1)—

20 (A) by striking “, by the exercise of any
21 authority otherwise available to the Director
22 under this title,”; and

23 (B) by striking “the agency is”.

1 (c) CORRECTIVE ACTIONS.—Section 402(f) of the
2 Ethics in Government Act of 1978 (5 U.S.C. App.) is
3 amended—

4 (1) in paragraph (1)—

5 (A) in clause (i) of subparagraph (A), by
6 striking “of such agency”; and

7 (B) in subparagraph (B), by inserting at
8 the end “and determine that a violation of this
9 Act has occurred and issue appropriate admin-
10 istrative or legal remedies as prescribed in para-
11 graph (2)”;

12 (2) in paragraph (2)—

13 (A) in subparagraph (A)—

14 (i) in clause (ii)—

15 (I) in subclause (I)—

16 (aa) by inserting “to the
17 President or the President’s des-
18 ignee if the matter involves em-
19 ployees of the Executive Office of
20 the President or” after “may rec-
21 ommend”; and

22 (bb) by striking “and” at
23 the end; and

24 (II) in subclause (II)—

1 (aa) by inserting “President
2 or” after “determines that the”;
3 and

4 (bb) by adding “and” at the
5 end;

6 (ii) in subclause (II) of clause (iii)—

7 (I) by striking “notify in writ-
8 ing,” and inserting “advise the Presi-
9 dent in writing or order”;

10 (II) by inserting “take appro-
11 priate disciplinary action including
12 reprimand, suspension, demotion, or
13 dismissal against the officer or em-
14 ployee” after “employee’s agency”;
15 and

16 (III) by striking “of the officer’s
17 or employee’s noncompliance, except
18 that, if the officer or employee in-
19 volved is the agency head, the notifi-
20 cation shall instead be submitted to
21 the President and Congress and”; and

22 (iii) by striking clause (iv);

23 (B) in subparagraph (B)(i)—

24 (i) by striking “subparagraph (A)(iii)
25 or (iv)” and inserting “subparagraph (A)”;

1 (ii) by inserting “(I)” before “In
2 order to”; and

3 (iii) by adding at the end the fol-
4 lowing:

5 “(II)(aa) The Director may secure directly
6 from any agency information necessary to en-
7 able the Director to carry out this Act. Upon
8 request of the Director, the head of such agency
9 shall furnish that information to the Director.

10 “(bb) The Director may require by sub-
11 poena the production of all information, docu-
12 ments, reports, answers, records, accounts, pa-
13 pers, and other data in any medium and docu-
14 mentary evidence necessary in the performance
15 of the functions assigned by this Act, which
16 subpoena, in the case of refusal to obey, shall
17 be enforceable by order of any appropriate
18 United States district court.”;

19 (C) in subparagraph (B)(ii)(I)—

20 (i) by striking “Subject to clause (iv)
21 of this subparagraph, before” and insert-
22 ing “Before”; and

23 (ii) by striking “subparagraphs (A)
24 (iii) or (iv)” and inserting “subparagraph
25 (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 104”;

9 (3) in paragraph (4), by striking “(iv),”; and

10 (4) by striking paragraph (5) and inserting the
11 following:

12 “(5)(A) The Office of Government Ethics shall
13 provide, on the official website of the Office, public
14 access to records made available by agencies of all
15 conflicts of interest and ethics laws, rules and regu-
16 lations, recusals, waivers and exemptions, ethics ad-
17 visory opinions, ethics agreements of senior executive
18 branch personnel and employee certificates of dives-
19 titure, financial disclosure reports, compliance re-
20 views, enforcement actions, and any other public
21 records concerning conflicts of interest and ethics
22 records for the executive branch required by law.

23 “(B) All financial disclosure reports and
24 records related to conflict of interest waivers and
25 other records of ethics determinations deemed public

1 information by the Director or by law shall be made
2 available to the public either by internet link to such
3 information if publicly available, or at no charge on
4 the website of the Office of Government Ethics in a
5 searchable, sortable, and downloadable format, and
6 at reasonable fees for reproduction of paper docu-
7 ments at the Office of Government Ethics.”.

8 (d) DEFINITIONS.—Section 402 of the Ethics in Gov-
9 ernment Act of 1978 (5 U.S.C. App.) is amended by add-
10 ing at the end the following:

11 “(g) For purposes of this title—

12 “(1) the term ‘agency’ shall include the Execu-
13 tive Office of the President; and

14 “(2) the term ‘officer or employee’ shall include
15 any individual occupying a position, providing any
16 official services, or acting in an advisory capacity, in
17 the White House or the Executive Office of the
18 President.

19 “(h) In this title, a reference to the head of an agency
20 shall include the President or the President’s designee.

21 “(i) The Director shall not be required to obtain the
22 prior approval, comment, or review of any officer or agen-
23 cy of the United States, including the Office of Manage-
24 ment and Budget, before submitting to Congress, or any
25 committee or subcommittee thereof, any information, re-

1 ports, recommendations, testimony, or comments, if such
2 submissions include a statement indicating that the views
3 expressed therein are those of the Director and do not nec-
4 essarily represent the views of the President.”.

5 **SEC. 7035. AGENCY ETHICS OFFICIALS TRAINING AND DU-**
6 **TIES.**

7 Section 403 of the Ethics in Government Act of 1978
8 (5 U.S.C. App.) is amended by adding at the end the fol-
9 lowing:

10 “(c)(1) All designated agency ethics officials and al-
11 ternate designated agency ethics officials shall register
12 with, and report to, the Director as well as with the ap-
13 pointing authority of the official.

14 “(2) The Director shall provide ethics education and
15 training to all designated and alternate designated agency
16 ethics officials in a time and manner deemed appropriate
17 by the Director.

18 “(d)(1) The head of each agency shall ensure that
19 all records and information provided to the Director under
20 this Act shall be provided, to the greatest extent prac-
21 ticable, in a searchable, sortable, and downloadable for-
22 mat.

23 “(2) The head of each agency shall post on the offi-
24 cial website of the agency each recusal, waiver, exemption,
25 ethics advisory opinion, ethics agreement, and certificate

1 of divestiture issued by the agency under this Act and its
 2 implanting regulations.”.

3 **Subtitle E—Conflicts From** 4 **Political Fundraising**

5 **SEC. 7041. SHORT TITLE.**

6 This subtitle may be cited as the “Conflicts from Po-
 7 litical Fundraising Act of 2019”.

8 **SEC. 7042. DISCLOSURE OF CERTAIN TYPES OF CONTRIBU-** 9 **TIONS.**

10 (a) DEFINITIONS.—Section 109 of the Ethics in Gov-
 11 ernment Act of 1978 (5 U.S.C. App.) is amended—

12 (1) by redesignating paragraphs (2) through
 13 (19) as paragraphs (5) through (22), respectively;
 14 and

15 (2) by inserting after paragraph (1) the fol-
 16 lowing:

17 “(2) ‘covered contribution’ means a payment,
 18 advance, forbearance, rendering, or deposit of
 19 money, or any thing of value—

20 “(A)(i) that—

21 “(I) is—

22 “(aa) made by or on behalf of a
 23 covered individual; or

1 “(bb) solicited in writing by or at
2 the request of a covered individual;
3 and

4 “(II) is made—

5 “(aa) to a political organization,
6 as defined in section 527 of the Inter-
7 nal Revenue Code of 1986; or

8 “(bb) to an organization—

9 “(AA) that is described in
10 paragraph (4) or (6) of section
11 501(c) of the Internal Revenue
12 Code of 1986 and exempt from
13 tax under section 501(a) of such
14 Code; and

15 “(BB) that promotes or op-
16 poses changes in Federal laws or
17 regulations that are (or would
18 be) administered by the agency in
19 which the covered individual has
20 been nominated for appointment
21 to a covered position or is serving
22 in a covered position; or

23 “(ii) that is—

24 “(I) solicited in writing by or on be-
25 half of a covered individual; and

1 “(II) made—

2 “(aa) by an individual or entity
3 the activities of which are subject to
4 Federal laws or regulations that are
5 (or would be) administered by the
6 agency in which the covered individual
7 has been nominated for appointment
8 to a covered position or is serving in
9 a covered position; and

10 “(bb) to—

11 “(AA) a political organiza-
12 tion, as defined in section 527 of
13 the Internal Revenue Code of
14 1986; or

15 “(BB) an organization that
16 is described in paragraph (4) or
17 (6) of section 501(c) of the Inter-
18 nal Revenue Code of 1986 and
19 exempt from tax under section
20 501(a) of such Code; and

21 “(B) that is made to an organization de-
22 scribed in item (aa) or (bb) of clause (i)(II) or
23 clause (ii)(II)(bb) of subparagraph (A) for
24 which the total amount of such payments, ad-
25 vances, forbearances, renderings, or deposits of

1 money, or any thing of value, during the cal-
2 endar year in which it is made is not less than
3 the contribution limitation in effect under sec-
4 tion 315(a)(1)(A) of the Federal Election Cam-
5 paign Act of 1971 (52 U.S.C. 30116(a)(1)(A))
6 for elections occurring during such calendar
7 year;

8 “(3) ‘covered individual’ means an individual
9 who has been nominated or appointed to a covered
10 position; and

11 “(4) ‘covered position’—

12 “(A) means—

13 “(i) a position described under sec-
14 tions 5312 through 5316 of title 5, United
15 States Code;

16 “(ii) a position placed in level IV or V
17 of the Executive Schedule under section
18 5317 of title 5, United States Code;

19 “(iii) a position as a limited term ap-
20 pointee, limited emergency appointee, or
21 noncareer appointee in the Senior Execu-
22 tive Service, as defined under paragraphs
23 (5), (6), and (7), respectively, of section
24 3132(a) of title 5, United States Code; and

1 “(iv) a position in the executive
2 branch of the Government of a confidential
3 or policy-determining character under
4 schedule C of subpart C of part 213 of
5 title 5 of the Code of Federal Regulations;
6 and

7 “(B) does not include a position if the in-
8 dividual serving in the position has been ex-
9 cluded from the application of section
10 101(f)(5);”.

11 (b) DISCLOSURE REQUIREMENTS.—The Ethics in
12 Government Act of 1978 (5 U.S.C. App.) is amended—

13 (1) in section 101—

14 (A) in subsection (a)—

15 (i) by inserting “(1)” before “With-
16 in”;

17 (ii) by striking “unless” and inserting
18 “and, if the individual is assuming a cov-
19 ered position, the information described in
20 section 102(j), except that, subject to para-
21 graph (2), the individual shall not be re-
22 quired to file a report if”; and

23 (iii) by adding at the end the fol-
24 lowing:

1 “(2) If an individual has left a position described in
2 subsection (f) that is not a covered position and, within
3 30 days, assumes a position that is a covered position, the
4 individual shall, within 30 days of assuming the covered
5 position, file a report containing the information described
6 in section 102(j)(2)(A).”;

7 (B) in subsection (b)(1), in the first sen-
8 tence, by inserting “and the information re-
9 quired by section 102(j)” after “described in
10 section 102(b)”;

11 (C) in subsection (d), by inserting “and, if
12 the individual is serving in a covered position,
13 the information required by section
14 102(j)(2)(A)” after “described in section
15 102(a)”;

16 (D) in subsection (e), by inserting “and, if
17 the individual was serving in a covered position,
18 the information required by section
19 102(j)(2)(A)” after “described in section
20 102(a)”;

21 (2) in section 102—

22 (A) in subsection (g), by striking “Political
23 campaign funds” and inserting “Except as pro-
24 vided in subsection (j), political campaign
25 funds”;

1 (B) by adding at the end the following:

2 “(j)(1) In this subsection—

3 “(A) the term ‘applicable period’ means—

4 “(i) with respect to a report filed pursuant
5 to subsection (a) or (b) of section 101, the year
6 of filing and the 4 calendar years preceding the
7 year of the filing; and

8 “(ii) with respect to a report filed pursuant
9 to subsection (d) or (e) of section 101, the pre-
10 ceding calendar year; and

11 “(B) the term ‘covered gift’ means a gift that—

12 “(i) is made to a covered individual, the
13 spouse of a covered individual, or the dependent
14 child of a covered individual;

15 “(ii) is made by an entity described in item
16 (aa) or (bb) of section 109(2)(A)(i)(II); and

17 “(iii) would have been required to be re-
18 ported under subsection (a)(2) if the covered in-
19 dividual had been required to file a report
20 under section 101(d) with respect to the cal-
21 endar year during which the gift was made.

22 “(2)(A) A report filed pursuant to subsection (a), (b),
23 (d), or (e) of section 101 by a covered individual shall in-
24 clude, for each covered contribution during the applicable
25 period—

1 “(i) the date on which the covered contribution
2 was made;

3 “(ii) if applicable, the date or dates on which
4 the covered contribution was solicited;

5 “(iii) the value of the covered contribution;

6 “(iv) the name of the person making the cov-
7 ered contribution; and

8 “(v) the name of the person receiving the cov-
9 ered contribution.

10 “(B)(i) Subject to clause (ii), a covered contribution
11 made by or on behalf of, or that was solicited in writing
12 by or on behalf of, a covered individual shall constitute
13 a conflict of interest, or an appearance thereof, with re-
14 spect to the official duties of the covered individual.

15 “(ii) The Director of the Office of Government Ethics
16 may exempt a covered contribution from the application
17 of clause (i) if the Director determines the circumstances
18 of the solicitation and making of the covered contribution
19 do not present a risk of a conflict of interest and the ex-
20 emption of the covered contribution would not affect ad-
21 versely the integrity of the Government or the public’s con-
22 fidence in the integrity of the Government.

23 “(3) A report filed pursuant to subsection (a) or (b)
24 of section 101 by a covered individual shall include the

1 information described in subsection (a)(2) with respect to
2 each covered gift received during the applicable period.”.

3 (c) PROVISION OF REPORTS AND ETHICS AGREE-
4 MENTS TO CONGRESS.—Section 105 of the Ethics in Gov-
5 ernment Act of 1978 (5 U.S.C. App.) is amended by add-
6 ing at the end the following:

7 “(e) Not later than 30 days after receiving a written
8 request from the Chairman or Ranking Member of a com-
9 mittee or subcommittee of either House of Congress, the
10 Director of the Office of Government Ethics shall provide
11 to the Chairman and Ranking Member each report filed
12 under this title by the covered individual and any ethics
13 agreement entered into between the agency and the cov-
14 ered individual.”.

15 (d) RULES ON ETHICS AGREEMENTS.—The Director
16 of the Office of Government Ethics shall promptly issue
17 rules regarding how an agency in the executive branch
18 shall address information required to be disclosed under
19 the amendments made by this subtitle in drafting ethics
20 agreements between the agency and individuals appointed
21 to positions in the agency.

22 (e) TECHNICAL AND CONFORMING AMENDMENTS.—

23 (1) The Ethics in Government Act of 1978 (5
24 U.S.C. App.) is amended—

25 (A) in section 101(f)—

1 (i) in paragraph (9), by striking “sec-
2 tion 109(12)” and inserting “section
3 109(15)”;

4 (ii) in paragraph (10), by striking
5 “section 109(13)” and inserting “section
6 109(16)”;

7 (iii) in paragraph (11), by striking
8 “section 109(10)” and inserting “section
9 109(13)”;

10 (iv) in paragraph (12), by striking
11 “section 109(8)” and inserting “section
12 109(11)”;

13 (B) in section 103(l)—

14 (i) in paragraph (9), by striking “sec-
15 tion 109(12)” and inserting “section
16 109(15)”;

17 (ii) in paragraph (10), by striking
18 “section 109(13)” and inserting “section
19 109(16)”;

20 (C) in section 105(b)(3)(A), by striking
21 “section 109(8) or 109(10)” and inserting “sec-
22 tion 109(11) or 109(13)”.

23 (2) Section 3(4)(D) of the Lobbying Disclosure
24 Act of 1995 (2 U.S.C. 1602(4)(D)) is amended by

1 striking “section 109(13)” and inserting “section
2 109(16)”.

3 (3) Section 21A of the Securities Exchange Act
4 of 1934 (15 U.S.C. 78u–1) is amended—

5 (A) in subsection (g)(2)(B)(ii), by striking
6 “section 109(11) of the Ethics in Government
7 Act of 1978 (5 U.S.C. App. 109(11)))” and in-
8 serting “section 109 of the Ethics in Govern-
9 ment Act of 1978 (5 U.S.C. App.)”; and

10 (B) in subsection (h)(2)—

11 (i) in subparagraph (B), by striking
12 “section 109(8) of the Ethics in Govern-
13 ment Act of 1978 (5 U.S.C. App. 109(8))”
14 and inserting “section 109 of the Ethics in
15 Government Act of 1978 (5 U.S.C. App.)”;
16 and

17 (ii) in subparagraph (C), by striking
18 “section 109(10) of the Ethics in Govern-
19 ment Act of 1978 (5 U.S.C. App.
20 109(10))” and inserting “section 109 of
21 the Ethics in Government Act of 1978 (5
22 U.S.C. App.)”.

23 (4) Section 499(j)(2) of the Public Health Serv-
24 ice Act (42 U.S.C. 290b(j)(2)) is amended by strik-
25 ing “section 109(16) of the Ethics in Government

1 Act of 1978” and inserting “section 109 of the Eth-
2 ics in Government Act of 1978 (5 U.S.C. App.)”.

3 **Subtitle F—Transition Team Ethics**

4 **SEC. 7051. SHORT TITLE.**

5 This subtitle may be cited as the “Transition Team
6 Ethics Improvement Act”.

7 **SEC. 7052. PRESIDENTIAL TRANSITION ETHICS PROGRAMS.**

8 The Presidential Transition Act of 1963 (3 U.S.C.
9 102 note) is amended—

10 (1) in section 3(f), by adding at the end the fol-
11 lowing new paragraph:

12 “(3) The President-elect shall submit to the Com-
13 mittee on Oversight and Reform of the House of Rep-
14 resentatives and the Committee on Homeland Security
15 and Governmental Affairs of the Senate a report with a
16 list of—

17 “(A) any individual for whom an application for
18 a security clearance was submitted, not later than
19 10 days after the date on which the application was
20 submitted; and

21 “(B) any individual provided a security clear-
22 ance, not later than 10 days after the date on which
23 the security clearance was provided.”;

24 (2) in section 4—

25 (A) in subsection (a)—

1 (i) in paragraph (3), by striking
2 “and” at the end;

3 (ii) by redesignating paragraph (4) as
4 paragraph (5); and

5 (iii) by inserting after paragraph (3)
6 the following:

7 “(4) the term ‘nonpublic information’—

8 “(A) means information from the Federal
9 Government that a transition team member ob-
10 tains as part of the employment of such mem-
11 ber that the member knows or reasonably
12 should know has not been made available to the
13 general public; and

14 “(B) includes information that has not
15 been released to the public that a transition
16 team member knows or reasonably should
17 know—

18 “(i) is exempt from disclosure under
19 section 552 of title 5, United States Code,
20 or otherwise protected from disclosure by
21 law; and

22 “(ii) is not authorized by the appro-
23 priate agency or official to be released to
24 the public; and”;

25 (B) in subsection (g)—

1 (i) in paragraph (1), by striking “No-
2 vember” and inserting “October”; and

3 (ii) by adding at the end the fol-
4 lowing:

5 “(3) ETHICS PLAN.—

6 “(A) IN GENERAL.—Each memorandum of
7 understanding under paragraph (1) shall in-
8 clude an agreement that the eligible candidate
9 will implement and enforce an ethics plan to
10 guide the conduct of the transition beginning on
11 the date on which the eligible candidate be-
12 comes the President-elect.

13 “(B) CONTENTS.—The ethics plan shall
14 include, at a minimum—

15 “(i) a description of the ethics re-
16 quirements that will apply to all transition
17 team members, including specific require-
18 ments for transition team members who
19 will have access to nonpublic or classified
20 information;

21 “(ii) a description of how the transi-
22 tion team will—

23 “(I) address the role on the tran-
24 sition team of—

1 “(aa) registered lobbyists
2 under the Lobbying Disclosure
3 Act of 1995 (2 U.S.C. 1601 et
4 seq.) and individuals who were
5 formerly registered lobbyists
6 under that Act;

7 “(bb) persons registered
8 under the Foreign Agents Reg-
9 istration Act, as amended (22
10 U.S.C. 611 et seq.), foreign na-
11 tionals, and other foreign agents;
12 and

13 “(cc) transition team mem-
14 bers with sources of income or
15 clients that are not disclosed to
16 the public;

17 “(II) prohibit a transition team
18 member with personal financial con-
19 flicts of interest as described in sec-
20 tion 208 of title 18, United States
21 Code, from working on particular
22 matters involving specific parties that
23 affect the interests of such member;
24 and

1 “(III) address how the covered
2 eligible candidate will address their
3 own personal financial conflicts of in-
4 terest during a Presidential term if
5 the covered eligible candidate becomes
6 the President-elect;

7 “(iii) a Code of Ethical Conduct, to
8 which each transition team member will
9 sign and be subject to, that reflects the
10 content of the ethics plans under this para-
11 graph and at a minimum requires each
12 transition team member to—

13 “(I) seek authorization from
14 transition team leaders or their des-
15 ignees before seeking, on behalf of the
16 transition, access to any nonpublic in-
17 formation;

18 “(II) keep confidential any non-
19 public information provided in the
20 course of the duties of the member
21 with the transition and exclusively use
22 such information for the purposes of
23 the transition; and

24 “(III) not use any nonpublic in-
25 formation provided in the course of

1 transition duties, in any manner, for
2 personal or private gain for the mem-
3 ber or any other party at any time
4 during or after the transition; and

5 “(iv) a description of how the transi-
6 tion team will enforce the Code of Ethical
7 Conduct, including the names of the tran-
8 sition team members responsible for en-
9 forcement, oversight, and compliance.

10 “(C) PUBLICLY AVAILABLE.—The transi-
11 tion team shall make the ethics plan described
12 in this paragraph publicly available on the
13 internet website of the General Services Admin-
14 istration the earlier of—

15 “(i) the day on which the memo-
16 randum of understanding is completed; or

17 “(ii) October 1.”; and

18 (3) in section 6(b)—

19 (A) in paragraph (1)—

20 (i) in subparagraph (A), by striking
21 “and” at the end;

22 (ii) in subparagraph (B), by striking
23 the period at the end and inserting a semi-
24 colon; and

1 (iii) by adding at the end the fol-
2 lowing:

3 “(C) a list of all positions each transition team
4 member has held outside the Federal Government
5 for the previous 12-month period, including paid and
6 unpaid positions;

7 “(D) sources of compensation for each transi-
8 tion team member exceeding \$5,000 a year for the
9 previous 12-month period;

10 “(E) a description of the role of each transition
11 team member, including a list of any policy issues
12 that the member expects to work on, and a list of
13 agencies the member expects to interact with, while
14 serving on the transition team;

15 “(F) a list of any issues from which each tran-
16 sition team member will be recused while serving as
17 a member of the transition team pursuant to the
18 transition team ethics plan outlined in section
19 4(g)(3); and

20 “(G) an affirmation that no transition team
21 member has a financial conflict of interest that pre-
22 cludes the member from working on the matters de-
23 scribed in subparagraph (E).”;

24 (B) in paragraph (2), by inserting “not
25 later than 2 business days” after “public”; and

1 (C) by adding at the end the following:

2 “(3) The head of a Federal department or agency,
3 or their designee, shall not permit access to the Federal
4 department or agency, or employees of such department
5 or agency, that would not be provided to a member of the
6 public for any transition team member who does not make
7 the disclosures listed under paragraph (1).”.

8 **Subtitle G—Ethics Pledge for Sen-**
9 **ior Executive Branch Employees**

10 **SEC. 7061. SHORT TITLE.**

11 This subtitle may be cited as the “Ethics in Public
12 Service Act”.

13 **SEC. 7062. ETHICS PLEDGE REQUIREMENT FOR SENIOR EX-**
14 **ECUTIVE BRANCH EMPLOYEES.**

15 The Ethics in Government Act of 1978 (5 U.S.C.
16 App. 101 et seq.) is amended by inserting after title I the
17 following new title:

18 **“TITLE II—ETHICS PLEDGE**

19 **“SEC. 201. DEFINITIONS.**

20 “For the purposes of this title, the following defini-
21 tions apply:

22 “(1) The term ‘executive agency’ has the mean-
23 ing given that term in section 105 of title 5, United
24 States Code, and includes the Executive Office of
25 the President, the United States Postal Service, and

1 Postal Regulatory Commission, but does not include
2 the Government Accountability Office.

3 “(2) The term ‘appointee’ means any full-time,
4 noncareer Presidential or Vice Presidential ap-
5 pointee, noncareer appointee in the Senior Executive
6 Service (or other SES-type system), or appointee to
7 a position that has been excepted from the competi-
8 tive service by reason of being of a confidential or
9 policymaking character (Schedule C and other posi-
10 tions excepted under comparable criteria) in an execu-
11 tive agency, but does not include any individual ap-
12 pointed as a member of the Senior Foreign Service
13 or solely as a uniformed service commissioned offi-
14 cer.

15 “(3) The term ‘gift’ means anything having
16 monetary value.

17 “(4) The term ‘covered executive branch offi-
18 cial’ and ‘lobbyist’ have the meanings given those
19 terms in section 3 of the Lobbying Disclosure Act of
20 1995 (2 U.S.C. 1602).

21 “(5) The term ‘registered lobbyist or lobbying
22 organization’ means a lobbyist or an organization fil-
23 ing a registration pursuant to section 4(a) of the
24 Lobbying Disclosure Act of 1995 (2 U.S.C.
25 1603(a)), and in the case of an organization filing

1 such a registration, ‘registered lobbyist’ includes
2 each of the lobbyists identified therein.

3 “(6) The term ‘lobby’ and ‘lobbied’ mean to act
4 or have acted as a registered lobbyist.

5 “(7) The term ‘former employer’ is any person
6 for whom the appointee has within the 2 years prior
7 to the date of his or her appointment served as an
8 employee, officer, director, trustee, or general part-
9 ner, except that ‘former employer’ does not include
10 any executive agency or other entity of the Federal
11 Government, State or local government, the District
12 of Columbia, Native American tribe, or any United
13 States territory or possession.

14 “(8) The term ‘former client’ is any person for
15 whom the appointee served personally as agent, at-
16 torney, or consultant within the 2 years prior to the
17 date of his or her appointment, but excluding in-
18 stances where the service provided was limited to a
19 speech or similar appearance. It does not include cli-
20 ents of the appointee’s former employer to whom the
21 appointee did not personally provide services.

22 “(9) The term ‘directly and substantially re-
23 lated to my former employer or former clients’
24 means matters in which the appointee’s former em-

1 ployer or a former client is a party or represents a
2 party.

3 “(10) The term ‘participate’ means to partici-
4 pate personally and substantially.

5 “(11) The term ‘post-employment restrictions’
6 includes the provisions and exceptions in section
7 207(c) of title 18, United States Code, and the im-
8 plementing regulations.

9 “(12) The term ‘Government official’ means
10 any employee of the executive branch.

11 “(13) The term ‘Administration’ means all
12 terms of office of the incumbent President serving at
13 the time of the appointment of an appointee covered
14 by this title.

15 “(14) The term ‘pledge’ means the ethics
16 pledge set forth in section 202 of this title.

17 “(15) All references to provisions of law and
18 regulations shall refer to such provisions as in effect
19 on the date of enactment of this title.

20 **“SEC. 202. ETHICS PLEDGE.**

21 “Each appointee in every executive agency appointed
22 on or after the date of enactment of this section shall be
23 required to sign an ethics pledge upon appointment. The
24 pledge shall be signed and dated within 30 days of taking

1 office and shall include, at a minimum, the following ele-
2 ments:

3 “‘As a condition, and in consideration, of my employ-
4 ment in the United States Government in a position in-
5 vested with the public trust, I commit myself to the fol-
6 lowing obligations, which I understand are binding on me
7 and are enforceable under law:

8 “(1) Lobbyist Gift Ban.—I will not accept
9 gifts from registered lobbyists or lobbying organiza-
10 tions for the duration of my service as an appointee.

11 “(2) Revolving Door Ban; Entering Govern-
12 ment.—

13 “(A) All Appointees Entering Govern-
14 ment.—I will not, for a period of 2 years from
15 the date of my appointment, participate in any
16 particular matter involving specific party or
17 parties that is directly and substantially related
18 to my former employer or former clients, in-
19 cluding regulations and contracts.

20 “(B) Lobbyists Entering Government.—If
21 I was a registered lobbyist within the 2 years
22 before the date of my appointment, in addition
23 to abiding by the limitations of subparagraph
24 (A), I will not for a period of 2 years after the
25 date of my appointment:

1 “(i) participate in any particular
2 matter on which I lobbied within the 2
3 years before the date of my appointment;

4 “(ii) participate in the specific issue
5 area in which that particular matter falls;
6 or

7 “(iii) seek or accept employment with
8 any executive agency that I lobbied within
9 the 2 years before the date of my appoint-
10 ment.

11 “(3) Revolving Door Ban; Appointees Leaving
12 Government.—

13 “(A) All Appointees Leaving Govern-
14 ment.—If, upon my departure from the Govern-
15 ment, I am covered by the post-employment re-
16 strictions on communicating with employees of
17 my former executive agency set forth in section
18 207(c) of title 18, United States Code, I agree
19 that I will abide by those restrictions for a pe-
20 riod of 2 years following the end of my appoint-
21 ment.

22 “(B) Appointees Leaving Government To
23 Lobby.—In addition to abiding by the limita-
24 tions of subparagraph (A), I also agree, upon
25 leaving Government service, not to lobby any

1 covered executive branch official or noncareer
2 Senior Executive Service appointee for the re-
3 mainder of the Administration.

4 ““(4) Employment Qualification Commit-
5 ment.—I agree that any hiring or other employment
6 decisions I make will be based on the candidate’s
7 qualifications, competence, and experience.

8 ““(5) Assent to Enforcement.—I acknowledge
9 that title II of the Ethics in Government Act of
10 1978, which I have read before signing this docu-
11 ment, defines certain of the terms applicable to the
12 foregoing obligations and sets forth the methods for
13 enforcing them. I expressly accept the provisions of
14 that title as a part of this agreement and as binding
15 on me. I understand that the terms of this pledge
16 are in addition to any statutory or other legal re-
17 strictions applicable to me by virtue of Federal Gov-
18 ernment service.’”.

19 **“SEC. 203. WAIVER.**

20 ““(a) The President or the President’s designee may
21 grant to any current or former appointee a written waiver
22 of any restrictions contained in the pledge signed by such
23 appointee if, and to the extent that, the President or the
24 President’s designee certifies (in writing) that—

1 “(1) the literal application of the restriction is
2 inconsistent with the purposes of the restriction; or

3 “(2) it is in the public interest to grant the
4 waiver.

5 “(b) Any waiver under this section shall take effect
6 when the certification is signed by the President or the
7 President’s designee.

8 “(c) For purposes of subsection (a)(2), the public in-
9 terest shall include exigent circumstances relating to na-
10 tional security or to the economy. De minimis contact with
11 an executive agency shall be cause for a waiver of the re-
12 strictions contained in paragraph (2)(B) of the pledge.

13 **“SEC. 204. ADMINISTRATION.**

14 “(a) The head of each executive agency shall, in con-
15 sultation with the Director of the Office of Government
16 Ethics, establish such rules or procedures (conforming as
17 nearly as practicable to the agency’s general ethics rules
18 and procedures, including those relating to designated
19 agency ethics officers) as are necessary or appropriate to
20 ensure—

21 “(1) that every appointee in the agency signs
22 the pledge upon assuming the appointed office or
23 otherwise becoming an appointee;

1 “(2) that compliance with paragraph (2)(B) of
2 the pledge is addressed in a written ethics agree-
3 ment with each appointee to whom it applies;

4 “(3) that spousal employment issues and other
5 conflicts not expressly addressed by the pledge are
6 addressed in ethics agreements with appointees or,
7 where no such agreements are required, through eth-
8 ics counseling; and

9 “(4) compliance with this title within the agen-
10 cy.

11 “(b) With respect to the Executive Office of the
12 President, the duties set forth in subsection (a) shall be
13 the responsibility of the Counsel to the President.

14 “(c) The Director of the Office of Government Ethics
15 shall—

16 “(1) ensure that the pledge and a copy of this
17 title are made available for use by agencies in ful-
18 filling their duties under subsection (a);

19 “(2) in consultation with the Attorney General
20 or the Counsel to the President, when appropriate,
21 assist designated agency ethics officers in providing
22 advice to current or former appointees regarding the
23 application of the pledge;

24 “(3) adopt such rules or procedures as are nec-
25 essary or appropriate—

1 “(A) to carry out the responsibilities as-
2 signed by this subsection;

3 “(B) to apply the lobbyist gift ban set
4 forth in paragraph (1) of the pledge to all execu-
5 tive branch employees;

6 “(C) to authorize limited exceptions to the
7 lobbyist gift ban for circumstances that do not
8 implicate the purposes of the ban;

9 “(D) to make clear that no person shall
10 have violated the lobbyist gift ban if the person
11 properly disposes of a gift;

12 “(E) to ensure that existing rules and pro-
13 cedures for Government employees engaged in
14 negotiations for future employment with private
15 businesses that are affected by their official ac-
16 tions do not affect the integrity of the Govern-
17 ment’s programs and operations; and

18 “(F) to ensure, in consultation with the
19 Director of the Office of Personnel Manage-
20 ment, that the requirement set forth in para-
21 graph (4) of the pledge is honored by every em-
22 ployee of the executive branch;

23 “(4) in consultation with the Director of the
24 Office of Management and Budget, report to the
25 President on whether full compliance is being

1 achieved with existing laws and regulations gov-
2 erning executive branch procurement lobbying disclo-
3 sure and on steps the executive branch can take to
4 expand to the fullest extent practicable disclosure of
5 such executive branch procurement lobbying and of
6 lobbying for Presidential pardons, and to include in
7 the report both immediate action the executive
8 branch can take and, if necessary, recommendations
9 for legislation; and

10 “(5) provide an annual public report on the ad-
11 ministration of the pledge and this title.

12 “(d) All pledges signed by appointees, and all waiver
13 certifications with respect thereto, shall be filed with the
14 head of the appointee’s agency for permanent retention
15 in the appointee’s official personnel folder or equivalent
16 folder.”.

17 **Subtitle H—Severability**

18 **SEC. 7071. SEVERABILITY.**

19 If any provision of this title or any amendment made
20 by this title, or any application of such provision or
21 amendment to any person or circumstance, is held to be
22 unconstitutional, the remainder of the provisions of this
23 title and the amendments made by this title, and the appli-
24 cation of the provision or amendment to any other person
25 or circumstance, shall not be affected.

1 **TITLE VIII—CONGRESSIONAL**

2 **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. 8001. 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. 8101. Prohibiting Members of House of Representatives from serving on boards of for-profit entities.

Sec. 8102. Conflict of interest rules for Members of Congress and congressional staff.

Sec. 8103. Exercise of rulemaking powers.

Subtitle C—Campaign Finance and Lobbying Disclosure

Sec. 8201. Short title.

Sec. 8202. Requiring disclosure in certain reports filed with Federal Election Commission of persons who are registered lobbyists.

Sec. 8203. Effective date.

Subtitle D—Access to Congressionally Mandated Reports

Sec. 8301. Short title.

Sec. 8302. Definitions.

Sec. 8303. Establishment of online portal for congressionally mandated reports.

Sec. 8304. Federal agency responsibilities.

Sec. 8305. Removing and altering reports.

Sec. 8306. Relationship to the Freedom of Information Act.

Sec. 8307. Implementation.

Subtitle E—CLEAN Congress

Sec. 8401. Short title.

Sec. 8402. Prohibiting multiple subjects in single bill.

Sec. 8403. Requiring equal application of laws to Members of Congress.

Subtitle F—CLEAN Public Service

Sec. 8501. Short title.

Sec. 8502. Termination of further retirement benefits for Members of Congress.

Subtitle G—No Budget, No Pay

Sec. 8601. Short title.

Sec. 8602. Definition.

Sec. 8603. Timely approval of concurrent resolution on the budget and the appropriations bills.

Sec. 8604. No pay without concurrent resolution on the budget and the appropriations bills.

Sec. 8605. Determinations.

Sec. 8606. Effective date.

Subtitle H—No Work, No Pay

Sec. 8701. Short title.

Sec. 8702. Prohibiting paying Members of Congress during Government shutdowns.

Sec. 8703. Definitions.

Subtitle I—Severability

Sec. 8801. 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. 8001. 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)), as amended by section
16 111(a) of the Congressional Accountability Act of 1995
17 Reform Act, is amended to read as follows:

18 “(i) a violation of section 201(a) or
19 section 206(a); or”.

1 (b) CONFORMING AMENDMENT RELATING TO NOTI-
 2 FICATION OF POSSIBILITY OF REIMBURSEMENT.—Clause
 3 (i) of section 402(b)(2)(B) of the Congressional Account-
 4 ability Act of 1995 (2 U.S.C. 1402(b)(2)(B)), as amended
 5 by section 102(a) of the Congressional Accountability Act
 6 of 1995 Reform Act, is amended to read as follows:

7 “(i) a violation of section 201(a) or
 8 section 206(a); or”.

9 (c) EFFECTIVE DATE.—The amendments made by
 10 this section shall take effect as if included in the enact-
 11 ment of the Congressional Accountability Act of 1995 Re-
 12 form Act.

13 **Subtitle B—Conflicts of Interests**

14 **SEC. 8101. PROHIBITING MEMBERS OF HOUSE OF REP-** 15 **RESENTATIVES FROM SERVING ON BOARDS** 16 **OF FOR-PROFIT ENTITIES.**

17 Rule XXIII of the Rules of the House of Representa-
 18 tives is amended—

19 (1) by redesignating clause 19 as clause 20;
 20 and

21 (2) by inserting after clause 18 the following
 22 new clause:

23 “19. A Member, Delegate, or Resident Commissioner
 24 may not serve on the board of directors of any for-profit
 25 entity.”.

1 **SEC. 8102. CONFLICT OF INTEREST RULES FOR MEMBERS**
2 **OF CONGRESS AND CONGRESSIONAL STAFF.**

3 No Member, officer, or employee of a committee or
4 Member of either House of Congress may knowingly use
5 his or her official position to introduce or aid the progress
6 or passage of legislation, a principal purpose of which is
7 to further only his or her pecuniary interest, only the pecu-
8 niary interest of his or her immediate family, or only the
9 pecuniary interest of a limited class of persons or enter-
10 prises, when he or she, or his or her immediate family,
11 or enterprises controlled by them, are members of the af-
12 fected class.

13 **SEC. 8103. EXERCISE OF RULEMAKING POWERS.**

14 The provisions of this subtitle are enacted by the
15 Congress—

16 (1) as an exercise of the rulemaking power of
17 the House of Representatives and the Senate, re-
18 spectively, and as such they shall be considered as
19 part of the rules of each House, respectively, or of
20 that House to which they specifically apply, and
21 such rules shall supersede other rules only to the ex-
22 tent that they are inconsistent therewith; and

23 (2) with full recognition of the constitutional
24 right of either House to change such rules (so far
25 as relating to such House) at any time, in the same

1 manner, and to the same extent as in the case of
2 any other rule of such House.

3 **Subtitle C—Campaign Finance and**
4 **Lobbying Disclosure**

5 **SEC. 8201. SHORT TITLE.**

6 This subtitle may be cited as the “Connecting Lobby-
7 ists and Electeds for Accountability and Reform Act” or
8 the “CLEAR Act”.

9 **SEC. 8202. REQUIRING DISCLOSURE IN CERTAIN REPORTS**

10 **FILED WITH FEDERAL ELECTION COMMIS-**
11 **SION OF PERSONS WHO ARE REGISTERED**
12 **LOBBYISTS.**

13 (a) REPORTS FILED BY POLITICAL COMMITTEES.—
14 Section 304(b) of the Federal Election Campaign Act of
15 1971 (52 U.S.C. 30104(b)) is amended—

16 (1) by striking “and” at the end of paragraph
17 (7);

18 (2) by striking the period at the end of para-
19 graph (8) and inserting “; and”; and

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

22 “(9) if any person identified in subparagraph
23 (A), (E), (F), or (G) of paragraph (3) is a registered
24 lobbyist under the Lobbying Disclosure Act of 1995,

1 a separate statement that such person is a reg-
2 istered lobbyist under such Act.”.

3 (b) REPORTS FILED BY PERSONS MAKING INDE-
4 PENDENT EXPENDITURES.—Section 304(c)(2) of such
5 Act (52 U.S.C. 30104(c)(2)) is amended—

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

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

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

12 “(D) if the person filing the statement, or a
13 person whose identification is required to be dis-
14 closed under subparagraph (C), is a registered lob-
15 byist under the Lobbying Disclosure Act of 1995, a
16 separate statement that such person is a registered
17 lobbyist under such Act.”.

18 (c) REPORTS FILED BY PERSONS MAKING DIS-
19 BURSEMENTS FOR ELECTIONEERING COMMUNICA-
20 TIONS.—Section 304(f)(2) of such Act (52 U.S.C.
21 30104(f)(2)) is amended by adding at the end the fol-
22 lowing new subparagraph:

23 “(G) If the person making the disburse-
24 ment, or a contributor described in subpara-
25 graph (E) or (F), is a registered lobbyist under

1 the Lobbying Disclosure Act of 1995, a sepa-
2 rate statement that such person or contributor
3 is a registered lobbyist under such Act.”.

4 (d) REQUIRING COMMISSION TO ESTABLISH LINK TO
5 WEBSITES OF CLERK OF HOUSE AND SECRETARY OF
6 SENATE.—Section 304 of such Act (52 U.S.C. 30104),
7 as amended by section 4308(a), is amended by adding at
8 the end the following new subsection:

9 “(k) REQUIRING INFORMATION ON REGISTERED
10 LOBBYISTS TO BE LINKED TO WEBSITES OF CLERK OF
11 HOUSE AND SECRETARY OF SENATE.—

12 “(1) LINKS TO WEBSITES.—The Commission
13 shall ensure that the Commission’s public database
14 containing information described in paragraph (2) is
15 linked electronically to the websites maintained by
16 the Secretary of the Senate and the Clerk of the
17 House of Representatives containing information
18 filed pursuant to the Lobbying Disclosure Act of
19 1995.

20 “(2) INFORMATION DESCRIBED.—The informa-
21 tion described in this paragraph is each of the fol-
22 lowing:

23 “(A) Information disclosed under para-
24 graph (9) of subsection (b).

1 “(B) Information disclosed under subpara-
2 graph (D) of subsection (c)(2).

3 “(C) Information disclosed under subpara-
4 graph (G) of subsection (f)(2).”.

5 **SEC. 8203. EFFECTIVE DATE.**

6 The amendments made by this subtitle shall apply
7 with respect to reports required to be filed under the Fed-
8 eral Election Campaign Act of 1971 on or after the expira-
9 tion of the 90-day period which begins on the date of the
10 enactment of this Act.

11 **Subtitle D—Access to**
12 **Congressionally Mandated Reports**

13 **SEC. 8301. SHORT TITLE.**

14 This subtitle may be cited as the “Access to Congres-
15 sionally Mandated Reports Act”.

16 **SEC. 8302. DEFINITIONS.**

17 In this subtitle:

18 (1) CONGRESSIONALLY MANDATED REPORT.—

19 The term “congressionally mandated report”—

20 (A) means a report that is required to be
21 submitted to either House of Congress or any
22 committee of Congress, or subcommittee there-
23 of, by a statute, resolution, or conference report
24 that accompanies legislation enacted into law;
25 and

1 (B) does not include a report required
2 under part B of subtitle II of title 36, United
3 States Code.

4 (2) DIRECTOR.—The term “Director” means
5 the Director of the Government Publishing Office.

6 (3) FEDERAL AGENCY.—The term “Federal
7 agency” has the meaning given that term under sec-
8 tion 102 of title 40, United States Code, but does
9 not include the Government Accountability Office.

10 (4) OPEN FORMAT.—The term “open format”
11 means a file format for storing digital data based on
12 an underlying open standard that—

13 (A) is not encumbered by any restrictions
14 that would impede reuse; and

15 (B) is based on an underlying open data
16 standard that is maintained by a standards or-
17 ganization.

18 (5) REPORTS ONLINE PORTAL.—The term “re-
19 ports online portal” means the online portal estab-
20 lished under section 8303(a).

21 **SEC. 8303. ESTABLISHMENT OF ONLINE PORTAL FOR CON-**
22 **GRESSIONALLY MANDATED REPORTS.**

23 (a) REQUIREMENT TO ESTABLISH ONLINE POR-
24 TAL.—

1 (1) IN GENERAL.—Not later than 1 year after
2 the date of enactment of this Act, the Director shall
3 establish and maintain an online portal accessible by
4 the public that allows the public to obtain electronic
5 copies of all congressionally mandated reports in one
6 place. The Director may publish other reports on the
7 online portal.

8 (2) EXISTING FUNCTIONALITY.—To the extent
9 possible, the Director shall meet the requirements
10 under paragraph (1) by using existing online portals
11 and functionality under the authority of the Direc-
12 tor.

13 (3) CONSULTATION.—In carrying out this sub-
14 title, the Director shall consult with the Clerk of the
15 House of Representatives, the Secretary of the Sen-
16 ate, and the Librarian of Congress regarding the re-
17 quirements for and maintenance of congressionally
18 mandated reports on the reports online portal.

19 (b) CONTENT AND FUNCTION.—The Director shall
20 ensure that the reports online portal includes the fol-
21 lowing:

22 (1) Subject to subsection (c), with respect to
23 each congressionally mandated report, each of the
24 following:

1 (A) A citation to the statute, conference
2 report, or resolution requiring the report.

3 (B) An electronic copy of the report, in-
4 cluding any transmittal letter associated with
5 the report, in an open format that is platform
6 independent and that is available to the public
7 without restrictions, including restrictions that
8 would impede the re-use of the information in
9 the report.

10 (C) The ability to retrieve a report, to the
11 extent practicable, through searches based on
12 each, and any combination, of the following:

13 (i) The title of the report.

14 (ii) The reporting Federal agency.

15 (iii) The date of publication.

16 (iv) Each congressional committee re-
17 ceiving the report, if applicable.

18 (v) The statute, resolution, or con-
19 ference report requiring the report.

20 (vi) Subject tags.

21 (vii) A unique alphanumeric identifier
22 for the report that is consistent across re-
23 port editions.

24 (viii) The serial number, Super-
25 intendent of Documents number, or other

1 identification number for the report, if ap-
2 plicable.

3 (ix) Key words.

4 (x) Full text search.

5 (xi) Any other relevant information
6 specified by the Director.

7 (D) The date on which the report was re-
8 quired to be submitted, and on which the report
9 was submitted, to the reports online portal.

10 (E) Access to the report not later than 30
11 calendar days after its submission to Congress.

12 (F) To the extent practicable, a permanent
13 means of accessing the report electronically.

14 (2) A means for bulk download of all congres-
15 sionally mandated reports.

16 (3) A means for downloading individual reports
17 as the result of a search.

18 (4) An electronic means for the head of each
19 Federal agency to submit to the reports online por-
20 tal each congressionally mandated report of the
21 agency, as required by section 4.

22 (5) In tabular form, a list of all congressionally
23 mandated reports that can be searched, sorted, and
24 downloaded by—

1 (A) reports submitted within the required
2 time;

3 (B) reports submitted after the date on
4 which such reports were required to be sub-
5 mitted; and

6 (C) reports not submitted.

7 (c) NONCOMPLIANCE BY FEDERAL AGENCIES.—

8 (1) REPORTS NOT SUBMITTED.—If a Federal
9 agency does not submit a congressionally mandated
10 report to the Director, the Director shall to the ex-
11 tent practicable—

12 (A) include on the reports online portal—

13 (i) the information required under
14 clauses (i), (ii), (iv), and (v) of subsection
15 (b)(1)(C); and

16 (ii) the date on which the report was
17 required to be submitted; and

18 (B) include the congressionally mandated
19 report on the list described in subsection
20 (b)(5)(C).

21 (2) REPORTS NOT IN OPEN FORMAT.—If a Fed-
22 eral agency submits a congressionally mandated re-
23 port that is not in an open format, the Director shall
24 include the congressionally mandated report in an-
25 other format on the reports online portal.

1 (d) FREE ACCESS.—The Director may not charge a
2 fee, require registration, or impose any other limitation
3 in exchange for access to the reports online portal.

4 (e) UPGRADE CAPABILITY.—The reports online por-
5 tal shall be enhanced and updated as necessary to carry
6 out the purposes of this subtitle.

7 **SEC. 8304. FEDERAL AGENCY RESPONSIBILITIES.**

8 (a) SUBMISSION OF ELECTRONIC COPIES OF RE-
9 PORTS.—Concurrently with the submission to Congress of
10 each congressionally mandated report, the head of the
11 Federal agency submitting the congressionally mandated
12 report shall submit to the Director the information re-
13 quired under subparagraphs (A) through (D) of section
14 8303(b)(1) with respect to the congressionally mandated
15 report. Nothing in this subtitle shall relieve a Federal
16 agency of any other requirement to publish the congres-
17 sionally mandated report on the online portal of the Fed-
18 eral agency or otherwise submit the congressionally man-
19 dated report to Congress or specific committees of Con-
20 gress, or subcommittees thereof.

21 (b) GUIDANCE.—Not later than 240 days after the
22 date of enactment of this Act, the Director of the Office
23 of Management and Budget, in consultation with the Di-
24 rector, shall issue guidance to agencies on the implementa-
25 tion of this Act.

1 (c) STRUCTURE OF SUBMITTED REPORT DATA.—

2 The head of each Federal agency shall ensure that each
3 congressionally mandated report submitted to the Director
4 complies with the open format criteria established by the
5 Director in the guidance issued under subsection (b).

6 (d) POINT OF CONTACT.—The head of each Federal
7 agency shall designate a point of contact for congression-
8 ally mandated report.

9 (e) LIST OF REPORTS.—As soon as practicable each
10 calendar year (but not later than April 1), and on a rolling
11 basis during the year if feasible, the Librarian of Congress
12 shall submit to the Director a list of congressionally man-
13 dated reports from the previous calendar year, in consulta-
14 tion with the Clerk of the House of Representatives, which
15 shall—

16 (1) be provided in an open format;

17 (2) include the information required under
18 clauses (i), (ii), (iv), and (v) of section
19 8303(b)(1)(C) for each report;

20 (3) include the frequency of the report;

21 (4) include a unique alphanumeric identifier for
22 the report that is consistent across report editions;

23 (5) include the date on which each report is re-
24 quired to be submitted; and

1 (6) be updated and provided to the Director, as
2 necessary.

3 **SEC. 8305. REMOVING AND ALTERING REPORTS.**

4 A report submitted to be published to the reports on-
5 line portal may only be changed or removed, with the ex-
6 ception of technical changes, by the head of the Federal
7 agency concerned if—

8 (1) the head of the Federal agency consults
9 with each congressional committee to which the re-
10 port is submitted; and

11 (2) Congress enacts a joint resolution author-
12 izing the changing or removal of the report.

13 **SEC. 8306. RELATIONSHIP TO THE FREEDOM OF INFORMA-**
14 **TION ACT.**

15 (a) IN GENERAL.—Nothing in this subtitle shall be
16 construed to—

17 (1) require the disclosure of information or
18 records that are exempt from public disclosure under
19 section 552 of title 5, United States Code; or

20 (2) impose any affirmative duty on the Director
21 to review congressionally mandated reports sub-
22 mitted for publication to the reports online portal
23 for the purpose of identifying and redacting such in-
24 formation or records.

1 (b) REDACTION OF INFORMATION.—The head of a
2 Federal agency may redact information required to be dis-
3 closed under this subtitle if the information would be prop-
4 erly withheld from disclosure under section 552 of title
5 5, United States Code, and shall—

6 (1) redact information required to be disclosed
7 under this subtitle if disclosure of such information
8 is prohibited by law;

9 (2) redact information being withheld under
10 this subsection prior to submitting the information
11 to the Director;

12 (3) redact only such information properly with-
13 held under this subsection from the submission of
14 information or from any congressionally mandated
15 report submitted under this subtitle;

16 (4) identify where any such redaction is made
17 in the submission or report; and

18 (5) identify the exemption under which each
19 such redaction is made.

20 **SEC. 8307. IMPLEMENTATION.**

21 Except as provided in section 8304(b), this subtitle
22 shall be implemented not later than 1 year after the date
23 of enactment of this Act and shall apply with respect to
24 congressionally mandated reports submitted to Congress

1 on or after the date that is 1 year after such date of enact-
2 ment.

3 **Subtitle E—CLEAN Congress**

4 **SEC. 8401. SHORT TITLE.**

5 This subtitle may be cited as the “Citizen Legislature
6 Anti-Corruption Reform of Congress Act” or the
7 “CLEAN Congress Act”.

8 **SEC. 8402. PROHIBITING MULTIPLE SUBJECTS IN SINGLE** 9 **BILL.**

10 (a) IN GENERAL.—Each bill, order, resolution, or
11 vote submitted by Congress to the President under section
12 7 of article I of the Constitution of the United States shall
13 embrace no more than one subject, and that subject shall
14 be clearly and descriptively expressed in the title of the
15 bill, order, resolution or vote.

16 (b) EFFECTIVE DATE.—Subsection (a) shall apply
17 with respect to the One Hundred Sixteenth Congress and
18 each succeeding Congress.

19 **SEC. 8403. REQUIRING EQUAL APPLICATION OF LAWS TO** 20 **MEMBERS OF CONGRESS.**

21 (a) IN GENERAL.—Notwithstanding any other provi-
22 sion of law, any provision of law that provides an exception
23 in its application to a Member of Congress or an employee
24 of the office of a Member of Congress shall have no effect.

1 (b) CLARIFICATION RELATING TO EXERCISE OF OF-
2 FICIAL OR REPRESENTATIONAL DUTIES.—Subsection (a)
3 shall not be construed to apply to provisions of law or rules
4 which permit Members of Congress or employees of offices
5 of Members of Congress to carry out official duties that
6 are tied directly to lawmaking, including provisions or
7 rules permitting Members and employees to enter and use
8 the United States Capitol, the United States Capitol
9 grounds, and other buildings and facilities.

10 (c) DEFINITION.—In this section, the term “Member
11 of Congress” means a Senator or a Representative in, or
12 Delegate or Resident Commissioner to, the Congress.

13 **Subtitle F—CLEAN Public Service**

14 **SEC. 8501. SHORT TITLE.**

15 This subtitle may be cited as the “Citizen Legislature
16 Anti-Corruption Reform of Public Service Act” or the
17 “CLEAN Public Service Act”.

18 **SEC. 8502. TERMINATION OF FURTHER RETIREMENT BENE-** 19 **FITS FOR MEMBERS OF CONGRESS.**

20 (a) AMENDMENTS RELATING TO THE CIVIL SERVICE
21 RETIREMENT SYSTEM.—

22 (1) IN GENERAL.—Subchapter III of chapter
23 83 of title 5, United States Code, is amended by in-
24 serting after section 8335 the following:

1 **“§ 8335a. Termination of further retirement coverage**
2 **of Members of Congress**

3 “(a) IN GENERAL.—Notwithstanding any other pro-
4 vision of this subchapter and subject to subsection (f), ef-
5 fective on the date that is 90 days after the date of enact-
6 ment of this section—

7 “(1) a Member shall not be subject to this sub-
8 chapter for any further period of time; and

9 “(2) no further Government contributions or
10 deductions from basic pay may be made with respect
11 to such Member for deposit in the Treasury of the
12 United States to the credit of the Fund.

13 “(b) PRIOR RIGHTS NOT AFFECTED.—Nothing in
14 subsection (a) shall be considered to nullify, modify, or
15 otherwise affect any right, entitlement, or benefit under
16 this subchapter with respect to any Member covering any
17 period prior to the date of enactment of this section.

18 “(c) RIGHT TO PARTICIPATE IN THRIFT SAVINGS
19 PLAN NOT AFFECTED.—Nothing in subsection (a) shall
20 affect the eligibility of a Member to participate in the
21 Thrift Savings Plan in accordance with otherwise applica-
22 ble provisions of law.

23 “(d) REGULATIONS.—Any regulations necessary to
24 carry out this section may—

1 “(1) except with respect to matters relating to
 2 the Thrift Savings Plan, be prescribed by the Direc-
 3 tor of the Office of Personnel Management; and

4 “(2) with respect to matters relating to the
 5 Thrift Savings Plan, be prescribed by the Executive
 6 Director (as defined by section 8401(13)).

7 “(e) EXCLUSION.—For purposes of this section, the
 8 term ‘Member’ does not include the Vice President.”.

9 (2) CLERICAL AMENDMENT.—The table of sec-
 10 tions at the beginning of chapter 83 of title 5,
 11 United States Code, is amended by inserting after
 12 the item relating to section 8335 the following:

“8335a. Termination of further retirement coverage of Members of Congress.”.

13 (b) AMENDMENTS RELATING TO THE FEDERAL EM-
 14 PLOYEES RETIREMENT SYSTEM.—

15 (1) IN GENERAL.—Subchapter II of chapter 84
 16 of title 5, United States Code, is amended by insert-
 17 ing after section 8425 the following:

18 **“§ 8425a. Termination of further retirement coverage**
 19 **of Members of Congress**

20 “(a) IN GENERAL.—Notwithstanding any other pro-
 21 vision of this chapter, effective on the date that is 90 days
 22 after the date of enactment of this section—

23 “(1) subject to subsection (f), in the case of an
 24 individual who first becomes a Member before such
 25 date of enactment—

1 “(A) such Member shall not be subject to
2 this chapter for any further period of time after
3 such date of enactment; and

4 “(B) no further Government contributions
5 or deductions from basic pay may be made with
6 respect to such Member for deposit in the
7 Treasury of the United States to the credit of
8 the Fund; and

9 “(2) in the case of an individual who first be-
10 comes a Member on or after such date of enact-
11 ment—

12 “(A) such Member shall not be subject to
13 this chapter; and

14 “(B) no Government contributions or de-
15 ductions from basic pay may be made with re-
16 spect to such Member for deposit in the Treas-
17 ury of the United States to the credit of the
18 Fund.

19 “(b) PRIOR RIGHTS NOT AFFECTED.—Nothing in
20 subsection (a) shall be considered to nullify, modify, or
21 otherwise affect any right, entitlement, or benefit under
22 this chapter with respect to any Member covering any pe-
23 riod prior to the date of enactment of this section.

24 “(c) RIGHT TO PARTICIPATE IN THRIFT SAVINGS
25 PLAN NOT AFFECTED.—Nothing in subsection (a) shall

1 affect the eligibility of a Member to participate in the
2 Thrift Savings Plan in accordance with otherwise applica-
3 ble provisions of law.

4 “(d) REGULATIONS.—

5 “(1) IN GENERAL.—Any regulations necessary
6 to carry out this section may—

7 “(A) except with respect to matters relat-
8 ing to the Thrift Savings Plan, be prescribed by
9 the Director of the Office of Personnel Manage-
10 ment; and

11 “(B) with respect to matters relating to
12 the Thrift Savings Plan, be prescribed by the
13 Executive Director (as defined by section
14 8401(13)).

15 “(2) REFUNDS.—Notwithstanding subsection
16 (b), the regulations under paragraph (1)(A) shall, in
17 the case of a Member who has not completed at
18 least 5 years of civilian service as of the date of en-
19 actment of this section, provide that the lump-sum
20 credit shall be payable to such Member to the same
21 extent and in the same manner as if such Member
22 satisfied paragraphs (1) through (4) of section
23 8424(a) as of such date of enactment.

24 “(e) EXCLUSIONS.—For purposes of this section, the
25 term ‘Member’ does not include the Vice President.”.

1 (2) CLERICAL AMENDMENT.—The table of sec-
 2 tions at the beginning of chapter 84 of title 5,
 3 United States Code, is amended by inserting after
 4 the item relating to section 8425 the following:

“8425a. Termination of further retirement coverage of Members of Congress.”.

5 **Subtitle G—No Budget, No Pay**

6 **SEC. 8601. SHORT TITLE.**

7 This subtitle may be cited as the “No Budget, No
 8 Pay Act”.

9 **SEC. 8602. DEFINITION.**

10 In this subtitle, the term “Member of Congress”—

11 (1) has the meaning given under section 2106
 12 of title 5, United States Code; and

13 (2) does not include the Vice President.

14 **SEC. 8603. TIMELY APPROVAL OF CONCURRENT RESOLU-** 15 **TION ON THE BUDGET AND THE APPROPRIA-** 16 **TIONS BILLS.**

17 If both Houses of Congress have not approved a con-
 18 current resolution on the budget as described under sec-
 19 tion 301 of the Congressional Budget and Impoundment
 20 Control Act of 1974 (2 U.S.C. 632) for a fiscal year before
 21 October 1 of that fiscal year and have not passed all the
 22 regular appropriations bills for the next fiscal year before
 23 October 1 of that fiscal year, the pay of each Member of
 24 Congress may not be paid for each day following that Oc-
 25 tober 1 until the date on which both Houses of Congress

1 approve a concurrent resolution on the budget for that fis-
2 cal year and all the regular appropriations bills.

3 **SEC. 8604. NO PAY WITHOUT CONCURRENT RESOLUTION**
4 **ON THE BUDGET AND THE APPROPRIATIONS**
5 **BILLS.**

6 (a) IN GENERAL.—Notwithstanding any other provi-
7 sion of law, no funds may be appropriated or otherwise
8 be made available from the United States Treasury for
9 the pay of any Member of Congress during any period de-
10 termined by the Chairpersons of the Committee on the
11 Budget and the Committee on Appropriations of the Sen-
12 ate or the Chairpersons of the Committee on the Budget
13 and the Committee on Appropriations of the House of
14 Representatives under section 8605.

15 (b) NO RETROACTIVE PAY.—A Member of Congress
16 may not receive pay for any period determined by the
17 Chairpersons of the Committee on the Budget and the
18 Committee on Appropriations of the Senate or the Chair-
19 persons of the Committee on the Budget and the Com-
20 mittee on Appropriations of the House of Representatives
21 under section 8605, at any time after the end of that pe-
22 riod.

23 **SEC. 8605. DETERMINATIONS.**

24 (a) SENATE.—

1 (1) REQUEST FOR CERTIFICATIONS.—On Octo-
2 ber 1 of each year, the Secretary of the Senate shall
3 submit a request to the Chairpersons of the Com-
4 mittee on the Budget and the Committee on Appro-
5 priations of the Senate for certification of deter-
6 minations made under paragraph (2) (A) and (B).

7 (2) DETERMINATIONS.—The Chairpersons of
8 the Committee on the Budget and the Committee on
9 Appropriations of the Senate shall—

10 (A) on October 1 of each year, make a de-
11 termination of whether Congress is in compli-
12 ance with section 8603 and whether Senators
13 may not be paid under that section;

14 (B) determine the period of days following
15 each October 1 that Senators may not be paid
16 under section 8603; and

17 (C) provide timely certification of the de-
18 terminations under subparagraphs (A) and (B)
19 upon the request of the Secretary of the Senate.

20 (b) HOUSE OF REPRESENTATIVES.—

21 (1) REQUEST FOR CERTIFICATIONS.—On Octo-
22 ber 1 of each year, the Chief Administrative Officer
23 of the House of Representatives shall submit a re-
24 quest to the Chairpersons of the Committee on the
25 Budget and the Committee on Appropriations of the

1 House of Representatives for certification of deter-
2 minations made under paragraph (2) (A) and (B).

3 (2) DETERMINATIONS.—The Chairpersons of
4 the Committee on the Budget and the Committee on
5 Appropriations of the House of Representatives
6 shall—

7 (A) on October 1 of each year, make a de-
8 termination of whether Congress is in compli-
9 ance with section 8603 and whether Members
10 of the House of Representatives may not be
11 paid under that section;

12 (B) determine the period of days following
13 each October 1 that Members of the House of
14 Representatives may not be paid under section
15 8603; and

16 (C) provide timely certification of the de-
17 terminations under subparagraph (A) and (B)
18 upon the request of the Chief Administrative
19 Officer of the House of Representatives.

20 **SEC. 8606. EFFECTIVE DATE.**

21 This subtitle shall take effect on February 1, 2021.

22 **Subtitle H—No Work, No Pay**

23 **SEC. 8701. SHORT TITLE.**

24 This subtitle may be cited as the “No Work, No Pay
25 Act of 2019”.

1 **SEC. 8702. PROHIBITING PAYING MEMBERS OF CONGRESS**
2 **DURING GOVERNMENT SHUTDOWNS.**

3 (a) RULE FOR ONE HUNDRED SIXTEENTH CON-
4 GRESS.—

5 (1) HOLDING SALARIES IN ESCROW.—If on any
6 day during a pay period occurring during the One
7 Hundred Sixteenth Congress a Government shut-
8 down is in effect, the payroll administrator of each
9 House of Congress shall—

10 (A) deposit in an escrow account and ex-
11 clude from the payments otherwise required to
12 be made with respect to that pay period for the
13 compensation of each Member of Congress who
14 serves in that House of Congress an amount
15 equal to the product of—

16 (i) the daily rate of pay of the Mem-
17 ber under section 601(a) of the Legislative
18 Reorganization Act of 1946 (2 U.S.C.
19 4501); and

20 (ii) the number of 24-hour periods
21 during the pay period during which the
22 Government shutdown is in effect; and

23 (B) release amounts deposited in an es-
24 crow account under subparagraph (A) to such
25 Member of Congress only upon the expiration of
26 the period described in paragraph (2).

1 (2) PERIOD DESCRIBED.—The period described
2 in this paragraph is the period that—

3 (A) begins on the first day on which the
4 applicable Government shutdown is in effect;
5 and

6 (B) ends on the earlier of—

7 (i) the date on which the applicable
8 Government shutdown is no longer in ef-
9 fect; or

10 (ii) the last day of the One Hundred
11 Sixteenth Congress.

12 (3) WITHHOLDING AND REMITTANCE OF
13 AMOUNTS FROM PAYMENTS HELD IN ESCROW.—The
14 payroll administrator of each House of Congress
15 shall provide for the same withholding and remit-
16 tance with respect to a payment deposited in an es-
17 crow account under paragraph (1) that would apply
18 to the payment if the payment were not subject to
19 paragraph (1).

20 (4) RELEASE OF AMOUNTS AT END OF THE
21 CONGRESS.—In order to ensure that this subsection
22 is carried out in a manner that shall not vary the
23 compensation of Senators or Representatives in vio-
24 lation of the twenty-seventh amendment to the Con-
25 stitution of the United States, the payroll adminis-

1 trator of a House of Congress shall release for pay-
2 ment to Members of that House of Congress any
3 amounts remaining in any escrow account under this
4 section on the last day of the One Hundred Six-
5 teenth Congress.

6 (b) SUBSEQUENT CONGRESSES.—On and after the
7 first day of the One Hundred Seventeenth Congress, if
8 on any day during a pay period a Government shutdown
9 is in effect, the payroll administrator of each House of
10 Congress shall exclude from the payments otherwise re-
11 quired to be made with respect to that pay period for the
12 compensation of each Member of Congress who serves in
13 that House of Congress an amount equal to the product
14 of—

15 (1) the daily rate of pay of the Member under
16 section 601(a) of the Legislative Reorganization Act
17 of 1946 (2 U.S.C. 4501); and

18 (2) the number of 24-hour periods during the
19 pay period during which the Government shutdown
20 is in effect.

21 (c) ROLE OF SECRETARY OF THE TREASURY.—The
22 Secretary of the Treasury shall provide the payroll admin-
23 istrator of each House of Congress with such assistance
24 as may be necessary to enable the payroll administrator
25 to carry out this subtitle.

1 **SEC. 8703. DEFINITIONS.**

2 In this subtitle—

3 (1) the term “Government shutdown” means a
4 lapse in appropriations for one or more Federal
5 agencies or departments as a result of a failure to
6 enact a regular appropriations bill or continuing res-
7 olution;

8 (2) the term “Member of Congress” means an
9 individual serving in a position covered under sub-
10 paragraph (A), (B), or (C) of section 601(a)(1) of
11 the Legislative Reorganization Act of 1946 (2
12 U.S.C. 4501(1)); and

13 (3) the term “payroll administrator”, with re-
14 spect to a House of Congress, means—

15 (A) in the case of the House of Represent-
16 atives, the Chief Administrative Officer of the
17 House of Representatives, or an employee of
18 the Office of the Chief Administrative Officer
19 who is designated by the Chief Administrative
20 Officer to carry out this Act; and

21 (B) in the case of the Senate, the Sec-
22 retary of the Senate, or an employee of the Of-
23 fice of the Secretary of the Senate who is des-
24 ignated by the Secretary to carry out this Act.

1 **Subtitle I—Severability**

2 **SEC. 8801. 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 IX—PRESIDENTIAL, VICE** 11 **PRESIDENTIAL, AND CON-** 12 **GRESSIONAL TAX TRANS-** 13 **PARENCY**

Sec. 9001. Presidential, Vice Presidential, and congressional tax transparency.

14 **SEC. 9001. PRESIDENTIAL, VICE PRESIDENTIAL, AND CON-** 15 **GRESSIONAL TAX TRANSPARENCY.**

16 (a) DEFINITIONS.—In this section—

17 (1) The term “covered candidate” means a can-
 18 didate of a major party in a general election for the
 19 office of President, Vice President, Senator, or Rep-
 20 resentative in, or Delegate or Resident Commis-
 21 sioner to, the Congress.

22 (2) The term “major party” has the meaning
 23 given the term in section 9002 of the Internal Rev-
 24 enue Code of 1986.

1 (3) The term “income tax return” means, with
2 respect to an individual, any return (as such term is
3 defined in section 6103(b)(1) of the Internal Rev-
4 enue Code of 1986) of such individual other than—

5 (A) information returns issued to persons
6 other than such individual, and

7 (B) declarations of estimated tax.

8 (4) The term “Secretary” means the Secretary
9 of the Treasury or the delegate of the Secretary.

10 (b) DISCLOSURE.—

11 (1) IN GENERAL.—

12 (A) CANDIDATES FOR FEDERAL OFFICE.—

13 Not later than the date that is 15 days after
14 the date on which an individual becomes a cov-
15 ered candidate, the individual shall submit to
16 the Federal Election Commission a copy of the
17 individual’s income tax returns for the 10 most
18 recent taxable years for which a return has
19 been filed with the Internal Revenue Service.

20 (B) FEDERAL OFFICEHOLDERS.—With re-
21 spect to each taxable year for an individual who
22 is the President or Vice President, who is a
23 Senator, or who is a Representative in, or Dele-
24 gate or Resident Commissioner to, the Con-
25 gress, not later than the due date for the return

1 of tax for the taxable year, such individual shall
2 submit to the Federal Election Commission a
3 copy of the individual's income tax returns for
4 the taxable year and for the 9 preceding taxable
5 years.

6 (C) TRANSITION RULE FOR SITTING OF-
7 FICEHOLDERS.—Not later than the date that is
8 30 days after the date of enactment of this sec-
9 tion, an individual who is the President or Vice
10 President, who is a Senator, or who is a Rep-
11 resentative in, or Delegate or Resident Commis-
12 sioner to, the Congress, on such date of enact-
13 ment shall submit to the Federal Election Com-
14 mission a copy of the income tax returns for the
15 10 most recent taxable years for which a return
16 has been filed with the Internal Revenue Serv-
17 ice.

18 (2) FAILURE TO DISCLOSE.—If any require-
19 ment under paragraph (1) to submit an income tax
20 return is not met, the chairman of the Federal Elec-
21 tion Commission shall submit to the Secretary a
22 written request that the Secretary provide the Fed-
23 eral Election Commission with the income tax re-
24 turn.

1 (3) PUBLICLY AVAILABLE.—The chairman of
2 the Federal Election Commission shall make publicly
3 available each income tax return submitted under
4 paragraph (1) in the same manner as a return pro-
5 vided under section 6103(l)(23) of the Internal Rev-
6 enue Code of 1986 (as added by this section).

7 (4) TREATMENT AS A REPORT UNDER THE
8 FEDERAL ELECTION CAMPAIGN ACT OF 1971.—For
9 purposes of the Federal Election Campaign Act of
10 1971, any income tax return submitted under para-
11 graph (1) or provided under section 6103(l)(23) of
12 the Internal Revenue Code of 1986 (as added by
13 this section) shall, after redaction under paragraph
14 (3) or subparagraph (B)(ii) of such section, be treat-
15 ed as a report filed under the Federal Election Cam-
16 paign Act of 1971.

17 (c) DISCLOSURE OF RETURNS.—

18 (1) IN GENERAL.—Section 6103(l) of the Inter-
19 nal Revenue Code of 1986 is amended by adding at
20 the end the following new paragraph:

21 “(23) DISCLOSURE OF RETURN INFORMATION
22 OF FEDERAL OFFICEHOLDERS AND CERTAIN CAN-
23 DIDATES FOR FEDERAL OFFICE.—

24 “(A) IN GENERAL.—Upon written request
25 by the chairman of the Federal Election Com-

1 mission under section 10001(b)(2) of the Non-
2 partisan Bill For the People Act of 2019, the
3 Secretary shall provide copies of any return
4 which is so requested to officers and employees
5 of the Federal Election Commission whose offi-
6 cial duties require access to such return under
7 this paragraph.

8 “(B) DISCLOSURE TO THE PUBLIC.—

9 “(i) IN GENERAL.—The chairman of
10 the Federal Election Commission shall
11 make publicly available any return which is
12 provided under subparagraph (A).

13 “(ii) REDACTION OF CERTAIN INFOR-
14 MATION.—Before making publicly available
15 under clause (i) any return, the chairman
16 of the Federal Election Commission shall
17 redact such information as the Federal
18 Election Commission and the Secretary
19 jointly determine is necessary for pro-
20 tecting against identity theft, such as so-
21 cial security numbers.”.

22 (2) CONFORMING AMENDMENTS.—Section
23 6103(p)(4) of such Code is amended—

1 (A) in the matter preceding subparagraph
2 (A) by striking “or (22)” and inserting “(22),
3 or (23)”, and

4 (B) in subparagraph (F)(ii) by striking “or
5 (22)” and inserting “(22), or (23)”.

6 (3) EFFECTIVE DATE.—The amendments made
7 by this subsection shall apply to disclosures made on
8 or after the date of enactment of this Act.

○