

**AMENDMENT TO H.R. 1**

**OFFERED BY MR. SMUCKER OF PENNSYLVANIA**

Page 266, after line 5, insert the following (and re-designate the succeeding subtitle and conform the table of contents accordingly):

1       **Subtitle O—Election Integrity**  
2                                   **Commission**

3   **SEC. 1941. ESTABLISHMENT.**

4       There is established in the legislative branch the  
5 Election Integrity Commission (referred to in this Act as  
6 the “Commission”).

7   **SEC. 1942. MEMBERSHIP.**

8       (a) COMPOSITION.—

9           (1) IN GENERAL.—The Commission shall be  
10 composed of 18 members as follows:

11           (A) 3 shall be Members of the House of  
12 Representatives from the majority party of the  
13 House who represent a congressional district in  
14 a State described in paragraph (2), who shall  
15 be appointed by the Speaker of the House.

16           (B) 3 shall be Members of the House of  
17 Representatives from the minority party of the  
18 House who represent a congressional district in

1 a State described in paragraph (2), who shall  
2 be appointed by the minority leader of the  
3 House.

4 (C) 3 shall be Senators from the majority  
5 party of the Senate who represent a State de-  
6 scribed in paragraph (2), who shall be ap-  
7 pointed by the majority leader of the Senate.

8 (D) 3 shall be Senators from the minority  
9 party of the Senate who represent a State de-  
10 scribed in paragraph (2), who shall be ap-  
11 pointed by the minority leader of the Senate.

12 (E) 6 individuals who are State or local  
13 election officials, of whom—

14 (i) 3 shall be appointed jointly by the  
15 majority leader of the House and the ma-  
16 jority leader of the Senate; and

17 (ii) 3 shall be appointed jointly by the  
18 minority leader of the House and the mi-  
19 nority leader of the Senate.

20 (2) STATES DESCRIBED.—A State described in  
21 this paragraph is a State in which the winning can-  
22 didate for the office of President in the November  
23 2020 general election won by a margin of 1.5 per-  
24 centage points or less.

1 (b) CO-CHAIRS.—Two of the members of the Com-  
2 mission shall serve as Co-Chairs, of whom—

3 (1) one shall be designated jointly by the leader  
4 of the Senate (majority or minority leader, as the  
5 case may be) of the Republican Party and the leader  
6 of the House of Representatives (majority or minor-  
7 ity leader, as case may be) of the Republican Party;  
8 and

9 (2) one shall be designated jointly by the leader  
10 of the Senate (majority or minority leader, as the  
11 case may be) of the Democratic Party and the leader  
12 of the House of Representatives (majority or minor-  
13 ity leader, as case may be) of the Democratic Party.

14 (c) DATE.—The appointments of the members of the  
15 Commission shall be made not later than 90 days after  
16 the date of enactment of this Act.

17 (d) PERIOD OF APPOINTMENT; VACANCIES.—

18 (1) IN GENERAL.—Except as provided in para-  
19 graph (2), a member of the Commission shall be ap-  
20 pointed for the duration of the Commission.

21 (2) REMOVAL.—A member may be removed  
22 from the Commission at any time at the upon con-  
23 currence of both of the Co-Chairs of the Commis-  
24 sion.

1           (3) VACANCIES.—A vacancy in the Commis-  
2           sion—

3                   (A) shall not affect the powers of the Com-  
4           mission; and

5                   (B) shall be filled in the same manner as  
6           the original appointment.

7           (e) NO COMPENSATION.—The members of the Com-  
8           mission may not receive pay or benefits from the United  
9           States Government by reason of their service on the Com-  
10          mission, but may receive travel expenses, including per  
11          diem in lieu of subsistence, in accordance with applicable  
12          provisions under subchapter I of chapter 57 of title 5,  
13          United States Code.

14   **SEC. 1943. DUTIES.**

15          (a) STUDY.—

16                   (1) IN GENERAL.—The Commission shall, con-  
17           sistent with applicable law, study the integrity and  
18           administration of the general election for Federal of-  
19           fice held in November 2020 and make recommenda-  
20           tions to Congress to improve the security, integrity,  
21           and administration of Federal elections.

22                   (2) MATTERS STUDIED.—The matters studied  
23           by the Commission shall include—

1 (A) the effects of the COVID–19 pandemic  
2 on the administration of the general election for  
3 Federal office held in November 2020;

4 (B) the election practices adopted by Fed-  
5 eral, State, and local governments in response  
6 to the COVID–19 pandemic, including—

7 (i) practices that undermined the se-  
8 curity and integrity of the election; and

9 (ii) practices that strengthened the se-  
10 curity and integrity of the election;

11 (C) the laws, rules, policies, activities,  
12 strategies, and practices regarding mail-in bal-  
13 lots, absentee ballots, and vote-by-mail proce-  
14 dures, including—

15 (i) measures that undermined the se-  
16 curity and integrity of the election; and

17 (ii) measures that strengthened the  
18 security and integrity of the election;

19 (D) any laws, rules, policies, activities,  
20 strategies, and practices that were inconsistent  
21 with or in violation of established State law and  
22 resulted in irregularities in the casting of bal-  
23 lots in the election; and

24 (E) any laws, rules, policies, activities,  
25 strategies, and practices that were inconsistent

1 with or in violation of established State law and  
2 resulted in irregularities in voter registration  
3 for the election.

4 (b) REPORTS.—

5 (1) INITIAL REPORT.—Not later than 180 days  
6 after the date of the enactment of this Act, the  
7 Commission shall submit to the Election Assistance  
8 Commission and the appropriate Congressional com-  
9 mittees a report on the matters studied under sub-  
10 section (a). Such report shall include—

11 (A) precinct-by-precinct data highlighting  
12 the number and incidence of any irregularities  
13 in the casting of ballots in the election; and

14 (B) precinct-by-precinct data highlighting  
15 the number and incidence of any irregularities  
16 in voter registration for the election.

17 (2) FINAL REPORT; RECOMMENDATIONS.—

18 (A) IN GENERAL.—Not later than 1 year  
19 after the date of the enactment of this Act, the  
20 Commission shall submit to the Election Assist-  
21 ance Commission and the appropriate Congres-  
22 sional committees a final report on the matters  
23 studied under subsection (a), and shall include  
24 in such report recommendations on the fol-  
25 lowing:

1 (i) The best practices that should be  
2 adopted by at each level of local, State,  
3 and Federal Government for administering  
4 elections for Federal office—

5 (I) during the COVID–19 pan-  
6 demic; and

7 (II) during other national emer-  
8 gencies.

9 (ii) The best practices that should be  
10 adopted at each level of local, State, and  
11 Federal Government to increase the integ-  
12 rity and security of mail-in ballots, absen-  
13 tee ballots, and vote-by-mail procedures.

14 (iii) The best practices that should be  
15 adopted at each level of local, State, and  
16 Federal Government to prevent irregular-  
17 ities in the casting of ballots.

18 (iv) The best practices that should be  
19 adopted at each level of local, State, and  
20 Federal Government to prevent irregular-  
21 ities in voter registration.

22 (B) MINORITY VIEWS.—In the case of any  
23 recommendation with respect to which one-third  
24 or more of the Committee does not concur, the

1 report shall include a justification for why such  
2 members do not concur.

3 (3) APPROPRIATE CONGRESSIONAL COMMIT-  
4 TEES.—For purposes of this subsection, the term  
5 “appropriate Congressional Committees” means—

6 (A) the Committee on Rules and Adminis-  
7 tration of the Senate;

8 (B) the Committee on the Judiciary of the  
9 Senate;

10 (C) the Committee on House Administra-  
11 tion of the House of Representatives; and

12 (D) the Committee on the Judiciary of the  
13 House of Representatives.

14 **SEC. 1944. POWERS.**

15 (a) HEARINGS AND SESSIONS.—The Commission  
16 may, for the purpose of carrying out this Act, hold hear-  
17 ings, sit and act at times and places, take testimony, and  
18 receive evidence as the Commission considers appropriate.  
19 The Commission may administer oaths or affirmations to  
20 witnesses appearing before it.

21 (b) POWERS OF MEMBERS AND AGENTS.—Any mem-  
22 ber or agent of the Commission may, if authorized by the  
23 Commission, take any action which the Commission is au-  
24 thorized to take by this section.



1           (c) OBTAINING OFFICIAL DATA.—The Commission  
2 may secure directly from any department or agency of the  
3 United States information necessary to enable it to carry  
4 out this Act. Upon request of the chair or the staff direc-  
5 tor of the Commission, the chair of any subcommittee cre-  
6 ated by a majority of the Commission, or any member des-  
7 igned by a majority of the Commission, the head of that  
8 department or agency shall furnish that information to the  
9 Commission.

10          (d) GIFTS, BEQUESTS, AND DEVICES.—The Commis-  
11 sion may accept, use, and dispose of gifts, bequests, or  
12 devises of services or property, both real and personal, for  
13 the purpose of aiding or facilitating the work of the Com-  
14 mission.

15          (e) MAILS.—The Commission may use the United  
16 States mails in the same manner and under the same con-  
17 ditions as other departments and agencies of the United  
18 States.

19          (f) ADMINISTRATIVE SUPPORT SERVICES.—Upon the  
20 request of the Commission, the Architect of the Capitol  
21 shall provide to the Commission, on a reimbursable basis,  
22 the administrative support services necessary for the Com-  
23 mission to carry out its responsibilities under this Act.

24          (g) SUBPOENA POWER.—

1           (1) IN GENERAL.—The Commission may issue  
2 subpoenas requiring the attendance and testimony of  
3 witnesses and the production of any evidence relat-  
4 ing to any matter which the Commission is empow-  
5 ered to investigate under this Act. The attendance of  
6 witnesses and the production of evidence may be re-  
7 quired from any place within the United States at  
8 any designated place of hearing within the United  
9 States.

10           (2) FAILURE TO OBEY A SUBPOENA.—If a per-  
11 son refuses to obey a subpoena issued under para-  
12 graph (1), the Commission may apply to a United  
13 States district court for an order requiring that per-  
14 son to appear before the Commission to give testi-  
15 mony, produce evidence, or both, relating to the  
16 matter under investigation. The application may be  
17 made within the judicial district where the hearing  
18 is conducted or where that person is found, resides,  
19 or transacts business. Any failure to obey the order  
20 of the court may be punished by the court as civil  
21 contempt.

22           (3) SERVICE OF SUBPOENAS.—The subpoenas  
23 of the Commission shall be served in the manner  
24 provided for subpoenas issued by a United States

1 district court under the Federal Rules of Civil Pro-  
2 cedure for the United States district courts.

3 (4) SERVICE OF PROCESS.—All process of any  
4 court to which application is made under paragraph  
5 (2) may be served in the judicial district in which  
6 the person required to be served resides or may be  
7 found.

8 (h) CONTRACT AUTHORITY.—The Commission may  
9 contract with and compensate government and private  
10 agencies or persons to enable the Commission to discharge  
11 its duties under this Act.

12 **SEC. 1945. PERSONNEL MATTERS.**

13 (a) STAFF.—The Co-Chairs of the Commission may  
14 appoint and fix the compensation of such staff as may be  
15 appropriate to enable the Commission to carry out its du-  
16 ties, without regard to chapter 51 and subchapter III of  
17 chapter 53 of title 5, United States Code, relating to clas-  
18 sification of positions and General Schedule pay rates, ex-  
19 cept that the rate of pay for the staff may not exceed the  
20 rate payable for level V of the Executive Schedule under  
21 section 5316 of that title.

22 (b) STAFF OF FEDERAL AGENCIES.—Upon request  
23 of the Commission, the head of any Federal department  
24 or agency may detail, on a nonreimbursable basis, any of  
25 the personnel of that department or agency to the Com-

1 mission to assist it in carrying out its duties under this  
2 Act.

3 (c) EXPERTS AND CONSULTANTS.—The Commission  
4 is authorized to procure temporary and intermittent serv-  
5 ices under section 3109 of title 5, United States Code,  
6 but at rates for individuals not to exceed the daily equiva-  
7 lent of the maximum annual rate of basic pay under level  
8 IV of the Executive Schedule under section 5315 of title  
9 5, United States Code.

10 (d) USE OF EXISTING STAFF.—Notwithstanding the  
11 previous provisions of this section, to the greatest extent  
12 practicable and consistent with applicable laws, rules, and  
13 regulations, the Commission is encouraged to carry out  
14 its functions utilizing the services of existing staff of of-  
15 fices of the legislative branch.

16 **SEC. 1946. AUTHORIZATION OF APPROPRIATIONS.**

17 (a) AUTHORIZATION.—There are authorized to be ap-  
18 propriated \$1,000,000 to carry out this Act, of which—

19 (1) 50 percent shall be derived from the appli-  
20 cable accounts of the House of Representatives; and

21 (2) 50 percent shall be derived from the contin-  
22 gent fund of the Senate.

23 (b) CONTINUING AVAILABILITY OF FUNDS.—Funds  
24 appropriated pursuant to the authorization under this sec-  
25 tion shall remain available until expended.

1 **SEC. 1947. TERMINATION; NONAPPLICABILITY OF FEDERAL**  
2 **ADVISORY COMMITTEE ACT.**

3 (a) **TERMINATION.**—The Commission shall terminate  
4 30 days after the date on which it submits the final report  
5 required under section 3(b)(2).

6 (b) **NONAPPLICABILITY OF FACA.**—The Federal Ad-  
7 visory Committee Act (5 U.S.C. App.) shall not apply to  
8 the Commission.

Page 266, line 7, strike “**SEC. 1941**” and insert  
“**SEC. 1951**” (and conform the table of content accord-  
ingly).

