

106TH CONGRESS
1ST SESSION

H. R. 1778

To prohibit certain election-related activities by foreign nationals.

IN THE HOUSE OF REPRESENTATIVES

MAY 12, 1999

Mr. GILLMOR (for himself, Mr. TANNER, Mrs. KELLY, Mr. PRICE of North Carolina, Mr. DUNCAN, Mr. ETHERIDGE, Mr. CHABOT, Mr. CLEMENT, Mr. HOBSON, Mrs. TAUSCHER, Mr. FRANKS of New Jersey, Mr. GORDON, Mr. FRELINGHUYSEN, Mr. MINGE, Mr. TAYLOR of North Carolina, Mr. BERRY, Mr. OXLEY, Mr. PASTOR, Mr. BRYANT, Mr. KILDEE, Mr. WALDEN of Oregon, Mr. GOODE, Mr. HOUGHTON, Mr. SMITH of Washington, Mr. HEFLEY, Mr. PHELPS, Mr. TANCREDO, and Ms. STABENOW) introduced the following bill; which was referred to the Committee on House Administration

A BILL

To prohibit certain election-related activities by foreign nationals.

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 Election Law
5 Integrity Act of 1999”.

6 **SEC. 2. FINDINGS AND DECLARATIONS.**

7 Congress finds and declares that—

1 (1) Congress does not intend, and has never in-
2 tended, to permit foreign nationals to make political
3 contributions or donations to any candidate for local,
4 state, or Federal public office in the United States
5 or to any political party in the United States, di-
6 rectly or indirectly, or to support or participate in
7 the activities of political committees established pur-
8 suant to the Federal Election Campaign Act of
9 1971;

10 (2) to this end, section 319 of the Federal Elec-
11 tion Campaign Act of 1971 (2 U.S.C. 441e) makes
12 it “unlawful for a foreign national directly or
13 through another person to make any contribution of
14 money or other thing of value . . . in connection
15 with” any election to political office or proceeding to
16 select a political candidate;

17 (3) despite this statutory prohibition, its appli-
18 cability to certain donations by foreign nationals to
19 accounts of political parties has recently been ques-
20 tioned;

21 (4) on October 9, 1998, the United States Dis-
22 trict Court for the District of Columbia Circuit dis-
23 missed portions of a criminal indictment against
24 Yah Lin Trie, in United States v. Yah Lin Trie,
25 based on a judicial determination that the prohibi-

tion on political contributions by foreign nationals established by section 319 of the Federal Election Campaign Act does not clearly prohibit all political contributions by foreign nationals, particularly, donations by foreign nationals to United States political party accounts not made “in connection with” an election or primary; and

(5) it is the intent of Congress and this Act to reaffirm that foreign nationals may not make any donation of money or other thing of value to any United States candidate, political committee or party account, directly or indirectly and whether or not made “in connection with” an election or primary.

SEC. 3. PROHIBITION OF CERTAIN ELECTION-RELATED ACTIVITIES BY FOREIGN NATIONALS.

Section 319 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441e) is amended—

(1) by redesignating subsection (b) as subsection (h);

(2) by amending subsection (a) to read as follows:

“(a) It shall be unlawful for a foreign national directly or through any other person to make any contribution or donation, or to promise expressly or impliedly to make any such contribution or donation, to any candidate

1 for political office, any political committee, or any organi-
2 zation or account created or controlled by any United
3 States political party or candidate, including but not lim-
4 ited to contributions or donations made in connection with
5 any election to any political office or in connection with
6 any primary election, convention, or caucus held to select
7 candidates for any political office.”; and

8 (3) by inserting after subsection (a) the fol-
9 lowing new subsections:

10 “(b) It shall be unlawful for any person to solicit,
11 accept, or receive any contribution or donation prohibited
12 under subsection (a).

13 “(c) It shall be unlawful for any person organized
14 under or created by the laws of the United States or of
15 any State or other place subject to the jurisdiction of the
16 United States to make any contribution to any candidate
17 for political office, or to make any contribution or donation
18 to any political committee or to any organization or ac-
19 count created or controlled by any United States political
20 party, unless such contribution or donation (as the case
21 may be) is derived solely from funds generated from such
22 person’s own business activities in the United States.

23 “(d) A foreign national shall not direct, dictate, con-
24 trol, or directly or indirectly participate in the decision-
25 making process of any person organized under or created

1 by the laws of the United States or any State or other
2 place subject to the jurisdiction of the United States with
3 regard to—

4 “(1) any decisionmaking concerning the admin-
5 istration of a political committee;

6 “(2) the making of any contributions or ex-
7 penditures to or on behalf of any candidate for polit-
8 ical office; or

9 “(3) the making of any contributions, dona-
10 tions, or expenditures to or on behalf of any political
11 committee, or to or on behalf of any organization or
12 account created or controlled by any United States
13 political party.

14 “(e) Nothing in this Act may be construed to prohibit
15 any individual eligible to vote in an election for Federal
16 office from making contributions, donations, or expendi-
17 tures in support of a candidate for such an election (in-
18 cluding voluntary contributions or expenditures made
19 through a separate segregated fund established by the in-
20 dividual’s employer or labor organization) or otherwise
21 participating in any campaign for such an election in the
22 same manner and to the same extent as any other indi-
23 vidual eligible to vote in an election for such office.

24 “(f) As used in this section, the term ‘donation’
25 means money or any other thing of value (other than a

1 contribution) which is given to a candidate for public of-
2 fice, political committee, or organization or account cre-
3 ated or controlled by any United States political party.”.

