

116TH CONGRESS
1ST SESSION

S. 2242

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 Presidential campaigns to detect and report such acts.

IN THE SENATE OF THE UNITED STATES

JULY 23, 2019

Mr. WARNER (for himself, Mrs. SHAHEEN, Mr. REED, Mr. KING, Mr. BENNET, and Ms. HARRIS) introduced the following bill; which was read twice and referred to the Committee on Rules and Administration

A BILL

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 Presidential campaigns to detect and report such acts.

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 “Foreign Influence Re-
5 porting in Elections Act”.

1 **SEC. 2. FEDERAL CAMPAIGN REPORTING OF FOREIGN CON-**
 2 **TACTS.**

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

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

8 “(1) COMMITTEE OBLIGATION.—Not later than
 9 1 week after a reportable foreign contact, each au-
 10 thorized committee of a candidate for the office of
 11 President shall notify the Federal Bureau of Inves-
 12 tigation and the Commission of the reportable for-
 13 eign contact and provide a summary of the cir-
 14 cumstances with respect to such reportable foreign
 15 contact.

16 “(2) INDIVIDUAL OBLIGATION.—Not later than
 17 1 week after a reportable foreign contact—

18 “(A) each candidate for the office of Presi-
 19 dent shall notify the treasurer or other des-
 20 ignated official of the principal campaign com-
 21 mittee of such candidate of the reportable for-
 22 eign contact and provide a summary of the cir-
 23 cumstances with respect to such reportable for-
 24 eign contact; and

25 “(B) each official, employee, or agent of an
 26 authorized committee of a candidate for the of-

1 fice of President shall notify the treasurer or
 2 other designated official of the authorized com-
 3 mittee of the reportable foreign contact and
 4 provide a summary of the circumstances with
 5 respect to such reportable foreign contact.

6 “(3) REPORTABLE FOREIGN CONTACT.—In this
 7 subsection:

8 “(A) IN GENERAL.—The term ‘reportable
 9 foreign contact’ means any direct or indirect
 10 contact or communication that—

11 “(i) is between—

12 “(I) a candidate for the office of
 13 President, an authorized committee of
 14 such a candidate, or any official, em-
 15 ployee, or agent of such authorized
 16 committee; and

17 “(II) a foreign national (as de-
 18 fined in section 319(b)) or a person
 19 that the person described in subclause
 20 (I) believes to be a foreign national;
 21 and

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

1 “(I) a contribution, donation, ex-
 2 penditure, disbursement, or solici-
 3 tation described in section 319; or

4 “(II) coordination or collabora-
 5 tion with, an offer or provision of in-
 6 formation or services to or from, or
 7 persistent and repeated contact with a
 8 government of a foreign country or an
 9 agent thereof.

10 “(B) EXCEPTION.—Such term shall not in-
 11 clude any contact or communication with a for-
 12 eign government or an agent of a foreign prin-
 13 cipal by an elected official or an employee of an
 14 elected official solely in an official capacity as
 15 such an official or employee.”.

16 **SEC. 3. FEDERAL CAMPAIGN FOREIGN CONTACT REPORT-**
 17 **ING COMPLIANCE SYSTEM.**

18 Section 302(e) of the Federal Election Campaign Act
 19 of 1971 (52 U.S.C. 30102(e)) is amended by adding at
 20 the end the following new paragraph:

21 “(6) REPORTABLE FOREIGN CONTACTS COMPLI-
 22 ANCE POLICY.—

23 “(A) REPORTING.—Each authorized com-
 24 mittee of a candidate for the office of President
 25 shall establish a policy that requires all officials,

1 employees, and agents of such committee to no-
2 tify the treasurer or other appropriate des-
3 ignated official of the committee of any report-
4 able foreign contact (as defined in section
5 304(j)) not later than 1 week after such contact
6 was made.

7 “(B) RETENTION AND PRESERVATION OF
8 RECORDS.—Each authorized committee of a
9 candidate for the office of President shall estab-
10 lish a policy that provides for the retention and
11 preservation of records and information related
12 to reportable foreign contacts (as so defined)
13 for a period of not less than 3 years.

14 “(C) CERTIFICATION.—Upon designation
15 of a political committee as an authorized com-
16 mittee by a candidate for the office of Presi-
17 dent, and with each report filed by such com-
18 mittee under section 304(a), the candidate shall
19 certify that—

20 “(i) the committee has in place poli-
21 cies that meet the requirements of sub-
22 paragraphs (A) and (B);

23 “(ii) the committee has designated an
24 official to monitor compliance with such
25 policies; and

“(iii) not later than 1 week after the beginning of any formal or informal affiliation with the committee, all officials, employees, and agents of such committee will—

“(I) receive notice of such policies;

“(II) be informed of the prohibitions under section 319; and

“(III) sign a certification affirming their understanding of such policies and prohibitions.”.

SEC. 4. CRIMINAL PENALTIES.

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

“(E) Any person who knowingly and willfully commits a violation of section 304(j) or section 302(e)(6) shall be fined not more than \$500,000, imprisoned not more than 5 years, or both.

“(F) Any person who knowingly or willfully conceals or destroys any materials relating to a reportable foreign contact (as defined in section 304(j)) shall be fined not more than

1 \$1,000,000, imprisoned not more than 5 years,
2 or both.”.

3 **SEC. 5. RULE OF CONSTRUCTION.**

4 Nothing in this Act or the amendments made by this
5 Act shall be construed—

6 (1) to impede legitimate journalistic activities;

7 or

8 (2) to impose any additional limitation on the
9 right of any individual who is not a citizen of the
10 United States or a national of the United States (as
11 defined in section 101(a)(22) of the Immigration
12 and Nationality Act) and who is not lawfully admit-
13 ted for permanent residence, as defined by section
14 101(a)(20) of the Immigration and Nationality Act
15 (8 U.S.C. 1101(a)(20)) to express political views or
16 to participate in public discourse.

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