

116TH CONGRESS  
1ST SESSION

# S. 1562

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.

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IN THE SENATE OF THE UNITED STATES

MAY 21, 2019

Mr. WARNER introduced the following bill; which was read twice and referred to the Committee on Rules and Administration

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## 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 Federal 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 (a) INITIAL NOTICE.—Section 304 of the Federal  
4 Election Campaign Act of 1971 (52 U.S.C. 30104) is  
5 amended by adding at the end the following new sub-  
6 section:

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

9 “(1) COMMITTEE OBLIGATION.—Not later than  
10 1 week after a reportable foreign contact, each au-  
11 thorized committee shall notify the Commission of  
12 the reportable foreign contact and provide a sum-  
13 mary of the circumstances with respect to such re-  
14 portable foreign contact.

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

17 “(A) each candidate shall notify the treas-  
18 urer or other designated official of the principal  
19 campaign committee of such candidate of the  
20 reportable foreign contact and provide a sum-  
21 mary of the circumstances with respect to such  
22 reportable foreign contact; and

23 “(B) each official, employee, or agent of an  
24 authorized committee shall notify the treasurer  
25 or other designated official of the authorized  
26 committee of the reportable foreign contact and

1 provide a summary of the circumstances with  
 2 respect to such reportable foreign contact.

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

5 “(A) IN GENERAL.—The term ‘reportable  
 6 foreign contact’ means any direct or indirect  
 7 contact or communication that—

8 “(i) is between—

9 “(I) a candidate, an authorized  
 10 committee of a candidate, or any offi-  
 11 cial, employee, or agent of such au-  
 12 thorized committee; and

13 “(II) a foreign national (as de-  
 14 fined in section 319(b)) or a person  
 15 that the person described in subclause  
 16 (I) believes to be a foreign national;  
 17 and

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

21 “(I) a contribution, donation, ex-  
 22 penditure, disbursement, or sollicita-  
 23 tion described in section 319; or

24 “(II) coordination or collabora-  
 25 tion with, an offer or provision of in-

1                   formation or services to or from, or  
2                   persistent and repeated contact with a  
3                   government of a foreign country or an  
4                   agent thereof.

5                   “(B) EXCEPTION.—Such term shall not in-  
6                   clude any contact or communication with a for-  
7                   eign government or an agent of a foreign prin-  
8                   cipal by an elected official or an employee of an  
9                   elected official solely in an official capacity as  
10                  such an official or employee.”.

11               (b) INFORMATION INCLUDED ON QUARTERLY RE-  
12               PORT.—Section 304(b) of such Act (52 U.S.C. 30104(b))  
13               is amended by striking “and” at the end of paragraph (7),  
14               by striking the period at the end of paragraph (8) and  
15               inserting “; and”, and by adding at the end the following  
16               new paragraph:

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

19                   “(A) the date, time, and location of the  
20                   contact;

21                   “(B) the date and time of when a des-  
22                   ignated official of the committee was notified of  
23                   the contact;

24                   “(C) the identity of individuals involved;  
25                   and

1           “(D) a description of the contact, including  
 2           the nature of any contribution, donation, ex-  
 3           penditure, disbursement, or solicitation involved  
 4           and the nature of any activity described in sub-  
 5           section (j)(3)(A)(ii)(II) involved.”.

6           (c) NOTIFICATION TO THE FBI.—Not later than 1  
 7 week after receiving a notification or report under section  
 8 304(j), the Federal Election Commission shall notify the  
 9 Federal Bureau of Investigation of any reportable foreign  
 10 contact (as defined in section 304(j) of the Federal Elec-  
 11 tion Campaign Act of 1971 (52 U.S.C. 30104), as added  
 12 by this section).

13 **SEC. 3. FEDERAL CAMPAIGN FOREIGN CONTACT REPORT-**  
 14 **ING COMPLIANCE SYSTEM.**

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

18           “(6) REPORTABLE FOREIGN CONTACTS COMPLI-  
 19           ANCE POLICY.—

20           “(A) REPORTING.—Each authorized com-  
 21           mittee shall establish a policy that requires all  
 22           officials, employees, and agents of such com-  
 23           mittee to notify the treasurer or other appro-  
 24           priate designated official of the committee of  
 25           any reportable foreign contact (as defined in

1 section 304(j)) not later than 1 week after such  
2 contact was made.

3 “(B) RETENTION AND PRESERVATION OF  
4 RECORDS.—Each authorized committee shall  
5 establish a policy that provides for the retention  
6 and preservation of records and information re-  
7 lated to reportable foreign contacts (as so de-  
8 fined) for a period of not less than 3 years.

9 “(C) CERTIFICATION.—Upon designation  
10 of a political committee as an authorized com-  
11 mittee by a candidate, and with each report  
12 filed by such committee under section 304(a),  
13 the candidate shall certify that—

14 “(i) the committee has in place poli-  
15 cies that meets the requirements of sub-  
16 paragraph (A) and (B);

17 “(ii) the committee has designated an  
18 official to monitor compliance with such  
19 policies; and

20 “(iii) not later than 1 week after the  
21 beginning of any formal or informal affili-  
22 ation with the committee, all officials, em-  
23 ployees, and agents of such committee  
24 will—

1 “(I) receive notice of such poli-  
2 cies;

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

5 “(III) sign a certification affirm-  
6 ing their understanding of such poli-  
7 cies and prohibitions.”.

8 **SEC. 4. CRIMINAL PENALTIES.**

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

12 “(E) Any person who knowingly and will-  
13 fully commits a violation of subsection (j) or  
14 (b)(9) of section 304 or section 302(e)(6) shall  
15 be fined not more than \$500,000, imprisoned  
16 not more than 5 years, or both.

17 “(F) Any person who knowingly or will-  
18 fully conceals or destroys any materials relating  
19 to a reportable foreign contact (as defined in  
20 section 304(j)) shall be fined not more than  
21 \$1,000,000, imprisoned not more than 5 years,  
22 or both.”.

23 **SEC. 5. RULE OF CONSTRUCTION.**

24 Nothing in this Act or the amendments made by this  
25 Act shall be construed—

1           (1) to impede legitimate journalistic activities;  
2           or  
3           (2) to impose any additional limitation on the  
4           right of any individual who is not a citizen of the  
5           United States or a national of the United States (as  
6           defined in section 101(a)(22) of the Immigration  
7           and Nationality Act) and who is not lawfully admit-  
8           ted for permanent residence, as defined by section  
9           101(a)(20) of the Immigration and Nationality Act  
10          (8 U.S.C. 1101(a)(20)) to express political views or  
11          to participate in public discourse.

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