

Davis # 14

**AMENDMENT TO THE AMENDMENT IN THE
NATURE OF A SUBSTITUTE TO H.R. 1
OFFERED BY MR. RODNEY DAVIS OF ILLINOIS**

Amend title III to read as follows:

1 TITLE III—ELECTION SECURITY

Sec. 3000. Short title; sense of Congress on need to improve election infrastructure security.

Subtitle A—Financial Support for Election Infrastructure

PART 1—VOTING SYSTEM SECURITY IMPROVEMENT GRANTS

Sec. 3001. Voting system security grants.

Sec. 3002. Coordination of voting system security activities with use of requirements payments and election administration requirements under Help America Vote Act of 2002.

Sec. 3003. Incorporation of definition of election infrastructure.

PART 2—GRANTS FOR RISK-LIMITING AUDITS OF RESULTS

Sec. 3011. Grants to States for conducting risk-limiting audits of results of elections.

Sec. 3012. GAO analysis of effects of audits.

PART 3—ELECTION INFRASTRUCTURE INNOVATION GRANT PROGRAM

Sec. 3021. Election infrastructure innovation grant program.

Subtitle B—Security Measures

Sec. 3101. Election infrastructure designation.

Sec. 3102. Timely threat information.

Sec. 3103. Security clearance assistance for election officials.

Sec. 3104. Pre-election threat assessments.

Sec. 3105. Security risk and vulnerability assessments.

Sec. 3106. Annual Report.

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—Miscellaneous Provisions

Sec. 3301. Definitions.

Sec. 3302. Initial report on adequacy of resources available for implementation.

1 **SEC. 3000. SHORT TITLE; SENSE OF CONGRESS ON NEED TO**
2 **IMPROVE ELECTION INFRASTRUCTURE SE-**
3 **CURITY.**

4 (a) **SHORT TITLE.**—This title may be cited as the
5 “Election Security Act”.

6 (b) **SENSE OF CONGRESS.**—It is the sense of Con-
7 gress that, in light of the lessons learned from Russian
8 interference in the 2016 Presidential election, the Federal
9 Government should intensify its efforts to improve the se-
10 curity of election infrastructure in the United States, in-
11 cluding through the use of individual, durable, paper bal-
12 lots marked by the voter by hand.

13 **Subtitle A—Financial Support for**
14 **Election Infrastructure**

15 **PART 1—VOTING SYSTEM SECURITY**
16 **IMPROVEMENT GRANTS**

17 **SEC. 3001. VOTING SYSTEM SECURITY GRANTS.**

18 (a) **AVAILABILITY OF GRANTS.**—Subtitle D of title
19 II of the Help America Vote Act of 2002 (52 U.S.C.
20 21001 et seq.), as amended by section 1906(a), is amend-
21 ed by adding at the end the following new part:

1 **"PART 8—GRANTS FOR OBTAINING PAPER BAL-**
2 **LOT VOTING SYSTEMS AND CARRYING OUT**
3 **VOTING SYSTEM IMPROVEMENTS**

4 **"SEC. 298. GRANTS FOR OBTAINING PAPER BALLOT VOTING**
5 **SYSTEMS AND CARRYING OUT VOTING SYS-**
6 **TEM SECURITY IMPROVEMENTS.**

7 **"(a) AVAILABILITY AND USE OF GRANT.—**The Com-
8 mission shall make a grant to each eligible State—

9 **"(1)** to replace voting systems which are not
10 qualified paper ballot voting systems with voting sys-
11 tems which are qualified paper ballot voting systems,
12 for use in the regularly scheduled general elections
13 for Federal office held in November 2020, in accord-
14 ance with section 298A; and

15 **"(2)** to carry out voting system security im-
16 provements described in section 298B with respect
17 to the regularly scheduled general elections for Fed-
18 eral office held in November 2020 and each suc-
19 ceeding election for Federal office.

20 **"(b) AMOUNT OF GRANT.—**The amount of a grant
21 made to a State under this section shall be such amount
22 as the Commission determines to be appropriate, except
23 that such amount may not be less than the product of
24 \$1 and the average of the number of individuals who cast
25 votes in any of the two most recent regularly scheduled
26 general elections for Federal office held in the State.

1 “(c) PRO RATA REDUCTIONS.—If the amount of
2 funds appropriated for grants under this part is insuffi-
3 cient to ensure that each State receives the amount of the
4 grant calculated under subsection (b), the Commission
5 shall make such pro rata reductions in such amounts as
6 may be necessary to ensure that the entire amount appro-
7 priated under this part is distributed to the States.

8 “SEC. 298A. QUALIFIED PAPER BALLOT VOTING SYSTEMS.

9 “(a) USE OF FUNDS TO OBTAIN SYSTEMS.—A State
10 may use a grant under this part—

11 “(1) to replace a voting system which is not a
12 qualified paper ballot voting systems with a qualified
13 paper ballot voting system; or

14 “(2) to replace a qualified paper voting system
15 which is not in compliance with the most recent vol-
16 untary voting system guidelines issued by the Com-
17 mission prior to the regularly scheduled general elec-
18 tion for Federal office held in November 2020 with
19 another qualified paper voting system which is in
20 compliance with such guidelines.

21 “(b) DEFINITION.—

22 “(1) IN GENERAL.—In this part, a ‘qualified
23 paper ballot voting system’ is a voting system which
24 requires the use of an individual, durable, paper bal-
25 lot marked by the voter by hand.

1 “(2) ACCESSIBILITY OF SYSTEMS FOR INDIVID-
2 UALS WITH DISABILITIES.—A voting system used by
3 individuals with disabilities, and others, may be
4 treated as a qualified paper ballot voting system for
5 purposes of this part if the system provides an indi-
6 vidual with an equivalent opportunity, including with
7 privacy and independence, to vote in a manner that
8 produces a paper ballot of the vote as for other vot-
9 ers.

10 “SEC. 298B. VOTING SYSTEM SECURITY IMPROVEMENTS
11 DESCRIBED.

12 “(a) PERMITTED USES.—A voting system security
13 improvement described in this section is any of the fol-
14 lowing:

15 “(1) The acquisition of goods and services from
16 qualified election infrastructure vendors by purchase,
17 lease, or such other arrangements as may be appro-
18 priate.

19 “(2) Cyber and risk mitigation training.

20 “(3) A security risk and vulnerability assess-
21 ment of the State's election infrastructure which is
22 carried out by a provider of cybersecurity services
23 under a contract entered into between the chief
24 State election official and the provider.

1 “(4) The maintenance of election infrastruc-
2 ture, including addressing risks and vulnerabilities
3 which are identified under either of the security risk
4 and vulnerability assessments described in para-
5 graph (3), except that none of the funds provided
6 under this part may be used to renovate or replace
7 a building or facility which is used primarily for pur-
8 poses other than the administration of elections for
9 public office.

10 “(5) Providing increased technical support for
11 any information technology infrastructure that the
12 chief State election official deems to be part of the
13 State’s election infrastructure or designates as crit-
14 ical to the operation of the State’s election infra-
15 structure.

16 “(6) Enhancing the cybersecurity and oper-
17 ations of the information technology infrastructure
18 described in paragraph (4).

19 “(7) Enhancing the cybersecurity of voter reg-
20 istration systems.

21 “(b) QUALIFIED ELECTION INFRASTRUCTURE VEN-
22 DORS DESCRIBED.—

23 “(1) IN GENERAL.—For purposes of this part,
24 a ‘qualified election infrastructure vendor’ is any
25 person who provides, supports, or maintains, or who

1 seeks to provide, support, or maintain, election in-
2 frastructure on behalf of a State, unit of local gov-
3 ernment, or election agency (as defined in section
4 3301 of the Election Security Act) who meets the
5 criteria described in paragraph (2).

6 “(2) CRITERIA.—The criteria described in this
7 paragraph are such criteria as the Chairman, in co-
8 ordination with the Secretary of Homeland Security,
9 shall establish and publish, and shall include each of
10 the following requirements:

11 “(A) The vendor must be owned and con-
12 trolled by a citizen or permanent-resident of the
13 United States.

14 “(B) The vendor must disclose to the
15 Chairman and the Secretary, and to the chief
16 State election official of any State to which the
17 vendor provides any goods and services with
18 funds provided under this part, of any sourcing
19 outside the United States for parts of the elec-
20 tion infrastructure.

21 “(C) The vendor agrees to ensure that the
22 election infrastructure will be developed and
23 maintained in a manner that is consistent with
24 the cybersecurity best practices provided by the
25 Chairman in coordination with the Secretary.

1 “(D) The vendor agrees to maintain its in-
2 formation technology infrastructure in a man-
3 ner that is consistent with the cybersecurity
4 best practices provided by the Chairman in co-
5 ordination with the Secretary.

6 “(E) The vendor agrees to report any
7 known or suspected security incidents involving
8 election infrastructure to the chief State elec-
9 tion official of the State involved or the offi-
10 cial’s designee, the Chairman, and the Sec-
11 retary.

12 “**SEC. 298C. ELIGIBILITY OF STATES.**

13 “A State is eligible to receive a grant under this part
14 if the State submits to the Commission, at such time and
15 in such form as the Commission may require, an applica-
16 tion containing—

17 “(1) a description of how the State will use the
18 grant to carry out the activities authorized under
19 this part;

20 “(2) a certification and assurance that, not
21 later than 5 years after receiving the grant, the
22 State will carry out risk-limiting audits of the re-
23 sults of elections for Federal office held in the State,
24 as described in section 299(b); and

1 “(3) such other information and assurances as
2 the Commission may require.

3 **“SEC. 298D. REPORTS TO CONGRESS.**

4 “Not later than 90 days after the end of each fiscal
5 year, the Commission shall submit a report to the appro-
6 priate congressional committees, including the Committees
7 on Homeland Security and House Administration of the
8 House of Representatives and the Committees on Home-
9 land Security and Governmental Affairs and Rules and
10 Administration of the Senate, on the activities carried out
11 with the funds provided under this part.

12 **“SEC. 298E. AUTHORIZATION OF APPROPRIATIONS.**

13 “(a) AUTHORIZATION.—There are authorized to be
14 appropriated for grants under this part—

15 “(1) \$1,000,000,000 for fiscal year 2019; and

16 “(2) \$175,000,000 for each of the fiscal years
17 2021, 2023, 2025, and 2027.

18 “(b) CONTINUING AVAILABILITY OF AMOUNTS.—Any
19 amounts appropriated pursuant to the authorization of
20 this section shall remain available until expended.”.

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

**“PART 8—GRANTS FOR OBTAINING PAPER BALLOT VOTING SYSTEMS AND
CARRYING OUT VOTING SYSTEM IMPROVEMENTS**

**“Sec. 298. Grants for obtaining paper ballot voting systems and carrying
out voting system security improvements.**

- "Sec. 298A. Qualified paper ballot voting systems.
- "Sec. 298B. Voting system security improvements described.
- "Sec. 298C. Eligibility of States.
- "Sec. 298D. Reports to Congress.
- "Sec. 298E. Authorization of appropriations.

1 SEC. 3002. COORDINATION OF VOTING SYSTEM SECURITY
2 ACTIVITIES WITH USE OF REQUIREMENTS
3 PAYMENTS AND ELECTION ADMINISTRATION
4 REQUIREMENTS UNDER HELP AMERICA
5 VOTE ACT OF 2002.

6 (a) DUTIES OF ELECTION ASSISTANCE COMMIS-
7 SION.—Section 202 of the Help America Vote Act of 2002
8 (52 U.S.C. 20922) is amended in the matter preceding
9 paragraph (1) by striking "by" and inserting "and the se-
10 curity of election infrastructure by".

11 (b) MEMBERSHIP OF SECRETARY OF HOMELAND SE-
12 CURITY ON BOARD OF ADVISORS OF ELECTION ASSIST-
13 ANCE COMMISSION.—Section 214(a) of such Act. (52
14 U.S.C. 20944(a)) is amended—

15 (1) by striking "37 members" and inserting
16 "38 members"; and

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

19 "(17) The Secretary of Homeland Security or
20 the Secretary's designee."

21 (c) REPRESENTATIVE OF DEPARTMENT OF HOME-
22 LAND SECURITY ON TECHNICAL GUIDELINES DEVELOP-

1 MENT COMMITTEE.—Section 221(e)(1) of such Act (52
2 U.S.C. 20961(e)(1)) is amended—

3 (1) by redesignating subparagraph (E) as sub-
4 paragraph (F); and

5 (2) by inserting after subparagraph (D) the fol-
6 lowing new subparagraph:

7 “(E) A representative of the Department
8 of Homeland Security.”

9 (d) GOALS OF PERIODIC STUDIES OF ELECTION AD-
10 MINISTRATION ISSUES; CONSULTATION WITH SECRETARY
11 OF HOMELAND SECURITY.—Section 241(a) of such Act
12 (52 U.S.C. 20981(a)) is amended—

13 (1) in the matter preceding paragraph (1), by
14 striking “the Commission shall” and inserting “the
15 Commission, in consultation with the Secretary of
16 Homeland Security (as appropriate), shall”;

17 (2) by striking “and” at the end of paragraph
18 (3);

19 (3) by redesignating paragraph (4) as para-
20 graph (5); and

21 (4) by inserting after paragraph (3) the fol-
22 lowing new paragraph:

23 “(4) will be secure against attempts to under-
24 mine the integrity of election systems by cyber or
25 other means; and”.

1 (e) REQUIREMENTS PAYMENTS.—

2 (1) USE OF PAYMENTS FOR VOTING SYSTEM
3 SECURITY IMPROVEMENTS.—Section 251(b) of such
4 Act (52 U.S.C. 21001(b)) is amended by adding at
5 the end the following new paragraph:

6 “(3) PERMITTING USE OF PAYMENTS FOR VOT-
7 ING SYSTEM SECURITY IMPROVEMENTS.—A State
8 may use a requirements payment to carry out any
9 of the following activities:

10 “(A) Cyber and risk mitigation training.

11 “(B) Providing increased technical support
12 for any information technology infrastructure
13 that the chief State election official deems to be
14 part of the State’s election infrastructure or
15 designates as critical to the operation of the
16 State’s election infrastructure.

17 “(C) Enhancing the cybersecurity and op-
18 erations of the information technology infra-
19 structure described in subparagraph (B).

20 “(D) Enhancing the security of voter reg-
21 istration databases.”

22 (2) INCORPORATION OF ELECTION INFRA-
23 STRUCTURE PROTECTION IN STATE PLANS FOR USE
24 OF PAYMENTS.—Section 254(a)(1) of such Act (52
25 U.S.C. 21004(a)(1)) is amended by striking the pe-

1 riod at the end and inserting “; including the protec-
2 tion of election infrastructure.”

3 (3) COMPOSITION OF COMMITTEE RESPONSIBLE
4 FOR DEVELOPING STATE PLAN FOR USE OF PAY-
5 MENTS.—Section 255 of such Act (52 U.S.C.
6 21005) is amended—

7 (A) by redesignating subsection (b) as sub-
8 section (c); and

9 (B) by inserting after subsection (a) the
10 following new subsection:

11 “(b) GEOGRAPHIC REPRESENTATION.—The mem-
12 bers of the committee shall be a representative group of
13 individuals from the State’s counties, cities, towns, and
14 Indian tribes, and shall represent the needs of rural as
15 well as urban areas of the State, as the case may be.”

16 (f) ENSURING PROTECTION OF COMPUTERIZED
17 STATEWIDE VOTER REGISTRATION LIST.—Section
18 303(a)(3) of such Act (52 U.S.C. 21083(a)(3)) is amend-
19 ed by striking the period at the end and inserting “, as
20 well as other measures to prevent and deter cybersecurity
21 incidents, as identified by the Commission and the Sec-
22 retary of Homeland Security.”

1 SEC. 3003. INCORPORATION OF DEFINITION OF ELECTION
2 INFRASTRUCTURE.

3 (a) IN GENERAL.—Section 901 of the Help America
4 Vote Act of 2001 (52 U.S.C. 21141) is amended to read
5 as follows:

6 "SEC. 901. DEFINITIONS.

7 "In this Act, the following definitions apply:

8 "(1) The term 'election infrastructure' has the
9 meaning given such term in section 3301 of the
10 Election Security Act.

11 "(2) The term 'State' means each of the several
12 States, the District of Columbia, the Commonwealth
13 of Puerto Rico, Guam, American Samoa, and the
14 United States Virgin Islands."

15 (b) CLERICAL AMENDMENT.—The table of contents
16 of such Act is amended by amending the item relating to
17 section 901 to read as follows:

"Sec. 901. Definitions."

18 PART 2—GRANTS FOR RISK-LIMITING AUDITS OF
19 RESULTS

20 SEC. 3011. GRANTS TO STATES FOR CONDUCTING RISK-LIM-
21 ITING AUDITS OF RESULTS OF ELECTIONS.

22 (a) AVAILABILITY OF GRANTS.—Subtitle D of title
23 II of the Help America Vote Act of 2002 (52 U.S.C.
24 21001 et seq.), as amended by section 1906(a) and section

1 3001(a), is further amended by adding at the end the fol-
2 lowing new part:

3 **“PART 9—GRANTS FOR CONDUCTING RISK-**
4 **LIMITING AUDITS OF RESULTS OF ELECTIONS**

5 **“SEC. 299. GRANTS FOR CONDUCTING RISK-LIMITING AU-**
6 **DITS OF RESULTS OF ELECTIONS.**

7 **“(a) AVAILABILITY OF GRANTS.—**The Commission
8 shall make a grant to each eligible State to conduct risk-
9 limiting audits as described in subsection (b) with respect
10 to the regularly scheduled general elections for Federal of-
11 fice held in November 2020 and each succeeding election
12 for Federal office.

13 **“(b) RISK-LIMITING AUDITS DESCRIBED.—**In this
14 part, a risk-limiting audit is a manual tally of certain
15 marked paper ballots cast in an election which is con-
16 ducted in accordance with an audit protocol that—

17 **“(1) makes use of statistical methods and is de-**
18 **signed to limit to acceptable levels the risk of certi-**
19 **ifying a preliminary election outcome that is incon-**
20 **sistent with the election outcome that would be ob-**
21 **tained by conducting a full recount; and**

22 **“(2) provides for the selection of the election re-**
23 **sults that will be subject to the audit in accordance**
24 **with procedures established by the chief State elec-**
25 **tion official of the State under which the results of**

1 all contested elections are eligible to be selected for
2 auditing.

3 **“SEC. 299A. ELIGIBILITY OF STATES.”**

4 “A State is eligible to receive a grant under this part
5 if the State submits to the Commission, at such time and
6 in such form as the Commission may require, an applica-
7 tion containing—

8 “(1) a certification that the State will conduct
9 risk-limiting audits of the results of elections for
10 Federal office as described in section 299; and

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

13 **“SEC. 299B. AUTHORIZATION OF APPROPRIATIONS.”**

14 “There are authorized to be appropriated for grants
15 under this part \$20,000,000 for fiscal year 2020, to re-
16 main available until expended.”

17 (b) **CLERICAL AMENDMENT.**—The table of contents
18 of such Act, as amended by section 1906(b) and section
19 3001(b), is further amended by adding at the end of the
20 items relating to subtitle D of title II the following:

**“PART 9—GRANTS FOR CONDUCTING RISK-LIMITING AUDITS OF RESULTS
OF ELECTIONS**

“Sec. 299. Grants for conducting risk-limiting audits of results of elec-
tions.

“Sec. 299A. Eligibility of States.

“Sec. 299B. Authorization of appropriations.

1 SEC. 3012. GAO ANALYSIS OF EFFECTS OF AUDITS.

2 (a) ANALYSIS.—Not later than 6 months after the
3 first election for Federal office is held after grants are
4 first awarded to States for conducting risk-limiting under
5 part 9 of subtitle D of title II of the Help America Vote
6 Act of 2002 (as added by section 3011) for conducting
7 risk-limiting audits of elections for Federal office, the
8 Comptroller General of the United States shall conduct
9 an analysis of the extent to which such audits have im-
10 proved the administration of such elections and the secu-
11 rity of election infrastructure in the States receiving such
12 grants.

13 (b) REPORT.—The Comptroller General of the
14 United States shall submit a report on the analysis con-
15 ducted under subsection (a) to each of the following Com-
16 mittees:

17 (1) The Committee on Homeland Security of
18 the House of Representatives.

19 (2) The Committee on House Administration
20 of the House of Representatives.

21 (3) The Committee on Homeland Security and
22 Governmental Affairs of the Senate.

23 (4) The Committee on Rules and Administra-
24 tion of the Senate.

1 **PART 3--ELECTION INFRASTRUCTURE**

2 **INNOVATION GRANT PROGRAM**

3 **SEC. 3021. ELECTION INFRASTRUCTURE INNOVATION**
4 **GRANT PROGRAM.**

5 (a) **IN GENERAL.**--Title III of the Homeland Security Act of 2002 (6 U.S.C. 181 et seq.) is amended--

6 (1) by redesignating the second section 319 (relating to EMP and GMD mitigation research and development) as section 320; and

7 (2) by adding at the end the following new section:

8 **“SEC. 321. ELECTION INFRASTRUCTURE INNOVATION**
9 **GRANT PROGRAM.**

10 “(a) **ESTABLISHMENT.**--The Secretary, acting through the Under Secretary for Science and Technology, in coordination with the Chairman of the Election Assistance Commission (established pursuant to the Help America Vote Act of 2002) and in consultation with the Director of the National Science Foundation, shall establish a competitive grant program to award grants to eligible entities, on a competitive basis, for purposes of research and development that are determined to have the potential to significantly to improve the security (including cybersecurity), quality, reliability, accuracy, accessibility, and affordability of election infrastructure.

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

11 “(c) AUTHORIZATION OF APPROPRIATIONS.—There
12 is authorized to be appropriated to the Secretary
13 \$6,250,000 for each of fiscal years 2018 through 2026
14 for purposes of carrying out this section.

15 “(d) ELIGIBLE ENTITY DEFINED.—In this section,
16 the term ‘eligible entity’ means—

17 “(1) an institution of higher education (as de-
18 fined in section 101(a) of the Higher Education Act
19 of 1965 (20 U.S.C. 1001(a)), including an institu-
20 tion of higher education that is a historically Black
21 college or university (which has the meaning given
22 the term “part B institution” in section 322 of such
23 Act (20 U.S.C. 1061)) or other minority-serving in-
24 stitution listed in section 371(a) of such Act (20
25 U.S.C. 1067q(a));

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

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

13 ~~(b) DEFINITION.—Section 2 of the Homeland Secu-~~
14 ~~rity Act of 2002 (6 U.S.C. 101) is amended—~~

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

18 (2) by inserting after paragraph (5) the fol-
19 lowing new paragraph:

20 “(6) ELECTION INFRASTRUCTURE.—The term
21 ‘election infrastructure’ means storage facilities,
22 polling places, and centralized vote tabulation loca-
23 tions used to support the administration of elections
24 for public office, as well as related information and
25 communications technology, including voter registra-

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

10 (c) CLERICAL AMENDMENT.—The table of contents
11 in section 1(b) of the Homeland Security Act of 2002 is
12 amended by striking both items relating to section 319
13 and the item relating to section 318 and inserting the fol-
14 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.”

15 **Subtitle B—Security Measures**

16 **SEC. 3101. ELECTION INFRASTRUCTURE DESIGNATION.**

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

1 **SEC. 3102. TIMELY THREAT INFORMATION.**

2 Subsection (d) of section 201 of the Homeland Security Act of 2002 (6 U.S.C. 121) is amended by adding
3 at the end the following new paragraph:

4
5 “(27) To provide timely threat information regarding election infrastructure to the chief State
6 election official of the State with respect to which
7 such information pertains.”

8
9 **SEC. 3103. SECURITY CLEARANCE ASSISTANCE FOR ELECTION OFFICIALS.**

10
11 In order to promote the timely sharing of information on threats to election infrastructure, the Secretary may—

12
13 (1) help expedite a security clearance for the
14 chief State election official and other appropriate
15 State personnel involved in the administration of
16 elections, as designated by the chief State election
17 official;

18 (2) sponsor a security clearance for the chief
19 State election official and other appropriate State
20 personnel involved in the administration of elections,
21 as designated by the chief State election official; and

22 (3) facilitate the issuance of a temporary clearance to the chief State election official and other appropriate State personnel involved in the administration of elections, as designated by the chief State election official, if the Secretary determines classi-

1 fied information to be timely and relevant to the
2 election infrastructure of the State at issue.

3 **SEC. 3104. PRE-ELECTION THREAT ASSESSMENTS.**

4 (a) **SUBMISSION OF ASSESSMENT BY DNI.**—Not
5 later than 180 days before the date of each regularly
6 scheduled general election for Federal office, the Director
7 of National Intelligence shall submit an assessment of the
8 full scope of threats to election infrastructure, including
9 cybersecurity threats posed by state actors and terrorist
10 groups, and recommendations to address or mitigate the
11 threats, as developed by the Secretary and Chairman, to—

12 (1) the chief State election official of each
13 State;

14 (2) the Committees on Homeland Security and
15 House Administration of the House of Representa-
16 tives and the Committees on Homeland Security and
17 Governmental Affairs and Rules and Administration
18 of the Senate; and

19 (3) any other appropriate congressional com-
20 mittees.

21 (b) **EFFECTIVE DATE.**—Subsection (a) shall apply
22 with respect to the regularly scheduled general election for
23 Federal office held in November 2018 and each succeeding
24 regularly scheduled general election for Federal office.

1 SEC. 8105. SECURITY RISK AND VULNERABILITY ASSESS-
2 MENTS.

3 (a) IN GENERAL.—Paragraph (6) of section 227(c)
4 of the Homeland Security Act of 2002 (6 U.S.C. 148(c))
5 is amended by inserting “(including by carrying out a se-
6 curity risk and vulnerability assessment)” after “risk
7 management support”.

8 (b) PRIORITIZATION TO ENHANCE ELECTION SECU-
9 RITY.—

10 (1) IN GENERAL.—Not later than 90 days after
11 receiving a written request from a chief State elec-
12 tion official, the Secretary shall, to the extent prac-
13 ticable, commence a security risk and vulnerability
14 assessment (pursuant to paragraph (6) of section
15 227(c) of the Homeland Security Act of 2002, as
16 amended by subsection (a)) on election infrastruc-
17 ture in the State at issue.

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

24 SEC. 8106. ANNUAL REPORT.

25 Not later than one year after the date of the enact-
26 ment of this Act and annually thereafter through 2026,

1 the Secretary shall submit to the Committee on Homeland
2 Security and the Committee on House Administration of
3 the House of Representatives and the Committee on
4 Homeland Security and Governmental Affairs and the
5 Committee on Rules and Administration of the Senate a
6 report on—

7 (1) efforts to carry out section 3103 during the
8 prior year, including specific information on which
9 States were helped, how many officials have been
10 helped in each State, how many security clearances
11 have been sponsored in each State, and how many
12 temporary clearances have been issued in each State;
13 and

14 (2) efforts to carry out section 3105 during the
15 prior year, including specific information on which
16 States were helped, the dates on which the Secretary
17 received a request for a security risk and vulner-
18 ability assessment pursuant to such section, the
19 dates on which the Secretary commenced each such
20 request, and the dates on which the Secretary trans-
21 mitted a notification in accordance with subsection
22 (b)(2) of such section.

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 multi-state
7 information 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 the
16 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 and the

1 Chairman of the Committee on Rules and Ad-
2 ministration.

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 and the ranking minority mem-
8 ber of the Committee on Rules and Administra-
9 tion.

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

15 (F) 2 members shall be appointed by the
16 minority leader of the House of Representa-
17 tives, in consultation with the ranking minority
18 member of the Committee on Homeland Secu-
19 rity and the ranking minority member of the
20 Committee on House Administration.

21 (2) QUALIFICATIONS.—Individuals shall be se-
22 lected for appointment to the Commission solely on
23 the basis of their professional qualifications, achieve-
24 ments, public stature, experience, and expertise in
25 relevant fields, including, but not limited to

1 cybersecurity, national security, and the Constitution
2 of the United States.

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

8 (4) DEADLINE FOR APPOINTMENT.—All mem-
9 bers of the Commission shall be appointed no later
10 than 60 days after the date of the enactment of this
11 Act.

12 (5) VACANCIES.—A vacancy on the Commission
13 shall not affect its powers and shall be filled in the
14 manner in which the original appointment was
15 made. The appointment of the replacement member
16 shall be made not later than 60 days after the date
17 on which the vacancy occurs.

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

20 (e) QUORUM AND MEETINGS.—

21 (1) QUORUM.—The Commission shall meet and
22 begin the operations of the Commission not later
23 than 30 days after the date on which all members
24 have been appointed or, if such meeting cannot be
25 mutually agreed upon, on a date designated by the

1 Speaker of the House of Representatives and the
2 President pro Tempore of the Senate. Each subse-
3 quent meeting shall occur upon the call of the Chair
4 or a majority of its members. A majority of the
5 members of the Commission shall constitute a
6 quorum, but a lesser number may hold meetings.

7 (2) AUTHORITY OF INDIVIDUALS TO ACT FOR
8 COMMISSION.—Any member of the Commission may,
9 if authorized by the Commission, take any action
10 that the Commission is authorized to take under this
11 section.

12 (f) POWERS.—

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

21 (2) CONTRACTING.—The Commission may, to
22 such extent and in such amounts as are provided in
23 appropriation Acts, enter into contracts to enable
24 the Commission to discharge its duties under this
25 section.

1 (g) ASSISTANCE FROM FEDERAL AGENCIES.—

2 (1) GENERAL SERVICES ADMINISTRATION.—

3 The Administrator of General Services shall provide
4 to the Commission on a reimbursable basis adminis-
5 trative support and other services for the perform-
6 ance of the Commission's functions.

7 (2) OTHER DEPARTMENTS AND AGENCIES.—In

8 addition to the assistance provided under paragraph
9 (1), the Department of Homeland Security, the
10 Election Assistance Commission, and other appro-
11 priate departments and agencies of the United
12 States shall provide to the Commission such serv-
13 ices, funds, facilities, and staff as they may deter-
14 mine advisable and as may be authorized by law.

15 (h) PUBLIC MEETINGS.—Any public meetings of the
16 Commission shall be conducted in a manner consistent
17 with the protection of information provided to or developed
18 for or by the Commission as required by any applicable
19 statute, regulation, or Executive order.

20 (i) SECURITY CLEARANCES.—

21 (1) IN GENERAL.—The heads of appropriate
22 departments and agencies of the executive branch
23 shall cooperate with the Commission to expeditiously
24 provide Commission members and staff with appro-

1 piate security clearances to the extent possible
2 under applicable procedures and requirements.

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

8 (j) REPORTS.—

9 (1) INTERIM REPORTS.—At any time prior to
10 the submission of the final report under paragraph

11 (2), the Commission may submit interim reports to
12 the President and Congress such findings, conclu-
13 sions, and recommendations to strengthen protec-
14 tions for democratic institutions in the United
15 States as have been agreed to by a majority of the
16 members of the Commission.

17 (2) FINAL REPORT.—Not later than 18 months
18 after the date of the first meeting of the Commis-
19 sion, the Commission shall submit to the President
20 and Congress a final report containing such find-
21 ings, conclusions, and recommendations to strength-
22 en protections for democratic institutions in the
23 United States as have been agreed to by a majority
24 of the members of the Commission.

25 (k) TERMINATION.—

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

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

12 (1) NONAPPLICABILITY OF FEDERAL ADVISORY COM-
13 MITTEE ACT.—The Federal Advisory Committee Act (5
14 U.S.C. App.) shall not apply to the Commission.

15 Subtitle D—Miscellaneous

16 Provisions

17 SEC. 3301. DEFINITIONS.

18 In this title, the following definitions apply:

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

21 (2) The term “chief State election official”
22 means, with respect to a State, the individual des-
23 ignated by the State under section 10 of the Na-
24 tional Voter Registration Act of 1993 (52 U.S.C.

1 20509) to be responsible for coordination of the
2 State's responsibilities under such Act.

3 (3) The term "Commission" means the Election
4 Assistance Commission.

5 (4) The term "democratic institutions" means
6 the diverse range of institutions that are essential to
7 ensuring an independent judiciary, free and fair elec-
8 tions, and rule of law.

9 (5) The term "election agency" means any com-
10 ponent of a State, or any component of a unit of
11 local government in a State, which is responsible for
12 the administration of elections for Federal office in
13 the State.

14 (6) The term "election infrastructure" means
15 storage facilities, polling places, and centralized vote
16 tabulation locations used to support the administra-
17 tion of elections for public office, as well as related
18 information and communications technology, includ-
19 ing voter registration databases, voting machines,
20 electronic mail and other communications systems
21 (including electronic mail and other systems of ven-
22 dors who have entered into contracts with election
23 agencies to support the administration of elections,
24 manage the election process, and report and display
25 election results), and other systems used to manage

1 the election process and to report and display elec-
2 tion results on behalf of an election agency.

3 (7) The term "Secretary" means the Secretary
4 of Homeland Security.

5 (8) The term "State" has the meaning given
6 such term in section 901 of the Help America Vote
7 Act of 2002 (52 U.S.C. 21141).

8 **SEC. 3302. INITIAL REPORT ON ADEQUACY OF RESOURCES**
9 **AVAILABLE FOR IMPLEMENTATION.**

10 Not later than 120 days after enactment of this Act,
11 the Chairman and the Secretary shall submit a report to
12 the appropriate committees of Congress, including the
13 Committees on Homeland Security and House Adminis-
14 tration of the House of Representatives and the Com-
15 mittee on Homeland Security and Governmental Affairs
16 of the Senate, analyzing the adequacy of the funding, re-
17 sources, and personnel available to carry out this title and
18 the amendments made by this title.

