

116TH CONGRESS  
1ST SESSION

**S.** \_\_\_\_\_

To amend the Federal Election Campaign Act of 1971 to allow certain expenditures for cybersecurity-related services or assistance.

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IN THE SENATE OF THE UNITED STATES

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Mr. WYDEN introduced the following bill; which was read twice and referred to the Committee on \_\_\_\_\_

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## **A BILL**

To amend the Federal Election Campaign Act of 1971 to allow certain expenditures for cybersecurity-related services or assistance.

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 “Federal Campaign Cy-  
5 bersecurity Assistance Act of 2019”.

6 **SEC. 2. FINDINGS.**

7 Congress makes the following findings:

8 (1) The intelligence community has confirmed  
9 that the Russian government meddled in our elec-  
10 tions.

1           (2) Candidates for Federal office from both  
2 major political parties have been targeted by sophis-  
3 ticated cyber-attacks.

4           (3) There is a compelling governmental interest  
5 in preventing foreign influence over the United  
6 States political process, and that this includes pro-  
7 tecting the political process, the parties, and indi-  
8 vidual campaigns from cyber-attacks.

9 **SEC. 3. ALLOWING CERTAIN EXPENDITURES FOR CYBERSE-**  
10 **CURITY-RELATED SERVICES OR ASSISTANCE.**

11 (a) USE OF BUILDING FUNDS.—

12           (1) IN GENERAL.—Subsection (a)(9)(B) of sec-  
13 tion 315 of the Federal Election Campaign Act of  
14 1971 (52 U.S.C. 30116) is amended—

15                   (A) by inserting “(i)” after “(B)”;

16                   (B) in clause (i), as added by subpara-  
17 graph (A), by adding at the end the following  
18 new sentence: “Notwithstanding the preceding  
19 sentence, such account may also be used to de-  
20 fray the expenses incurred for secure informa-  
21 tion communications technology or cybersecu-  
22 rity products or services for the national com-  
23 mittee, a State party, or for a candidate or his  
24 or her authorized committee, regardless of  
25 whether the expense otherwise relates to the

1 construction, purchase, renovation, operation,  
2 and furnishing of one or more headquarters  
3 buildings of the party.”; and

4 (C) by adding at the end the following new  
5 clauses:

6 “(ii) For purposes of this subparagraph,  
7 the term ‘secure information communications  
8 technology’ means a commercial-off-the-shelf  
9 computing device which has been configured to  
10 restrict unauthorized access and uses publically-  
11 available baseline configurations.

12 “(iii) For purposes of this subparagraph,  
13 the term ‘cybersecurity product or service’  
14 means a product or service which helps an orga-  
15 nization to achieve the set of standards, guide-  
16 lines, best practices, methodologies, procedures,  
17 and processes to cost-effectively identify, detect,  
18 protect, respond to, and recover from cyber  
19 risks as developed by the National Institute of  
20 Standards and Technology pursuant to sub-  
21 sections (c)(15) and (e) of section 272 of title  
22 15, United States Code.

23 “(iv) An authorized committee may not sell  
24 any secure information communications tech-  
25 nology or cybersecurity products or services re-

1           ceived by the authorized committee that were  
2           purchased using such account funds. Nothing in  
3           the preceding sentence shall prevent an author-  
4           ized committee from donating such secure infor-  
5           mation communications technology or cyberse-  
6           curity products or services to a charitable orga-  
7           nization or to a Federal, State, local, or Tribal  
8           government agency at the conclusion of the  
9           campaign.”.

10           (2) REPORTING.—Section 304(b) of such Act  
11           (52 U.S.C. 30104(b)) is amended by striking “and”  
12           at the end of paragraph (7), by striking the period  
13           at the end of paragraph (8) and inserting “; and”,  
14           and by adding at the end the following new para-  
15           graph:

16           “(9) for the national committee of a political  
17           party, the name and address of each authorized  
18           committee to which secure information communica-  
19           tions technology or cybersecurity products or serv-  
20           ices is supplied from an account described in section  
21           315(a)(9)(B).”.

22           (3) EFFECTIVE DATE.—The amendments made  
23           by this subsection shall apply to expenditures made  
24           on or after the date of enactment of this Act.

1           (b) TREATMENT OF CYBERSECURITY-RELATED  
2 SERVICES AS IN-KIND CONTRIBUTION.—Notwithstanding  
3 any other provision of law, effective 2 years after the date  
4 of enactment of this Act, any secure information commu-  
5 nications technology or cybersecurity products or services  
6 (as those terms are defined in subsection (a)(9)(B) of sec-  
7 tion 315 of the Federal Election Campaign Act of 1971  
8 (52 U.S.C. 30116), as added by subsection (a), that are  
9 provided at less than fair-market value to a political com-  
10 mittee or a candidate for Federal office (as those terms  
11 are defined in section 301 of such Act (52 U.S.C. 30101))  
12 other than in accordance with such subsection (a)(9)(B),  
13 shall be considered an in-kind contribution, regardless of  
14 whether such services are made available on the same  
15 terms and conditions to all political committees or can-  
16 didates, unless such services are made available on the  
17 same terms and conditions to all persons in the general  
18 public.