

116TH CONGRESS
1ST SESSION

H. R. 3501

To expose and deter unlawful and subversive foreign interference in elections
for Federal office, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 26, 2019

Mr. ENGEL (for himself, Mr. CONNOLLY, Ms. CLARKE of New York, Ms. KELLY of Illinois, Mr. KHANNA, Mr. TED LIEU of California, Ms. SPEIER, Mr. COHEN, Ms. SCHAKOWSKY, Ms. MCCOLLUM, Ms. PINGREE, Mr. CICILLINE, Mr. LOWENTHAL, Mr. RUSH, Ms. DEGETTE, Mr. BRENDAN F. BOYLE of Pennsylvania, Mr. PALLONE, Mr. WELCH, Mr. LEVIN of Michigan, Mr. HIMES, Mr. LANGEVIN, Ms. BONAMICI, Ms. CLARK of Massachusetts, Ms. TITUS, Mr. GARAMENDI, Mr. ESPAILLAT, Ms. KAPTUR, Mr. MEEKS, and Mr. SCHNEIDER) introduced the following bill; which was referred to the Committee on Foreign Affairs, and in addition to the Committees on the Judiciary, and Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To expose and deter unlawful and subversive foreign interference in elections for Federal office, 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Safeguard our Elec-
3 tions and Combat Unlawful Interference in Our Democ-
4 racy Act” or the “SECURE Our Democracy Act”.

5 **SEC. 2. DEFINITIONS.**

6 In this Act:

7 (1) ADMITTED; ALIEN.—The terms “admitted”
8 and “alien” have the meanings given such terms in
9 section 101 of the Immigration and Nationality Act
10 (8 U.S.C. 1101).

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

14 (A) in the House of Representatives—

15 (i) the Committee on Foreign Affairs;

16 (ii) the Committee on Homeland Se-
17 curity;

18 (iii) the Committee on Financial Serv-
19 ices;

20 (iv) the Committee on the Judiciary;

21 and

22 (v) the Permanent Select Committee
23 on Intelligence; and

24 (B) in the Senate—

25 (i) the Committee on Foreign Rela-
26 tions;

- 1 (ii) the Committee on Homeland Se-
- 2 curity and Governmental Affairs;
- 3 (iii) the Committee on Banking,
- 4 Housing, and Urban Affairs;
- 5 (iv) the Committee on the Judiciary;
- 6 and
- 7 (v) the Select Committee on Intel-
- 8 ligence.

9 (3) FINANCIAL INSTITUTION.—The term “fi-

10 nancial institution” has the meaning given such

11 term in section 5312 of title 31, United States Code.

12 (4) FOREIGN INTERFERENCE.—The term “for-

13 eign interference”, with respect to a United States

14 election, includes any covert, fraudulent, deceptive,

15 or unlawful actions or attempted actions of a foreign

16 government, or of any person acting as an agent of

17 or on behalf of a foreign government, undertaken

18 with the purpose or effect of influencing, under-

19 mining confidence in, or altering the result or re-

20 ported result of, such election, or undermining public

21 confidence in election processes or institutions.

22 (5) FOREIGN PERSON.—The term “foreign per-

23 son” means—

24 (A) a natural person who is not a United

25 States person under paragraph (5)(A); or

1 (B) a foreign entity or foreign government.

2 (6) UNITED STATES ELECTION.—The term
3 “United States election” means any election for
4 Federal office.

5 (7) UNITED STATES PERSON.—The term
6 “United States person” means—

7 (A) a United States citizen or an alien law-
8 fully admitted for permanent residence to the
9 United States; or

10 (B) an entity organized under the laws of
11 the United States or of any jurisdiction within
12 the United States, including a foreign branch of
13 such an entity.

14 **SEC. 3. IDENTIFICATION OF FOREIGN PERSONS RESPON-**
15 **SIBLE FOR FOREIGN INTERFERENCE IN**
16 **UNITED STATES ELECTIONS.**

17 (a) IN GENERAL.—Not later than 120 days after the
18 date of the enactment of this Act, the Secretary of State
19 shall submit to the appropriate congressional committees
20 a list of each foreign person that the Secretary, in con-
21 sultation with the heads of other relevant Federal agen-
22 cies, determines—

23 (1) was, at any time since January 1, 2015, di-
24 rectly or indirectly engaged in, sponsored, concealed,

1 or otherwise been complicit in foreign interference in
2 a United States election;

3 (2) materially assisted, sponsored, or provided
4 financial, material, or technological support for, or
5 goods or services to or in support of, any activity de-
6 scribed in paragraph (1) or any person whose prop-
7 erty or interests in property are blocked pursuant to
8 this section; or

9 (3) is owned or controlled by, or to have acted
10 or purported to act for or on behalf of, directly or
11 indirectly, any person whose property or interests in
12 property are blocked pursuant to this section.

13 (b) UPDATES.—The Secretary of State shall submit
14 to the appropriate congressional committees an update of
15 the list required under subsection (a) as new information
16 becomes available.

17 (c) SANCTIONS.—A foreign person on the list re-
18 quired under subsection (a) is subject to the sanctions de-
19 scribed in sections 4 and 5.

20 (d) FORM.—

21 (1) IN GENERAL.—Except as provided in para-
22 graph (2), the list required under subsection (a)
23 shall be submitted in unclassified form.

24 (2) EXCEPTION.—The name of a foreign person
25 to be included in the list required under subsection

1 (a) may be submitted in a classified annex only if
2 the Secretary of State—

3 (A) determines that it is in the national se-
4 curity interests of the United States to do so;
5 and

6 (B) 15 days prior to submitting any such
7 name in such a classified annex, provides to the
8 appropriate congressional committees notice of,
9 and a justification for, including or continuing
10 to include any such foreign person in any such
11 classified annex despite any publicly available
12 information indicating that such foreign person
13 is described in paragraph (1) or (2) of such
14 subsection.

15 (3) PUBLIC AVAILABILITY; NONAPPLICABILITY
16 OF CONFIDENTIALITY REQUIREMENT WITH RESPECT
17 TO VISA RECORDS.—The unclassified portion of the
18 list required under subsection (a) shall be made
19 available to the public and published in the Federal
20 Register, without regard to the requirements of sec-
21 tion 222(f) of the Immigration and Nationality Act
22 (8 U.S.C. 1202(f)) with respect to confidentiality of
23 records pertaining to the issuance or refusal of visas
24 or permits to enter the United States.

1 **SEC. 4. INADMISSIBILITY OF CERTAIN INDIVIDUALS.**

2 (a) INELIGIBILITY FOR VISAS AND ADMISSION TO
3 THE UNITED STATES.—A foreign person on the list re-
4 quired under section 3(a) is—

5 (1) inadmissible to the United States;

6 (2) ineligible to receive a visa or other docu-
7 mentation to enter the United States; and

8 (3) otherwise ineligible to be admitted or pa-
9 roled into the United States or to receive any other
10 benefit under the Immigration and Nationality Act
11 (8 U.S.C. 1101 et seq.).

12 (b) CURRENT VISAS REVOKED.—

13 (1) IN GENERAL.—The issuing consular officer
14 or the Secretary of State, (or a designee of the Sec-
15 retary of State) shall, in accordance with section
16 221(i) of the Immigration and Nationality Act (8
17 U.S.C. 1201(i)), revoke any visa or other entry doc-
18 umentation issued to a foreign person on the list re-
19 quired under section 3(a) regardless of when the
20 visa or other entry documentation is issued.

21 (2) EFFECT OF REVOCATION.—A revocation
22 under subparagraph (A) shall—

23 (A) take effect immediately; and

24 (B) automatically cancel any other valid
25 visa or entry documentation that is in the for-
26 eign person's possession.

1 (3) REGULATIONS REQUIRED.—Not later than
2 180 days after the date of the enactment of this Act,
3 the Secretary of State shall prescribe such regula-
4 tions as are necessary to carry out this subsection.

5 (c) APPLICABILITY TO FOREIGN ENTITIES AND FOR-
6 EIGN GOVERNMENTS.—Subsections (a) and (b) of this
7 section shall apply to aliens who are officials of, agents
8 or instrumentalities of, working or acting on behalf of, or
9 otherwise associated with a foreign entity or foreign gov-
10 ernment that is a foreign person included on the list re-
11 quired under section 3(a) if such aliens are determined
12 by the Secretary of State to have knowingly authorized,
13 conspired to commit, been responsible for, engaged in, or
14 otherwise assisted or facilitated the actions described in
15 such section.

16 (d) EXCEPTION TO COMPLY WITH INTERNATIONAL
17 OBLIGATIONS.—Sanctions under this section shall not
18 apply with respect to a foreign person if admitting or pa-
19 roling such person into the United States is necessary to
20 permit the United States to comply with the Agreement
21 regarding the Headquarters of the United Nations, signed
22 at Lake Success June 26, 1947, and entered into force
23 November 21, 1947, between the United Nations and the
24 United States, or other applicable international obliga-
25 tions.

1 (e) WAIVER FOR NATIONAL SECURITY INTERESTS.—

2 The Secretary of State may waive the application of sub-
3 section (a) or (b) in the case of an alien if—

4 (1) the Secretary determines that such a waiver
5 is in the national security interests of the United
6 States; and—

7 (2) not later than 15 days prior to granting
8 such a waiver, the Secretary provides to the appro-
9 priate congressional committees notice of, and a jus-
10 tification for, such waiver.

11 (f) REGULATORY AUTHORITY.—The Secretary of
12 State shall prescribe such regulations as are necessary to
13 carry out this section.

14 **SEC. 5. FINANCIAL MEASURES.**

15 (a) FREEZING OF ASSETS.—

16 (1) IN GENERAL.—The President, acting
17 through the Secretary of the Treasury, shall exercise
18 all powers granted by the International Emergency
19 Economic Powers Act (50 U.S.C. 1701 et seq.) (ex-
20 cept that the requirements of section 202 of such
21 Act (50 U.S.C. 1701) shall not apply) to the extent
22 necessary to freeze and prohibit all transactions in
23 all property and interests in property of a foreign
24 person that is on the list required under section 3(a)
25 of this Act if such property or interests in property

1 are in the United States, are or come within the
2 United States, or are or come within the possession
3 or control of a United States person.

4 (2) APPLICABILITY TO FOREIGN ENTITIES AND
5 FOREIGN GOVERNMENTS.—Paragraph (1) shall
6 apply to aliens who are officials of, agents or instru-
7 mentalities of, working or acting on behalf of, or
8 otherwise associated with a foreign entity or foreign
9 government that is a foreign person included on the
10 list required under section 3(a) if such aliens are de-
11 termined by the President, acting through the Sec-
12 retary of the Treasury, to have knowingly author-
13 ized, conspired to commit, been responsible for, en-
14 gaged in, or otherwise assisted or facilitated the ac-
15 tions described in such section 3(a).

16 (b) WAIVER FOR NATIONAL SECURITY INTERESTS.—
17 The Secretary of the Treasury may waive the application
18 of subsection (a) if the Secretary determines that such a
19 waiver is in the national security interests of the United
20 States. Not less than 15 days prior to granting such a
21 waiver, the Secretary shall provide to the appropriate con-
22 gressional committees notice of, and a justification for,
23 such waiver.

24 (c) ENFORCEMENT.—

1 (1) PENALTIES.—A foreign person that vio-
2 lates, attempts to violate, conspires to violate, or
3 causes a violation of this section or any regulation,
4 license, or order issued to carry out this section shall
5 be subject to the penalties specified in subsections
6 (b) and (c) of section 206 of the International
7 Emergency Economic Powers Act (50 U.S.C. 1705)
8 to the same extent as a person that commits an un-
9 lawful act described in subsection (a) of such sec-
10 tion.

11 (2) APPLICABILITY TO FOREIGN ENTITIES AND
12 FOREIGN GOVERNMENTS.—Paragraph (1) shall
13 apply to aliens who are officials of, agents or instru-
14 mentalities of, working or acting on behalf of, or
15 otherwise associated with a foreign entity or foreign
16 government that is a foreign person included on the
17 list required under section 3(a) if such aliens are de-
18 termined by the President, acting through the Sec-
19 retary of the Treasury, to have knowingly author-
20 ized, conspired to commit, been responsible for, en-
21 gaged in, or otherwise assisted or facilitated the ac-
22 tions described in such section 3(a).

23 (3) REQUIREMENTS FOR FINANCIAL INSTITU-
24 TIONS.—Not later than 120 days after the date of
25 the enactment of this Act, the President, acting

1 through the Secretary of the Treasury, shall pre-
2 scribe or amend regulations as needed to require
3 each financial institution that is a United States
4 person and has within its possession or control as-
5 sets that are property or interests in property of a
6 foreign person that is on the list required under sec-
7 tion 3(a) if such property or interests in property
8 are in the United States, are or come within the
9 United States, or are or come within the possession
10 or control of a United States person to certify to the
11 Secretary that, to the best of the knowledge of such
12 financial institution, such financial institution has
13 frozen all assets within the possession or control of
14 such financial institution that are required to be fro-
15 zen pursuant to subsection (a).

16 (d) REGULATORY AUTHORITY.—The President, act-
17 ing through the Secretary of the Treasury, shall issue such
18 regulations, licenses, and orders as are necessary to carry
19 out this section.

20 (e) EXCEPTION RELATING TO IMPORTATION OF
21 GOODS.—

22 (1) IN GENERAL.—The authorities and require-
23 ments to impose sanctions authorized under this Act
24 shall not include the authority or requirement to im-
25 pose sanctions on the importation of goods.

1 (2) GOOD DEFINED.—In this subsection, the
2 term “good” means any article, natural or man-
3 made substance, material, supply or manufactured
4 product, including inspection and test equipment,
5 and excluding technical data.

6 **SEC. 6. REPORTS TO CONGRESS.**

7 (a) IN GENERAL.—The Secretary of State, in con-
8 sultation with the heads of other relevant Federal agen-
9 cies, shall submit to the appropriate congressional commit-
10 tees a report on the actions taken to carry out this Act,
11 including—

12 (1) a description of each foreign person on the
13 list required under section 3(a);

14 (2) the dates on which such foreign persons
15 were added to such list; and

16 (3) a description of the actions described in
17 such section that were undertaken by each such for-
18 eign person.

19 (b) TIMING.—The Secretary of State shall submit the
20 first report required under this section not later than one
21 year after the date of the enactment of this Act. The Sec-
22 retary shall submit subsequent reports under this section
23 not later than 60 days after the date of each regularly
24 scheduled general election for Federal office, beginning
25 with the election held in 2020.

1 (c) FORM.—Each report required under subsection
2 (a) shall be submitted in unclassified form, but may in-
3 clude a classified annex if such is in the national security
4 interests of the United States. If a classified annex is in-
5 cluded in any such report, the Secretary of State shall in-
6 clude in such report a specific national security justifica-
7 tion for such classified annex.

○