

MOTION TO RECOMMIT H.R. 4617

Mr. Rodney Davis of Illinois moves to recommit the bill H.R. 4617 to the Committee on House Administration with instructions to report the same back to the House forthwith with the following amendment:

Strike subsection (b) of section 1 and all that follows and insert the following:

- 1 (b) TABLE OF CONTENTS.—The table of contents of
2 this Act is as follows:

TITLE I—FOREIGN AGENTS REGISTRATION REFORM

- Sec. 101. Clarification of coverage of activities directed within the United States by agents outside of United States.
Sec. 102. Application of press exemption to other forms of media for purposes of engagement in political activities.
Sec. 103. Treatment of activities to influence public opinion on elections as political activity.
Sec. 104. Effective date.

TITLE II—DISCLAIMER REQUIREMENTS FOR ONLINE POLITICAL ADVERTISEMENTS

- Sec. 201. Clarifying disclaimer requirements for online political advertisements.

TITLE III—REDUCING ILLICIT FOREIGN MONEY IN ELECTIONS

- Sec. 301. Report on illicit foreign money in Federal elections.
Sec. 302. Prohibition on contributions and donations by foreign nationals in connections with ballot initiatives and referenda.

TITLE IV—PROHIBITING PAYMENT OF ELECTION ASSISTANCE FUNDS TO STATES ALLOWING BALLOT HARVESTING

- Sec. 401. Prohibition on payments to States allowing collection and transmission of ballots by certain third parties.

TITLE V—PROHIBITING PAYMENT OF ELECTION ASSISTANCE FUNDS TO STATES ALLOWING VOTING BY NON-CITIZENS

- Sec. 501. Prohibition on payments to States allowing voting by non-citizens.

TITLE VI—INADMISSIBILITY AND DEPORTABILITY OF ALIENS
ENGAGING IN IMPROPER ELECTION INTERFERENCE

Sec. 601. Inadmissibility and deportability of aliens engaging in improper interference in United States elections.

1 **TITLE I—FOREIGN AGENTS**
2 **REGISTRATION REFORM**

3 **SEC. 101. CLARIFICATION OF COVERAGE OF ACTIVITIES DI-**
4 **RECTED WITHIN THE UNITED STATES BY**
5 **AGENTS OUTSIDE OF UNITED STATES.**

6 (a) TREATMENT OF AGENTS ENGAGED IN ACTIVI-
7 TIES AS AGENTS OF FOREIGN PRINCIPALS.—Section
8 1(c)(1) of the Foreign Agents Registration Act of 1938,
9 as amended (22 U.S.C. 611(c)(1)) is amended—

10 (1) by striking “or” at the end of clause (iii);

11 (2) by striking “and” at the end of clause (iv)
12 and inserting “or”; and

13 (3) by adding at the end the following new
14 clause:

15 “(v) engages outside the United States in
16 political activities for or in the interests of such
17 foreign principal which are directed at persons
18 within the United States, including activities
19 consisting of communications disseminated
20 within the United States through telecommuni-
21 cations or computer equipment or services, the
22 Internet, broadcast, cable, satellite, print, or
23 mail; and”.

1 (b) CONFORMING AMENDMENT.—Section 9 of such
2 Act (22 U.S.C. 619) is amended by striking the period
3 at the end and inserting the following: “, and shall be ap-
4 plicable outside the United States to the extent described
5 in section 1(c)(1)(v).”.

6 **SEC. 102. APPLICATION OF PRESS EXEMPTION TO OTHER**
7 **FORMS OF MEDIA FOR PURPOSES OF EN-**
8 **GAGEMENT IN POLITICAL ACTIVITIES.**

9 (a) APPLICATION.—Section 1(d) of the Foreign
10 Agents Registration Act of 1938, as amended (22 U.S.C.
11 611(d)(1)) is amended—

12 (1) by striking “(d)” and insert “(d)(1)”; and

13 (2) by adding at the end the following new
14 paragraph:

15 “(2) In addition to the exception described in para-
16 graph (1), to the extent that a person engages with the
17 United States in political activities, the term ‘agent of a
18 foreign principal’ does not include any bona fide media
19 outlet organized under the laws of the United States or
20 of any State or other place subject to the jurisdiction of
21 the United States, or any bona fide media outlet for which
22 there is on file with the United States Postal Service infor-
23 mation in compliance with section 3685 of title 39, United
24 States Code, published in the United States, solely by vir-
25 tue of any bona fide news or journalistic activities, includ-

1 ing the solicitation or acceptance of paid advertisements,
2 subscriptions, free social media access which is made avail-
3 able to the general public, or other compensation therefor,
4 so long as it is at least 80 per centum beneficially owned
5 by, and its officers and directors, if any, are citizens of
6 the United States, and such media outlet is not owned,
7 directed, supervised, controlled, subsidized, or financed,
8 and none of its policies are determined by, any foreign
9 principal defined in subsection (b), or by any agent of a
10 foreign principal required to register under this Act.”.

11 (b) DEFINITION.—Section 1 of such Act (22 U.S.C.
12 611) is amended by adding at the end the following new
13 subsection:

14 “(q) The term ‘media outlet’ means any of the fol-
15 lowing:

16 “(1) Any newspaper, magazine, or periodical.

17 “(2) Any broadcast, satellite or cable television
18 or radio station.

19 “(3) Any Internet-based website, application, or
20 platform.”.

21 **SEC. 103. TREATMENT OF ACTIVITIES TO INFLUENCE PUB-**
22 **LIC OPINION ON ELECTIONS AS POLITICAL**
23 **ACTIVITY.**

24 Section 1(o) of the Foreign Agents Registration Act
25 of 1938, as amended (22 U.S.C. 611(o)) is amended by

1 striking the semicolon at the end and inserting the fol-
2 lowing: “, or with reference to public opinion about public
3 officials, candidates, or elections of the United States.”.

4 **SEC. 104. EFFECTIVE DATE.**

5 The amendments made by this title shall apply with
6 respect to activities carried out on or after the date of
7 the enactment of this Act.

8 **TITLE II—DISCLAIMER RE-**
9 **QUIREMENTS FOR ONLINE**
10 **POLITICAL ADVERTISEMENTS**

11 **SEC. 201. CLARIFYING DISCLAIMER REQUIREMENTS FOR**
12 **ONLINE POLITICAL ADVERTISEMENTS.**

13 (a) CLARIFICATION.—Section 318 of the Federal
14 Election Campaign Act of 1971 (52 U.S.C. 30120) is
15 amended by adding at the end the following new sub-
16 section:

17 “(e) APPLICATION OF REQUIREMENTS TO ONLINE
18 COMMUNICATIONS.—

19 “(1) METHOD OF PROVISION OF INFORMA-
20 TION.—Except as provided in paragraph (2) or
21 paragraph (3), a covered Internet communication
22 shall provide the information required under this
23 section on the face of the communication.

24 “(2) AUTHORIZING USE OF ALTERNATIVE
25 MECHANISMS.—

1 “(A) IN GENERAL.—In the case of a cov-
2 ered Internet communication described in sub-
3 paragraph (C) of paragraph (4), the commu-
4 nication may provide the information required
5 under this section through the use of a techno-
6 logical mechanism described in subparagraph
7 (B), so long as the communication presents an
8 indicator described in subparagraph (C).

9 “(B) TECHNOLOGICAL MECHANISM DE-
10 SCRIBED.—A technological mechanism de-
11 scribed in this subparagraph is, with respect to
12 a communication, any technology which enables
13 the individual reading, observing, or listening to
14 the communication to read, observe, or listen to
15 the information required under this section
16 without navigating more than one step away
17 from the communication itself. Such mechanism
18 may take any form, including hover-over,
19 mouse-over, voice-over, rollover, pop-up screen,
20 scrolling text, rotating panels, or click-through
21 or hyperlink to a landing page.

22 “(C) INDICATOR DESCRIBED.—An indi-
23 cator described in this subparagraph is, with re-
24 spect to a communication, any clear and con-
25 spicuous visible or audible element of the com-

1 munication that gives notice to the individual
2 reading, observing, or listening to the commu-
3 nication that the individual may read, observe,
4 or listen to the information required under this
5 section through a technological mechanism. An
6 indicator may take any form, including words
7 such as ‘Paid for by’, ‘Paid by’, ‘Sponsored by’,
8 or ‘Ad by’, a website URL, an image, a sound,
9 a symbol, or an icon.

10 “(3) WAIVER.—A disclaimer shall not be re-
11 quired for any covered internet communication that
12 cannot provide a clear and conspicuous statement of
13 the information required under this section either on
14 the face of communication or through the use of a
15 technological mechanism under paragraph (2).

16 “(4) COVERED INTERNET COMMUNICATION DE-
17 FINED.—In this subsection, the term ‘covered Inter-
18 net communication’ means any communication which
19 is required to include information under this section
20 and which is any of the following:

21 “(A) Any electronic mailing of more than
22 500 substantially similar communications which
23 is disseminated by a political committee.

1 “(B) Any communication disseminated on
2 a publicly-available website of a political com-
3 mittee.

4 “(C) Any communication placed for a fee
5 on another person’s website or Internet-based
6 application or platform.”.

7 (b) EFFECTIVE DATE.—The amendments made by
8 this section shall apply with respect to communications
9 made after the expiration of the 30-day period which be-
10 gins on the date of the enactment of this Act.

11 **TITLE III—REDUCING ILLICIT**
12 **FOREIGN MONEY IN ELECTIONS**

13 **SEC. 301. REPORT ON ILLICIT FOREIGN MONEY IN FED-**
14 **ERAL ELECTIONS.**

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

19 **“SEC. 319A. REPORT ON PRESENCE OF ILLICIT FOREIGN**
20 **MONEY.**

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

24 “(1) an analysis of the presence of illicit foreign
25 money in such cycle; and

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

3 “(b) 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. 302. PROHIBITION ON CONTRIBUTIONS AND DONA-**
18 **TIONS BY FOREIGN NATIONALS IN CONNec-**
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 **TITLE IV—PROHIBITING PAY-**
5 **MENT OF ELECTION ASSIST-**
6 **ANCE FUNDS TO STATES AL-**
7 **LOWING BALLOT HAR-**
8 **VESTING**

9 **SEC. 401. PROHIBITION ON PAYMENTS TO STATES ALLOW-**
10 **ING COLLECTION AND TRANSMISSION OF**
11 **BALLOTS BY CERTAIN THIRD PARTIES.**

12 (a) IN GENERAL.—Subtitle D of title II of the Help
13 America Vote Act of 2002 (52 U.S.C. 21001 et seq.) is
14 amended by adding at the end the following new part:

15 **“PART 7—PROHIBITION ON PAYMENTS TO**
16 **STATES ALLOWING COLLECTION AND**
17 **TRANSMISSION OF BALLOTS BY CERTAIN**
18 **THIRD PARTIES**

19 **“SEC. 297. ELIGIBILITY FOR PAYMENTS OF STATES ALLOW-**
20 **ING COLLECTION AND TRANSMISSION OF**
21 **BALLOTS BY CERTAIN THIRD PARTIES.**

22 “(a) IN GENERAL.—A State is not eligible to receive
23 funds under this Act unless the State has in effect a law
24 that prohibits an individual from the knowing collection
25 and transmission of a ballot in an election for Federal of-

1 fice that was mailed to another person, other than an indi-
2 vidual described as follows:

3 “(1) An election official while engaged in offi-
4 cial duties as authorized by law.

5 “(2) An employee of the United States Postal
6 Service while engaged in official duties as authorized
7 by law.

8 “(3) Any other individual who is allowed by law
9 to collect and transmit United States mail, while en-
10 gaged in official duties as authorized by law.

11 “(4) A family member, household member, or
12 caregiver of the person to whom the ballot was
13 mailed.

14 “(b) DEFINITIONS.—For purposes of this section,
15 with respect to a person to whom the ballot was mailed:

16 “(1) The term ‘caregiver’ means an individual
17 who provides medical or health care assistance to
18 such person in a residence, nursing care institution,
19 hospice facility, assisted living center, assisted living
20 facility, assisted living home, residential care institu-
21 tion, adult day health care facility, or adult foster
22 care home.

23 “(2) The term ‘family member’ means an indi-
24 vidual who is related to such person by blood, mar-
25 riage, adoption or legal guardianship.

1 “(3) The term ‘household member’ means an
2 individual who resides at the same residence as such
3 person.”.

4 (b) CLERICAL AMENDMENT.—The table of contents
5 of such Act is amended by inserting after the item relating
6 to section 296 the following new item:

“PART 7—PROHIBITION ON PAYMENTS TO STATES ALLOWING COLLECTION
AND TRANSMISSION OF BALLOTS BY CERTAIN THIRD PARTIES

“Sec. 297. Eligibility for payments of States allowing collection and trans-
mission of ballots by certain third parties.”.

7 **TITLE V—PROHIBITING PAY-**
8 **MENT OF ELECTION ASSIST-**
9 **ANCE FUNDS TO STATES AL-**
10 **LOWING VOTING BY NON-CITI-**
11 **ZENS**

12 **SEC. 501. PROHIBITION ON PAYMENTS TO STATES ALLOW-**
13 **ING VOTING BY NON-CITIZENS.**

14 (a) IN GENERAL.—Subtitle D of title II of the Help
15 America Vote Act of 2002 (52 U.S.C. 21001 et seq.), as
16 amended by section 401, is further amended by adding
17 at the end the following new part:

18 **“PART 8—PROHIBITION ON PAYMENTS TO**
19 **STATES ALLOWING VOTING BY NON-CITIZENS**
20 **“SEC. 298. ELIGIBILITY FOR PAYMENTS OF STATES ALLOW-**
21 **ING VOTING BY NON-CITIZENS.**

22 “A State is not eligible to receive funds under this
23 Act if the State allows an individual who is not a citizen

1 of the United States to vote in an election for public of-
2 fice.”.

3 (b) CLERICAL AMENDMENT.—The table of contents
4 for such Act, as amended by section 401, is further
5 amended by inserting after the item relating to section
6 297 the following new item:

“PART 8—PROHIBITION ON PAYMENTS TO STATES ALLOWING VOTING BY
NON-CITIZENS

“Sec. 298. Eligibility for payments of States allowing voting by non-citizens.”.

7 **TITLE VI—INADMISSIBILITY AND**
8 **DEPORTABILITY OF ALIENS**
9 **ENGAGING IN IMPROPER**
10 **ELECTION INTERFERENCE**

11 **SEC. 601. INADMISSIBILITY AND DEPORTABILITY OF**
12 **ALIENS ENGAGING IN IMPROPER INTER-**
13 **ERENCE IN UNITED STATES ELECTIONS.**

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

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

1 United States election, or has engaged in im-
2 proper interference in a United States election,
3 is inadmissible.”.

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

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

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

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

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

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

23 “(B) includes any covert, fraudulent, de-
24 ceptive, or unlawful act or attempted act, un-
25 dertaken with the purpose or effect of under-

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

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

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

