

Motion to Recommit H.R. 4617 – Stopping Harmful Interference in Elections for a Lasting Democracy Act

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:

(b) Table of Contents.—The table of contents of 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. Title I—Foreign Agents Registration Reform Sec. 101. Clarification of Coverage of Activities Directed Within the United States by Agents Outside of United States. (A) Treatment of Agents Engaged in Activities as Agents of Foreign Principals.—Section 1(c)(1) of the Foreign Agents Registration Act of 1938, as amended (22 U.S.C. 611(c)(1)) is amended—(1) by striking “or” at the end of clause (iii); (2) by striking “and” at the end of clause (iv) and inserting “or”; and (3) by adding at the end the following new clause: “(v) engages outside the United States in political activities for or in the interests of such foreign principal which are directed at persons within the United States, including activities consisting of communications disseminated within the United States through telecommunications or computer equipment or services, the Internet, broadcast, cable, satellite, print, or mail; and”. (b) Conforming Amendment.—Section 9 of such Act (22 U.S.C. 619) is amended by striking the period at the end and inserting the following: “, and shall be applicable outside the United States to the extent described in section 1(c)(1)(v).”. Sec. 102. Application of Press Exemption to Other Forms of Media for Purposes of Engagement in Political Activities. (A) Application.—Section 1(d) of the Foreign Agents Registration Act of 1938, as amended (22 U.S.C. 611(d)(1)) is amended—(1) by striking “(d)” and insert “(d)(1)”; and (2) by adding at the end the following new paragraph: “(2) In addition to the exception described in paragraph (1), to the extent that a person engages with the United States in political activities, the term ‘agent of a foreign principal’ does not include any bona fide media outlet organized under the laws of the United States or of any State or other place subject to the

jurisdiction of the United States, or any bona fide media outlet for which there is on file with the United States Postal Service information in compliance with Section 3685 of Title 39, United States Code, published in the United States, solely by virtue of any bona fide news or journalistic activities, including the solicitation or acceptance of paid advertisements, subscriptions, free social media access which is made available to the general public, or other compensation therefor, so long as it is at least 80 per centum beneficially owned by, and its officers and directors, if any, are citizens of the United States, and such media outlet is not owned, directed, supervised, controlled, subsidized, or financed, and none of its policies are determined by, any foreign principal defined in subsection (b), or by any agent of a foreign principal required to register under this Act.”. (b) Definition.—Section 1 of such Act (22 U.S.C. 611) is amended by adding at the end the following new subsection: “(q) The term ‘media outlet’ means any of the following: “(1) Any newspaper, magazine, or periodical. “(2) Any broadcast, satellite or cable television or radio station. “(3) Any Internet-based website, application, or platform.”. Sec. 103. Treatment of Activities to Influence Public Opinion on Elections as Political Activity. Section 1(o) of the Foreign Agents Registration Act of 1938, as amended (22 U.S.C. 611(o)) is amended by striking the semicolon at the end and inserting the following: “, or with reference to public opinion about public officials, candidates, or elections of the United States.”. Sec. 104. Effective Date. The amendments made by this title shall apply with respect to activities carried out on or after the date of the enactment of this Act. Title II—Disclaimer Requirements for Online Political Advertisements Sec. 201. Clarifying Disclaimer Requirements for Online Political Advertisements. (A) Clarification.—Section 318 of the Federal Election Campaign Act of 1971 (52 U.S.C. 30120) is amended by adding at the end the following new sub section: “(e) Application of Requirements to Online Communications.—“(1) Method of Provision of Information.—Except as provided in paragraph (2) or paragraph (3), a covered Internet communication shall provide the information required under this section on the face of the communication. “(2) Authorizing Use of Alternative Mechanisms.—“(A) In General.—In the case of a covered Internet communication described in subparagraph (C) of paragraph (4), the communication may provide the information required under this section through the use of a technological mechanism described in subparagraph (B), so long as the communication presents an indicator described in subparagraph (C). “(B) Technological Mechanism Described.—A technological mechanism described in this subparagraph is, with respect to a communication, any technology which enables the individual reading, observing, or listening to the communication to read, observe, or listen to the information required under this section without navigating more than one step away from the communication itself. Such mechanism may take any form, including hover-over, mouse-over, voice-over, rollover, pop-up screen, scrolling text, rotating panels, or click-through or hyperlink to a landing page. “(C) Indicator Described.—An indicator described in this subparagraph is, with respect to a communication, any clear and conspicuous visible or audible element of the communication that gives notice to the individual reading, observing, or listening to the communication that the individual may read, observe, or listen to the information required under this section through a technological mechanism. An indicator may take any form, including words such as ‘Paid for by’, ‘Paid by’, ‘Sponsored by’, or ‘Ad by’, a website URL, an image, a sound, a symbol, or an icon. “(3) Waiver.—A disclaimer shall not be required for any covered internet communication that cannot provide a clear and conspicuous statement of the information required under this

section either on the face of communication or through the use of a technological mechanism under paragraph (2). “(4) Covered Internet Communication Defined.—In this subsection, the term ‘covered Internet communication’ means any communication which is required to include information under this section and which is any of the following: “(A) Any electronic mailing of more than 500 substantially similar communications which is disseminated by a political committee. “(B) Any communication disseminated on a publicly-available website of a political committee. “(C) Any communication placed for a fee on another person’s website or Internet-based application or platform.”. (b) Effective Date.—The amendments made by this section shall apply with respect to communications made after the expiration of the 30-day period which begins on the date of the enactment of this Act.

Title III—Reducing Illicit Foreign Money in Elections

Sec. 301. Report on Illicit Foreign Money in Federal Elections. In General.—Title III of the Federal Election Campaign Act of 1971 (52 U.S.C. 30101 et seq.) is amended by inserting after Section 319 the following new Section: “Sec. 319a. Report on Presence of Illicit Foreign Money. “(A) Report.—Not later than 180 days after the end of each Federal election cycle, the Commission shall submit to Congress a report containing—“(1) an analysis of the presence of illicit foreign money in such cycle; and “(2) recommendations to address the presence of illicit foreign money in elections, as appropriate. “(b) Definitions.—As used in this section: “(1) The term ‘Federal election cycle’ means the period which begins on the day after the date of a regularly scheduled general election for Federal office and which ends on the date of the first regularly scheduled general election for Federal office held after such date. “(2) The term ‘illicit foreign money’ means any disbursement by a foreign national (as defined in Section 319(b)) prohibited under such section.”. (b) Effective Date.—The amendment made by subsection (a) shall apply with respect to the Federal election cycle that began during November 2018, and each succeeding Federal election cycle.

Sec. 302. Prohibition on Contributions and Donations by Foreign Nationals in Connections with Ballot Initiatives and Referenda. (A) In General.—Section 319(a)(1)(A) of the Federal Election Campaign Act of 1971 (52 U.S.C. 23 30121(a)(1)(A)) is amended by striking “election” and inserting the following: “election, including a State or local ballot initiative or referendum”. (b) Effective Date.—The amendment made by this section shall apply with respect to elections held in 2020 or any succeeding year.

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. (a) In General.—Subtitle D of title II of the Help America Vote Act of 2002 (52 U.S.C. 21001 et seq.) is amended by adding at the end the following new part: “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 Transmission of Ballots by Certain Third Parties. “(A) In General.—A State is not eligible to receive funds under this Act unless the State has in effect a law that prohibits an individual from the knowing collection and transmission of a ballot in an election for Federal office that was mailed to another person, other than an individual described as follows: “(1) An election official while engaged in official duties as authorized by law. “(2) An employee of the United States Postal Service while engaged in official duties as authorized by law. “(3) Any other individual who is allowed by law to collect and transmit United States mail, while engaged in official duties as authorized by law. “(4) A family member, household member, or caregiver of the person to whom the ballot was mailed. “(b) Definitions.—For purposes of this section, with respect to a person to whom the

ballot was mailed: “(1) The term ‘caregiver’ means an individual who provides medical or health care assistance to such person in a residence, nursing care institution, hospice facility, assisted living center, assisted living facility, assisted living home, residential care institution, adult day health care facility, or adult foster care home. “(2) The term ‘family member’ means an individual who is related to such person by blood, marriage, adoption or legal guardianship. “(3) The term ‘household member’ means an individual who resides at the same residence as such person.”. (b) Clerical Amendment.—The table of contents of such Act is amended by inserting after the item relating 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 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. (A) In General.—Subtitle D of title II of the Help America Vote Act of 2002 (52 U.S.C. 21001 et seq.), as amended by section 401, is further amended by adding at the end the following new part: “Part 8—Prohibition on Payments to States Allowing Voting by Non-Citizens “Sec. 298. Eligibility for Payments of States Allowing Voting by Non-Citizens. “A State is not eligible to receive funds under this Act if the State allows an individual who is not a citizen of the United States to vote in an election for public office.”. (b) Clerical Amendment.—The table of contents for such Act, as amended by section 401, is further amended by inserting after the item relating to section 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.”. 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. (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 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.”.