



Summary: Once again, Democrats introduced H.R. 1, For the People Act, a partisan and massive congressional overreach designed to keep their Democrat majority by nationalizing our elections. This bill takes some of the worst “pandemic-style” election administration changes of 2020 and makes them permanent.

THE TOP TEN MOST EGREGIOUS PROVISIONS OF H.R. 1

1. **Publicly funds campaigns with federal fines on corporations.** Creates a 6:1 funding match to any small donor contributions of \$200 or less in a congressional or presidential campaign – meaning for every \$200, the federal government will match \$1,200. This funding would come from a surcharge on corporate and high taxpayer settlements with the Federal government. H.R. 1 also establishes a new voucher pilot program that grants eligible voters a \$25 voucher to donate to any campaign of their choosing.
2. **Nationalizes elections and centralizes administration in Washington, D.C.** Oversteps the bounds established by the Constitution by impeding the states’ ability to determine their registration and voting practices, as protected under Article 1, Section 4 of the Constitution, and mandating ethics standards for the Supreme Court, violating the separation of powers.
3. **Makes “pandemic-style” election changes permanent.** In 2020, states rushed to make changes in the name of COVID-19, like expanding mail-in voting without safeguards to protect ballot integrity, which created chaos, increased irregularities, and undermined public trust in our election process. H.R. 1 makes many of these changes permanent.
4. **Imposes liberal California voting methods on every state.** H.R. 1 would force states to permanently expand mail-in voting, legalize ballot harvesting, and disregard voter ID laws.
5. **Weaponizes the Federal Election Commission (FEC).** Alters the current bipartisan makeup of the six-member commission to a partisan five-member commission and establishes a “Speech Czar”, limiting free speech and creating a partisan commission.
6. **Increases vulnerability for foreign election interference.** Weakens the voting system of the American people by centralizing the election system, thereby increasing its vulnerability to foreign interference, and failing to implement the necessary checks and balances regarding who can register to vote. H.R. 1 will force states to implement online voter registration, automatic voter registration, and same-day voter registration with no safeguards.
7. **Destroys the First Amendment.** H.R. 1 would drastically limit free speech and impose vague standards that disadvantage all groups who wish to advocate on behalf of any legislative issue, specifically requiring them to disclose the names of donors who donate above a certain threshold.
8. **Disregards state voter identification laws and provisional ballot rules.** Forces states to allow sworn statements to be used in place of identification and allowing for signature verification, which can be submitted through a photo if the voter registers online. Forces states to count provisional ballots cast outside of the voter’s correct precinct.
9. **Removes states’ ability to decide how their districts are drawn.** Mandates the use of independent redistricting commissions for creating congressional districts, removing states’ flexibility to choose the best systems for the needs of their citizens.
10. **Weaponizes Biden’s IRS.** H.R. 1 permits the agency to investigate and consider the political and policy persuasions of organizations before granting tax-exempt status.



REPUBLICAN ELECTION LAW PRINCIPLES

States have the primary role in establishing election law and administering elections.

According to Article 1, section 4 of the Constitution, States have the primary role in establishing “(t)he Times, Places and Manners of holding Elections for Senators and Representatives.” Under the Constitution, Congress has a purely secondary role in this space and must restrain itself from acting improperly and unconstitutionally.

Federal election legislation should never be the first step and must never impose burdensome, unfunded federal mandates on state and local elections officials. When Congress does speak, it must devote its efforts only to resolving highly significant and substantial deficiencies. State legislatures are the primary venues to correct most issues.

All eligible voters must be able to vote, and all lawful votes must be counted.

States must balance appropriate election administration structures and systems with convenient access to the ballot box.

Political speech is protected speech.

The First Amendment protects the right of all Americans to state their political views and donate money to the candidates, causes, and organizations of their choice without fear of retribution.

Redistricting decisions are best made at the state level.

States must maintain the flexibility to determine the best redistricting processes for their citizens’ particular needs.

Republican Selected Section-by-Section Summary
H.R. 1 of 2021

The purpose of this document is to highlight major components of the bill. It is not intended to be an exhaustive list of every provision. Should you have additional questions, please contact the Committee on House Administration Republican Staff at (202) 225-8281.

Division A – Voting

Takes power from the states by nationalizing the American election system

Section 3

- Provides Congressional Findings on constitutional authority for nationalizing elections

Title I – Election Access

Subtitle A

- Mandates that each state provide the public with the ability to submit a voter registration application and update their voter registration information online.
- Requires states to implement an automatic registration system to automatically register to vote any eligible unregistered citizens, while shielding from prosecution ineligible voters mistakenly registered.
- Even if voters are unable to meet state signature requirements, states must ensure the individual is registered to vote if the individual completes all other elements of the online application and provides a signature at the time the individual requests a ballot (whether by mail or at the polling place).¹
- Mandates all states implement same day voter registration, including during early voting.
- Mandates states cannot require applicants to provide more than the last 4 digits of their social security number on the National Mail Voter Registration Form and voter registration applications provided through states' departments of motor vehicles.
- Mandates state agencies, such as public secondary schools, must assist the chief state election officials in registering to vote all eligible individuals served by that agency, allowing 16- and 17-year olds to register to vote.
- Prohibits use of voter registration information collected under the above provisions for commercial purposes. It does not prohibit transmission, exchange, or dissemination for political purposes.

¹ This requirement does not apply to individuals who register to vote online and have not voted in a federal election, in which case to comply with the applicable identification requirements under HAVA must, with certain exceptions, provide a handwritten signature.

- Mandates states complete automatic removal of registrants from voter rolls on the basis of interstate cross-checks no later than 6 months before an election, instead of the current 90-day requirement.

Subtitle E

- Mandates that states give felons the right to vote, unless they are currently “in a correctional institution or facility at the time of the election.”

Subtitle F

- Mandates each state, beginning with elections held in 2022, use voter-verified paper ballots.

Subtitle G

- Mandates states count provisional ballots cast outside of the voter’s correct precinct “for each election in which the individual who cast such ballot is eligible to vote.”

Subtitle H

- Mandates states must allow individuals to vote in an election beginning 15 days prior to the election (or earlier at the option of the state). Each early voting site must allow no less than 10 hours on each day, and to the extent practicable, be located within walking distance to public transportation routes.
- Mandates each state begin processing and scanning early ballots at least 14 days prior to the election.²

Subtitle I

- Mandates that states provide no-excuse absentee voting.
- Prohibits states from requiring a notarization, witness signature, any form of identification, or other formal authentication (other than a voter attestation or signature) in order to obtain and cast an absentee ballot.
- Mandates that states provide an option for voters who submit an application to vote absentee to automatically receive absentee ballots by mail for all subsequent federal elections.
- Mandates that states provide voters with an opportunity to cure an absentee ballot that is missing a signature or has a signature that does not match the signature of record with their state.

² This provision is not construed to permit states to tabulate ballots before the closing of the polls.

- Mandates that absentee ballots be accepted up to 10 days after a federal election so long as the ballot is postmarked, signed, or otherwise indicated by the U.S. Postal Service that it was mailed on or before Election Day.
- Mandates that states or local election officials provide pre-paid postage on return envelopes for all voter registration applications, absentee ballot applications, and blank absentee ballots transmitted to the voter by mail.
- Mandates that states allow ballot harvesting with few restrictions, such as not limiting the number of absentee ballots a single ballot harvester may return to a designated location.

Subtitle J

- Amends UOCAVA by requiring states to send blank absentee ballots by electronic transmission to a new category of voters (non-military and non-overseas voters) that meet certain qualifications, such as a voter who requested an absentee ballot and failed to receive the ballot at least 2 days before Election Day.

Subtitle N

- Forbids states from requiring voter ID, permitting the individual, when voting in person, to meet the requirement by presenting the state or local election official with a sworn written statement. If a state does have a photo identification requirement, “informational materials” are required to be posted at polling places including information on how the individual may meet the requirement by submitting a sworn written statement.
- Mandates that no individual wait longer than 30 minutes to cast a ballot.
- Mandates states to provide ballot drop boxes beginning 45 days before a federal election.
- Prohibits states from restricting curbside voting.

Title II – Election Integrity

Subtitle E

- Mandates states establish independent redistricting commissions, removing the authority from state legislators and officials accountable to voters.
- Amends Section 8 of NVRA by establishing new conditions and notice requirements for the removal of voters from a state’s voter registration list.

Title III – Election Security

Subtitle A

- Provides grants to States to conduct risk limiting audits of results of federal elections.

Subtitle F

- Establishes a new federal advisory committee under the EAC, the “Election Security Grants Advisory Committee,” to award grants to states that meet certain requirements. Committee membership is composed of 15 election security experts appointed by the Executive Director of the EAC.

Subtitle H

- Prohibits the use of voting machines manufactured outside of the U.S. by November 2024.

Division B – Campaign Finance

Violates the First Amendment by restricting free speech and weaponizing the FEC

Title IV – Campaign Finance

Subtitle B

- Subjects citizens who contribute to nonprofit organizations to harassment and intimidation by making their personal information available in searchable government database,³ dramatically altering the First Amendment protections for Americans by adding new burdens on their protected rights to freely speak, public, and organize into groups to advocate for the causes they support.
- Requires groups that merely speak about federal legislation or policy issues to file FEC reports they did not have to before,⁴ increasing the legal compliance costs and risks for corporations to speak about federal issues.

Subtitle F

- Permits the Internal Revenue Service (IRS) to investigate and consider the political and policy persuasions of organizations before granting tax-exempt status. This would empower IRS auditors like former IRS official Lois Lerner to launch investigations against conservative groups engaging in their First Amendment right to freedom of assembly.

Subtitle G

- Repeals the restriction on use of funds by the SEC to “ensure” shareholders of corporations have knowledge of corporate political activity.

³ To illustrate this point, a donor to the American Heart Association that contributes towards heart disease research would be subject to disclosure if the 501(c)(3) charity later decides to take a position on a member’s vote.

⁴ H.R. 1 regulates a new category of speech – communications that “promote,” attack,” “support,” or “oppose” (“PASO”) elected officials and federal candidates.

Title V – Government Funding of Campaigns

Subtitle A

- Creates a 6:1 government match to any small donor contributions of \$200 or less in a congressional or presidential campaign – meaning, for every \$200, the federal government will match \$1,200 – and establishes a new voucher pilot program that grants eligible voters a \$25 voucher to donate to any campaign of their choosing.

Title VI – Federal Election Commission

Subtitle A

- Alters the Federal Election Commission (FEC) from a bipartisan, 6-member agency to a partisan, 5-member agency under the control of the president. Further, a simple majority of commissioners would represent a quorum. This would create massive incentive to engage in partisan enforcement at the FEC and destroys the agency.
- Creates a “Speech Czar” by making the Chair of the FEC the Chief Administrative Officer of the FEC and authorizing the Chair to appoint (and remove) the FEC’s Staff Director, prepare its budget, require any person to submit, under oath, written reports and answers to questions, issue subpoenas, and compel testimony.
- Grant the FEC Speech Czar the sole authority to hire and fire the General Counsel for the Commission with no bipartisan support. Under H.R. 1, the General Counsel only needs to notify the Commission of their intent to conduct discovery and launch inquisitions; unless a majority of the partisan FEC votes against the discovery within 15 days, the Counsel can proceed with whatever discovery is desired.
- Hamstrings the FEC advisory opinion process. Under the law, any party can request an opinion as to whether its proposed activities are legal. If the FEC approves, the requestor – and others who rely on the Opinion – is shielded from prosecution for that behavior. H.R. 1 would provide that, among other things, if the Commission allows a requestor to appear before it in person, it must also allow “an interested party who submitted written comments [...] in response to the request [...] to appear before the FEC to present testimony.”⁵

Division C – Ethics

Violates the separation of powers under the Constitution and, now under the Biden Administration, the 117th version of HR 1 removes certain provisions for the Presidential transitions team that were included in the 116th version, when the former Administration was in power.

⁵ There is no point to this provision, because these “interested parties” cannot answer certain questions commonly asked of requestors. The purpose of this provision is for those advocating free speech restrictions to have an opportunity to further lobby the FEC to deny most requests to speak.

Title VII – Ethics

Subtitle A

- Violates separation-of-powers under our Constitution by requiring the development of a “code of ethics” for Supreme Court justices.

Title VIII – Executive Branch

Subtitle A

- Requires the President and the Vice President, within 30 days of taking office, to divest financial interests that pose a conflict of interest or disclose information about their business interests.
- Requires the President and the Vice President to file new financial disclosure reports within 30 days of taking office.
- Democrats deleted from the 116th version of H.R. 1 any reference to retroactive ethics waivers, and also does away with reports to Congress from the Office of Government Ethics regarding the “name(s) of any individual who received a waiver or authorization described therein.”

Subtitle F

- Democrats deleted from the 116th version of H.R. 1 the requirement that Presidential Transitions disclose to Congress the names, not later than 10 days after submitting the application for security clearance, of any such individual granted a security clearance (including interim clearance).
- Democrats deleted from the 116th version of H.R. 1 the many requirements that a transition team member disclose positions held outside the Federal Government for the previous 12-month period, including paid and unpaid positions.
- Democrats deleted from the 116th version of H.R. 1 the requirement for Presidential Transitions to draft an “ethics plan.”

Title IX – Congress

Subtitle A

- Prohibits Members of Congress from using taxpayer funds to settle any case of alleged employment discrimination acts by the Members.

HR 1, For the People Act

What's Changed from the 116th to the 117th?

Table of Contents

CHANGE:

- Adds Congressional findings of general constitutional authority.
- Adds standards for judicial review.

Division A – Voting

Title I – ELECTION ACCESS

CHANGES:

- Adds text messages as an appropriate form of notification for election-related communication from the state.
- Adds language preventing states from requiring individuals to share more than the last four digits of their social security numbers on an application for a motor vehicle license and a mail voter registration form.
- Adds the following language in regard to registering 16- and 17-year-olds to vote – “Nothing in the previous sentence may be construed to require a State to permit an individual who is under 18 years of age at the time of an election for Federal office to vote in the election.”
- Adds Congressional findings on the “right to vote,” specifically focusing on voter disenfranchisement and access to voting for felons.
- Requires states to begin processing ballots cast during early voting at least 14 days prior to the date of the election but does not permit the state to tabulate them.
- Adds a section on voting by mail
 - Prohibits identification as a requirement for obtaining a ballot; however, states may use a signature
 - “State shall treat the individual’s application to vote by absentee ballot by mail in an election for Federal office as an application for an absentee ballot by mail in all subsequent Federal elections held in the state”
 - Sets due process requirements for signature verification
 - Establishes how a state provides “notice and opportunity to cure missing signature or other defect” on an absentee ballot
 - Dictates how a state shall permit an individual to request an absentee ballot – online and over the phone
 - Adds instructions on where and when individuals can turn in their ballots
 - Allows ballot harvesting-

(A) shall permit a voter to designate any person to return a voted and sealed absentee ballot to the post office, a ballot drop-off location, tribally designated building, or election office so long as the person designated to return the ballot does not receive any form of compensation based on the

number of ballots that the person has returned and no individual, group, or organization provides compensation on this basis; and

(B) may not put any limit on how many voted and sealed absentee ballots any designated person can return to the post office, a ballot drop off location, tribally designated building, or election office.

- Requires each state to establish an absentee ballot tracking program
- Requires states to provide prepayment of return envelopes for voting-related materials
- Requires the United States Post Office to treat “any voter registration application, absentee ballot application, or absentee ballot with respect to any election for Federal office” as first class mail, “regardless of the class of postage prepaid.”
- Requires electronic transmission of blank absentee ballots to a new category of voters under the Uniformed and Overseas Citizens Absentee Voting Act.
- Requires states to notify individuals when their polling place from the previous election closes.
- Adds accommodations for voters residing in Indian lands.
- Adds specific requirements for “equitable and efficient operation of polling places,” such as “no individual will be required to wait longer than 30 minutes to cast a ballot at the polling place.”
- Requires states to “provide secured drop boxes for voted absentee ballots in elections for Federal office.”
- Prohibits states from restricting curbside voting.
- Requires states to draft a contingency plan for how individuals will vote should a “state of emergency, public health emergency, or national emergency” be declared.

Title II – ELECTION INTEGRITY

CHANGES:

- Adds congressional findings that DC should be a state.
- Adds that the mandated independent redistricting commissions shall not “unduly favor or disfavor any political party” and the final redistricting plan developed by the commission “shall be deemed to be enacted into law upon the expiration of the 45-day” following the commission’s approval of the plan.
 - No legislative privilege when a claim is brought against a redistricting plan.

Title III – ELECTION SECURITY

CHANGES:

- Adds that qualified election infrastructure vendors “must disclose to the 25 Chairman and the Secretary, and to the chief State election official of any State to which the vendor provides any goods and services with funds provided under this part, the identification of any entity or individual with a more than five percent ownership interest in the vendor” and additional qualifications, specifically instituting best practices issued by the

Technical Guidelines Development Committee, to be a qualified election infrastructure vendor.

Division B – Campaign Finance

Title IV – CAMPAIGN FINANCE TRANSPARENCY

CHANGES:

- Adds congressional findings related to “illicit money undermining our democracy” that references *Citizens United*, claiming that decision allows “millions of dollars to flow in super PACs through LLCs whose funders are anonymous or intentionally obscured.”
 - “Congress should curb the use of anonymous shell companies for illicit purposes by requiring United States companies to disclose their beneficial owners, strengthening anti-money laundering and counter-terrorism finance laws.”
- Adds a section requiring federal campaigns to report foreign contacts to the FBI, Commission, and Congress.
- Adds that no more than 180 days after the election, the EAC must report to Congress its analysis “of the extent to which illicit foreign money was used to carry out disinformation and propaganda campaigns focused on depressing turnout among rural communities and the success or failure of these efforts, together with recommendations to address these efforts in future elections” and to what extent foreign money “focused on depressing turnout among African-America and other minority communities” and military and veteran communities.
- Adds to the Foreign Money Ban the disbursement by foreign nation to compensate any person for internet activity that promotes, supports, attacks, etc. the election of any candidate and disbursement for a federal judicial nomination communication.
- Adds a new section banning the “establishment of a corporation to conceal election contributions and donations by foreign nationals.”
- Alters the definition of “election reporting cycle” to except “that in the case of a campaign-related disbursement for a Federal judicial nomination communication, such term means any calendar year in which the campaign-related disbursement is made. “
- Adds “a Federal judicial nomination communication” to the list of actions for which campaign related disbursements can be made by a covered organization.
- Adds to the “Application of Disclaimer Statements to Online Communications,” that the following information needs to be part of the record – “if the person purchasing the advertisement is acting as the agent of a foreign principal under the Foreign Agents Registration Act of 1938, as amended (22 U.S.C. 611 et seq.), a statement that the person is acting as the agent of a foreign principal and the identification of the foreign principal involved.”
- Adds an explanatory sentence about when a television or radio broadcaster, online platform, satellite tv, etc, make reasonable efforts to ensure communication isn’t purchased by a foreign national directly or indirectly: “For purposes of the previous

sentence, a station, provider, or online platform shall not be considered to have made reasonable efforts under this paragraph in the case of the availability of a communication unless the station, provider, or online platform directly inquires from the individual or entity making such purchase whether the purchase is to be made by a foreign national, directly or indirectly.”

- Adds an independent study on media literacy and online political content consumption. It calls for a study to be commissioned not later than 30 days on media literacy skills, education, recommendations for how to help Americans ‘critically consume’ online political content.
- Adds the following “(2) Clarification of exemption from inclusion of candidate disclaimer statement in federal judicial nomination communications.—Section 318(a)(3) of such Act (52 U.S.C. 30120(a)(3)) is amended by striking “shall state” and inserting “shall (except in the case of a Federal judicial nomination communication, as defined in section 324(d)(2)) state”.
- Changes the title of Subtitle E from “Secret Money Transparency” to Detering Foreign Interference in Elections.”
- Adds a “repeal of restrictions of use of funds by IRS to bring transparency to political activity of certain nonprofit organizations.”
- Adds required reporting of information regarding contributors to certain tax exempt organizations (e.g. 501(c)(4)).
- Keeps the so-called “shareholder right to know” section by repealing the restriction on use of funds by the SEC to ensure shareholders of corporations have knowledge of corporation political activity. However, it adds “No Assessment of Preferences of Foreign Nationals” to ensure that the preferences of shareholders who are foreign nationals as described in § 319 of the Federal Election Campaign Act of 1971 are not assessed.
- Adds a Miscellaneous Provision that the amendments of the Act shall take effect on the effective date without regard to whether or not the FEC, the Attorney General., “or any other person” has promulgated regulations to carry out such provision or such amendment.
- Adds different Congressional Findings relating to the *Citizens United* decision – the 117th version deletes direct criticism of the Supreme Court and instead frames the change in campaign finance laws in First Amendment terms.

Title V – SMALL DOLLAR FINANCING OF CONGRESSIONAL ELECTIONS CAMPAIGNS

- Deletes the following amendment to the Presidential Transition Act of 1963:
 - “(3) Not later than 10 days after submitting an application for a security clearance for any individual, and not later than 10 days after any such individual is granted a security clearance (including an interim clearance), each eligible candidate (as that term is described in subsection (h)(4)(A)) or the President-elect (as the case may

be) shall submit a report containing the name of such individual to the Committee on Oversight and Reform of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate.”

Title VI – CAMPAIGN FINANCE OVERSIGHT

- Changes the quorum requirement of the FEC to a simple majority of the FEC, at any time, constituting a quorum, striking “except that 3 members shall constitute a quorum if there are 4 members serving at the time.”
- Adds language that a member of the FEC may not delegate “to any person his or her vote or any decisionmaking authority or duly vested in the Commission by the provisions of this Act.”

Division C – Ethics

Title VII – ETHICAL STANDARDS

- Changes the “requirement for procurement officers to disclose job offers made *on behalf of* relatives” to “Requirement for procurement officers to disclose job offers made *to* relatives.”
- Changes the caveat to prohibitions on federal funds for so-called “revolving door” individuals from “unless [...] necessary for the security of a covered individual or family member” to “unless [...] authorized under the Presidential Protection Assistance Act of 1976.”
- Changes the prohibition on contracts from “No federal agency may enter into a contract with a business owned or controlled by a covered individual or any family member of such an individual” to “No *Executive* agency may enter into *or hold* a contract with a business owned or controlled by a covered individual or any family member...”
- Adds a new subparagraph, which adds to the purposes of determining ownership: “(3) is the beneficiary of a trust which owns or controls more than 50 percent of the business and can direct distributions under the terms of the trust.”
- Changes the definition of “Federal Agency” (Title 40, U.S.C.), to the definition of “Executive agency” (Title 5, U.S.C.) for purposes of the “Presidential Conflicts of Interest Act of 2021” within H.R. 1.
- Changes, for the purposes of White House ethics waivers, from “no later than 30 days after an officer or employee issues or approves a waiver or authorization pursuant to section 3 of Executive Order No. 13770 (82 6 Fed. Reg. 9333)...” to “pursuant to any Executive order related to ethics commitments or compliance by covered employees...”
- Deletes any and all reference to retroactive ethics waivers within § 8022(b), and also does away with the Report to Congress from the Office of Government Ethics regarding the name(s) of any individual who received a waiver or authorization described therein.
- Like the original H.R. 1, amends §402(f) of the Ethics in Government Act of 1978 (5 U.S.C. App.) to require certain reporting of noncompliance, except in the 2021 version, if

the violation is committed by an agency head, it mandates that the notification shall be submitted to “the President” instead of, as before to “the President *and Congress...*”

- Requires travel reporting requirements and disclosures for “Senior Federal Officials,” instead of, as before, “Senior Executive Officials.”
- Deletes many of the amendments to the Presidential Transition Act of 1963 (3 U.S.C. 102 note), most notably the required disclosure to Congress of the names, not later than 10 days after submitting the application for security clearance, of any such individual granted a security clearance (including interim clearance).
- Adds the disclosure, inter alia, of “each transition team member, including a list of the policy issues that the member expects to work on...”
- Requires an affirmation that no transition team member has a financial conflict of interest that precludes the member from working on the matters described
- Removes many requirements that a transition team member disclose positions held outside the Federal Government for the previous 12-month period, including paid and unpaid positions.
- Removes the following amendment to The Presidential Transition Act of 1963:
 - “ (3) The head of a Federal department or agency, or their designee, shall not permit access to the Federal department or agency, or employees of such department or agency, that would not be provided to a member of the public for any transition team member who does not make the disclosures listed under paragraph (1).”
- Removes the requirement for Presidential Transitions to draft an “ethics plan.”



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