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(Original Signature of Member)

114TH CONGRESS
2D SESSION

H. R.

To establish the National Commission on Foreign Interference in the 2016 Election.

IN THE HOUSE OF REPRESENTATIVES

Mr. SWALWELL of California introduced the following bill; which was referred to the Committee on _____

A BILL

To establish the National Commission on Foreign Interference in the 2016 Election.

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 “Protecting Our Democ-
5 racy Act”.

6 **SEC. 2. ESTABLISHMENT.**

7 There is established in the legislative branch the Na-
8 tional Commission on Foreign Interference in the 2016
9 Election (in this Act referred to as the “Commission”).

1 **SEC. 3. PURPOSES.**

2 (a) ACTIVITIES OF RUSSIAN GOVERNMENT.—The
3 purpose of the Commission is to examine any attempts
4 or activities by the Russian government, persons or enti-
5 ties associated with the Russian government, or persons
6 or entities within Russia to use electronic means to influ-
7 ence, interfere with, or sow distrust in elections for public
8 office held in the United States in 2016, including the fol-
9 lowing:

10 (1) Electronic hacks by the Russian govern-
11 ment, persons or entities associated with the Rus-
12 sian government, or other persons or entities within
13 Russia into—

14 (A) the electronic systems of the Demo-
15 cratic National Committee;

16 (B) the electronic systems of the Demo-
17 cratic Congressional Campaign Committee;

18 (C) the electronic systems of Mr. John Po-
19 desta, campaign chairman for Democratic presi-
20 dential nominee Hillary Clinton;

21 (D) the electronic systems of former Sec-
22 retary of State Colin Powell; and

23 (E) the electronic systems of Arizona, Illi-
24 nois, and Florida, particularly voter database
25 information.

1 (2) Efforts by the Russian government, persons
2 or entities associated with the Russian government,
3 or persons or entities within Russia to put forward,
4 disseminate, or promote false news about the cam-
5 paigns for elections for public office held in the
6 United States in 2016.

7 (3) Efforts by the Russian government to work
8 with other governments, entities, and individuals to
9 carry out activities described in paragraphs (1) and
10 (2).

11 (b) **ACTIVITIES OF OTHERS.**—In addition to the pur-
12 pose described in subsection (a), the purpose of the Com-
13 mission is to examine attempts or activities by govern-
14 ments other than the Russian government, persons associ-
15 ated with governments other than the Russian govern-
16 ment, and other entities and individuals to use electronic
17 means to influence, interfere with, or sow distrust in elec-
18 tions for public office held in the United States in 2016,
19 including activities similar to those described in para-
20 graphs (1) through (3) of subsection (a).

21 **SEC. 4. COMPOSITION AND COMPENSATION OF COMMIS-**
22 **SION.**

23 (a) **MEMBERS.**—The Commission shall be composed
24 of 12 members, of whom—

1 (1) 3 shall be appointed by Speaker of the
2 House of Representatives and 3 shall be appointed
3 by the Majority Leader of the Senate; and

4 (2) 3 shall be appointed by the Minority Leader
5 of the House of Representatives and 3 shall be ap-
6 pointed by the Minority Leader of the Senate.

7 (b) CHAIR AND VICE CHAIR.—The Commission, by
8 majority vote, shall choose a Chair and Vice Chair, of
9 whom—

10 (1) one shall be a member appointed under
11 paragraph (1); and

12 (2) one shall be a member appointed under
13 paragraph (2).

14 (c) QUALIFICATIONS.—

15 (1) NONGOVERNMENTAL APPOINTEES.—An in-
16 dividual appointed to the Commission may not be an
17 officer or employee of the Federal Government, any
18 State, or any local government.

19 (2) OTHER QUALIFICATIONS.—It is the sense of
20 Congress that individuals appointed to the Commis-
21 sion should be prominent United States citizens,
22 with national recognition and significant depth of ex-
23 perience in such professions as governmental service,
24 law enforcement, the armed services, law, public ad-

1 ministration, intelligence gathering, foreign affairs,
2 cybersecurity, and Federal elections.

3 (3) DEADLINE FOR APPOINTMENT.—All mem-
4 bers of the Commission shall be appointed not later
5 than 90 days after the date of the enactment of this
6 Act.

7 (4) VACANCIES.—Any vacancy in the Commis-
8 sion shall not affect its powers, but shall be filled in
9 the same manner in which the original appointment
10 was made.

11 (5) COMPENSATION.—

12 (A) IN GENERAL.—Each member of the
13 Commission may be compensated at not to ex-
14 ceed the daily equivalent of the annual rate of
15 basic pay in effect for a position at level IV of
16 the Executive Schedule under section 5315 of
17 title 5, United States Code, for each day during
18 which that member is engaged in the actual
19 performance of the duties of the Commission.

20 (B) TRAVEL EXPENSES.—While away from
21 their homes or regular places of business in the
22 performance of services for the Commission,
23 members of the Commission shall be allowed
24 travel expenses, including per diem in lieu of
25 subsistence, in the same manner as persons em-

1 employed intermittently in the Government service
2 are allowed expenses under section 5703(b) of
3 title 5, United States Code.

4 **SEC. 5. PROCEDURES OF COMMISSION.**

5 (a) INITIAL MEETING.—The Commission shall meet
6 and begin the operations of the Commission as soon as
7 practicable. After its initial meeting, the Commission shall
8 meet upon the call of the chairman or a majority of its
9 members.

10 (b) QUORUM.—

11 (1) IN GENERAL.—Except as provided in para-
12 graph (2), a majority of the members of the Com-
13 mission shall constitute a quorum.

14 (2) ALTERNATIVE QUORUM FOR TAKING TESTI-
15 MONY.—For purposes of taking testimony of wit-
16 nesses, 2 members of the Commission may con-
17 stitute a quorum, so long as at least one of the
18 members is a member appointed under paragraph
19 (1) of section 4(a) and at least one of the members
20 is a member appointed under paragraph (2) of sec-
21 tion 4(a).

22 (c) VOTING.—No proxy voting shall be allowed on be-
23 half of a member of the Commission.

24 (d) RULES OF PROCEDURE.—

1 (1) IN GENERAL.—The Commission shall estab-
2 lish rules for the conduct of the Commission’s busi-
3 ness, if such rules are not inconsistent with this Act
4 or other applicable law.

5 (2) ADOPTION AT INITIAL MEETING.—At its
6 initial meeting, the Commission shall adopt the rules
7 established under paragraph (1).

8 **SEC. 6. FUNCTIONS OF COMMISSION.**

9 (a) IN GENERAL.—The duties of the Commission are
10 as follows:

11 (1) To investigate attempts or activities by the
12 Russian government, persons or entities associated
13 with the Russian government, or persons or entities
14 within Russia to use electronic means to influence,
15 interfere with, or sow distrust in elections for public
16 office held in the United States in 2016, including
17 the following:

18 (A) Electronic hacks by the Russian gov-
19 ernment, persons or entities associated with the
20 Russian government, or other persons or enti-
21 ties within Russia into—

22 (i) the electronic systems of the
23 Democratic National Committee;

1 (ii) the electronic systems of the
2 Democratic Congressional Campaign Com-
3 mittee;

4 (iii) the electronic systems of Mr.
5 John Podesta, campaign chairman for
6 Democratic presidential nominee Hillary
7 Clinton;

8 (iv) the electronic systems of former
9 Secretary of State Colin Powell; and

10 (v) the electronic systems of Arizona,
11 Illinois, and Florida, particularly voter
12 database information.

13 (B) Efforts by the Russian government,
14 persons or entities associated with the Russian
15 government, or persons or entities within Rus-
16 sia to put forward, disseminate, or promote
17 false news about the campaigns for elections for
18 public office held in the United States in 2016.

19 (C) Efforts by the Russian government to
20 work with other governments, entities, and indi-
21 viduals to carry out activities described in sub-
22 paragraphs (A) and (B).

23 (2) To investigate attempts or activities by gov-
24 ernments other than the Russian government, per-
25 sons or entities associated with governments other

1 than the Russian government, and other entities and
2 individuals to use electronic means to influence,
3 interfere with, or sow distrust in elections for public
4 office held in the United States in 2016, including
5 activities similar to those described in subparagraphs
6 (A) through (C) of paragraph (1).

7 (3) To identify, review, and evaluate the lessons
8 learned from the attempts, activities, and efforts de-
9 scribed in paragraphs (1) and (2) relative to detect-
10 ing, preventing, protecting from, and responding to
11 such attempts, activities, and efforts.

12 (4) To make such recommendations as the
13 Commission considers appropriate to ensure that
14 foreign governments and persons associated with
15 foreign governments never again use electronic
16 means to influence, interfere with, or sow distrust in
17 elections for public office held in the United States.

18 (b) REPORTS TO THE PRESIDENT AND CONGRESS.—

19 (1) INTERIM REPORTS.—The Commission may
20 submit to the President and Congress interim re-
21 ports containing such findings, conclusions, and rec-
22 ommendations as have been agreed to by a majority
23 of Commission members.

24 (2) FINAL REPORT.—Not later than 18 months
25 after the date of the enactment of this Act, the

1 Commission shall submit to the President and Con-
2 gress a final report containing such findings, conclu-
3 sions, and recommendations as have been agreed to
4 by a majority of Commission members.

5 **SEC. 7. POWERS OF COMMISSION.**

6 (a) HEARINGS AND EVIDENCE.—The Commission or,
7 on the authority of the Commission, any subcommittee or
8 member thereof, may, for the purpose of carrying out this
9 Act—

10 (1) hold such hearings and sit and act at such
11 times and places, take such testimony, receive such
12 evidence, administer such oaths; and

13 (2) subject to subsection (b)(1), require, by sub-
14 poena or otherwise, the attendance and testimony of
15 such witnesses and the production of such books,
16 records, correspondence, memoranda, papers, and
17 documents, as the Commission or such designated
18 subcommittee or designated member may determine
19 advisable.

20 (b) SUBPOENAS.—

21 (1) ISSUANCE.—

22 (A) IN GENERAL.—A subpoena may be
23 issued under this subsection only—

24 (i) by the agreement of the chair and
25 vice chair; or

1 (ii) by the affirmative vote of a major-
2 ity of the members of the Commission.

3 (B) SIGNATURE.—Subject to subparagraph
4 (A)(i), subpoenas issued under this subsection
5 may be issued under the signature of the chair-
6 man or any member designated by a majority
7 of the Commission, may be served by any per-
8 son designated by the chairman or by a member
9 designated by a majority of the Commission.

10 (2) ENFORCEMENT.—

11 (A) IN GENERAL.—In the case of contu-
12 macy or failure to obey a subpoena issued
13 under paragraph (1), the United States district
14 court for the judicial district in which the sub-
15 poenaed person resides, is served, or may be
16 found, or where the subpoena is returnable,
17 may issue an order requiring such person to ap-
18 pear at any designated place to testify or to
19 produce documentary or other evidence. Any
20 failure to obey the order of the court may be
21 punished by the court as a contempt of that
22 court.

23 (B) ADDITIONAL ENFORCEMENT.—In the
24 case of any failure of any witness to comply
25 with any subpoena or to testify when sum-

1 moned under authority of this section, the Com-
2 mission may, by majority vote, certify a state-
3 ment of fact constituting such failure to the ap-
4 propriate United States attorney, who may
5 bring the matter before the grand jury for its
6 action, under the same statutory authority and
7 procedures as if the United States attorney had
8 received as certification under sections 102
9 through 104 of the Revised Statutes of the
10 United States (2 U.S.C. 192 through 194).

11 (c) CONTRACTING.—The Commission may, to such
12 extent and in such amounts as are provided in appropria-
13 tion Acts, enter into contracts to enable the Commission
14 to discharge its duties under this Act.

15 (d) INFORMATION FROM FEDERAL AGENCIES.—

16 (1) IN GENERAL.—The Commission is author-
17 ized to secure directly from any executive depart-
18 ment, bureau, agency, board, commission, office,
19 independent establishment, or instrumentality of the
20 Government, information, suggestions, estimates,
21 and statistics for the purposes of this Act. Each de-
22 partment, bureau, agency, board, commission, office,
23 independent establishment, or instrumentality shall,
24 to the extent authorized by law, furnish such infor-
25 mation, suggestions, estimates, and statistics di-

1 rectly to the Commission, upon request made by the
2 chairman, the chairman of any subcommittee cre-
3 ated by a majority of the Commission, or any mem-
4 ber designated by a majority of the Commission.

5 (2) RECEIPT, HANDLING, STORAGE, AND DIS-
6 SEMINATION.—Information shall only be received,
7 handled, stored, and disseminated by members of
8 the Commission and its staff consistent with all ap-
9 plicable statutes, regulations, and Executive orders.

10 (e) ASSISTANCE FROM FEDERAL AGENCIES.—

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

16 (2) OTHER DEPARTMENTS AND AGENCIES.—In
17 addition to the assistance prescribed in paragraph
18 (1), departments and agencies of the United States
19 may provide to the Commission such services, funds,
20 facilities, staff, and other support services as they
21 may determine advisable and as may be authorized
22 by law.

23 (f) POSTAL SERVICES.—The Commission may use
24 the United States mails in the same manner and under

1 the same conditions as departments and agencies of the
2 United States.

3 **SEC. 8. STAFF.**

4 (a) IN GENERAL.—

5 (1) APPOINTMENT AND COMPENSATION.—The
6 chairman, in accordance with rules agreed upon by
7 the Commission, may appoint and fix the compensa-
8 tion of a staff director and such other personnel as
9 may be necessary to enable the Commission to carry
10 out its functions, without regard to the provisions of
11 title 5, United States Code, governing appointments
12 in the competitive service, and without regard to the
13 provisions of chapter 51 and subchapter III of chap-
14 ter 53 of such title relating to classification and
15 General Schedule pay rates, except that no rate of
16 pay fixed under this subsection may exceed the
17 equivalent of that payable for a position at level V
18 of the Executive Schedule under section 5316 of title
19 5, United States Code.

20 (2) PERSONNEL AS FEDERAL EMPLOYEES.—

21 (A) IN GENERAL.—The staff director and
22 any personnel of the Commission who are em-
23 ployees shall be employees under section 2105
24 of title 5, United States Code, for purposes of

1 chapters 63, 81, 83, 84, 85, 87, 89, 89A, 89B,
2 and 90 of that title.

3 (B) MEMBERS OF COMMISSION.—Subpara-
4 graph (A) shall not be construed to apply to
5 members of the Commission.

6 (b) DETAILEES.—Any Federal Government employee
7 may be detailed to the Commission without reimbursement
8 from the Commission, and such detailee shall retain the
9 rights, status, and privileges of his or her regular employ-
10 ment without interruption.

11 (c) EXPERT AND CONSULTANT SERVICES.—The
12 Commission is authorized to procure the services of ex-
13 perts and consultants in accordance with section 3109 of
14 title 5, United States Code, but at rates not to exceed the
15 daily rate paid a person occupying a position at level IV
16 of the Executive Schedule under section 5315 of title 5,
17 United States Code.

18 **SEC. 9. PUBLIC MEETINGS; PUBLIC VERSIONS OF REPORTS.**

19 (a) REQUIRING PUBLIC MEETINGS AND RELEASE OF
20 PUBLIC VERSIONS OF REPORTS.—The Commission
21 shall—

22 (1) hold public hearings and meetings to the ex-
23 tent appropriate; and

24 (2) release public versions of the reports re-
25 quired under section 6(b).

1 (b) PUBLIC HEARINGS.—Any public hearings of the
2 Commission shall be conducted in a manner consistent
3 with the protection of information provided to or developed
4 for or by the Commission as required by any applicable
5 statute, regulation, or Executive order.

6 **SEC. 10. SECURITY CLEARANCES FOR COMMISSION MEM-**
7 **BERS AND STAFF.**

8 The appropriate Federal agencies or departments
9 shall cooperate with the Commission in expeditiously pro-
10 viding to the Commission members and staff appropriate
11 security clearances to the extent possible pursuant to ex-
12 isting procedures and requirements, except that no person
13 shall be provided with access to classified information
14 under this Act without the appropriate security clearances.

15 **SEC. 11. TERMINATION.**

16 (a) IN GENERAL.—The Commission, and all the au-
17 thorities of this Act, shall terminate 60 days after the date
18 on which the final report is submitted under section
19 6(b)(2).

20 (b) ADMINISTRATIVE ACTIVITIES BEFORE TERMI-
21 NATION.—The Commission may use the 60-day period re-
22 ferred to in subsection (a) for the purpose of concluding
23 its activities, including providing testimony to committees
24 of Congress concerning its reports, and disseminating the
25 final report.

1 **SEC. 12. FUNDING.**

2 (a) **AUTHORIZATION OF APPROPRIATIONS.**—There is
3 authorized to be appropriated \$3,000,000 to carry out this
4 Act.

5 (b) **DURATION OF AVAILABILITY.**—Amounts made
6 available to the Commission under subsection (a) shall re-
7 main available until the termination of the Commission.

8 **SEC. 13. DEFINITION.**

9 In this Act, the term “electronic systems” means
10 computers, servers, and electronic communications.