

116TH CONGRESS  
1ST SESSION

# H. R. 4617

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IN THE SENATE OF THE UNITED STATES

OCTOBER 28, 2019

Received; read twice and referred to the Committee on Rules and  
Administration

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## AN ACT

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, 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; TABLE OF CONTENTS.**

2 (a) **SHORT TITLE.**—This Act may be cited as the  
 3 “Stopping Harmful Interference in Elections for a Lasting  
 4 Democracy Act” or the “SHIELD Act”.

5 (b) **TABLE OF CONTENTS.**—The table of contents of  
 6 this Act is as follows:

Sec. 1. Short title; table of contents.

**TITLE I—ENHANCED REPORTING REQUIREMENTS**

Subtitle A—Establishing Duty To Report Foreign Election Interference

- Sec. 101. Federal campaign reporting of foreign contacts.
- Sec. 102. Federal campaign foreign contact reporting compliance system.
- Sec. 103. Criminal penalties.
- Sec. 104. Report to congressional intelligence committees.
- Sec. 105. Rule of construction.

Subtitle B—Strengthening Oversight of Online Political Advertising

- Sec. 111. Short title.
- Sec. 112. Purpose.
- Sec. 113. Expansion of definition of public communication.
- Sec. 114. Expansion of definition of electioneering communication.
- Sec. 115. Application of disclaimer statements to online communications.
- Sec. 116. Political record requirements for online platforms.
- Sec. 117. Preventing contributions, expenditures, independent expenditures, and disbursements for electioneering communications by foreign nationals in the form of online advertising.
- Sec. 118. Independent study on media literacy and online political content consumption.

**TITLE II—CLOSING LOOPHOLES ALLOWING SPENDING BY FOREIGN NATIONALS IN ELECTIONS**

- Sec. 201. Clarification of prohibition on participation by foreign nationals in election-related activities.
- Sec. 202. Clarification of application of foreign money ban to certain disbursements and activities.
- Sec. 203. Audit and report on illicit foreign money in Federal elections.
- Sec. 204. Prohibition on contributions and donations by foreign nationals in connections with ballot initiatives and referenda.
- Sec. 205. Expansion of limitations on foreign nationals participating in political advertising.
- Sec. 206. Prohibiting establishment of corporation to conceal election contributions and donations by foreign nationals.

**TITLE III—DETECTING FOREIGN INTERFERENCE IN ELECTIONS**

Subtitle A—Deterrence Under Federal Election Campaign Act of 1971

- Sec. 301. Restrictions on exchange of campaign information between candidates and foreign powers.
- Sec. 302. Clarification of standard for determining existence of coordination between campaigns and outside interests.
- Sec. 303. Prohibition on provision of substantial assistance relating to contribution or donation by foreign nationals.

Subtitle B—Prohibiting Deceptive Practices and Preventing Voter Intimidation

- Sec. 311. Short title.
- Sec. 312. Prohibition on deceptive practices in Federal elections.
- Sec. 313. Corrective action.
- Sec. 314. Reports to Congress.

Subtitle C—Inadmissibility and Deportability of Aliens Engaging in Improper Election Interference

- Sec. 321. Inadmissibility and deportability of aliens engaging in improper interference in United States elections.

Subtitle D—Notifying States of Disinformation Campaigns by Foreign Nationals

- Sec. 331. Notifying States of disinformation campaigns by foreign nationals.

Subtitle E—Prohibiting Use of Deepfakes in Election Campaigns

- Sec. 341. Prohibition on distribution of materially deceptive audio or visual media prior to election.

Subtitle F—Assessment of Exemption of Registration Requirements Under FARA for Registered Lobbyists

- Sec. 351. Assessment of exemption of registration requirements under FARA for registered lobbyists.

TITLE IV—MISCELLANEOUS PROVISIONS

- Sec. 401. Effective dates of provisions.
- Sec. 402. Severability.

1                   **TITLE I—ENHANCED**  
 2                   **REPORTING REQUIREMENTS**  
 3                   **Subtitle A—Establishing Duty To**  
 4                   **Report Foreign Election Inter-**  
 5                   **ference**

6                   **SEC. 101. FEDERAL CAMPAIGN REPORTING OF FOREIGN**  
 7                   **CONTACTS.**

8                   (b) INITIAL NOTICE.—

1           (1) IN GENERAL.—Section 304 of the Federal  
2           Election Campaign Act of 1971 (52 U.S.C. 30104)  
3           is amended by adding at the end the following new  
4           subsection:

5           “(j) DISCLOSURE OF REPORTABLE FOREIGN CON-  
6           TACTS.—

7           “(1) COMMITTEE OBLIGATION TO NOTIFY.—  
8           Not later than 1 week after a reportable foreign con-  
9           tact, each political committee shall notify the Fed-  
10          eral Bureau of Investigation and the Commission of  
11          the reportable foreign contact and provide a sum-  
12          mary of the circumstances with respect to such re-  
13          portable foreign contact. The Federal Bureau of In-  
14          vestigation, not later than 1 week after receiving a  
15          notification from a political committee under this  
16          paragraph, shall submit to the political committee,  
17          the Permanent Select Committee on Intelligence of  
18          the House of Representatives, and the Select Com-  
19          mittee on Intelligence of the Senate written or elec-  
20          tronic confirmation of receipt of the notification.

21          “(2) INDIVIDUAL OBLIGATION TO NOTIFY.—  
22          Not later than 3 days after a reportable foreign con-  
23          tact—

24                  “(A) each candidate and each immediate  
25                  family member of a candidate shall notify the

1 treasurer or other designated official of the  
2 principal campaign committee of such candidate  
3 of the reportable foreign contact and provide a  
4 summary of the circumstances with respect to  
5 such reportable foreign contact; and

6 “(B) each official, employee, or agent of a  
7 political committee shall notify the treasurer or  
8 other designated official of the committee of the  
9 reportable foreign contact and provide a sum-  
10 mary of the circumstances with respect to such  
11 reportable foreign contact.

12 “(3) REPORTABLE FOREIGN CONTACT.—In this  
13 subsection:

14 “(A) IN GENERAL.—The term ‘reportable  
15 foreign contact’ means any direct or indirect  
16 contact or communication that—

17 “(i) is between—

18 “(I) a candidate, an immediate  
19 family member of the candidate, a po-  
20 litical committee, or any official, em-  
21 ployee, or agent of such committee;  
22 and

23 “(II) an individual that the per-  
24 son described in subclause (I) knows,  
25 has reason to know, or reasonably be-

1           believes is a covered foreign national;  
2           and

3           “(ii) the person described in clause  
4 (i)(I) knows, has reason to know, or rea-  
5 sonably believes involves—

6                   “(I) an offer or other proposal  
7                   for a contribution, donation, expendi-  
8                   ture, disbursement, or solicitation de-  
9                   scribed in section 319; or

10                   “(II) coordination or collabora-  
11                   tion with, an offer or provision of in-  
12                   formation or services to or from, or  
13                   persistent and repeated contact with,  
14                   a covered foreign national in connec-  
15                   tion with an election.

16           “(B) EXCEPTIONS.—

17                   “(i) CONTACTS IN OFFICIAL CAPACITY  
18                   AS ELECTED OFFICIAL.—The term ‘report-  
19                   able foreign contact’ shall not include any  
20                   contact or communication with a covered  
21                   foreign national by an elected official or an  
22                   employee of an elected official solely in an  
23                   official capacity as such an official or em-  
24                   ployee.

1           “(ii) CONTACTS FOR PURPOSES OF  
2           ENABLING OBSERVATION OF ELECTIONS  
3           BY INTERNATIONAL OBSERVERS.—The  
4           term ‘reportable foreign contact’ shall not  
5           include any contact or communication with  
6           a covered foreign national by any person  
7           which is made for purposes of enabling the  
8           observation of elections in the United  
9           States by a foreign national or the obser-  
10          vation of elections outside of the United  
11          States by a candidate, political committee,  
12          or any official, employee, or agent of such  
13          committee.

14          “(iii) EXCEPTIONS NOT APPLICABLE  
15          IF CONTACTS OR COMMUNICATIONS IN-  
16          VOLVE PROHIBITED DISBURSEMENTS.—A  
17          contact or communication by an elected of-  
18          ficial or an employee of an elected official  
19          shall not be considered to be made solely  
20          in an official capacity for purposes of  
21          clause (i), and a contact or communication  
22          shall not be considered to be made for pur-  
23          poses of enabling the observation of elec-  
24          tions for purposes of clause (ii), if the con-  
25          tact or communication involves a contribu-

1           tion, donation, expenditure, disbursement,  
2           or solicitation described in section 319.

3           “(C) COVERED FOREIGN NATIONAL DE-  
4           FINED.—

5           “(i) IN GENERAL.—In this paragraph,  
6           the term ‘covered foreign national’  
7           means—

8           “(I) a foreign principal (as de-  
9           fined in section 1(b) of the Foreign  
10          Agents Registration Act of 1938 (22  
11          U.S.C. 611(b)) that is a government  
12          of a foreign country or a foreign polit-  
13          ical party;

14          “(II) any person who acts as an  
15          agent, representative, employee, or  
16          servant, or any person who acts in  
17          any other capacity at the order, re-  
18          quest, or under the direction or con-  
19          trol, of a foreign principal described in  
20          subclause (I) or of a person any of  
21          whose activities are directly or indi-  
22          rectly supervised, directed, controlled,  
23          financed, or subsidized in whole or in  
24          major part by a foreign principal de-  
25          scribed in subclause (I); or



1                   “(III) any person included in the  
2                   list of specially designated nationals  
3                   and blocked persons maintained by  
4                   the Office of Foreign Assets Control  
5                   of the Department of the Treasury  
6                   pursuant to authorities relating to the  
7                   imposition of sanctions relating to the  
8                   conduct of a foreign principal de-  
9                   scribed in subclause (I).

10                   “(ii) CLARIFICATION REGARDING AP-  
11                   PLICATION TO CITIZENS OF THE UNITED  
12                   STATES.—In the case of a citizen of the  
13                   United States, subclause (II) of clause (i)  
14                   applies only to the extent that the person  
15                   involved acts within the scope of that per-  
16                   son’s status as the agent of a foreign prin-  
17                   cipal described in subclause (I) of clause  
18                   (i).

19                   “(4) IMMEDIATE FAMILY MEMBER.—In this  
20                   subsection, the term ‘immediate family member’  
21                   means, with respect to a candidate, a parent, parent-  
22                   in-law, spouse, adult child, or sibling.”.

23                   (2) EFFECTIVE DATE.—The amendment made  
24                   by paragraph (1) shall apply with respect to report-

1 able foreign contacts which occur on or after the  
2 date of the enactment of this Act.

3 (b) INFORMATION INCLUDED ON REPORT.—

4 (1) IN GENERAL.—Section 304(b) of such Act  
5 (52 U.S.C. 30104(b)) is amended—

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

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

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

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

14 “(A) the date, time, and location of the  
15 contact;

16 “(B) the date and time of when a des-  
17 ignated official of the committee was notified of  
18 the contact;

19 “(C) the identity of individuals involved;  
20 and

21 “(D) a description of the contact, including  
22 the nature of any contribution, donation, ex-  
23 penditure, disbursement, or solicitation involved  
24 and the nature of any activity described in sub-  
25 section (j)(3)(A)(ii)(II) involved.”.

1           (2) EFFECTIVE DATE.—The amendment made  
2           by paragraph (1) shall apply with respect to reports  
3           filed on or after the expiration of the 60-day period  
4           which begins on the date of the enactment of this  
5           Act.

6 **SEC. 102. FEDERAL CAMPAIGN FOREIGN CONTACT RE-**  
7 **PORTING COMPLIANCE SYSTEM.**

8           (a) IN GENERAL.—Section 302 of the Federal Elec-  
9           tion Campaign Act of 1971 (52 U.S.C. 30102) is amended  
10          by adding at the end the following new subsection:

11          “(j) REPORTABLE FOREIGN CONTACTS COMPLIANCE  
12          POLICY.—

13                 “(1) REPORTING.—Each political committee  
14                 shall establish a policy that requires all officials, em-  
15                 ployees, and agents of such committee to notify the  
16                 treasurer or other appropriate designated official of  
17                 the committee of any reportable foreign contact (as  
18                 defined in section 304(j)) not later than 3 days after  
19                 such contact was made.

20                 “(2) RETENTION AND PRESERVATION OF  
21                 RECORDS.—Each political committee shall establish  
22                 a policy that provides for the retention and preserva-  
23                 tion of records and information related to reportable  
24                 foreign contacts (as so defined) for a period of not  
25                 less than 3 years.

1 “(3) CERTIFICATION.—

2 “(A) IN GENERAL.—Upon filing its state-  
3 ment of organization under section 303(a), and  
4 with each report filed under section 304(a), the  
5 treasurer of each political committee (other  
6 than an authorized committee) shall certify  
7 that—

8 “(i) the committee has in place poli-  
9 cies that meet the requirements of para-  
10 graphs (1) and (2);

11 “(ii) the committee has designated an  
12 official to monitor compliance with such  
13 policies; and

14 “(iii) not later than 1 week after the  
15 beginning of any formal or informal affili-  
16 ation with the committee, all officials, em-  
17 ployees, and agents of such committee  
18 will—

19 “(I) receive notice of such poli-  
20 cies;

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

23 “(III) sign a certification affirm-  
24 ing their understanding of such poli-  
25 cies and prohibitions.

1           “(B) AUTHORIZED COMMITTEES.—With  
2           respect to an authorized committee, the can-  
3           didate shall make the certification required  
4           under subparagraph (A).”.

5           (b) EFFECTIVE DATE.—

6           (1) IN GENERAL.—The amendment made by  
7           subsection (a) shall apply with respect to political  
8           committees which file a statement of organization  
9           under section 303(a) of the Federal Election Cam-  
10          paign Act of 1971 (52 U.S.C. 30103(a)) on or after  
11          the date of the enactment of this Act.

12          (2) TRANSITION RULE FOR EXISTING COMMIT-  
13          TEES.—Not later than 30 days after the date of the  
14          enactment of this Act, each political committee  
15          under the Federal Election Campaign Act of 1971  
16          shall file a certification with the Federal Election  
17          Commission that the committee is in compliance  
18          with the requirements of section 302(j) of such Act  
19          (as added by subsection (a)).

20 **SEC. 103. CRIMINAL PENALTIES.**

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

24          “(E) Any person who knowingly and willfully com-  
25          mits a violation of subsection (j) or (b)(9) of section 304

1 or section 302(j) shall be fined not more than \$500,000,  
2 imprisoned not more than 5 years, or both.

3 “(F) Any person who knowingly and willfully conceals  
4 or destroys any materials relating to a reportable foreign  
5 contact (as defined in section 304(j)) shall be fined not  
6 more than \$1,000,000, imprisoned not more than 5 years,  
7 or both.”.

8 **SEC. 104. REPORT TO CONGRESSIONAL INTELLIGENCE**  
9 **COMMITTEES.**

10 (a) IN GENERAL.—Not later than 1 year after the  
11 date of enactment of this Act, and annually thereafter,  
12 the Director of the Federal Bureau of Investigation shall  
13 submit to the congressional intelligence committees a re-  
14 port relating to notifications received by the Federal Bu-  
15 reau of Investigation under section 304(j)(1) of the Fed-  
16 eral Election Campaign Act of 1971 (as added by section  
17 101(a) of this Act).

18 (b) ELEMENTS.—Each report under subsection (a)  
19 shall include, at a minimum, the following with respect  
20 to notifications described in subsection (a):

21 (1) The number of such notifications received  
22 from political committees during the year covered by  
23 the report.

24 (2) A description of protocols and procedures  
25 developed by the Federal Bureau of Investigation re-

1       lating to receipt and maintenance of records relating  
2       to such notifications.

3           (3) With respect to such notifications received  
4       during the year covered by the report, a description  
5       of any subsequent actions taken by the Director re-  
6       sulting from the receipt of such notifications.

7       (c) CONGRESSIONAL INTELLIGENCE COMMITTEES  
8       DEFINED.—In this section, the term “congressional intel-  
9       ligence committees” has the meaning given that term in  
10      section 3 of the National Security Act of 1947 (50 U.S.C.  
11      3003).

12      **SEC. 105. RULE OF CONSTRUCTION.**

13      Nothing in this subtitle or the amendments made by  
14      this subtitle shall be construed—

15           (1) to impede legitimate journalistic activities;

16      or

17           (2) to impose any additional limitation on the  
18      right to express political views or to participate in  
19      public discourse of any individual who—

20           (A) resides in the United States;

21           (B) is not a citizen of the United States or  
22      a national of the United States, as defined in  
23      section 101(a)(22) of the Immigration and Na-  
24      tionality Act (8 U.S.C. 1101(a)(22)); and

1 (C) is not lawfully admitted for permanent  
2 residence, as defined by section 101(a)(20) of  
3 the Immigration and Nationality Act (8 U.S.C.  
4 1101(a)(20)).

5 **Subtitle B—Strengthening Over-**  
6 **sight of Online Political Adver-**  
7 **tising**

8 **SEC. 111. SHORT TITLE.**

9 This subtitle may be cited as the “Honest Ads Act”.

10 **SEC. 112. PURPOSE.**

11 The purpose of this subtitle is to enhance the integ-  
12 rity of American democracy and national security by im-  
13 proving disclosure requirements for online political adver-  
14 tisements in order to uphold the Supreme Court’s well-  
15 established standard that the electorate bears the right to  
16 be fully informed.

17 **SEC. 113. EXPANSION OF DEFINITION OF PUBLIC COMMU-**  
18 **NICATION.**

19 (a) IN GENERAL.—Paragraph (22) of section 301 of  
20 the Federal Election Campaign Act of 1971 (52 U.S.C.  
21 30101(22)) is amended by striking “or satellite commu-  
22 nication” and inserting “satellite, paid internet, or paid  
23 digital communication”.



1 (b) TREATMENT OF CONTRIBUTIONS AND EXPENDI-  
2 TURES.—Section 301 of such Act (52 U.S.C. 30101) is  
3 amended—

4 (1) in paragraph (8)(B)(v), by striking “on  
5 broadcasting stations, or in newspapers, magazines,  
6 or similar types of general public political adver-  
7 tising” and inserting “in any public communica-  
8 tion”; and

9 (2) in paragraph (9)(B)—

10 (A) by amending clause (i) to read as fol-  
11 lows:

12 “(i) any news story, commentary, or  
13 editorial distributed through the facilities  
14 of any broadcasting station or any print,  
15 online, or digital newspaper, magazine,  
16 blog, publication, or periodical, unless such  
17 broadcasting, print, online, or digital facili-  
18 ties are owned or controlled by any polit-  
19 ical party, political committee, or can-  
20 didate;” and

21 (B) in clause (iv), by striking “on broad-  
22 casting stations, or in newspapers, magazines,  
23 or similar types of general public political ad-  
24 vertising” and inserting “in any public commu-  
25 nication”.

1 (c) DISCLOSURE AND DISCLAIMER STATEMENTS.—  
2 Subsection (a) of section 318 of such Act (52 U.S.C.  
3 30120) is amended—

4 (1) by striking “financing any communication  
5 through any broadcasting station, newspaper, maga-  
6 zine, outdoor advertising facility, mailing, or any  
7 other type of general public political advertising”  
8 and inserting “financing any public communication”;  
9 and

10 (2) by striking “solicits any contribution  
11 through any broadcasting station, newspaper, maga-  
12 zine, outdoor advertising facility, mailing, or any  
13 other type of general public political advertising”  
14 and inserting “solicits any contribution through any  
15 public communication”.

16 **SEC. 114. EXPANSION OF DEFINITION OF ELECTIONEERING**  
17 **COMMUNICATION.**

18 (a) EXPANSION TO ONLINE COMMUNICATIONS.—

19 (1) APPLICATION TO QUALIFIED INTERNET AND  
20 DIGITAL COMMUNICATIONS.—

21 (A) IN GENERAL.—Subparagraph (A) of  
22 section 304(f)(3) of the Federal Election Cam-  
23 paign Act of 1971 (52 U.S.C. 30104(f)(3)(A))  
24 is amended by striking “or satellite communica-  
25 tion” each place it appears in clauses (i) and

1 (ii) and inserting “satellite, or qualified internet  
2 or digital communication”.

3 (B) QUALIFIED INTERNET OR DIGITAL  
4 COMMUNICATION.—Paragraph (3) of section  
5 304(f) of such Act (52 U.S.C. 30104(f)) is  
6 amended by adding at the end the following  
7 new subparagraph:

8 “(D) QUALIFIED INTERNET OR DIGITAL  
9 COMMUNICATION.—The term ‘qualified internet  
10 or digital communication’ means any commu-  
11 nication which is placed or promoted for a fee  
12 on an online platform (as defined in subsection  
13 (k)(3)).”.

14 (2) NONAPPLICATION OF RELEVANT ELEC-  
15 TORATE TO ONLINE COMMUNICATIONS.—Section  
16 304(f)(3)(A)(i)(III) of such Act (52 U.S.C.  
17 30104(f)(3)(A)(i)(III)) is amended by inserting “any  
18 broadcast, cable, or satellite” before “communica-  
19 tion”.

20 (3) NEWS EXEMPTION.—Section  
21 304(f)(3)(B)(i) of such Act (52 U.S.C.  
22 30104(f)(3)(B)(i)) is amended to read as follows:

23 “(i) a communication appearing in a  
24 news story, commentary, or editorial dis-  
25 tributed through the facilities of any

1           broadcasting station or any online or dig-  
2           ital newspaper, magazine, blog, publica-  
3           tion, or periodical, unless such broad-  
4           casting, online, or digital facilities are  
5           owned or controlled by any political party,  
6           political committee, or candidate;”.

7           (b) EFFECTIVE DATE.—The amendments made by  
8 this section shall apply with respect to communications  
9 made on or after January 1, 2020.

10 **SEC. 115. APPLICATION OF DISCLAIMER STATEMENTS TO**  
11 **ONLINE COMMUNICATIONS.**

12           (a) CLEAR AND CONSPICUOUS MANNER REQUIRE-  
13 MENT.—Subsection (a) of section 318 of the Federal Elec-  
14 tion Campaign Act of 1971 (52 U.S.C. 30120(a)) is  
15 amended—

16           (1) by striking “shall clearly state” each place  
17 it appears in paragraphs (1), (2), and (3) and in-  
18 serting “shall state in a clear and conspicuous man-  
19 ner”; and

20           (2) by adding at the end the following flush  
21 sentence: “For purposes of this section, a commu-  
22 nication does not make a statement in a clear and  
23 conspicuous manner if it is difficult to read or hear  
24 or if the placement is easily overlooked.”.

1 (b) SPECIAL RULES FOR QUALIFIED INTERNET OR  
2 DIGITAL COMMUNICATIONS.—

3 (1) IN GENERAL.—Section 318 of such Act (52  
4 U.S.C. 30120) is amended by adding at the end the  
5 following new subsection:

6 “(e) SPECIAL RULES FOR QUALIFIED INTERNET OR  
7 DIGITAL COMMUNICATIONS.—

8 “(1) SPECIAL RULES WITH RESPECT TO STATE-  
9 MENTS.—In the case of any communication to which  
10 this section applies which is a qualified internet or  
11 digital communication (as defined in section  
12 304(f)(3)(D)) which is disseminated through a me-  
13 dium in which the provision of all of the information  
14 specified in this section is not possible, the commu-  
15 nication shall, in a clear and conspicuous manner—

16 “(A) state the name of the person who  
17 paid for the communication; and

18 “(B) provide a means for the recipient of  
19 the communication to obtain the remainder of  
20 the information required under this section with  
21 minimal effort and without receiving or viewing  
22 any additional material other than such re-  
23 quired information.

24 “(2) SAFE HARBOR FOR DETERMINING CLEAR  
25 AND CONSPICUOUS MANNER.—A statement in a

1 qualified internet or digital communication (as de-  
2 fined in section 304(f)(3)(D)) shall be considered to  
3 be made in a clear and conspicuous manner as pro-  
4 vided in subsection (a) if the communication meets  
5 the following requirements:

6 “(A) TEXT OR GRAPHIC COMMUNICA-  
7 TIONS.—In the case of a text or graphic com-  
8 munication, the statement—

9 “(i) appears in letters at least as large  
10 as the majority of the text in the commu-  
11 nication; and

12 “(ii) meets the requirements of para-  
13 graphs (2) and (3) of subsection (c).

14 “(B) AUDIO COMMUNICATIONS.—In the  
15 case of an audio communication, the statement  
16 is spoken in a clearly audible and intelligible  
17 manner at the beginning or end of the commu-  
18 nication and lasts at least 3 seconds.

19 “(C) VIDEO COMMUNICATIONS.—In the  
20 case of a video communication which also in-  
21 cludes audio, the statement—

22 “(i) is included at either the beginning  
23 or the end of the communication; and

24 “(ii) is made both in—

1                   “(I) a written format that meets  
2                   the requirements of subparagraph (A)  
3                   and appears for at least 4 seconds;  
4                   and

5                   “(II) an audible format that  
6                   meets the requirements of subpara-  
7                   graph (B).

8                   “(D) OTHER COMMUNICATIONS.—In the  
9                   case of any other type of communication, the  
10                  statement is at least as clear and conspicuous  
11                  as the statement specified in subparagraph (A),  
12                  (B), or (C).”.

13                  (2) NONAPPLICATION OF CERTAIN EXCEP-  
14                  TIONS.—The exceptions provided in section  
15                  110.11(f)(1)(i) and (ii) of title 11, Code of Federal  
16                  Regulations, or any successor to such rules, shall  
17                  have no application to qualified internet or digital  
18                  communications (as defined in section 304(f)(3)(D)  
19                  of the Federal Election Campaign Act of 1971, as  
20                  added by this Act).

21                  (c) MODIFICATION OF ADDITIONAL REQUIREMENTS  
22                  FOR CERTAIN COMMUNICATIONS.—Section 318(d) of such  
23                  Act (52 U.S.C. 30120(d)) is amended—

24                         (1) in paragraph (1)(A)—

1 (A) by striking “which is transmitted  
2 through radio” and inserting “which is in an  
3 audio format”; and

4 (B) by striking “BY RADIO” in the heading  
5 and inserting “AUDIO FORMAT”;

6 (2) in paragraph (1)(B)—

7 (A) by striking “which is transmitted  
8 through television” and inserting “which is in  
9 video format”; and

10 (B) by striking “BY TELEVISION” in the  
11 heading and inserting “VIDEO FORMAT”; and

12 (3) in paragraph (2)—

13 (A) by striking “transmitted through radio  
14 or television” and inserting “made in audio or  
15 video format”; and

16 (B) by striking “through television” in the  
17 second sentence and inserting “in video for-  
18 mat”.

19 **SEC. 116. POLITICAL RECORD REQUIREMENTS FOR ONLINE**  
20 **PLATFORMS.**

21 (a) IN GENERAL.—Section 304 of the Federal Elec-  
22 tion Campaign Act of 1971 (52 U.S.C. 30104), as amend-  
23 ed by section 101(a), is further amended by adding at the  
24 end the following new subsection:



1           “(k) DISCLOSURE OF CERTAIN ONLINE ADVERTISE-  
2 MENTS.—

3           “(1) IN GENERAL.—

4                   “(A) REQUIREMENTS FOR ONLINE PLAT-  
5 FORMS.—An online platform shall maintain,  
6 and make available for online public inspection  
7 in machine readable format, a complete record  
8 of any request to purchase on such online plat-  
9 form a qualified political advertisement which is  
10 made by a person whose aggregate requests to  
11 purchase qualified political advertisements on  
12 such online platform during the calendar year  
13 exceeds \$500.

14                   “(B) REQUIREMENTS FOR ADVER-  
15 TISERS.—Any person who requests to purchase  
16 a qualified political advertisement on an online  
17 platform shall provide the online platform with  
18 such information as is necessary for the online  
19 platform to comply with the requirements of  
20 subparagraph (A).

21           “(2) CONTENTS OF RECORD.—A record main-  
22 tained under paragraph (1)(A) shall contain—

23                   “(A) a digital copy of the qualified political  
24 advertisement;

1           “(B) a description of the audience targeted  
2           by the advertisement, the number of views gen-  
3           erated from the advertisement, and the date  
4           and time that the advertisement is first dis-  
5           played and last displayed; and

6           “(C) information regarding—

7                   “(i) the average rate charged for the  
8                   advertisement;

9                   “(ii) the name of the candidate to  
10                  which the advertisement refers and the of-  
11                  fice to which the candidate is seeking elec-  
12                  tion, the election to which the advertise-  
13                  ment refers, or the national legislative  
14                  issue to which the advertisement refers (as  
15                  applicable);

16                  “(iii) in the case of a request made  
17                  by, or on behalf of, a candidate, the name  
18                  of the candidate, the authorized committee  
19                  of the candidate, and the treasurer of such  
20                  committee; and

21                  “(iv) in the case of any request not  
22                  described in clause (iii), the name of the  
23                  person purchasing the advertisement, the  
24                  name and address of a contact person for  
25                  such person, a list of the chief executive of-

1           ficers or members of the executive com-  
2           mittee or of the board of directors of such  
3           person, and, if the person purchasing the  
4           advertisement is acting as the agent of a  
5           foreign principal under the Foreign Agents  
6           Registration Act of 1938, as amended (22  
7           U.S.C. 611 et seq.), a statement that the  
8           person is acting as the agent of a foreign  
9           principal and the identification of the for-  
10          eign principal involved.

11           “(3) ONLINE PLATFORM.—For purposes of this  
12          subsection, the term ‘online platform’ means any  
13          public-facing website, web application, or digital ap-  
14          plication (including a social network, ad network, or  
15          search engine) which—

16               “(A) sells qualified political advertise-  
17               ments; and

18               “(B) has 50,000,000 or more unique  
19               monthly United States visitors or users for a  
20               majority of months during the preceding 12  
21               months.

22           “(4) QUALIFIED POLITICAL ADVERTISEMENT.—  
23          For purposes of this subsection, the term ‘qualified  
24          political advertisement’ means any advertisement  
25          (including search engine marketing, display adver-

1       tisements, video advertisements, native advertise-  
2       ments, and sponsorships) that—

3               “(A) is made by or on behalf of a can-  
4       didate; or

5               “(B) communicates a message relating to  
6       any political matter of national importance, in-  
7       cluding—

8                       “(i) a candidate;

9                       “(ii) any election to Federal office; or

10                      “(iii) a national legislative issue of  
11       public importance.

12               “(5) TIME TO MAINTAIN FILE.—The informa-  
13       tion required under this subsection shall be made  
14       available as soon as possible and shall be retained by  
15       the online platform for a period of not less than 4  
16       years.

17               “(6) SAFE HARBOR FOR PLATFORMS MAKING  
18       BEST EFFORTS TO IDENTIFY REQUESTS WHICH ARE  
19       SUBJECT TO RECORD MAINTENANCE REQUIRE-  
20       MENTS.—In accordance with rules established by the  
21       Commission, if an online platform shows that the  
22       platform used best efforts to determine whether or  
23       not a request to purchase a qualified political adver-  
24       tisement was subject to the requirements of this sub-

1 section, the online platform shall not be considered  
2 to be in violation of such requirements.

3 “(7) PENALTIES.—For penalties for failure by  
4 online platforms, and persons requesting to purchase  
5 a qualified political advertisement on online plat-  
6 forms, to comply with the requirements of this sub-  
7 section, see section 309.”.

8 (b) RULEMAKING.—Not later than 120 days after the  
9 date of the enactment of this Act, the Federal Election  
10 Commission shall establish rules—

11 (1) requiring common data formats for the  
12 record required to be maintained under section  
13 304(k) of the Federal Election Campaign Act of  
14 1971 (as added by subsection (a)) so that all online  
15 platforms submit and maintain data online in a com-  
16 mon, machine-readable and publicly accessible for-  
17 mat;

18 (2) establishing search interface requirements  
19 relating to such record, including searches by can-  
20 didate name, issue, purchaser, and date; and

21 (3) establishing the criteria for the safe harbor  
22 exception provided under paragraph (6) of section  
23 304(k) of such Act (as added by subsection (a)).

24 (c) REPORTING.—Not later than 2 years after the  
25 date of the enactment of this Act, and biannually there-

1 after, the Chairman of the Federal Election Commission  
2 shall submit a report to Congress on—

3 (1) matters relating to compliance with and the  
4 enforcement of the requirements of section 304(k) of  
5 the Federal Election Campaign Act of 1971, as  
6 added by subsection (a);

7 (2) recommendations for any modifications to  
8 such section to assist in carrying out its purposes;  
9 and

10 (3) identifying ways to bring transparency and  
11 accountability to political advertisements distributed  
12 online for free.

13 **SEC. 117. PREVENTING CONTRIBUTIONS, EXPENDITURES,**  
14 **INDEPENDENT EXPENDITURES, AND DIS-**  
15 **BURSEMENTS FOR ELECTIONEERING COM-**  
16 **MUNICATIONS BY FOREIGN NATIONALS IN**  
17 **THE FORM OF ONLINE ADVERTISING.**

18 Section 319 of the Federal Election Campaign Act  
19 of 1971 (52 U.S.C. 30121) is amended by adding at the  
20 end the following new subsection:

21 “(c) RESPONSIBILITIES OF BROADCAST STATIONS,  
22 PROVIDERS OF CABLE AND SATELLITE TELEVISION, AND  
23 ONLINE PLATFORMS.—

24 “(1) RESPONSIBILITIES DESCRIBED.—Each tel-  
25 evision or radio broadcast station, provider of cable

1 or satellite television, or online platform (as defined  
2 in section 304(k)(3)) shall make reasonable efforts  
3 to ensure that communications described in section  
4 318(a) and made available by such station, provider,  
5 or platform are not purchased by a foreign national,  
6 directly or indirectly. For purposes of the previous  
7 sentence, a station, provider, or online platform shall  
8 not be considered to have made reasonable efforts  
9 under this paragraph in the case of the availability  
10 of a communication unless the station, provider, or  
11 online platform directly inquires from the individual  
12 or entity making such purchase whether the pur-  
13 chase is to be made by a foreign national, directly  
14 or indirectly.

15 “(2) SPECIAL RULES FOR DISBURSEMENT PAID  
16 WITH CREDIT CARD.—For purposes of paragraph  
17 (1), a television or radio broadcast station, provider  
18 of cable or satellite television, or online platform  
19 shall be considered to have made reasonable efforts  
20 under such paragraph in the case of a purchase of  
21 the availability of a communication which is made  
22 with a credit card if—

23 “(A) the individual or entity making such  
24 purchase is required, at the time of making

1 such purchase, to disclose the credit verification  
2 value of such credit card; and

3 “(B) the billing address associated with  
4 such credit card is located in the United States  
5 or, in the case of a purchase made by an indi-  
6 vidual who is a United States citizen living out-  
7 side of the United States, the individual pro-  
8 vides the television or radio broadcast station,  
9 provider of cable or satellite television, or online  
10 platform with the United States mailing ad-  
11 dress the individual uses for voter registration  
12 purposes.”.

13 **SEC. 118. INDEPENDENT STUDY ON MEDIA LITERACY AND**  
14 **ONLINE POLITICAL CONTENT CONSUMPTION.**

15 (a) INDEPENDENT STUDY.—Not later than 30 days  
16 after the date of enactment of this Act, the Federal Elec-  
17 tion Commission shall commission an independent study  
18 and report on media literacy with respect to online polit-  
19 ical content consumption among voting-age Americans.

20 (b) ELEMENTS.—The study and report under sub-  
21 section (a) shall include the following:

22 (1) An evaluation of media literacy skills, such  
23 as the ability to evaluate sources, synthesize multiple  
24 accounts into a coherent understanding of an issue,  
25 understand the context of communications, and re-



1 sponsibly create and share information, among vot-  
2 ing-age Americans.

3 (2) An analysis of the effects of media literacy  
4 education and particular media literacy skills on the  
5 ability to critically consume online political content,  
6 including political advertising.

7 (3) Recommendations for improving voting-age  
8 Americans' ability to critically consume online polit-  
9 ical content, including political advertising.

10 (c) DEADLINE.—Not later than 270 days after the  
11 date of enactment of this Act, the entity conducting the  
12 study and report under subsection (a) shall submit the re-  
13 port to the Commission.

14 (d) SUBMISSION TO CONGRESS.—Not later than 30  
15 days after receiving the report under subsection (c), the  
16 Commission shall submit the report to the Committee on  
17 House Administration of the House of Representatives  
18 and the Committee on Rules and Administration of the  
19 Senate, together with such comments on the report as the  
20 Commission considers appropriate.

21 (e) DEFINITION OF MEDIA LITERACY.—The term  
22 “media literacy” means the ability to—

23 (1) access relevant and accurate information  
24 through media;

1           (2) critically analyze media content and the in-  
2           fluences of media;

3           (3) evaluate the comprehensiveness, relevance,  
4           credibility, authority, and accuracy of information;

5           (4) make educated decisions based on informa-  
6           tion obtained from media and digital sources;

7           (5) operate various forms of technology and  
8           digital tools; and

9           (6) reflect on how the use of media and tech-  
10          nology may affect private and public life.

11 **TITLE II—CLOSING LOOPHOLES**  
12 **ALLOWING SPENDING BY**  
13 **FOREIGN NATIONALS IN**  
14 **ELECTIONS**

15 **SEC. 201. CLARIFICATION OF PROHIBITION ON PARTICIPA-**  
16 **TION BY FOREIGN NATIONALS IN ELECTION-**  
17 **RELATED ACTIVITIES.**

18           (a) CLARIFICATION OF PROHIBITION.—Section  
19 319(a) of the Federal Election Campaign Act of 1971 (52  
20 U.S.C. 30121(a)) is amended—

21           (1) by striking “or” at the end of paragraph  
22           (1);

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

1           (3) by adding at the end the following new  
2 paragraph:

3           “(3) a foreign national to direct, dictate, con-  
4 trol, or directly or indirectly participate in the deci-  
5 sion making process of any person (including a cor-  
6 poration, labor organization, political committee, or  
7 political organization) with regard to such person’s  
8 Federal or non-Federal election-related activity, in-  
9 cluding any decision concerning the making of con-  
10 tributions, donations, expenditures, or disbursements  
11 in connection with an election for any Federal,  
12 State, or local office or any decision concerning the  
13 administration of a political committee.”.

14       (b) CERTIFICATION OF COMPLIANCE.—Section 319  
15 of such Act (52 U.S.C. 30121), as amended by section  
16 117, is further amended by adding at the end the following  
17 new subsection:

18       “(d) CERTIFICATION OF COMPLIANCE REQUIRED  
19 PRIOR TO CARRYING OUT ACTIVITY.—Prior to the mak-  
20 ing in connection with an election for Federal office of any  
21 contribution, donation, expenditure, independent expendi-  
22 ture, or disbursement for an electioneering communication  
23 by a corporation, labor organization (as defined in section  
24 316(b)), limited liability corporation, or partnership dur-  
25 ing a year, the chief executive officer of the corporation,

1 labor organization, limited liability corporation, or part-  
2 nership (or, if the corporation, labor organization, limited  
3 liability corporation, or partnership does not have a chief  
4 executive officer, the highest ranking official of the cor-  
5 poration, labor organization, limited liability corporation,  
6 or partnership), shall file a certification with the Commis-  
7 sion, under penalty of perjury, that a foreign national did  
8 not direct, dictate, control, or directly or indirectly partici-  
9 pate in the decision making process relating to such activ-  
10 ity in violation of subsection (a)(3), unless the chief execu-  
11 tive officer has previously filed such a certification during  
12 that calendar year.”.

13 (c) EFFECTIVE DATE.—The amendments made by  
14 this section shall take effect upon the expiration of the  
15 180-day period which begins on the date of the enactment  
16 of this Act.

17 **SEC. 202. CLARIFICATION OF APPLICATION OF FOREIGN**  
18 **MONEY BAN TO CERTAIN DISBURSEMENTS**  
19 **AND ACTIVITIES.**

20 (a) APPLICATION TO DISBURSEMENTS TO SUPER  
21 PACs.—Section 319(a)(1)(A) of the Federal Election  
22 Campaign Act of 1971 (52 U.S.C. 30121(a)(1)(A)) is  
23 amended by striking the semicolon and inserting the fol-  
24 lowing: “, including any disbursement to a political com-  
25 mittee which accepts donations or contributions that do

1 not comply with the limitations, prohibitions, and report-  
2 ing requirements of this Act (or any disbursement to or  
3 on behalf of any account of a political committee which  
4 is established for the purpose of accepting such donations  
5 or contributions);”.

6 (b) CONDITIONS UNDER WHICH CORPORATE PACS  
7 MAY MAKE CONTRIBUTIONS AND EXPENDITURES.—Sec-  
8 tion 316(b) of such Act (52 U.S.C. 30118(b)) is amended  
9 by adding at the end the following new paragraph:

10 “(8) A separate segregated fund established by a cor-  
11 poration may not make a contribution or expenditure dur-  
12 ing a year unless the fund has certified to the Commission  
13 the following during the year:

14 “(A) Each individual who manages the fund,  
15 and who is responsible for exercising decisionmaking  
16 authority for the fund, is a citizen of the United  
17 States or is lawfully admitted for permanent resi-  
18 dence in the United States.

19 “(B) No foreign national under section 319  
20 participates in any way in the decisionmaking proc-  
21 esses of the fund with regard to contributions or ex-  
22 penditures under this Act.

23 “(C) The fund does not solicit or accept rec-  
24 ommendations from any foreign national under sec-

1       tion 319 with respect to the contributions or expend-  
2       itures made by the fund.

3               “(D) Any member of the board of directors of  
4       the corporation who is a foreign national under sec-  
5       tion 319 abstains from voting on matters concerning  
6       the fund or its activities.”.

7       **SEC. 203. AUDIT AND REPORT ON ILLICIT FOREIGN MONEY**  
8               **IN FEDERAL ELECTIONS.**

9       (a) IN GENERAL.—Title III of the Federal Election  
10      Campaign Act of 1971 (52 U.S.C. 30101 et seq.) is  
11      amended by inserting after section 319 the following new  
12      section:

13      **“SEC. 319A. AUDIT AND REPORT ON DISBURSEMENTS BY**  
14              **FOREIGN NATIONALS.**

15              “(a) AUDIT.—

16                      “(1) IN GENERAL.—The Commission shall con-  
17              duct an audit after each Federal election cycle to de-  
18              termine the incidence of illicit foreign money in such  
19              Federal election cycle.

20                      “(2) PROCEDURES.—In carrying out paragraph  
21              (1), the Commission shall conduct random audits of  
22              any disbursements required to be reported under  
23              this Act, in accordance with procedures established  
24              by the Commission.

1       “(b) REPORT.—Not later than 180 days after the end  
2 of each Federal election cycle, the Commission shall sub-  
3 mit to Congress a report containing—

4               “(1) results of the audit required by subsection  
5 (a)(1);

6               “(2) an analysis of the extent to which illicit  
7 foreign money was used to carry out disinformation  
8 and propaganda campaigns focused on depressing  
9 turnout among rural communities and the success or  
10 failure of these efforts, together with recommenda-  
11 tions to address these efforts in future elections;

12               “(3) an analysis of the extent to which illicit  
13 foreign money was used to carry out disinformation  
14 and propaganda campaigns focused on depressing  
15 turnout among African-American and other minority  
16 communities and the success or failure of these ef-  
17 forts, together with recommendations to address  
18 these efforts in future elections;

19               “(4) an analysis of the extent to which illicit  
20 foreign money was used to carry out disinformation  
21 and propaganda campaigns focused on influencing  
22 military and veteran communities and the success or  
23 failure of these efforts, together with recommenda-  
24 tions to address these efforts in future elections; and

1           “(5) recommendations to address the presence  
2 of illicit foreign money in elections, as appropriate.

3           “(c) DEFINITIONS.—As used in this section:

4           “(1) The term ‘Federal election cycle’ means  
5 the period which begins on the day after the date of  
6 a regularly scheduled general election for Federal of-  
7 fice and which ends on the date of the first regularly  
8 scheduled general election for Federal office held  
9 after such date.

10           “(2) The term ‘illicit foreign money’ means any  
11 disbursement by a foreign national (as defined in  
12 section 319(b)) prohibited under such section.”.

13           (b) EFFECTIVE DATE.—The amendment made by  
14 subsection (a) shall apply with respect to the Federal elec-  
15 tion cycle that began during November 2018, and each  
16 succeeding Federal election cycle.

17 **SEC. 204. PROHIBITION ON CONTRIBUTIONS AND DONA-**  
18 **TIONS BY FOREIGN NATIONALS IN CONNEX-**  
19 **TIONS WITH BALLOT INITIATIVES AND**  
20 **REFERENDA.**

21           (a) IN GENERAL.—Section 319(a)(1)(A) of the Fed-  
22 eral Election Campaign Act of 1971 (52 U.S.C.  
23 30121(a)(1)(A)) is amended by striking “election” and in-  
24 serting the following: “election, including a State or local  
25 ballot initiative or referendum”.



1 (b) EFFECTIVE DATE.—The amendment made by  
2 this section shall apply with respect to elections held in  
3 2020 or any succeeding year.

4 **SEC. 205. EXPANSION OF LIMITATIONS ON FOREIGN NA-**  
5 **TIONALS PARTICIPATING IN POLITICAL AD-**  
6 **VERTISING.**

7 (a) DISBURSEMENTS DESCRIBED.—Section  
8 319(a)(1) of the Federal Election Campaign Act of 1971  
9 (52 U.S.C. 30121(a)(1)) is amended—

10 (1) by striking “or” at the end of subparagraph  
11 (B); and

12 (2) by striking subparagraph (C) and inserting  
13 the following:

14 “(C) an expenditure;

15 “(D) an independent expenditure;

16 “(E) a disbursement for an electioneering  
17 communication (within the meaning of section  
18 304(f)(3));

19 “(F) a disbursement for a communication  
20 which is placed or promoted for a fee on a  
21 website, web application, or digital application  
22 that refers to a clearly identified candidate for  
23 election for Federal office and is disseminated  
24 within 60 days before a general, special or run-  
25 off election for the office sought by the can-

1 didate or 30 days before a primary or pref-  
2 erence election, or a convention or caucus of a  
3 political party that has authority to nominate a  
4 candidate for the office sought by the can-  
5 didate;

6 “(G) a disbursement for a broadcast, cable  
7 or satellite communication, or for a communica-  
8 tion which is placed or promoted for a fee on  
9 a website, web application, or digital applica-  
10 tion, that promotes, supports, attacks or op-  
11 poses the election of a clearly identified can-  
12 didate for Federal, State, or local office (re-  
13 gardless of whether the communication contains  
14 express advocacy or the functional equivalent of  
15 express advocacy);

16 “(H) a disbursement for a broadcast,  
17 cable, or satellite communication, or for any  
18 communication which is placed or promoted for  
19 a fee on an online platform (as defined in sec-  
20 tion 304(k)(3)), that discusses a national legis-  
21 lative issue of public importance in a year in  
22 which a regularly scheduled general election for  
23 Federal office is held, but only if the disburse-  
24 ment is made by a covered foreign national de-  
25 scribed in section 304(j)(3)(C); or

1           “(I) a disbursement by a covered foreign  
2           national described in section 304(j)(3)(C) to  
3           compensate any person for internet activity that  
4           promotes, supports, attacks or opposes the elec-  
5           tion of a clearly identified candidate for Fed-  
6           eral, State, or local office (regardless of whether  
7           the activity communication contains express ad-  
8           vocacy or the functional equivalent of express  
9           advocacy);”.

10       (b) EFFECTIVE DATE.—The amendments made by  
11 this section shall apply with respect to disbursements  
12 made on or after the date of the enactment of this Act.

13 **SEC. 206. PROHIBITING ESTABLISHMENT OF CORPORATION**  
14                           **TO CONCEAL ELECTION CONTRIBUTIONS**  
15                           **AND DONATIONS BY FOREIGN NATIONALS.**

16       (a) PROHIBITION.—Chapter 29 of title 18, United  
17 States Code is amended by adding at the end the fol-  
18 lowing:

19 **“§ 612. Establishment of corporation to conceal elec-**  
20                           **tion contributions and donations by for-**  
21                           **ign nationals**

22       “(a) OFFENSE.—It shall be unlawful for an owner,  
23 officer, attorney, or incorporation agent of a corporation,  
24 company, or other entity to establish or use the corpora-  
25 tion, company, or other entity with the intent to conceal

1 an activity of a foreign national (as defined in section 319  
2 of the Federal Election Campaign Act of 1971 (52 U.S.C.  
3 30121)) prohibited under such section 319.

4 “(b) PENALTY.—Any person who violates subsection  
5 (a) shall be imprisoned for not more than 5 years, fined  
6 under this title, or both.”.

7 (b) TABLE OF SECTIONS.—The table of sections for  
8 chapter 29 of title 18, United States Code, is amended  
9 by inserting after the item relating to section 611 the fol-  
10 lowing:

“612. Establishment of corporation to conceal election contributions and dona-  
tions by foreign nationals.”.

11 **TITLE III—DETECTING FOREIGN**  
12 **INTERFERENCE IN ELECTIONS**  
13 **Subtitle A—Deterrence Under Fed-**  
14 **eral Election Campaign Act of**  
15 **1971**

16 **SEC. 301. RESTRICTIONS ON EXCHANGE OF CAMPAIGN IN-**  
17 **FORMATION BETWEEN CANDIDATES AND**  
18 **FOREIGN POWERS.**

19 Section 319 of the Federal Election Campaign Act  
20 of 1971 (52 U.S.C. 30121), as amended by section 117  
21 and section 201(b), is further amended by adding at the  
22 end the following new subsection:

23 “(e) RESTRICTIONS ON EXCHANGE OF INFORMATION  
24 BETWEEN CANDIDATES AND FOREIGN POWERS.—

1           “(1) TREATMENT OF OFFER TO SHARE NON-  
2 PUBLIC CAMPAIGN MATERIAL AS SOLICITATION OF  
3 CONTRIBUTION FROM FOREIGN NATIONAL.—If a  
4 candidate or an individual affiliated with the cam-  
5 paign of a candidate, or if a political committee or  
6 an individual affiliated with a political committee,  
7 provides or offers to provide nonpublic campaign  
8 material to a covered foreign national or to another  
9 person whom the candidate, committee, or individual  
10 knows or has reason to know will provide the mate-  
11 rial to a covered foreign national, the candidate,  
12 committee, or individual (as the case may be) shall  
13 be considered for purposes of this section to have so-  
14 licited a contribution or donation described in sub-  
15 section (a)(1)(A) from a foreign national.

16           “(2) DEFINITIONS.—In this subsection, the fol-  
17 lowing definitions apply:

18           “(A) The term ‘candidate’ means an indi-  
19 vidual who seeks nomination for, or election to,  
20 any Federal, State, or local public office.

21           “(B) The term ‘covered foreign national’  
22 has the meaning given such term in section  
23 304(j)(3)(C).

24           “(C) The term ‘individual affiliated with a  
25 campaign’ means, with respect to a candidate,

1 an employee of any organization legally author-  
2 ized under Federal, State, or local law to sup-  
3 port the candidate’s campaign for nomination  
4 for, or election to, any Federal, State, or local  
5 public office, as well as any independent con-  
6 tractor of such an organization and any indi-  
7 vidual who performs services on behalf of the  
8 organization, whether paid or unpaid.

9 “(D) The term ‘individual affiliated with a  
10 political committee’ means, with respect to a  
11 political committee, an employee of the com-  
12 mittee as well as any independent contractor of  
13 the committee and any individual who performs  
14 services on behalf of the committee, whether  
15 paid or unpaid.

16 “(E) The term ‘nonpublic campaign mate-  
17 rial’ means, with respect to a candidate or a po-  
18 litical committee, campaign material that is  
19 produced by the candidate or the committee or  
20 produced at the candidate or committee’s ex-  
21 pense or request which is not distributed or  
22 made available to the general public or other-  
23 wise in the public domain, including polling and  
24 focus group data and opposition research, ex-  
25 cept that such term does not include material

1 produced for purposes of consultations relating  
2 solely to the candidate’s or committee’s position  
3 on a legislative or policy matter.”.

4 **SEC. 302. CLARIFICATION OF STANDARD FOR DETER-**  
5 **MINING EXISTENCE OF COORDINATION BE-**  
6 **TWEEN CAMPAIGNS AND OUTSIDE INTER-**  
7 **ESTS.**

8 Section 315(a) of the Federal Election Campaign Act  
9 of 1971 (52 U.S.C. 30116(a)) is amended by adding at  
10 the end the following new paragraph:

11 “(10) For purposes of paragraph (7), an expenditure  
12 or disbursement may be considered to have been made in  
13 cooperation, consultation, or concert with, or coordinated  
14 with, a person without regard to whether or not the co-  
15 operation, consultation, or coordination is carried out pur-  
16 suant to agreement or formal collaboration.”.

17 **SEC. 303. PROHIBITION ON PROVISION OF SUBSTANTIAL**  
18 **ASSISTANCE RELATING TO CONTRIBUTION**  
19 **OR DONATION BY FOREIGN NATIONALS.**

20 Section 319 of the Federal Election Campaign Act  
21 of 1971 (52 U.S.C. 30121), as amended by section 117,  
22 section 201(a), section 201(b), and section 301, is further  
23 amended—

24 (1) in subsection (a)—

1 (A) by striking “or” at the end of para-  
2 graph (2);

3 (B) by striking the period at the end of  
4 paragraph (3) and inserting “; or”; and

5 (C) by adding at the end the following:

6 “(4) a person to knowingly provide substantial  
7 assistance to another person in carrying out an ac-  
8 tivity described in paragraph (1), (2), or (3).”; and

9 (2) by adding at the end the following new sub-  
10 sections:

11 “(f) KNOWINGLY DESCRIBED.—

12 “(1) IN GENERAL.—For purposes of subsection  
13 (a)(4), the term ‘knowingly’ means actual knowl-  
14 edge, constructive knowledge, awareness of pertinent  
15 facts that would lead a reasonable person to con-  
16 clude there is a substantial probability, or awareness  
17 of pertinent facts that would lead a reasonable per-  
18 son to conduct a reasonable inquiry to establish—

19 “(A) with respect to an activity described  
20 in subsection (a)(1), that the contribution, do-  
21 nation, expenditure, independent expenditure,  
22 or disbursement is from a foreign national;

23 “(B) with respect to an activity described  
24 in subsection (a)(2), that the contribution or



1 donation solicited, accepted, or received is from  
2 a foreign national; and

3 “(C) with respect to an activity described  
4 in subsection (a)(3), that the person directing,  
5 dictating, controlling, or directly or indirectly  
6 participating in the decision making process is  
7 a foreign national.

8 “(2) PERTINENT FACTS.—For purposes of  
9 paragraph (1), pertinent facts include, but are not  
10 limited to, that the person making the contribution,  
11 donation, expenditure, independent expenditure, or  
12 disbursement, or that the person from whom the  
13 contribution or donation is solicited, accepted, or re-  
14 ceived, or that the person directing, dictating, con-  
15 trolling, or directly or indirectly participating in the  
16 decision making process—

17 “(A) uses a foreign passport or passport  
18 number for identification purposes;

19 “(B) provides a foreign address;

20 “(C) uses a check or other written instru-  
21 ment drawn on a foreign bank, or by a wire  
22 transfer from a foreign bank, in carrying out  
23 the activity; or

24 “(D) resides abroad.

1 “(g) SUBSTANTIAL ASSISTANCE DEFINED.—As used  
2 in this section, the term ‘substantial assistance’ means,  
3 with respect to an activity prohibited by paragraph (1),  
4 (2), or (3) of subsection (a), involvement with an intent  
5 to facilitate successful completion of the activity.”.

6 **Subtitle B—Prohibiting Deceptive**  
7 **Practices and Preventing Voter**  
8 **Intimidation**

9 **SEC. 311. SHORT TITLE.**

10 This subtitle may be cited as the “Deceptive Prac-  
11 tices and Voter Intimidation Prevention Act of 2019”.

12 **SEC. 312. PROHIBITION ON DECEPTIVE PRACTICES IN FED-**  
13 **ERAL ELECTIONS.**

14 (a) PROHIBITION.—Subsection (b) of section 2004 of  
15 the Revised Statutes (52 U.S.C. 10101(b)) is amended—

16 (1) by striking “No person” and inserting the  
17 following:

18 “(1) IN GENERAL.—No person”; and

19 (2) by inserting at the end the following new  
20 paragraphs:

21 “(2) FALSE STATEMENTS REGARDING FEDERAL  
22 ELECTIONS.—

23 “(A) PROHIBITION.—No person, whether  
24 acting under color of law or otherwise, shall,  
25 within 90 days before an election described in

1 paragraph (5), by any means, including by  
2 means of written, electronic, or telephonic com-  
3 munications, communicate or cause to be com-  
4 municated information described in subpara-  
5 graph (B), or produce information described in  
6 subparagraph (B) with the intent that such in-  
7 formation be communicated, if such person—

8 “(i) knows such information to be ma-  
9 terially false; and

10 “(ii) has the intent to impede or pre-  
11 vent another person from exercising the  
12 right to vote in an election described in  
13 paragraph (5).

14 “(B) INFORMATION DESCRIBED.—Infor-  
15 mation is described in this subparagraph if such  
16 information is regarding—

17 “(i) the time, place, or manner of  
18 holding any election described in para-  
19 graph (5); or

20 “(ii) the qualifications for or restric-  
21 tions on voter eligibility for any such elec-  
22 tion, including—

23 “(I) any criminal penalties asso-  
24 ciated with voting in any such elec-  
25 tion; or

1                   “(II) information regarding a  
2                   voter’s registration status or eligi-  
3                   bility.

4                   “(3) FALSE STATEMENTS REGARDING PUBLIC  
5                   ENDORSEMENTS.—

6                   “(A) PROHIBITION.—No person, whether  
7                   acting under color of law or otherwise, shall,  
8                   within 90 days before an election described in  
9                   paragraph (5), by any means, including by  
10                  means of written, electronic, or telephonic com-  
11                  munications, communicate, or cause to be com-  
12                  municated, a materially false statement about  
13                  an endorsement, if such person—

14                   “(i) knows such statement to be false;  
15                   and

16                   “(ii) has the intent to impede or pre-  
17                  vent another person from exercising the  
18                  right to vote in an election described in  
19                  paragraph (5).

20                  “(B) DEFINITION OF ‘MATERIALLY  
21                  FALSE’.—For purposes of subparagraph (A), a  
22                  statement about an endorsement is ‘materially  
23                  false’ if, with respect to an upcoming election  
24                  described in paragraph (5)—

1           “(i) the statement states that a spe-  
2           cifically named person, political party, or  
3           organization has endorsed the election of a  
4           specific candidate for a Federal office de-  
5           scribed in such paragraph; and

6           “(ii) such person, political party, or  
7           organization has not endorsed the election  
8           of such candidate.

9           “(4) HINDERING, INTERFERING WITH, OR PRE-  
10          VENTING VOTING OR REGISTERING TO VOTE.—No  
11          person, whether acting under color of law or other-  
12          wise, shall intentionally hinder, interfere with, or  
13          prevent another person from voting, registering to  
14          vote, or aiding another person to vote or register to  
15          vote in an election described in paragraph (5).

16          “(5) ELECTION DESCRIBED.—An election de-  
17          scribed in this paragraph is any general, primary,  
18          run-off, or special election held solely or in part for  
19          the purpose of nominating or electing a candidate  
20          for the office of President, Vice President, presi-  
21          dential elector, Member of the Senate, Member of  
22          the House of Representatives, or Delegate or Com-  
23          missioner from a Territory or possession.”.

24          (b) PRIVATE RIGHT OF ACTION.—

1           (1) IN GENERAL.—Subsection (c) of section  
2           2004 of the Revised Statutes (52 U.S.C. 10101(e))  
3           is amended—

4                   (A) by striking “Whenever any person”  
5                   and inserting the following:

6                   “(1) Whenever any person”; and

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

9                   “(2) Any person aggrieved by a violation of  
10                  subsection (b)(2), (b)(3), or (b)(4) may institute a  
11                  civil action for preventive relief, including an appli-  
12                  cation in a United States district court for a perma-  
13                  nent or temporary injunction, restraining order, or  
14                  other order. In any such action, the court, in its dis-  
15                  cretion, may allow the prevailing party a reasonable  
16                  attorney’s fee as part of the costs.”.

17           (2) CONFORMING AMENDMENTS.—

18                   (A) Subsection (e) of section 2004 of the  
19                   Revised Statutes (52 U.S.C. 10101(e)) is  
20                   amended by striking “subsection (e)” and in-  
21                   serting “subsection (e)(1)”.

22                   (B) Subsection (g) of section 2004 of the  
23                   Revised Statutes (52 U.S.C. 10101(g)) is  
24                   amended by striking “subsection (e)” and in-  
25                   serting “subsection (e)(1)”.

1 (c) CRIMINAL PENALTIES.—

2 (1) DECEPTIVE ACTS.—Section 594 of title 18,  
3 United States Code, is amended—

4 (A) by striking “Whoever” and inserting  
5 the following:

6 “(a) INTIMIDATION.—Whoever”;

7 (B) in subsection (a), as inserted by sub-  
8 paragraph (A), by striking “at any election”  
9 and inserting “at any general, primary, run-off,  
10 or special election”; and

11 (C) by adding at the end the following new  
12 subsections:

13 “(b) DECEPTIVE ACTS.—

14 “(1) FALSE STATEMENTS REGARDING FEDERAL  
15 ELECTIONS.—

16 “(A) PROHIBITION.—It shall be unlawful  
17 for any person, whether acting under color of  
18 law or otherwise, within 90 days before an elec-  
19 tion described in subsection (e), by any means,  
20 including by means of written, electronic, or tel-  
21 ephonic communications, to communicate or  
22 cause to be communicated information de-  
23 scribed in subparagraph (B), or produce infor-  
24 mation described in subparagraph (B) with the

1 intent that such information be communicated,  
2 if such person—

3 “(i) knows such information to be ma-  
4 terially false; and

5 “(ii) has the intent to mislead voters,  
6 or the intent to impede or prevent another  
7 person from exercising the right to vote in  
8 an election described in subsection (e).

9 “(B) INFORMATION DESCRIBED.—Infor-  
10 mation is described in this subparagraph if such  
11 information is regarding—

12 “(i) the time or place of holding any  
13 election described in subsection (e); or

14 “(ii) the qualifications for or restric-  
15 tions on voter eligibility for any such elec-  
16 tion, including—

17 “(I) any criminal penalties asso-  
18 ciated with voting in any such elec-  
19 tion; or

20 “(II) information regarding a  
21 voter’s registration status or eligi-  
22 bility.

23 “(2) PENALTY.—Any person who violates para-  
24 graph (1) shall be fined not more than \$100,000,  
25 imprisoned for not more than 5 years, or both.



1       “(c) HINDERING, INTERFERING WITH, OR PRE-  
2 VENTING VOTING OR REGISTERING TO VOTE.—

3               “(1) PROHIBITION.—It shall be unlawful for  
4 any person, whether acting under color of law or  
5 otherwise, to intentionally hinder, interfere with, or  
6 prevent another person from voting, registering to  
7 vote, or aiding another person to vote or register to  
8 vote in an election described in subsection (e).

9               “(2) PENALTY.—Any person who violates para-  
10 graph (1) shall be fined not more than \$100,000,  
11 imprisoned for not more than 5 years, or both.

12       “(d) ATTEMPT.—Any person who attempts to commit  
13 any offense described in subsection (a), (b)(1), or (c)(1)  
14 shall be subject to the same penalties as those prescribed  
15 for the offense that the person attempted to commit.

16       “(e) ELECTION DESCRIBED.—An election described  
17 in this subsection is any general, primary, run-off, or spe-  
18 cial election held solely or in part for the purpose of nomi-  
19 nating or electing a candidate for the office of President,  
20 Vice President, presidential elector, Member of the Senate,  
21 Member of the House of Representatives, or Delegate or  
22 Commissioner from a Territory or possession.”.

23               (2) MODIFICATION OF PENALTY FOR VOTER IN-  
24 TIMIDATION.—Section 594(a) of title 18, United  
25 States Code, as amended by paragraph (1), is

1 amended by striking “fined under this title or im-  
2 prisoned not more than one year” and inserting  
3 “fined not more than \$100,000, imprisoned for not  
4 more than 5 years”.

5 (3) SENTENCING GUIDELINES.—

6 (A) REVIEW AND AMENDMENT.—Not later  
7 than 180 days after the date of enactment of  
8 this Act, the United States Sentencing Commis-  
9 sion, pursuant to its authority under section  
10 994 of title 28, United States Code, and in ac-  
11 cordance with this section, shall review and, if  
12 appropriate, amend the Federal sentencing  
13 guidelines and policy statements applicable to  
14 persons convicted of any offense under section  
15 594 of title 18, United States Code, as amend-  
16 ed by this section.

17 (B) AUTHORIZATION.—The United States  
18 Sentencing Commission may amend the Federal  
19 Sentencing Guidelines in accordance with the  
20 procedures set forth in section 21(a) of the Sen-  
21 tencing Act of 1987 (28 U.S.C. 994 note) as  
22 though the authority under that section had not  
23 expired.

24 (4) PAYMENTS FOR REFRAINING FROM VOT-  
25 ING.—Subsection (c) of section 11 of the Voting

1 Rights Act of 1965 (52 U.S.C. 10307) is amended  
2 by striking “either for registration to vote or for vot-  
3 ing” and inserting “for registration to vote, for vot-  
4 ing, or for not voting”.

5 **SEC. 313. CORRECTIVE ACTION.**

6 (a) CORRECTIVE ACTION.—

7 (1) IN GENERAL.—If the Attorney General re-  
8 ceives a credible report that materially false informa-  
9 tion has been or is being communicated in violation  
10 of paragraphs (2) and (3) of section 2004(b) of the  
11 Revised Statutes (52 U.S.C. 10101(b)), as added by  
12 section 312(a), and if the Attorney General deter-  
13 mines that State and local election officials have not  
14 taken adequate steps to promptly communicate accu-  
15 rate information to correct the materially false infor-  
16 mation, the Attorney General shall, pursuant to the  
17 written procedures and standards under subsection  
18 (b), communicate to the public, by any means, in-  
19 cluding by means of written, electronic, or telephonic  
20 communications, accurate information designed to  
21 correct the materially false information.

22 (2) COMMUNICATION OF CORRECTIVE INFORMA-  
23 TION.—Any information communicated by the Attor-  
24 ney General under paragraph (1)—

25 (A) shall—

1 (i) be accurate and objective;

2 (ii) consist of only the information  
3 necessary to correct the materially false in-  
4 formation that has been or is being com-  
5 municated; and

6 (iii) to the extent practicable, be by a  
7 means that the Attorney General deter-  
8 mines will reach the persons to whom the  
9 materially false information has been or is  
10 being communicated; and

11 (B) shall not be designed to favor or dis-  
12 favor any particular candidate, organization, or  
13 political party.

14 (b) WRITTEN PROCEDURES AND STANDARDS FOR  
15 TAKING CORRECTIVE ACTION.—

16 (1) IN GENERAL.—Not later than 180 days  
17 after the date of enactment of this Act, the Attorney  
18 General shall publish written procedures and stand-  
19 ards for determining when and how corrective action  
20 will be taken under this section.

21 (2) INCLUSION OF APPROPRIATE DEADLINES.—  
22 The procedures and standards under paragraph (1)  
23 shall include appropriate deadlines, based in part on  
24 the number of days remaining before the upcoming  
25 election.

1           (3) CONSULTATION.—In developing the proce-  
2           dures and standards under paragraph (1), the Attor-  
3           ney General shall consult with the Election Assist-  
4           ance Commission, State and local election officials,  
5           civil rights organizations, voting rights groups, voter  
6           protection groups, and other interested community  
7           organizations.

8           (c) AUTHORIZATION OF APPROPRIATIONS.—There  
9           are authorized to be appropriated to the Attorney General  
10          such sums as may be necessary to carry out this subtitle.

11 **SEC. 314. REPORTS TO CONGRESS.**

12          (a) IN GENERAL.—Not later than 180 days after  
13          each general election for Federal office, the Attorney Gen-  
14          eral shall submit to Congress a report compiling all allega-  
15          tions received by the Attorney General of deceptive prac-  
16          tices described in paragraphs (2), (3), and (4) of section  
17          2004(b) of the Revised Statutes (52 U.S.C. 10101(b)), as  
18          added by section 312(a), relating to the general election  
19          for Federal office and any primary, run-off, or a special  
20          election for Federal office held in the 2 years preceding  
21          the general election.

22          (b) CONTENTS.—

23                  (1) IN GENERAL.—Each report submitted  
24          under subsection (a) shall include—

1 (A) a description of each allegation of a  
2 deceptive practice described in subsection (a),  
3 including the geographic location, racial and  
4 ethnic composition, and language minority-  
5 group membership of the persons toward whom  
6 the alleged deceptive practice was directed;

7 (B) the status of the investigation of each  
8 allegation described in subparagraph (A);

9 (C) a description of each corrective action  
10 taken by the Attorney General under section  
11 4(a) in response to an allegation described in  
12 subparagraph (A);

13 (D) a description of each referral of an al-  
14 legation described in subparagraph (A) to other  
15 Federal, State, or local agencies;

16 (E) to the extent information is available,  
17 a description of any civil action instituted under  
18 section 2004(c)(2) of the Revised Statutes (52  
19 U.S.C. 10101(c)(2)), as added by section  
20 312(b), in connection with an allegation de-  
21 scribed in subparagraph (A); and

22 (F) a description of any criminal prosecu-  
23 tion instituted under section 594 of title 18,  
24 United States Code, as amended by section  
25 3(e), in connection with the receipt of an allega-

1           tion described in subparagraph (A) by the At-  
2           torney General.

3           (2) EXCLUSION OF CERTAIN INFORMATION.—

4                 (A) IN GENERAL.—The Attorney General  
5           shall not include in a report submitted under  
6           subsection (a) any information protected from  
7           disclosure by rule 6(e) of the Federal Rules of  
8           Criminal Procedure or any Federal criminal  
9           statute.

10                (B) EXCLUSION OF CERTAIN OTHER IN-  
11           FORMATION.—The Attorney General may deter-  
12           mine that the following information shall not be  
13           included in a report submitted under subsection  
14           (a):

15                         (i) Any information that is privileged.

16                         (ii) Any information concerning an  
17           ongoing investigation.

18                         (iii) Any information concerning a  
19           criminal or civil proceeding conducted  
20           under seal.

21                         (iv) Any other nonpublic information  
22           that the Attorney General determines the  
23           disclosure of which could reasonably be ex-  
24           pected to infringe on the rights of any in-

1                   dividual or adversely affect the integrity of  
2                   a pending or future criminal investigation.

3           (c) REPORT MADE PUBLIC.—On the date that the  
4 Attorney General submits the report under subsection (a),  
5 the Attorney General shall also make the report publicly  
6 available through the Internet and other appropriate  
7 means.

8           **Subtitle C—Inadmissibility and De-**  
9           **portability of Aliens Engaging**  
10          **in Improper Election Inter-**  
11          **ference**

12          **SEC. 321. INADMISSIBILITY AND DEPORTABILITY OF**  
13                                   **ALIENS ENGAGING IN IMPROPER INTER-**  
14                                   **ERENCE IN UNITED STATES ELECTIONS.**

15          (a) INADMISSIBILITY.—Section 212(a)(3) of the Im-  
16 migration and Nationality Act (8 U.S.C. 1182(a)(3)) is  
17 amended by adding at the end the following:

18                                   “(H) IMPROPER INTERFERENCE IN A  
19                                   UNITED STATES ELECTION.—Any alien who a  
20                                   consular officer, the Secretary of Homeland Se-  
21                                   curity, the Secretary of State, or the Attorney  
22                                   General knows, or has reasonable grounds to  
23                                   believe, is seeking admission to the United  
24                                   States to engage in improper interference in a  
25                                   United States election, or has engaged in im-



1           proper interference in a United States election,  
2           is inadmissible.”.

3           (b) DEPORTABILITY.—Section 237(a) of such Act (8  
4 U.S.C. 1227(a)) is amended by adding at the end the fol-  
5 lowing:

6           “(8) IMPROPER INTERFERENCE IN A UNITED  
7 STATES ELECTION.—Any alien who has engaged, is  
8 engaged, or at any time after admission engages in  
9 improper interference in a United States election is  
10 deportable.”.

11          (c) DEFINITION.—Section 101(a) of such Act (8  
12 U.S.C. 1101(a)) is amended by adding at the end the fol-  
13 lowing:

14           “(53) The term ‘improper interference in a  
15 United States election’ means conduct by an alien  
16 that—

17           “(A)(i) violates Federal criminal, voting  
18 rights, or campaign finance law; or

19           “(ii) is performed by any person acting as  
20 an agent of or on behalf of a foreign govern-  
21 ment or criminal enterprise; and

22           “(B) includes any covert, fraudulent, de-  
23 ceptive, or unlawful act or attempted act, un-  
24 dertaken with the purpose or effect of under-  
25 mining public confidence in election processes

1 or institutions, or influencing, undermining con-  
2 fidence in, or altering the result or reported re-  
3 sult of, a general or primary Federal, State, or  
4 local election or caucus, including—

5 “(i) the campaign of a candidate; or

6 “(ii) a ballot measure, including an  
7 amendment, a bond issue, an initiative, a  
8 recall, a referral, or a referendum.”.

9 **Subtitle D—Notifying States of**  
10 **Disinformation Campaigns by**  
11 **Foreign Nationals**

12 **SEC. 331. NOTIFYING STATES OF DISINFORMATION CAM-**  
13 **PAIGNS BY FOREIGN NATIONALS.**

14 (a) **REQUIRING DISCLOSURE.**—If the Federal Elec-  
15 tion Commission makes a determination that a foreign na-  
16 tional has initiated or has attempted to initiate a  
17 disinformation campaign targeted at an election for public  
18 office held in a State, the Commission shall notify the  
19 State involved of the determination not later than 30 days  
20 after making the determination.

21 (b) **DEFINITIONS.**—In this section the term “foreign  
22 national” has the meaning given such term in section  
23 319(b) of the Federal Election Campaign Act of 1971 (52  
24 U.S.C. 30121(b)).

1           **Subtitle E—Prohibiting Use of**  
2           **Deepfakes in Election Campaigns**

3   **SEC. 341. PROHIBITION ON DISTRIBUTION OF MATERIALLY**  
4                   **DECEPTIVE AUDIO OR VISUAL MEDIA PRIOR**  
5                   **TO ELECTION.**

6           (a) IN GENERAL.—Title III of the Federal Election  
7 Campaign Act of 1971 (52 U.S.C. 30101 et seq.), as  
8 amended by section 203, is further amended by adding  
9 at the end the following new section:

10 **“SEC. 325. PROHIBITION ON DISTRIBUTION OF MATERI-**  
11                   **ALLY DECEPTIVE MEDIA PRIOR TO ELEC-**  
12                   **TION.**

13           “(a) IN GENERAL.—Except as provided in sub-  
14 sections (b) and (c), a person, political committee, or other  
15 entity shall not, within 60 days of a election for Federal  
16 office at which a candidate for elective office will appear  
17 on the ballot, distribute, with actual malice, materially de-  
18 ceptive audio or visual media of the candidate with the  
19 intent to injure the candidate’s reputation or to deceive  
20 a voter into voting for or against the candidate.

21           “(b) EXCEPTION.—

22                   “(1) REQUIRED LANGUAGE.—The prohibition  
23 in subsection (a) does not apply if the audio or vis-  
24 ual media includes—

1           “(A) a disclosure stating: “This  
2           \_\_\_\_\_ has been manipulated.”; and

3           “(B) filled in the blank in the disclosure  
4           under subparagraph (A), the term ‘image’,  
5           ‘video’, or ‘audio’, as most accurately describes  
6           the media.

7           “(2) VISUAL MEDIA.—For visual media, the  
8           text of the disclosure shall appear in a size that is  
9           easily readable by the average viewer and no smaller  
10          than the largest font size of other text appearing in  
11          the visual media. If the visual media does not in-  
12          clude any other text, the disclosure shall appear in  
13          a size that is easily readable by the average viewer.  
14          For visual media that is video, the disclosure shall  
15          appear for the duration of the video.

16          “(3) AUDIO-ONLY MEDIA.—If the media con-  
17          sists of audio only, the disclosure shall be read in a  
18          clearly spoken manner and in a pitch that can be  
19          easily heard by the average listener, at the beginning  
20          of the audio, at the end of the audio, and, if the  
21          audio is greater than 2 minutes in length, inter-  
22          spersed within the audio at intervals of not greater  
23          than 2 minutes each.

24          “(c) INAPPLICABILITY TO CERTAIN ENTITIES.—This  
25          section does not apply to the following:

1           “(1) A radio or television broadcasting station,  
2 including a cable or satellite television operator, pro-  
3 grammer, or producer, that broadcasts materially  
4 deceptive audio or visual media prohibited by this  
5 section as part of a bona fide newscast, news inter-  
6 view, news documentary, or on-the-spot coverage of  
7 bona fide news events, if the broadcast clearly ac-  
8 knowledges through content or a disclosure, in a  
9 manner that can be easily heard or read by the aver-  
10 age listener or viewer, that there are questions about  
11 the authenticity of the materially deceptive audio or  
12 visual media.

13           “(2) A radio or television broadcasting station,  
14 including a cable or satellite television operator, pro-  
15 grammer, or producer, when it is paid to broadcast  
16 materially deceptive audio or visual media.

17           “(3) An internet website, or a regularly pub-  
18 lished newspaper, magazine, or other periodical of  
19 general circulation, including an internet or elec-  
20 tronic publication, that routinely carries news and  
21 commentary of general interest, and that publishes  
22 materially deceptive audio or visual media prohibited  
23 by this section, if the publication clearly states that  
24 the materially deceptive audio or visual media does

1 not accurately represent the speech or conduct of the  
2 candidate.

3 “(4) Materially deceptive audio or visual media  
4 that constitutes satire or parody.

5 “(d) CIVIL ACTION.—

6 “(1) INJUNCTIVE OR OTHER EQUITABLE RE-  
7 LIEF.—A candidate for elective office whose voice or  
8 likeness appears in a materially deceptive audio or  
9 visual media distributed in violation of this section  
10 may seek injunctive or other equitable relief prohib-  
11 iting the distribution of audio or visual media in vio-  
12 lation of this section. An action under this para-  
13 graph shall be entitled to precedence in accordance  
14 with the Federal Rules of Civil Procedure.

15 “(2) DAMAGES.—A candidate for elective office  
16 whose voice or likeness appears in a materially de-  
17 ceptive audio or visual media distributed in violation  
18 of this section may bring an action for general or  
19 special damages against the person, committee, or  
20 other entity that distributed the materially deceptive  
21 audio or visual media. The court may also award a  
22 prevailing party reasonable attorney’s fees and costs.  
23 This paragraph shall not be construed to limit or  
24 preclude a plaintiff from securing or recovering any  
25 other available remedy.

1           “(3) BURDEN OF PROOF.—In any civil action  
2           alleging a violation of this section, the plaintiff shall  
3           bear the burden of establishing the violation through  
4           clear and convincing evidence.

5           “(e) RULE OF CONSTRUCTION.—This section shall  
6           not be construed to alter or negate any rights, obligations,  
7           or immunities of an interactive service provider under sec-  
8           tion 230 of title 47, United States Code.

9           “(f) MATERIALLY DECEPTIVE AUDIO OR VISUAL  
10          MEDIA DEFINED.—In this section, the term ‘materially  
11          deceptive audio or visual media’ means an image or an  
12          audio or video recording of a candidate’s appearance,  
13          speech, or conduct that has been intentionally manipulated  
14          in a manner such that both of the following conditions  
15          are met:

16                 “(1) The image or audio or video recording  
17                 would falsely appear to a reasonable person to be  
18                 authentic.

19                 “(2) The image or audio or video recording  
20                 would cause a reasonable person to have a fun-  
21                 damentally different understanding or impression of  
22                 the expressive content of the image or audio or video  
23                 recording than that person would have if the person  
24                 were hearing or seeing the unaltered, original  
25                 version of the image or audio or video recording.”.

1 (b) CRIMINAL PENALTIES.—Section 309(d)(1) of the  
2 Federal Election Campaign Act of 1971 (52 U.S.C.  
3 30109(d)(1)), as amended by section 103, is further  
4 amended by adding at the end the following new subpara-  
5 graph:

6 “(G) Any person who knowingly and will-  
7 fully commits a violation of section 325 shall be  
8 fined not more than \$100,000, imprisoned not  
9 more than 5 years, or both.”.

10 (c) EFFECT ON DEFAMATION ACTION.—For pur-  
11 poses of an action for defamation, a violation of section  
12 325 of the Federal Election Campaign Act of 1971, as  
13 added by subsection (a), shall constitute defamation per  
14 se.

15 **Subtitle F—Assessment of Exemp-**  
16 **tion of Registration Require-**  
17 **ments Under FARA for Reg-**  
18 **istered Lobbyists**

19 **SEC. 351. ASSESSMENT OF EXEMPTION OF REGISTRATION**  
20 **REQUIREMENTS UNDER FARA FOR REG-**  
21 **ISTERED LOBBYISTS.**

22 Not later than 90 days after the date of the enact-  
23 ment of this Act, the Comptroller General of the United  
24 States shall conduct and submit to Congress an assess-  
25 ment of the implications of the exemption provided under



1 the Foreign Agents Registration Act of 1938, as amended  
2 (22 U.S.C. 611 et seq.) for agents of foreign principals  
3 who are also registered lobbyists under the Lobbying Dis-  
4 closure Act of 1995 (2 U.S.C. 1601 et seq.), and shall  
5 include in the assessment an analysis of the extent to  
6 which revisions in such Acts might mitigate the risk of  
7 foreign government money influencing elections or political  
8 processes in the United States.

9           **TITLE IV—MISCELLANEOUS**  
10                           **PROVISIONS**

11 **SEC. 401. EFFECTIVE DATES OF PROVISIONS.**

12           Each provision of this Act and each amendment made  
13 by a provision of this Act shall take effect on the effective  
14 date provided under this Act for such provision or such  
15 amendment without regard to whether or not the Federal  
16 Election Commission, the Attorney General, or any other  
17 person has promulgated regulations to carry out such pro-  
18 vision or such amendment.

19 **SEC. 402. SEVERABILITY.**

20           If any provision of this Act or any amendment made  
21 by this Act, or the application of a provision of this Act  
22 or an amendment made by this Act to any person or cir-  
23 cumstance, is held to be unconstitutional, the remainder  
24 of this Act, and the application of the provisions to any

1 person or circumstance, shall not be affected by the hold-  
2 ing.

Passed the House of Representatives October 23,  
2019.

Attest:                      CHERYL L. JOHNSON,  
*Clerk.*