

118TH CONGRESS  
2D SESSION

# S. 4145

To amend the Federal Election Campaign Act of 1971 to further restrict contributions of foreign nationals, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

APRIL 17, 2024

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

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## A BILL

To amend the Federal Election Campaign Act of 1971 to further restrict contributions of foreign nationals, 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 “Preventing Foreign  
5 Interference in American Elections Act”.

6 **SEC. 2. MODIFICATIONS TO FOREIGN MONEY BAN.**

7 (a) **ADDITIONAL RESTRICTIONS.**—

1           (1) IN GENERAL.—Section 319(a)(1) of the  
2 Federal Election Campaign Act of 1971 (52 U.S.C.  
3 30121(a)(1)) is amended—

4           (A) by striking “or” at the end of subpara-  
5 graph (B); and

6           (B) by adding at the end the following new  
7 subparagraph:

8           “(D) a donation for the purpose of—

9           “(i) voter registration activity;

10           “(ii) ballot collection;

11           “(iii) voter identification;

12           “(iv) get-out-the-vote activity;

13           “(v) any public communication that  
14 refers to a clearly identified Federal, State,  
15 or local political party; or

16           “(vi) the administration of a Federal,  
17 State, or local election; or”.

18           (2) CONFORMING AMENDMENT.—Section  
19 319(a)(2) of such Act (52 U.S.C. 30121(a)(2)) is  
20 amended by striking “subparagraph (A) or (B) of  
21 paragraph (1)” and inserting “subparagraph (A),  
22 (B), or (D) of paragraph (1)”.

23           (b) APPLICATION TO STATE AND LOCAL BALLOT INI-  
24 TIATIVES, REFERENDA, AND RECALL ELECTIONS.—Sec-

1 tion 319(b) of the Federal Election Campaign Act of 1971  
 2 (52 U.S.C. 30121(b)) is amended—

3 (1) by redesignating paragraphs (1) and (2) as  
 4 subparagraphs (A) and (B), respectively, and by  
 5 moving such subparagraphs 2 ems to the right;

6 (2) by striking “as used in this section, the  
 7 term” and inserting the following:

8 “(b) DEFINITIONS.—For purposes of this section—

9 “(1) FOREIGN NATIONAL.—The term”; and

10 (3) by adding at the end the following new  
 11 paragraph:

12 “(2) FEDERAL, STATE, OR LOCAL ELECTION.—

13 “(A) IN GENERAL.—The term ‘Federal,  
 14 State, or local election’ includes a State or local  
 15 ballot initiative, referendum, or recall election.

16 “(B) RULE OF CONSTRUCTION REGARDING  
 17 STATE OR LOCAL ELECTIONS AND BALLOT INI-  
 18 TIATIVES AND REFERENDA.—Nothing in this  
 19 section may be construed to treat a State or  
 20 local election or a State or local ballot initiative  
 21 or referendum as an election for any other pur-  
 22 pose under this Act.”.

23 (c) PROHIBITION ON AIDING OR FACILITATING VIO-  
 24 LATIONS.—Section 319(a) of the Federal Election Cam-

1 paign Act of 1971 (52 U.S.C. 30121(a)), as amended by  
2 subsection (a), is amended—

3 (1) by striking “or” at the end of paragraph  
4 (1)(D);

5 (2) by striking the period at the end of para-  
6 graph (2) and inserting “; or”; and

7 (3) by adding at the end the following new  
8 paragraph:

9 “(3) a person to knowingly aid or facilitate a  
10 violation of paragraph (1) or (2).”.

11 (d) INDIRECT CONTRIBUTIONS.—Section 319 of the  
12 Federal Election Campaign Act of 1971 (52 U.S.C.  
13 30121) is amended by adding at the end the following new  
14 subsection:

15 “(e) INDIRECT CONTRIBUTIONS.—For purposes of  
16 this section, a person shall be treated as having indirectly  
17 made a contribution, donation, expenditure, or disburse-  
18 ment described in subparagraph (A), (B), (C), or (D) of  
19 subsection (a)(1) if such person has made a contribution  
20 or donation to a person with a designation, instruction,  
21 or encumbrance (whether direct or indirect, express or im-  
22 plied, oral or written, or involving intermediaries or con-  
23 duits) which results in any part of such contribution, do-  
24 nation, expenditure, or disbursement being used for an ac-

1 tivity described in subparagraph (A), (B), (C), or (D) of  
 2 subsection (a)(1).”.

3 (e) ENFORCEMENT PROVISIONS.—Section 319 of the  
 4 Federal Election Campaign Act of 1971 (52 U.S.C.  
 5 30121), as amended by subsection (d), is amended by add-  
 6 ing at the end the following new subsection:

7 “(d) ENFORCEMENT.—

8 “(1) USE OF CERTIFICATION AS A DEFENSE.—

9 “(A) IN GENERAL.—In the case of any al-  
 10 legation that a person has violated subsection  
 11 (a), any person alleged in the complaint may, in  
 12 connection with a response to such allegation  
 13 under section 309(a)(1), submit, under penalty  
 14 of perjury, a certification that no such violation  
 15 has occurred.

16 “(B) EFFECT OF SUBMISSION.—The Com-  
 17 mission shall take into consideration any certifi-  
 18 cation submitted under subparagraph (A) in  
 19 making a determination under section  
 20 309(a)(2) whether there is reason to believe  
 21 such violation has occurred.

22 “(2) LIMITATION ON INVESTIGATIONS.—

23 “(A) IN GENERAL.—If the Commission  
 24 makes a determination under section 309(a)(2)  
 25 that there is reason to believe a violation of

1 subsection (a) has occurred or is about to  
2 occur, any investigation of such alleged viola-  
3 tion shall be limited in scope to the factual mat-  
4 ter necessary to determine whether such alleged  
5 violation occurred.

6 “(B) PETITION TO QUASH SUBPOENA OR  
7 ORDER ON BASIS NOT LIMITED IN SCOPE TO  
8 NECESSARY FACTUAL MATTER.—

9 “(i) IN GENERAL.—A person subject  
10 to an investigation by the Commission fol-  
11 lowing a determination of the Commission  
12 that there is reason to believe a violation  
13 of subsection (a) has occurred or is about  
14 to occur may file a petition in any United  
15 States district court with jurisdiction to  
16 quash any subpoena or order of the Com-  
17 mission issued under paragraph (3) or (4),  
18 respectively, of section 307(a) on the basis  
19 that the subpoena or order is not limited  
20 in scope to the factual matter necessary to  
21 determine whether such alleged violation  
22 occurred as required under subparagraph  
23 (A).

24 “(ii) CLARIFICATION.—Nothing in  
25 clause (i) shall be construed to alter the

1 right of any person to otherwise challenge  
 2 the power of the Commission to issue a  
 3 subpoena under section 307(a)(3) or an  
 4 order under section 307(a)(4).”.

5 (f) REPORTING.—

6 (1) CONTRIBUTIONS AND EXPENDITURES OF  
 7 POLITICAL COMMITTEES AND POLITICAL PARTIES.—  
 8 Section 304(b) of the Federal Election Campaign  
 9 Act of 1971 (52 U.S.C. 30104(b)) is amended by  
 10 striking “and” at the end of paragraph (7), by strik-  
 11 ing the period at the end of paragraph (8) and in-  
 12 serting “; and”, and by adding at the end the fol-  
 13 lowing new paragraph:

14 “(9) under penalty of perjury, a certification  
 15 that the committee has complied with the require-  
 16 ments of section 319(a).”.

17 (2) INDEPENDENT EXPENDITURES.—

18 (A) COMMITTEE REPORTS.—Section  
 19 304(b)(6)(B)(iii) of the Federal Election Cam-  
 20 paign Act of 1971 (52 U.S.C.  
 21 30104(b)(6)(B)(iii)) is amended—

22 (i) by striking “and a certification”  
 23 and inserting “a certification”; and

24 (ii) by inserting “, and a certification,  
 25 under penalty of perjury that the inde-

1           pendent expenditure does not violate sec-  
 2           tion 319(a)” before the semicolon at the  
 3           end.

4           (B) OTHER PERSONS.—Section 304(e)(2)  
 5           of the Federal Election Campaign Act of 1971  
 6           (52 U.S.C. 30104(e)(2)) is amended by striking  
 7           “and” at the end of subparagraph (B), by re-  
 8           designating subparagraph (C) as subparagraph  
 9           (D), and by inserting after subparagraph (B)  
 10          the following new subparagraph:

11           “(C) under penalty of perjury, a certifi-  
 12          cation that the independent expenditure does  
 13          not violate section 319(a); and”.

14          (3) ELECTIONEERING COMMUNICATIONS.—Sec-  
 15          tion 304(f)(2) of such Act (52 U.S.C. 30104(f)(2))  
 16          is amended by adding at the end the following new  
 17          subparagraph:

18           “(G) A certification, under penalty of per-  
 19          jury, that the disbursement does not violate sec-  
 20          tion 319(a).”.

21   **SEC. 3. PROTECTING PRIVACY OF DONORS TO TAX-EXEMPT**  
 22           **ORGANIZATIONS.**

23          (a) RESTRICTIONS ON COLLECTION OF DONOR IN-  
 24          FORMATION.—



1           (1) RESTRICTIONS.—An entity of the Federal  
2 Government may not collect or require the submis-  
3 sion of information on the identification of any  
4 donor to a tax-exempt organization.

5           (2) EXCEPTIONS.—Paragraph (1) does not  
6 apply to the following:

7           (A) The Internal Revenue Service, acting  
8 lawfully pursuant to section 6033 of the Inter-  
9 nal Revenue Code of 1986 or any successor pro-  
10 vision.

11           (B) The Secretary of the Senate and the  
12 Clerk of the House of Representatives, acting  
13 lawfully pursuant to section 3 of the Lobbying  
14 Disclosure Act of 1995 (2 U.S.C. 1604).

15           (C) The Federal Election Commission, act-  
16 ing lawfully pursuant to—

17           (i) section 510 of title 36, United  
18 States Code; or

19           (ii) any provision of title III of the  
20 Federal Election Campaign Act of 1971  
21 (52 U.S.C. 30101 et seq.).

22           (D) An entity acting pursuant to a lawful  
23 order of a court or administrative body which  
24 has the authority under law to direct the entity  
25 to collect or require the submission of the infor-

1           mation, but only to the extent permitted by the  
2           lawful order of such court or administrative  
3           body.

4           (b) RESTRICTIONS ON RELEASE OF DONOR INFOR-  
5           MATION.—

6           (1) RESTRICTIONS.—An entity of the Federal  
7           Government may not disclose to the public informa-  
8           tion revealing the identification of any donor to a  
9           tax-exempt organization.

10          (2) EXCEPTIONS.—Paragraph (1) does not  
11          apply to the following:

12                 (A) The Internal Revenue Service, acting  
13                 lawfully pursuant to section 6104 of the Inter-  
14                 nal Revenue Code of 1986 or any successor pro-  
15                 vision.

16                 (B) The Secretary of the Senate and the  
17                 Clerk of the House of Representatives, acting  
18                 lawfully pursuant to section 3 of the Lobbying  
19                 Disclosure Act of 1995 (2 U.S.C. 1604).

20                 (C) The Federal Election Commission, act-  
21                 ing lawfully pursuant to—

22                         (i) section 510 of title 36, United  
23                         States Code; or

1 (ii) any provision of title III of the  
2 Federal Election Campaign Act of 1971  
3 (52 U.S.C. 30101 et seq.).

4 (D) An entity acting pursuant to a lawful  
5 order of a court or administrative body which  
6 has the authority under law to direct the entity  
7 to disclose the information, but only to the ex-  
8 tent permitted by the lawful order of such court  
9 or administrative body.

10 (E) An entity which discloses the informa-  
11 tion as authorized by the organization.

12 (c) TAX-EXEMPT ORGANIZATION DEFINED.—In this  
13 section, a “tax-exempt organization” means an organiza-  
14 tion which is described in section 501(c) of the Internal  
15 Revenue Code of 1986 and is exempt from taxation under  
16 section 501(a) of such Code. Nothing in this subsection  
17 may be construed to treat a political organization under  
18 section 527 of such Code as a tax-exempt organization for  
19 purposes of this section.

20 (d) PENALTIES.—It shall be unlawful for any officer  
21 or employee of the United States, or any former officer  
22 or employee, willfully to disclose to any person, except as  
23 authorized in this section, any information revealing the  
24 identification of any donor to a tax-exempt organization.  
25 Any violation of this section shall be a felony punishable

1 upon conviction by a fine in any amount not exceeding  
2 \$250,000, or imprisonment of not more than 5 years, or  
3 both, together with the costs of prosecution, and if such  
4 offense is committed by any officer or employee of the  
5 United States, he shall, in addition to any other punish-  
6 ment, be dismissed from office or discharged from employ-  
7 ment upon conviction for such offense.

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