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HOUSE OF REPRESENTATIVES

REPORT
116–253

PROVIDING FOR CONSIDERATION OF THE BILL (H.R. 4617) 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

OCTOBER 22, 2019.—Referred to the House Calendar and ordered to be printed

Mr. HASTINGS, from the Committee on Rules,
submitted the following

R E P O R T

[To accompany H. Res. 650]

The Committee on Rules, having had under consideration House Resolution 650, by a record vote of 9 to 2, report the same to the House with the recommendation that the resolution be adopted.

SUMMARY OF PROVISIONS OF THE RESOLUTION

The resolution provides for consideration of H.R. 4617, the SHIELD Act, under a structured rule. The resolution provides one hour of general debate on the bill equally divided and controlled by the chair and ranking minority member of the Committee on House Administration. The resolution waives all points of order against consideration of the bill. The resolution makes in order as original text for the purpose of amendment an amendment in the nature of a substitute consisting of the text of Rules Committee Print 116–35, as modified by the amendment printed in Part A of this report, and provides that it shall be considered as read. The resolution waives all points of order against that amendment in the nature of a substitute. The resolution makes in order only those amendments printed in Part B of this report. Each such amendment may be offered only in the order printed in this report, may be offered only by a Member designated in this report, shall be considered as read, shall be debatable for the time specified in this report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. The resolution waives all points of order against the amendments printed in Part B of this report. The resolution provides one motion to recommit with or without instructions.

99–008

EXPLANATION OF WAIVERS

The waiver of all points of order against consideration of H.R. 4617 includes waivers of the following:

- Clause 12(b) of rule XXI, which prohibits consideration of a bill unless there is a searchable electronic comparative print that shows how the text of the bill as proposed to be considered differs from the text of the bill as reported.
- Section 103(i) of H. Res. 6, which prohibits consideration of a reported bill unless the committee report designates a hearing used to develop or consider the bill. This waiver is technical in nature—while the report of the Committee on House Administration lists three hearings that were used to develop or consider H.R. 4617, it references an incorrect bill number.

The waiver of all points of order against the amendment in the nature of a substitute includes a waiver of clause 12(a)(2) of rule XXI, which prohibits consideration of an amendment in the nature of a substitute unless there is a searchable electronic comparative print that shows how the amendment in the nature of a substitute proposes to change current law.

Although the resolution waives all points of order against the amendments printed in Part B of this report, the Committee is not aware of any points of order. The waiver is prophylactic in nature.

COMMITTEE VOTES

The results of each record vote on an amendment or motion to report, together with the names of those voting for and against, are printed below:

Rules Committee record vote No. 182

Motion by Mr. Cole to report an open rule. Defeated: 2–9

Majority Members	Vote	Minority Members	Vote
Mr. Hastings	Nay	Mr. Cole	Yea
Mrs. Torres	Nay	Mr. Woodall	Yea
Mr. Perlmutter	Nay	Mr. Burgess	
Mr. Raskin	Nay	Mrs. Lesko	
Ms. Scanlon	Nay		
Mr. Morelle	Nay		
Ms. Shalala	Nay		
Mr. DeSaulnier	Nay		
Mr. McGovern, Chairman	Nay		

Rules Committee record vote No. 183

Motion by Mr. Hastings to report the rule. Adopted: 9–2

Majority Members	Vote	Minority Members	Vote
Mr. Hastings	Yea	Mr. Cole	Nay
Mrs. Torres	Yea	Mr. Woodall	Nay
Mr. Perlmutter	Yea	Mr. Burgess	
Mr. Raskin	Yea	Mrs. Lesko	
Ms. Scanlon	Yea		
Mr. Morelle	Yea		
Ms. Shalala	Yea		
Mr. DeSaulnier	Yea		
Mr. McGovern, Chairman	Yea		

SUMMARY OF THE AMENDMENT TO H.R. 4617 IN PART A CONSIDERED AS ADOPTED

1. Lofgren (CA): Amends the exception to the "reportable foreign contact" for those contacts made for purposes of enabling elections by international observers. Provides that the exception does not apply if the contact involves illicit campaign spending in contravention of the Federal Election Campaign Act. Provides that improper interference in a United States election is grounds for inadmissibility and deportability. (10 minutes)

SUMMARY OF THE AMENDMENTS TO H.R. 4617 IN PART B MADE IN ORDER

1. DeSaulnier (CA): Requires the FEC to notify states within 30 days of making a determination that a foreign national has initiated or attempted to initiate a disinformation campaign targeted at an election in a state. (10 minutes)
2. Lesko (AZ): Strikes Section 313. (10 minutes)
3. Lynch (MA): Generally prohibits the use of deepfakes within 60 days of a federal election and establishes corresponding criminal and civil penalties. (10 minutes)
4. Levin, Andy (MI), McCaul (TX), Rouda (CA), Speier (CA), Slotkin (MI): Prohibits foreign nationals from influencing American elections by setting up shell companies. (10 minutes)
5. Langevin (RI), Slotkin (MI): Directs the Federal Elections Commission to commission an independent study and report on media literacy with respect to online political content consumption among voting-age Americans. (10 minutes)
6. Swalwell (CA): Includes a candidate's immediate family members among those whose direct or indirect contacts or communications with a covered foreign national may amount to a reportable foreign contact with the term immediate family member meaning a candidate's parent, parent-in-law, spouse, adult child, or sibling. (10 minutes)
7. Brown (MD): Requires the FBI to confirm receipt when a political committee issues a notification that they have been contacted by a reportable foreign contact. Additionally, requires the FBI to submit a report to Congress on how they are managing and responding to notifications from political committees. (10 minutes)
8. Delgado (NY): Require the Federal Election Commission to do an analysis of the extent to which illicit foreign money was used to carry out disinformation and propaganda campaigns focused on depressing turnout among rural communities and the success or failure of these efforts, together with recommendations to address these efforts in future elections. (10 minutes)
9. Houlahan (PA): Codifies the FEC definition of "substantial assistance" for an illegal foreign transaction and defines what it means to "knowingly" abet a foreign entity, consistent with FEC regulations. (10 minutes)
10. Slotkin (MI): Directs GAO to conduct an assessment of current exemptions of FARA registration requirements and what adjustments should be made to prevent foreign funding from influencing U.S. elections and political processes. (10 minutes)
11. Sherrill (NJ): Expands from 60 days before an election to 90 days the provisions on knowingly prohibiting deceptive practices in

federal elections, including knowingly providing false information about the time or place of voting, qualifications for voting, or public endorsements. (10 minutes)

12. Cunningham (SC): Requires the Federal Election Commission to include in its report to Congress an analysis of disinformation campaigns focused on depressing turnout among African-American and other minority communities. (10 minutes)

13. Cunningham (SC): Requires the Federal Election Commission to include in its report to Congress an analysis of disinformation campaigns focused on influencing military servicemembers and veterans along with recommendations to address these efforts. (10 minutes)

14. Spanberger (VA): Requires that online platform records of purchase requests for qualified political advertisements include a statement that a person is acting as the agent of a foreign principal and the identification of the foreign principal involved, when applicable. Qualified political advertisements include ads related to national legislative issues of public importance. (10 minutes)

PART A—TEXT OF AMENDMENT TO H.R. 4617 CONSIDERED AS ADOPTED

Page 5, strike lines 5 through 17 and insert the following:

"(B) EXCEPTIONS.—

"(i) CONTACTS IN OFFICIAL CAPACITY AS ELECTED OFFICIAL.—The term 'reportable foreign contact' shall not include any contact or communication with a covered foreign national by an elected official or an employee of an elected official solely in an official capacity as such an official or employee.

"(ii) CONTACTS FOR PURPOSES OF ENABLING OBSERVATION OF ELECTIONS BY INTERNATIONAL OBSERVERS.—The term 'reportable foreign contact' shall not include any contact or communication with a covered foreign national by any person which is made for purposes of enabling the observation of elections in the United States by a foreign national or the observation of elections outside of the United States by a candidate, political committee, or any official, employee, or agent of such committee.

"(iii) EXCEPTIONS NOT APPLICABLE IF CONTACTS OR COMMUNICATIONS INVOLVE PROHIBITED DISBURSEMENTS.—A contact or communication by an elected official or an employee of an elected official shall not be considered to be made solely in an official capacity for purposes of clause (i), and a contact or communication shall not be considered to be made for purposes of enabling the observation of elections for purposes of clause (ii), if the contact or communication involves a contribution, donation, expenditure, disbursement, or solicitation described in section 319.".

Page 54, insert after line 14 the following new subtitle:

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.

(a) INADMISSIBILITY.—Section 212(a)(3) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(3)) is amended by adding at the end the following:

"(H) IMPROPER INTERFERENCE IN A UNITED STATES ELECTION.—Any alien who a consular officer, the Secretary of Homeland Security, the Secretary of State, or the Attorney General knows, or has reasonable grounds to believe, is seeking admission to the United States to engage in improper interference in a United States election, or has engaged in improper interference in a United States election, is inadmissible.".

(b) DEPORTABILITY.—Section 237(a) of such Act (8 U.S.C. 1227(a)) is amended by adding at the end the following:

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

(c) DEFINITION.—Section 101(a) of such Act (8 U.S.C. 1101(a)) is amended by adding at the end the following:

"(53) The term 'improper interference in a United States election' means conduct by an alien that—

"(A)(i) violates Federal criminal, voting rights, or campaign finance law, or

"(ii) is performed by any person acting as an agent of or on behalf of a foreign government or criminal enterprise; and

"(B) includes any covert, fraudulent, deceptive, or unlawful act or attempted act, undertaken with the purpose or effect of undermining public confidence in election processes or institutions, or influencing, undermining confidence in, or altering the result or reported result of, a general or primary Federal, State, or local election or caucus, including—

"(i) the campaign of a candidate; or

"(ii) a ballot measure, including an amendment, a bond issue, an initiative, a recall, a referral, or a referendum.".

PART B—TEXT OF AMENDMENTS TO H.R. 4617 MADE IN ORDER

1. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE DESAULNIER OF CALIFORNIA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 54, insert after line 14 the following:

Subtitle C—Notifying States of Disinformation Campaigns by Foreign Nationals

SEC. 321. NOTIFYING STATES OF DISINFORMATION CAMPAIGNS BY FOREIGN NATIONALS.

(a) REQUIRING DISCLOSURE.—If the Federal Election Commission makes a determination that a foreign national has initiated or has attempted to initiate a disinformation campaign targeted at an election for public office held in a State, the Commission shall notify the State involved of the determination not later than 30 days after making the determination.

(b) DEFINITIONS.—In this section the term "foreign national" has the meaning given such term in section 319(b) of the Federal Election Campaign Act of 1971 (52 U.S.C. 30121(b)).

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2. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE LESKO OF ARIZONA OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

Strike section 313 (and redesignate the succeeding sections accordingly).

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3. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE LYNCH OF MASSACHUSETTS OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 54, insert after line 14 the following:

Subtitle C—Prohibiting Use of Deepfakes in Election Campaigns

SEC. 321. PROHIBITION ON DISTRIBUTION OF MATERIALLY DECEPTIVE AUDIO OR VISUAL MEDIA PRIOR TO ELECTION.

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

"SEC. 325. PROHIBITION ON DISTRIBUTION OF MATERIALLY DECEPTIVE MEDIA PRIOR TO ELECTION.

"(a) IN GENERAL.—Except as provided in subsections (b) and (c), a person, political committee, or other entity shall not, within 60 days of a election for Federal office at which a candidate for elective office will appear on the ballot, distribute, with actual malice, materially deceptive audio or visual media of the candidate with the intent to injure the candidate's reputation or to deceive a voter into voting for or against the candidate.

"(b) EXCEPTION.—

"(1) REQUIRED LANGUAGE.—The prohibition in subsection (a) does not apply if the audio or visual media includes—

"(A) a disclosure stating: "This _____ has been manipulated."; and

"(B) filled in the blank in the disclosure under subparagraph (A), the term 'image', 'video', or 'audio', as most accurately describes the media.

"(2) VISUAL MEDIA.—For visual media, the text of the disclosure shall appear in a size that is easily readable by the average viewer and no smaller than the largest font size of other text appearing in the visual media. If the visual media does not include any other text, the disclosure shall appear in a size that is easily readable by the average viewer. For visual media that is video, the disclosure shall appear for the duration of the video.

"(3) AUDIO-ONLY MEDIA.—If the media consists of audio only, the disclosure shall be read in a clearly spoken manner and in a pitch that can be easily heard by the average listener, at the beginning of the audio, at the end of the audio, and, if the audio is greater than two minutes in length, interspersed within the audio at intervals of not greater than two minutes each.

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

"(1) A radio or television broadcasting station, including a cable or satellite television operator, programmer, or producer, that broadcasts materially deceptive audio or visual media prohibited by this section as part of a bona fide newscast, news interview, news documentary, or on-the-spot coverage of bona fide news events, if the broadcast clearly acknowledges through content or a disclosure, in a manner that can be easily heard or read by the average listener or viewer, that there are questions about the authenticity of the materially deceptive audio or visual media.

"(2) A radio or television broadcasting station, including a cable or satellite television operator, programmer, or producer, when it is paid to broadcast materially deceptive audio or visual media.

"(3) An internet website, or a regularly published newspaper, magazine, or other periodical of general circulation, including an internet or electronic publication, that routinely carries news and commentary of general interest, and that publishes materially deceptive audio or visual media prohibited by this section, if the publication clearly states that the materially deceptive audio or visual media does not accurately represent the speech or conduct of the candidate.

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

"(d) CIVIL ACTION.—

"(1) INJUNCTIVE OR OTHER EQUITABLE RELIEF.—A candidate for elective office whose voice or likeness appears in a materially deceptive audio or visual media distributed in violation of this section may seek injunctive or other equitable relief prohibiting the distribution of audio or visual media in violation of this section. An action under this paragraph shall be entitled to precedence in accordance with the Federal Rules of Civil Procedure.

"(2) DAMAGES.—A candidate for elective office whose voice or likeness appears in a materially deceptive audio or visual media distributed in violation of this section may bring an action for general or special damages against the person, committee, or other entity that distributed the materially deceptive audio or visual media. The court may also award a prevailing

party reasonable attorney's fees and costs. This paragraph shall not be construed to limit or preclude a plaintiff from securing or recovering any other available remedy.

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

"(e) RULE OF CONSTRUCTION.—This section shall not be construed to alter or negate any rights, obligations, or immunities of an interactive service provider under section 230 of title 47, United States Code.

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

"(1) The image or audio or video recording would falsely appear to a reasonable person to be authentic.

"(2) The image or audio or video recording would cause a reasonable person to have a fundamentally different understanding or impression of the expressive content of the image or audio or video recording than that person would have if the person were hearing or seeing the unaltered, original version of the image or audio or video recording.".

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

"(G) Any person who knowingly and willfully commits a violation of section 325 shall be fined not more than $100,000, imprisoned not more than 5 years, or both.".

(c) EFFECT ON DEFAMATION ACTION.—For purposes of an action for defamation, a violation of section 325 of the Federal Election Campaign Act of 1971, as added by subsection (a), shall constitute defamation per se.

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4. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE LEVIN OF MICHIGAN OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 36, insert after line 22 the following:

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

(a) PROHIBITION.—Chapter 29 of title 18, United States Code is amended by adding at the end the following:

"§ 612. Establishment of corporation to conceal election contributions and donations by foreign nationals

"(a) OFFENSE.—It shall be unlawful for an owner, officer, attorney, or incorporation agent of a corporation, company, or other entity to establish or use the corporation, company, or other entity with the intent to conceal an activity of a foreign national (as defined in section 319 of the Federal Election Campaign Act of 1971 (52 U.S.C. 30121)) prohibited under such section 319.

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

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

"612. Establishment of corporation to conceal election contributions and donations by foreign nationals.".

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5. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE LANGEVIN OF RHODE ISLAND OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 28, insert after line 12 the following:

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

(a) INDEPENDENT STUDY.—Not later than 30 days after the date of enactment of this Act, the Federal Election Commission shall commission an independent study and report on media literacy with respect to online political content consumption among voting-age Americans.

(b) ELEMENTS.—The study and report under subsection (a) shall include the following:

(1) An evaluation of media literacy skills, such as the ability to evaluate sources, synthesize multiple accounts into a coherent understanding of an issue, understand the context of communications, and responsibly create and share information, among voting-age Americans.

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

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

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

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

(e) DEFINITION OF MEDIA LITERACY.—The term "media literacy" means the ability to—

(1) access relevant and accurate information through media;

(2) critically analyze media content and the influences of media;

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

(4) make educated decisions based on information obtained from media and digital sources;

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

(6) reflect on how the use of media and technology may affect private and public life.

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6. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE SWALWELL OF CALIFORNIA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 3, line 15, insert "and each immediate family member of a candidate" after "each candidate".

Page 4, line 9, insert "an immediate family member of the candidate," after "a candidate,".

Page 7, line 9, strike the closing quotation mark and the second period.

Page 7, insert after line 9 the following:

"(4) IMMEDIATE FAMILY MEMBER.—In this subsection, the term 'immediate family member' means, with respect to a candidate, a parent, parent-in-law, spouse, adult child, or sibling.".

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7. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE BROWN OF MARYLAND OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 3, line 11, insert after "foreign contact." the following: "The Federal Bureau of Investigation, not later than 1 week after receiving a notification from a political committee under this paragraph, shall submit to the political committee, the Permanent Select Committee on Intelligence of the House of Representatives, and the Select Committee on Intelligence of the Senate written or electronic confirmation of receipt of the notification."

Page 11, insert after line 23 the following (and redesignate the succeeding section):

SEC. 104. REPORT TO CONGRESSIONAL INTELLIGENCE COMMITTEES.

(a) IN GENERAL.—Not later than one year after the date of enactment of this Act, and annually thereafter, the Director of the Federal Bureau of Investigation shall submit to the congressional intelligence committees a report relating to notifications received by the Federal Bureau of Investigation under section 304(j)(1) of the Federal Election Campaign Act of 1971 (as added by section 101(a) of this Act).

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

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

(2) A description of protocols and procedures developed by the Federal Bureau of Investigation relating to receipt and maintenance of records relating to such notifications.

(3) With respect to such notifications received during the year covered by the report, a description of any subsequent actions taken by the Director resulting from the receipt of such notifications.

(c) CONGRESSIONAL INTELLIGENCE COMMITTEES DEFINED.—In this section, the term "congressional intelligence committees" has the meaning given that term in section 3 of the National Security Act of 1947 (50 U.S.C. 3003).

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8. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE DELGADO OF NEW YORK OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 33, line 7, strike "and"

Page 33, insert after line 7 the following (and redesignate the succeeding provision accordingly):

"(2) an analysis of the extent to which illicit foreign money was used to carry out disinformation and propaganda campaigns focused on depressing turnout among rural communities and the success or failure of these efforts, together with recommendations to address these efforts in future elections; and".

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9. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE HOULAHAN OF PENNSYLVANIA OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 40, insert after line 6 the following:

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

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

(1) in subsection (a)—

(A) by striking "or" at the end of paragraph (2);

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

(C) by adding at the end the following:

"(4) a person to knowingly provide substantial assistance to another person in carrying out an activity described in paragraph (1), (2), or (3)."; and

(2) by adding at the end the following new subsections:

"(f) KNOWINGLY DESCRIBED.—

"(1) IN GENERAL.—For purposes of subsection (a)(4), the term 'knowingly' means actual knowledge, constructive knowledge, awareness of pertinent facts that would lead a reasonable person to conclude there is a substantial probability, or awareness of pertinent facts that would lead a reasonable person to conduct a reasonable inquiry to establish—

"(A) with respect to an activity described in subsection (a)(1), that the contribution, donation, expenditure, independent expenditure, or disbursement is from a foreign national;

"(B) with respect to an activity described in subsection (a)(2), that the contribution or donation solicited, accepted, or received is from a foreign national; and

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

"(2) PERTINENT FACTS.—For purposes of paragraph (1), pertinent facts include, but are not limited to, that the person making the contribution, donation, expenditure, independent expenditure, or disbursement, or that the person from whom the contribution or donation is solicited, accepted, or received, or that the person directing, dictating, controlling, or directly or indirectly participating in the decision making process—

"(A) uses a foreign passport or passport number for identification purposes;

"(B) provides a foreign address;

"(C) uses a check or other written instrument drawn on a foreign bank, or by a wire transfer from a foreign bank, in carrying out the activity; or

"(D) resides abroad.

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

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10. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE SLOTKIN OF MICHIGAN OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 54, insert after line 14 the following:

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

SEC. 321. ASSESSMENT OF EXEMPTION OF REGISTRATION REQUIREMENTS UNDER FARA FOR REGISTERED LOBBYISTS.

Not later than 90 days after the date of the enactment of this Act, the Comptroller General of the United States shall conduct and submit to Congress an assessment of the implications of the exemption provided under the Foreign Agents Registration Act of 1938, as amended (22 U.S.C. 611 et seq.) for agents of foreign principals who are also registered lobbyists under the Lobbying Disclosure Act of 1995 (2 U.S.C. 1601 et seq.), and shall include in the assessment an analysis of the extent to which revisions in such Acts might mitigate the risk of foreign government money influencing elections or political processes in the United States.

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11. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE SHERRILL OF NEW JERSEY OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 41, line 1, strike "60" and insert "90".
Page 42, line 11, strike "60" and insert "90".
Page 45, line 20, strike "60" and insert "90".

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12. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE CUNNINGHAM OF SOUTH CAROLINA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 33, line 7, strike "and"

Page 33, insert after line 7 the following (and redesignate the succeeding provision accordingly):

"(2) an analysis of the extent to which illicit foreign money was used to carry out disinformation and propaganda campaigns focused on depressing turnout among African-American and other minority communities and the success or failure of

these efforts, together with recommendations to address these efforts in future elections; and".

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13. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE CUNNINGHAM OF SOUTH CAROLINA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 33, line 7, strike "and"

Page 33, insert after line 7 the following (and redesignate the succeeding provision accordingly):

"(2) an analysis of the extent to which illicit foreign money was used to carry out disinformation and propaganda campaigns focused on influencing military and veteran communities and the success or failure of these efforts, together with recommendations to address these efforts in future elections; and".

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14. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE SPANBERGER OF VIRGINIA OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 23, line 8, strike "and a list" and insert "a list".

Page 23, line 11, strike the period and insert the following: ", and, if the person purchasing the advertisement is acting as the agent of a foreign principal under the Foreign Agents Registration Act of 1938, as amended (22 U.S.C. 611 et seq.), a statement that the person is acting as the agent of a foreign principal and the identification of the foreign principal involved.".

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