

116TH CONGRESS
1ST SESSION

H. R. 4703

To amend the Federal Election Campaign Act of 1971 to prohibit certain foreign nationals from making disbursements to compensate persons engaging in internet activity promoting, supporting, attacking, or opposing the election of a candidate for public office.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 16, 2019

Mr. LAMB introduced the following bill; which was referred to the Committee on House Administration

A BILL

To amend the Federal Election Campaign Act of 1971 to prohibit certain foreign nationals from making disbursements to compensate persons engaging in internet activity promoting, supporting, attacking, or opposing the election of a candidate for public office.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Defending Elections
5 From Foreign Efforts to Negate Democracy Act” or the
6 “DEFEND Act”.

1 **SEC. 2. PROHIBITING DISBURSEMENTS BY CERTAIN FOR-**
2 **EIGN NATIONALS TO COMPENSATE PERSONS**
3 **ENGAGING IN INTERNET ACTIVITY PRO-**
4 **MOTING, SUPPORTING, ATTACKING, OR OP-**
5 **POSING THE ELECTION OF A CANDIDATE FOR**
6 **PUBLIC OFFICE.**

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)); or

19 “(F) a disbursement by a covered foreign
20 national (as defined in subsection (c)) to com-
21 pensate any person for internet activity that
22 promotes, supports, attacks or opposes the elec-
23 tion of a clearly identified candidate for Fed-
24 eral, State, or local office (regardless of whether
25 the activity communication contains express ad-

1 vocacy or the functional equivalent of express
2 advocacy); or”.

3 (b) DEFINITION.—Section 319 of such Act (52
4 U.S.C. 30121) is amended by adding at the end the fol-
5 lowing new subsection:

6 “(c) COVERED FOREIGN NATIONAL DEFINED.—

7 “(1) IN GENERAL.—In this subsection, the term
8 ‘covered foreign national’ means—

9 “(A) a foreign principal (as defined in sec-
10 tion 1(b) of the Foreign Agents Registration
11 Act of 1938 (22 U.S.C. 611(b)) that is a gov-
12 ernment of a foreign country or a foreign polit-
13 ical party;

14 “(B) any person who acts as an agent,
15 representative, employee, or servant, or any per-
16 son who acts in any other capacity at the order,
17 request, or under the direction or control, of a
18 foreign principal described in subparagraph (A)
19 or of a person any of whose activities are di-
20 rectly or indirectly supervised, directed, con-
21 trolled, financed, or subsidized in whole or in
22 major part by a foreign principal described in
23 subparagraph (A); or

24 “(C) any person included in the list of spe-
25 cially designated nationals and blocked persons

1 maintained by the Office of Foreign Assets
2 Control of the Department of the Treasury pur-
3 suant to authorities relating to the imposition
4 of sanctions relating to the conduct of a foreign
5 principal described in subparagraph (A).

6 “(2) CLARIFICATION REGARDING APPLICATION
7 TO CITIZENS OF THE UNITED STATES.—In the case
8 of a citizen of the United States, subparagraph (B)
9 of paragraph (1) applies only to the extent that the
10 person involved acts within the scope of that per-
11 son’s status as the agent of a foreign principal de-
12 scribed in subparagraph (A) of paragraph (1).”.

13 (c) EFFECTIVE DATE.—The amendments made by
14 this section shall apply with respect to disbursements
15 made on or after the date of the enactment of this Act.

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