SEC. 203. TESTING OF EXISTING VOTING SYSTEMS TO ENSURE COMPLIANCE WITH ELECTION CYBERSECURITY GUIDELINES AND OTHER GUIDELINES.

(a) REQUIRING TESTING OF EXISTING VOTING SYSTEMS.—

(1) IN GENERAL.—Section 231(a) of the Help America Vote Act of 2002 (52 U.S.C. 20971(a)) is amended by adding at the end the following new paragraph:

''(3) TESTING TO ENSURE COMPLIANCE WITH GUIDELINES.—

''(A) TESTING.—Not later than 9 months before the date of each regularly scheduled general election for Federal office, the Commission shall provide for the testing by accredited laboratories under this section of the voting system hardware and software which was certified for use in the most recent such election, on the basis of the most recent voting system guidelines 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 subparagraph (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 hardware or software.''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply with respect to elections for Federal office held in 2021 or any subsequent year.

(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 GUIDELINES.—Not later than 6 months after the date of the enactment of the Securing America's Federal Elections Act, the Development Committee shall issue election cybersecurity guidelines, including standards and best practices for procuring, maintaining, testing, operating, and updating election systems to prevent and deter cybersecurity incidents.''.

SEC. 204. REQUIRING USE OF SOFTWARE AND HARDWARE FOR WHICH INFORMATION IS DISCLOSED BY MANUFACTURER.

(a) REQUIREMENT.—Section 301(a) of the Help America Vote Act of 2002 (52 U.S.C. 21081(a)), as amended by sections 104, 105, 202(a), 202(b), and 202(c), is amended by adding at the end the following new paragraph:

''(13) REQUIRING USE OF SOFTWARE AND HARDWARE FOR WHICH INFORMATION IS DISCLOSED BY MANUFACTURER.—

''(A) REQUIRING USE OF SOFTWARE FOR WHICH SOURCE CODE IS DISCLOSED BY MANUFACTURER.—

''(i) IN GENERAL.—In the operation of voting systems in an election for Federal office, a State may only use software for which the manufacturer makes the source code (in the form in which will be used at the time of the election) publicly available online under a license that grants a worldwide, royalty-free, non-exclusive, perpetual, sub-licensable license to all intellectual property rights in such source code, except that the manufacturer may prohibit a person who obtains the software from using the software in a manner that is primarily intended for or directed toward commercial advantage or private monetary compensation that is unrelated to carrying out legitimate research or cybersecurity activity.

''(ii) EXCEPTIONS.—Clause (i) does not apply with respect to—

''(I) widely used operating system software which is not specific to voting systems and for which the source code or baseline functionality is not altered; or

''(II) widely used cybersecurity software which is not specific to voting systems and for which the source code or baseline functionality is not altered.

''(B) REQUIRING USE OF HARDWARE FOR WHICH INFORMATION IS DISCLOSED BY MANUFACTURER.—

''(i) REQUIRING DISCLOSURE OF HARDWARE.—A State may not use a voting system in an election for Federal office unless the manufacturer of the system publicly discloses online the identification of the hardware used to operate the system.

''(ii) ADDITIONAL DISCLOSURE REQUIREMENTS FOR CUSTOM OR ALTERED HARDWARE.—To the extent that the hardware used to operate a voting system or any component thereof is not widely used, or is widely used but is altered, the State may not use the system in an election for Federal office unless—

''(I) the manufacturer of the system publicly discloses online the components of the hardware, the design of such components, and how such components are connected in the operation of the system; and

''(II) the manufacturer makes the design (in the form which will be used at the time of the election) publicly available online under a license that grants a worldwide, royalty-free, non-exclusive, perpetual, sub-licensable license to all intellectual property rights in the design of the hardware or the component, except that the manufacturer may prohibit a person who obtains the design from using the design in a manner that is primarily intended for or directed toward commercial advantage or private monetary compensation that is unrelated to carrying out legitimate research or cybersecurity activity.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to elections for Federal office held in 2021 or any succeeding year.

SEC. 205. TREATMENT OF ELECTRONIC POLL BOOKS AS PART OF VOTING SYSTEMS.

(a) INCLUSION IN DEFINITION OF VOTING SYSTEM.—Section 301(b) of the Help America Vote Act of 2002 (52 U.S.C. 21081(b)) is amended—

(1) in the matter preceding paragraph (1), by striking ''this section'' and inserting ''this Act'';

(2) by striking ''and'' at the end of paragraph (1);

(3) by redesignating paragraph (2) as paragraph (3); and

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

''(2) any electronic poll book used with respect to the election; and''.

(b) DEFINITION.—Section 301 of such Act (52 U.S.C. 21081) is amended—

(1) by redesignating subsections (c) and (d) as subsections (d) and (e); and

(2) by inserting after subsection (b) the following new subsection:

''(c) ELECTRONIC POLL BOOK DEFINED.—In this Act, the term 'electronic poll book' means the total combination of mechanical, electromechanical, or electronic equipment (including the software, firmware, and documentation required to program, control, and support the equipment) that is used—

''(1) to retain the list of registered voters at a polling location, or vote center, or other location at which voters cast votes in an election for Federal office; and

''(2) to identify registered voters who are eligible to vote in an election.''.

(c) EFFECTIVE DATE.—Section 301(e) of such Act (52 U.S.C. 21081(e)), as amended by section 107 and as redesignated by subsection (b), is amended—

(1) in paragraph (1), by striking ''paragraph (2)'' and inserting ''paragraphs (2) and (3)''; and

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

''(3) SPECIAL RULE FOR ELECTRONIC POLL BOOKS.—In the case of the requirements of subsection (c) (relating to electronic poll books), each State and jurisdiction shall be required to comply with such requirements on or after January 1, 2021.''.

SEC. 206. PRE-ELECTION REPORTS ON VOTING SYSTEM USAGE.

(a) REQUIRING STATES TO SUBMIT REPORTS.—Title III of the Help America Vote Act of 2002 (52 U.S.C. 21081 et seq.), as amended by section 103(c), is amended by inserting after section 301A the following new section:

''SEC. 301B. PRE-ELECTION REPORTS ON VOTING SYSTEM USAGE.

''(a) REQUIRING STATES TO SUBMIT REPORTS.—Not later than 120 days before the date of each regularly scheduled general election for Federal office, the chief State election official of a State shall submit a report to the Commission containing a detailed voting system usage plan for each jurisdiction in the State which will administer the election, including a detailed plan for the usage of electronic poll books and other equipment and components of such system.

''(b) EFFECTIVE DATE.—Subsection (a) shall apply with respect to the regularly scheduled general election for Federal office held in November 2022 and each succeeding regularly scheduled general election for Federal office.''.

(b) CLERICAL AMENDMENT.—The table of contents of such Act, as amended by section 103(c), is amended by inserting after the item relating to section 301A the following new item:

''Sec. 301B. Pre-election reports on voting system usage.''.

SEC. 207. STREAMLINING COLLECTION OF ELECTION INFORMATION.

Section 202 of the Help America Vote Act of 2002 (52 U.S.C. 20922) is amended—

(1) by striking ''The Commission'' and inserting ''(a) IN GENERAL.—The Commission''; and

(2) by adding at the end the following new subsection:

''(b) WAIVER OF CERTAIN REQUIREMENTS.—Subchapter I of chapter 35 of title 44, United States Code, shall not apply to the collection of information for purposes of maintaining the clearinghouse described in paragraph (1) of subsection (a).''.

TITLE III—USE OF VOTING MACHINES MANUFACTURED IN THE UNITED STATES

SEC. 301. USE OF VOTING MACHINES MANUFACTURED IN THE UNITED STATES.

Section 301(a) of the Help America Vote Act of 2002 (52 U.S.C. 21081(a)), as amended by sections 104, 105, 202(a), 202(b), 202(c), and 204(a), is further amended by adding at the end the following new paragraph:

''(14) VOTING MACHINE REQUIREMENTS.—Each State shall seek to ensure that any voting machine used in an election for Federal office held in 2021 or any subsequent year is manufactured in the United States.''.

TITLE IV—SEVERABILITY

SEC. 401. SEVERABILITY.

If any provision of this division or amendment made by this division, or the application of a provision or amendment to any person or circumstance, is held to be unconstitutional, the remainder of this division and amendments made by this division, and the application of the provisions and amendment to any person or circumstance, shall not be affected by the holding.

SA 1946. Ms. KLOBUCHAR submitted an amendment intended to be proposed

by her to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. WAIVER OF MATCHING REQUIREMENT.

The last proviso under the heading ''Election Assistance Commission, Election Security Grants'' in the Financial Services and General Government Appropriations Act, 2020 (Public Law 116–93; 133 Stat. 2461) shall not apply with respect to any payment made to a State using funds appropriated or otherwise made available to the Election Assistance Commission under the Coronavirus Aid, Relief, and Economic Security Act (Public Law 116–136).

SA 1947. Ms. KLOBUCHAR (for herself, Ms. WARREN, and Mr. BENNET) submitted an amendment intended to be proposed by her to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of part I of subtitle G of title V, add the following:

SEC. _____. PROMOTION OF DIGITAL AND MEDIA LITERACY TO COMBAT FOREIGN INFLUENCE CAMPAIGNS.

(a) FINDINGS.—Congress finds the following:

(1) People in the United States rely on information from mass media, social media, and digital media to make decisions about all aspects of social, economic, and political life, including products and services consumption, employment, career and professional development, family and leisure choices, health and wellness, and democratic engagement. Ensuring that people in the United States possess the skills to make these informed decisions based on media begins early in life.

(2) Adversaries from Russia, China, and Iran are using information warfare to influence democracies across the world, and terrorist organizations often use digital communications to recruit members. The Unites States can fight these influences by ensuring that citizens of the United States possess the necessary skills to discern disinformation and misinformation and think critically about their digital activities.

(3) Influence campaigns by foreign adversaries reached tens of millions of voters during the 2016 and 2018 elections with racially and divisively targeted messages. The Select Committee on Intelligence of the Senate found in its investigation of the interference in the 2016 election that social media posts by Russia's Internet Research Agency (IRA) reached tens of millions of voters in 2016 and were meant to pit people of the United States against one another and sow discord. The preservation of elections free of foreign influence is of utmost importance, and therefore Congress must take steps to counter influence campaigns with digital and media literacy.

(4) Researchers have documented persistent, pervasive, and coordinated online targeting of members of the Armed Forces, veterans, and their families by foreign adversaries seeking to undermine the democracy of the United States. Veterans and the social-media followers of several congressionally chartered veterans service organizations were specifically targeted by the Internet Research Agency with at least 113 advertisement during and after the 2016 election. This represents a fraction of the Russian activity that targeted this community with divisive propaganda.

(5) The Cyberspace Solarium Commission, a bicameral and bipartisan commission, established in the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115-232), concluded in its finished report that the ''U.S. government should promote digital literacy, civics education, and public awareness to build societal resilience to foreign, malign cyber-enabled information operations and that the U.S. government must ensure that individual Americans have both the digital literacy tools and the civics education they need to secure their networks and their democracy from cyber-enabled information operations.'' The report recommended that Congress authorize a grant program ''to study how best to improve digital citizenship and to incorporate effective digital literacy curricula in American classrooms at the K-12 level and beyond''.

(6) In addition to bolstering national security by building societal resistance to foreign influence campaigns, digital and media literacy education is critical to allow young people to make informed decisions about products and services, education, health and wellness, and democratic decisions associated with public policy. Digital and media literacy education must be inclusive and accessible for all students, including students with disabilities. Digital and media literacy empowers young people and gives them the agency to make informed decisions about their future, advertisements, the use of controlled substances, nutrition, and physical health. Equipping students with the skills to make informed decisions in these areas contributes to the betterment of mental health and public health.

(7) A successful and inclusive digital and media literacy program must be directed at students beginning in kindergarten and should continue throughout the completion of postsecondary education. Learning to critically analyze and create digital content and media is a lifelong process that can be developed by integrating media literacy competencies into academic curriculum across content areas and disciplines.

(8) Digital and media literacy also allows young people to develop the critical thinking skills that will help them become informed voters. The right to vote is a fundamental right afforded to United States citizens by the Constitution. The unimpeded free exercise of this right is essential to the functioning of our democracy. The process to protect our democracy begins with educating young people in the United States to ensure that the young people possess the skills to engage in civic activities, engage with communities, and eventually become informed voters.

(b) SENSE CONGRESS.—It is the sense of Congress that, given the threat foreign influence campaigns pose for American democracy and the recommendations of the Cyberspace Solarium Commission, Congress must immediately act to pass legislative measures to increase digital and media literacy among Americans.

(c) DIGITAL AND MEDIA LITERACY EDUCATION GRANT PROGRAM.—

(1) DEFINITIONS.—In this subsection:

(A) ESEA DEFINITIONS.—The terms ''child with a disability'', ''local educational agency'', ''State educational agency'', ''specialized instructional support personnel'', and ''universal design for learning'' have the meanings given those terms in section 8101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(B) ELIGIBLE ENTITY.—The term ''eligible entity'' means—

(i) a State educational agency; or

(ii) a local educational agency.

(C) DIGITAL CITIZENSHIP.—The term ''digital citizenship'' means the ability to—

(i) safely, responsibly, and ethically use communication technologies and digital information technology tools and platforms;

(ii) create and share media content using principles of social and civic responsibility and with awareness of the legal and ethical issues involved; and

(iii) participate in the political, economic, social, and cultural aspects of life related to technology, communications, and the digital world by consuming and creating digital content, including media.

(D) DIRECTOR.—The term ''Director'' means the Director of the Digital and Media Literacy Education Grant Program who shall be appointed by the Secretary of Defense.

(E) MEDIA LITERACY.—The term ''media literacy'' means the ability to—

(i) access relevant and accurate information through media in a variety of forms;

(ii) critically analyze media content and the influences of different forms of media;

(iii) evaluate the comprehensiveness, relevance, credibility, authority, and accuracy of information;

(iv) make educated decisions based on information obtained from media and digital sources;

(v) operate various forms of technology and digital tools; and

(vi) reflect on how the use of media and technology may affect private and public life.

(2) ESTABLISHMENT.—

(A) IN GENERAL.—The Director shall establish a program to promote digital and media literacy, through which the Director shall award grants to eligible entities to enable those eligible entities to carry out the activities described in paragraph (4).

(B) DESIGNATION.—The program established under subparagraph (A) shall be known as the ''Digital and Media Literacy Education Grant Program''.

(3) APPLICATION.—An eligible entity that desires a grant under this subsection shall submit an application to the Director at such time and in such manner as the Director may require, including, at a minimum—

(A) a description of the activities the eligible entity intends to carry out with the grant funds;

(B) an estimate of the costs associated with such activities; and

(C) such other information and assurances as the Director may require.

(4) USE OF FUNDS.—

(A) STATE EDUCATIONAL AGENCIES.—

(i) IN GENERAL.—An eligible entity that is a State educational agency receiving a grant under this subsection shall use grant funds to carry out one or more of the following activities:

(I) Creating and supporting a media literacy advisory council to—

(aa) provide recommendations about digital citizenship and media literacy guidelines;

(bb) identify barriers and opportunities for implementing media literacy in kindergarten through grade 12 in public schools in the State for all students, including students who are children with disabilities;