

116TH CONGRESS
1ST SESSION

H. R. 3873

To amend the Federal Election Campaign Act of 1971 to clarify the obligation to report acts of foreign election influence and require implementation of compliance and reporting systems by Federal campaigns to detect and report such acts.

IN THE HOUSE OF REPRESENTATIVES

JULY 22, 2019

Ms. SLOTKIN (for herself and Ms. UNDERWOOD) introduced the following bill;
which was referred to the Committee on House Administration

A BILL

To amend the Federal Election Campaign Act of 1971 to clarify the obligation to report acts of foreign election influence and require implementation of compliance and reporting systems by Federal campaigns to detect and report such acts.

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 “Foreign Influence Re-
5 porting in Elections Act”.

1 **SEC. 2. FEDERAL CAMPAIGN REPORTING OF FOREIGN CON-**
2 **TACTS.**

3 (a) INITIAL NOTICE.—

4 (1) REQUIREMENT TO PROVIDE NOTICE.—Sec-
5 tion 304 of the Federal Election Campaign Act of
6 1971 (52 U.S.C. 30104) is amended by adding at
7 the end the following new subsection:

8 “(j) DISCLOSURE OF REPORTABLE FOREIGN CON-
9 TACTS.—

10 “(1) COMMITTEE OBLIGATION.—Not later than
11 1 week after a reportable foreign contact, each au-
12 thorized committee shall notify the Commission of
13 the reportable foreign contact and provide a sum-
14 mary of the circumstances with respect to such re-
15 reportable foreign contact.

16 “(2) INDIVIDUAL OBLIGATION.—Not later than
17 1 week after a reportable foreign contact—

18 “(A) each candidate shall notify the treas-
19 urer or other designated official of the principal
20 campaign committee of such candidate of the
21 reportable foreign contact and provide a sum-
22 mary of the circumstances with respect to such
23 reportable foreign contact; and

24 “(B) each official, employee, or agent of an
25 authorized committee shall notify the treasurer
26 or other designated official of the authorized

1 committee of the reportable foreign contact and
2 provide a summary of the circumstances with
3 respect to such reportable foreign contact.

4 “(3) REPORTABLE FOREIGN CONTACT.—In this
5 subsection:

6 “(A) IN GENERAL.—The term ‘reportable
7 foreign contact’ means any direct or indirect
8 contact or communication that—

9 “(i) is between—

10 “(I) a candidate, an authorized
11 committee of a candidate, or any offi-
12 cial, employee, or agent of such au-
13 thorized committee; and

14 “(II) a person that the person
15 described in subclause (I) knows or
16 has reason to know is, or believes to
17 be, a foreign national (as defined in
18 section 319(b)); and

19 “(ii) the person described in clause
20 (i)(I) knows, has reason to know, or rea-
21 sonably believes involves a credible offer or
22 other proposal for—

23 “(I) a contribution, donation, ex-
24 penditure, disbursement, or sollicita-
25 tion described in section 319; or

1 “(II) coordination or collabora-
2 tion with, an offer or provision of in-
3 formation or services to or from, or
4 persistent and repeated contact with a
5 government of a foreign country or an
6 agent thereof.

7 “(B) EXCEPTION.—Such term shall not in-
8 clude any contact or communication with a for-
9 eign government or an agent of a foreign prin-
10 cipal by an elected official or an employee of an
11 elected official solely in an official capacity as
12 such an official or employee.”.

13 (2) EFFECTIVE DATE.—The amendment made
14 by this subsection shall apply with respect to report-
15 able foreign contacts, as defined in section 304(j)(3)
16 of the Federal Election Campaign Act of 1971 (as
17 added by paragraph (1)) which occur on or after the
18 date of the enactment of this Act.

19 (b) INFORMATION INCLUDED ON QUARTERLY RE-
20 PORT.—

21 (1) REQUIRING INCLUSION OF INFORMATION.—
22 Section 304(b) of such Act (52 U.S.C. 30104(b)) is
23 amended—

24 (A) by striking “and” at the end of para-
25 graph (7);

1 (B) by striking the period at the end of
2 paragraph (8) and inserting “; and”; and

3 (C) by adding at the end the following new
4 paragraph:

5 “(9) for any reportable foreign contact (as de-
6 fined in subsection (j)(3))—

7 “(A) the date, time, and location of the
8 contact;

9 “(B) the date and time of when a des-
10 ignated official of the committee was notified of
11 the contact;

12 “(C) the identity of individuals involved;
13 and

14 “(D) a description of the contact, including
15 the nature of any contribution, donation, ex-
16 penditure, disbursement, or solicitation involved
17 and the nature of any activity described in sub-
18 section (j)(3)(A)(ii)(II) involved.”.

19 (2) EFFECTIVE DATE.—The amendment made
20 by this subsection shall apply with respect to reports
21 filed on or after the date of the enactment of this
22 Act.

23 (c) NOTIFICATION TO THE FEDERAL BUREAU OF IN-
24 VESTIGATION.—Section 307 of such Act (52 U.S.C.

1 30107) is amended by adding at the end the following new
 2 subsection:

3 “(f) **REQUIRING GENERAL COUNSEL TO NOTIFY**
 4 **FEDERAL BUREAU OF INVESTIGATION OF REPORTABLE**
 5 **FOREIGN CONTACTS.**—Not later than 1 week after the
 6 Commission receives a notification of a reportable foreign
 7 contact under section 304(j) from an authorized com-
 8 mittee, the General Counsel of the Commission shall notify
 9 the Director of the Federal Bureau of Investigation of
 10 such reportable foreign contact, unless the General Coun-
 11 sel determines that notifying the Director is not war-
 12 ranted.”.

13 **SEC. 3. FEDERAL CAMPAIGN FOREIGN CONTACT REPORT-**
 14 **ING COMPLIANCE SYSTEM.**

15 (a) **REQUIRING AUTHORIZED COMMITTEES TO ES-**
 16 **TABLISH POLICIES.**—Section 302(e) of the Federal Elec-
 17 tion Campaign Act of 1971 (52 U.S.C. 30102(e)) is
 18 amended by adding at the end the following new para-
 19 graph:

20 “(6) **REPORTABLE FOREIGN CONTACTS COMPLI-**
 21 **ANCE POLICY.**—

22 “(A) **REPORTING.**—Each authorized com-
 23 mittee shall establish a policy that requires all
 24 officials, employees, and agents of such com-
 25 mittee to notify the treasurer or other appro-

1 puate designated official of the committee of
2 any reportable foreign contact (as defined in
3 section 304(j)) not later than 1 week after such
4 contact was made.

5 “(B) RETENTION AND PRESERVATION OF
6 RECORDS.—Each authorized committee shall
7 establish a policy that provides for the retention
8 and preservation of records and information re-
9 lated to reportable foreign contacts (as so de-
10 fined) for a period of not less than 3 years.

11 “(C) CERTIFICATION.—Upon designation
12 of a political committee as an authorized com-
13 mittee by a candidate, and with each report
14 filed by such committee under section 304(a),
15 the candidate shall provide a certification
16 that—

17 “(i) the committee has in place poli-
18 cies that meets the requirements of sub-
19 paragraph (A) and (B);

20 “(ii) the committee has designated an
21 official to monitor compliance with such
22 policies; and

23 “(iii) not later than 1 week after the
24 beginning of any formal or informal affili-
25 ation with the committee, all officials, em-

1 ployees, and agents of such committee
 2 will—

3 “(I) receive notice of such poli-
 4 cies;

5 “(II) be informed of the prohibi-
 6 tions under section 319; and

7 “(III) sign a certification affirm-
 8 ing their understanding of such poli-
 9 cies and prohibitions.”.

10 (b) EFFECTIVE DATE.—The amendment made by
 11 subsection (a) shall apply with respect to political commit-
 12 tees which are designated as authorized committees of a
 13 candidate on or after the date of the enactment of this
 14 Act.

15 **SEC. 4. CRIMINAL PENALTIES.**

16 Section 309(d)(1) of the Federal Election Campaign
 17 Act of 1971 (52 U.S.C. 30109(d)(1)) is amended by add-
 18 ing at the end the following new subparagraphs:

19 “(E) Any person who knowingly and willfully com-
 20 mits a violation of subsection (j) or (b)(9) of section 304
 21 or section 302(e)(6) shall be fined not more than
 22 \$500,000, imprisoned not more than 5 years, or both.

23 “(F) Any person who knowingly or willfully conceals
 24 or destroys any materials relating to a reportable foreign
 25 contact (as defined in section 304(j)) shall be fined not

1 more than \$1,000,000, imprisoned not more than 5 years,
2 or both.”.

3 **SEC. 5. RULE OF CONSTRUCTION.**

4 Nothing in this Act or the amendments made by this
5 Act shall be construed—

6 (1) to impede legitimate journalistic activities;

7 or

8 (2) to impose any additional limitation on the
9 right of any individual who is not a citizen of the
10 United States or a national of the United States (as
11 defined in section 101(a)(22) of the Immigration
12 and Nationality Act) and who is not lawfully admit-
13 ted for permanent residence, as defined by section
14 101(a)(20) of the Immigration and Nationality Act
15 (8 U.S.C. 1101(a)(20)) to express political views or
16 to participate in public discourse.

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