

118TH CONGRESS
1ST SESSION

S. 1398

To prohibit agencies of the government from soliciting or entering into agreements with nongovernmental organizations to conduct voter registration or voter mobilization activities on the property or website of the agency or from using Federal funds to carry out activities directed under Executive Order 14019, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 2, 2023

Mr. BUDD (for himself, Mr. LEE, Mr. BRAUN, Mr. HAGERTY, Mrs. FISCHER, Mr. MARSHALL, and Mrs. BLACKBURN) introduced the following bill; which was read twice and referred to the Committee on Rules and Administration

A BILL

To prohibit agencies of the government from soliciting or entering into agreements with nongovernmental organizations to conduct voter registration or voter mobilization activities on the property or website of the agency or from using Federal funds to carry out activities directed under Executive Order 14019, and for other purposes.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Promoting Free and
5 Fair Elections Act”.

1 **SEC. 2. PROHIBITING PROMOTION OF VOTER REGISTRA-**
2 **TION BY AGENCIES.**

3 (a) AGREEMENTS WITH NONGOVERNMENTAL ORGA-
4 NIZATIONS.—None of the funds made available for the sal-
5 aries and expenses of an agency may be used to solicit
6 or enter into an agreement with a nongovernmental orga-
7 nization to conduct voter registration or voter mobilization
8 activities, including registering voters or providing any
9 person with voter registration materials, absentee or vote-
10 by-mail ballot applications, voting instructions, or can-
11 didate-related information, on the property or website of
12 the agency.

13 (b) ACTIVITIES UNDER EXECUTIVE ORDER 14019.—

14 (1) DELAY IN IMPLEMENTATION.—

15 (A) DELAY.—Except as provided in sub-
16 paragraph (B), none of the funds made avail-
17 able for the salaries and expenses of an agency
18 may be used to implement activities directed
19 under Executive Order 14019 (86 Fed. Reg.
20 13623) until—

21 (i) in the case of an agency that is re-
22 quired to submit a report to the appro-
23 priate congressional committees under
24 paragraph (2)(A), 180 days after the agen-
25 cy submits the report; or

1 (ii) in the case of an agency that is
2 required to submit a report to the appro-
3 priate congressional committees under
4 paragraph (2)(B), the date on which the
5 agency submits the report.

6 (B) EXCEPTION.—Subparagraph (A) shall
7 not apply to any activity described in section
8 7(c) of the National Voter Registration Act of
9 1993 (52 U.S.C. 20506(c)).

10 (2) REPORT.—Not later than 30 days after the
11 date of enactment of this Act, the head of each
12 agency shall submit to the appropriate congressional
13 committees—

14 (A) a copy of the strategic plan of the
15 agency for promoting voter registration and
16 voter participation under section 3(b) of Execu-
17 tive Order 14019 (86 Fed. Reg. 13623) that
18 the agency developed or submitted to the As-
19 sistant to the President for Domestic Policy; or

20 (B) if the agency did not develop or submit
21 a plan described in subparagraph (A) to the As-
22 sistant to the President for Domestic Policy, a
23 certification signed by the head of the agency
24 that the agency did not develop or submit such
25 a plan.

1 (c) EFFECTIVE DATE.—Except as provided in sub-
 2 section (b)(2), this section shall apply with respect to fiscal
 3 year 2023 and each succeeding fiscal year.

4 **SEC. 3. ADDITIONAL REPORT ON VOTER REGISTRATION**
 5 **AND MOBILIZATION.**

6 Not later than 30 days after the date of enactment
 7 of this Act, the head of each agency shall submit to the
 8 appropriate congressional committees a report describing
 9 the activities carried out by the agency pursuant to sec-
 10 tions 3 and 4 of Executive Order 14019 (86 Fed. Reg.
 11 13623).

12 **SEC. 4. PROHIBITING VOTER REGISTRATION AND MOBILI-**
 13 **ZATION IN FEDERAL WORK-STUDY PRO-**
 14 **GRAMS.**

15 Section 443(b)(1) of the Higher Education Act of
 16 1965 (20 U.S.C. 1087–53(b)(1)) is amended—

- 17 (1) in subparagraph (C), by striking “and”;
 18 (2) by redesignating subparagraph (D) as sub-
 19 paragraph (E); and
 20 (3) by inserting after subparagraph (C) the fol-
 21 lowing:

22 “(D) does not involve registering or mobi-
 23 lizing voters on or off the campus of the institu-
 24 tion; and”.

1 **SEC. 5. DEFINITIONS.**

2 In this Act:

3 (1) AGENCY.—The term “agency” has the
4 meaning given the term in section 3502(1) of title
5 44, United States Code, except that for purposes of
6 section 2(b) of this Act such term does not include
7 an independent regulatory agency as defined in sec-
8 tion 3502(5) of title 44, United States Code.

9 (2) APPROPRIATE CONGRESSIONAL COMMIT-
10 TEES.—The term “appropriate congressional com-
11 mittees” means—

12 (A) the Committee on Rules and Adminis-
13 tration of the Senate;

14 (B) the Committee on Judiciary of the
15 Senate;

16 (C) the Committee on House Administra-
17 tion of the House of Representatives; and

18 (D) the Committee on Judiciary of the
19 House of Representatives.

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