

115TH CONGRESS
1ST SESSION

H. R. 530

To expose and deter unlawful and subversive foreign interference in elections for Federal office, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 13, 2017

Mr. ENGEL (for himself, Mr. CONNOLLY, Mr. SOTO, Mr. KEATING, Mr. SIRES, Ms. KELLY of Illinois, Ms. FRANKEL of Florida, Ms. NORTON, Mr. TED LIEU of California, Mr. DESAULNIER, Mr. CICILLINE, Mrs. WATSON COLEMAN, Ms. JACKSON LEE, Mrs. LAWRENCE, Mr. BRENDAN F. BOYLE of Pennsylvania, Ms. SHEA-PORTER, Mr. CASTRO of Texas, Mr. ESPAILLAT, Mr. SHERMAN, Mr. SMITH of Washington, Mr. CONYERS, Mr. THOMPSON of Mississippi, Ms. TITUS, Mr. BERA, Mr. DEUTCH, Mr. GARAMENDI, Mr. WELCH, Mr. MCGOVERN, Mr. SCHNEIDER, Mr. CROWLEY, Ms. MENG, Mr. LOWENTHAL, Mr. MEEKS, Ms. PLASKETT, Mr. CUMMINGS, Ms. MICHELLE LUJAN GRISHAM of New Mexico, Mr. CLAY, Mr. JOHNSON of Georgia, Mr. DELANEY, Mr. RUSH, Mr. PERLMUTTER, Ms. GABBARD, Mrs. TORRES, Ms. PINGREE, Mrs. LOWEY, Mr. HIGGINS of New York, Mr. COURTNEY, Ms. BASS, Mr. SUOZZI, Mr. NADLER, Mr. CRIST, Ms. ESTY, Mrs. CAROLYN B. MALONEY of New York, Mr. LYNCH, Mr. MOULTON, Mr. SCHIFF, Ms. CLARKE of New York, Ms. WILSON of Florida, Ms. BONAMICI, Mr. HASTINGS, Mr. COHEN, Mrs. BUSTOS, Mr. KIND, Mr. QUIGLEY, and Ms. VELÁZQUEZ) introduced the following bill; which was referred to the Committee on Foreign Affairs, and in addition to the Committees on the Judiciary, and Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To expose and deter unlawful and subversive foreign interference in elections for Federal office, and for other purposes.

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 “Safeguard our Elec-
5 tions and Combat Unlawful Interference in Our Democ-
6 racy Act” or the “SECURE Our Democracy Act”.

7 **SEC. 2. DEFINITIONS.**

8 In this Act:

9 (1) ADMITTED; ALIEN.—The terms “admitted”
10 and “alien” have the meanings given such terms in
11 section 101 of the Immigration and Nationality Act
12 (8 U.S.C. 1101).

13 (2) APPROPRIATE CONGRESSIONAL COMMIT-
14 TEES.—The term “appropriate congressional com-
15 mittees” means—

16 (A) in the House of Representatives—

17 (i) the Committee on Foreign Affairs;

18 (ii) the Committee on Homeland Se-
19 curity;

20 (iii) the Committee on Financial Serv-
21 ices;

22 (iv) the Committee on the Judiciary;

23 and

24 (v) the Permanent Select Committee
25 on Intelligence; and

1 (B) in the Senate—

2 (i) the Committee on Foreign Rela-
3 tions;

4 (ii) the Committee on Homeland Se-
5 curity and Governmental Affairs;

6 (iii) the Committee on Banking,
7 Housing, and Urban Affairs;

8 (iv) the Committee on the Judiciary;
9 and

10 (v) the Select Committee on Intel-
11 ligence.

12 (3) FINANCIAL INSTITUTION.—The term “fi-
13 nancial institution” has the meaning given such
14 term in section 5312 of title 31, United States Code.

15 (4) FOREIGN PERSON.—The term “foreign per-
16 son” means—

17 (A) a natural person who is not a United
18 States person under paragraph (5)(A); or

19 (B) a foreign entity or foreign government.

20 (5) UNITED STATES PERSON.—The term
21 “United States person” means—

22 (A) a United States citizen or an alien law-
23 fully admitted for permanent residence to the
24 United States; or

1 (B) an entity organized under the laws of
2 the United States or of any jurisdiction within
3 the United States, including a foreign branch of
4 such an entity.

5 **SEC. 3. IDENTIFICATION OF FOREIGN PERSONS RESPON-**
6 **SIBLE FOR ACTIONS TO UNLAWFULLY AC-**
7 **CESS, DISRUPT, INFLUENCE, OR IN ANY WAY**
8 **ALTER INFORMATION OR INFORMATION SYS-**
9 **TEMS RELATED TO UNITED STATES POLIT-**
10 **ICAL PARTIES OR ELECTIONS FOR FEDERAL**
11 **OFFICE.**

12 (a) IN GENERAL.—Not later than 120 days after the
13 date of the enactment of this Act, the Secretary of State
14 shall submit to the appropriate congressional committees
15 a list of each foreign person that the Secretary, in con-
16 sultation with the heads of other relevant Federal agen-
17 cies, determines—

18 (1) was, at any time since January 1, 2015, in-
19 volved in actions to unlawfully access, disrupt, mis-
20 appropriate, influence, or in any way alter informa-
21 tion or information systems related to United States
22 political parties, candidates in elections for Federal
23 office, or the administration of elections for Federal
24 office; or

1 (2) worked or acted as an agent or instrumen-
2 tality of or on behalf of or was otherwise associated
3 with such a foreign person in a matter relating to
4 an action described in paragraph (1).

5 (b) UPDATES.—The Secretary of State shall submit
6 to the appropriate congressional committees an update of
7 the list required under subsection (a) as new information
8 becomes available.

9 (c) FORM.—

10 (1) IN GENERAL.—Except as provided in para-
11 graph (2), the list required under subsection (a)
12 shall be submitted in unclassified form.

13 (2) EXCEPTION.—The name of a foreign person
14 to be included in the list required under subsection
15 (a) may be submitted in a classified annex only if
16 the Secretary of State—

17 (A) determines that it is in the national se-
18 curity interests of the United States to do so;
19 and

20 (B) 15 days prior to submitting any such
21 name in such a classified annex, provides to the
22 appropriate congressional committees notice of,
23 and a justification for, including or continuing
24 to include any such foreign person in any such
25 classified annex despite any publicly available

1 information indicating that such foreign person
2 is described in paragraph (1) or (2) of such
3 subsection.

4 (3) PUBLIC AVAILABILITY; NONAPPLICABILITY
5 OF CONFIDENTIALITY REQUIREMENT WITH RESPECT
6 TO VISA RECORDS.—The unclassified portion of the
7 list required under subsection (a) shall be made
8 available to the public and published in the Federal
9 Register, without regard to the requirements of sec-
10 tion 222(f) of the Immigration and Nationality Act
11 (8 U.S.C. 1202(f)) with respect to confidentiality of
12 records pertaining to the issuance or refusal of visas
13 or permits to enter the United States.

14 **SEC. 4. INADMISSIBILITY OF CERTAIN ALIENS.**

15 (a) INELIGIBILITY FOR VISAS.—An alien is ineligible
16 to receive a visa to enter the United States and ineligible
17 to be admitted to the United States if such alien is a for-
18 eign person on the list required under section 3(a).

19 (b) CURRENT VISAS REVOKED.—The Secretary of
20 State shall revoke, in accordance with section 221(i) of
21 the Immigration and Nationality Act (8 U.S.C. 1201(i)),
22 the visa or other documentation of any alien who is a for-
23 eign person on the list required under section 3(a) and
24 who would therefore be ineligible to receive such a visa
25 or documentation under subsection (a) of this section.

1 (c) APPLICABILITY TO FOREIGN ENTITIES AND FOR-
2 EIGN GOVERNMENTS.—Subsections (a) and (b) of this
3 section shall apply to aliens who are officials of, agents
4 or instrumentalities of, working or acting on behalf of, or
5 otherwise associated with a foreign entity or foreign gov-
6 ernment that is a foreign person included on the list re-
7 quired under section 3(a) if such aliens are determined
8 by the Secretary of State to have knowingly authorized,
9 conspired to commit, been responsible for, engaged in, or
10 otherwise assisted or facilitated the actions described in
11 such section 3(a).

12 (d) WAIVER FOR NATIONAL SECURITY INTERESTS.—

13 (1) IN GENERAL.—The Secretary of State may
14 waive the application of subsection (a) or (b) in the
15 case of an alien if—

16 (A) the Secretary determines that such a
17 waiver—

18 (i) is necessary to permit the United
19 States to comply with the Agreement be-
20 tween the United Nations and the United
21 States of America regarding the Head-
22 quarters of the United Nations, signed
23 June 26, 1947, and entered into force No-
24 vember 21, 1947, or other applicable inter-

1 national obligations of the United States;

2 or

3 (ii) is in the national security interests

4 of the United States; and

5 (B) prior to granting such a waiver, the

6 Secretary provides to the appropriate congres-

7 sional committees notice of, and a justification

8 for, such waiver.

9 (2) **TIMING FOR CERTAIN WAIVERS.**—Notifica-

10 tion under subparagraph (B) of paragraph (1) shall

11 be made not later than 15 days prior to granting a

12 waiver under such paragraph if the Secretary of

13 State grants such waiver in the national security in-

14 terests of the United States in accordance with sub-

15 paragraph (A)(ii) of such paragraph.

16 (e) **REGULATORY AUTHORITY.**—The Secretary of

17 State shall prescribe such regulations as are necessary to

18 carry out this section.

19 **SEC. 5. FINANCIAL MEASURES.**

20 (a) **FREEZING OF ASSETS.**—

21 (1) **IN GENERAL.**—The President, acting

22 through the Secretary of the Treasury, shall exercise

23 all powers granted by the International Emergency

24 Economic Powers Act (50 U.S.C. 1701 et seq.) (ex-

25 cept that the requirements of section 202 of such

1 Act (50 U.S.C. 1701) shall not apply) to the extent
2 necessary to freeze and prohibit all transactions in
3 all property and interests in property of a foreign
4 person that is on the list required under section 3(a)
5 of this Act if such property or interests in property
6 are in the United States, are or come within the
7 United States, or are or come within the possession
8 or control of a United States person.

9 (2) APPLICABILITY TO FOREIGN ENTITIES AND
10 FOREIGN GOVERNMENTS.—Paragraph (1) shall
11 apply to aliens who are officials of, agents or instru-
12 mentalities of, working or acting on behalf of, or
13 otherwise associated with a foreign entity or foreign
14 government that is a foreign person included on the
15 list required under section 3(a) if such aliens are de-
16 termined by the President, acting through the Sec-
17 retary of the Treasury, to have knowingly author-
18 ized, conspired to commit, been responsible for, en-
19 gaged in, or otherwise assisted or facilitated the ac-
20 tions described in such section 3(a).

21 (b) WAIVER FOR NATIONAL SECURITY INTERESTS.—
22 The Secretary of the Treasury may waive the application
23 of subsection (a) if the Secretary determines that such a
24 waiver is in the national security interests of the United
25 States. Not less than 15 days prior to granting such a

1 waiver, the Secretary shall provide to the appropriate con-
2 gressional committees notice of, and a justification for,
3 such waiver.

4 (c) ENFORCEMENT.—

5 (1) PENALTIES.—A foreign person that vio-
6 lates, attempts to violate, conspires to violate, or
7 causes a violation of this section or any regulation,
8 license, or order issued to carry out this section shall
9 be subject to the penalties specified in subsections
10 (b) and (c) of section 206 of the International
11 Emergency Economic Powers Act (50 U.S.C. 1705)
12 to the same extent as a person that commits an un-
13 lawful act described in subsection (a) of such sec-
14 tion.

15 (2) APPLICABILITY TO FOREIGN ENTITIES AND
16 FOREIGN GOVERNMENTS.—Paragraph (1) shall
17 apply to aliens who are officials of, agents or instru-
18 mentalities of, working or acting on behalf of, or
19 otherwise associated with a foreign entity or foreign
20 government that is a foreign person included on the
21 list required under section 3(a) if such aliens are de-
22 termined by the President, acting through the Sec-
23 retary of the Treasury, to have knowingly author-
24 ized, conspired to commit, been responsible for, en-

1 gaged in, or otherwise assisted or facilitated the ac-
2 tions described in such section 3(a).

3 (3) REQUIREMENTS FOR FINANCIAL INSTITU-
4 TIONS.—Not later than 120 days after the date of
5 the enactment of this Act, the President, acting
6 through the Secretary of the Treasury, shall pre-
7 scribe or amend regulations as needed to require
8 each financial institution that is a United States
9 person and has within its possession or control as-
10 sets that are property or interests in property of a
11 foreign person that is on the list required under sec-
12 tion 3(a) if such property or interests in property
13 are in the United States, are or come within the
14 United States, or are or come within the possession
15 or control of a United States person to certify to the
16 Secretary that, to the best of the knowledge of such
17 financial institution, such financial institution has
18 frozen all assets within the possession or control of
19 such financial institution that are required to be fro-
20 zen pursuant to subsection (a).

21 (d) REGULATORY AUTHORITY.—The President, act-
22 ing through the Secretary of the Treasury, shall issue such
23 regulations, licenses, and orders as are necessary to carry
24 out this section.

1 **SEC. 6. REPORTS TO CONGRESS.**

2 (a) IN GENERAL.—The Secretary of State, in con-
3 sultation with the heads of other relevant Federal agen-
4 cies, shall submit to the appropriate congressional commit-
5 tees a report on the actions taken to carry out this Act,
6 including—

7 (1) a description of each foreign person on the
8 list required under section 3(a);

9 (2) the dates on which such foreign persons
10 were added to such list; and

11 (3) a description of the actions described in
12 such section that were undertaken by each such for-
13 eign person.

14 (b) TIMING.—The Secretary of State shall submit the
15 first report required under this section not later than one
16 year after the date of the enactment of this Act. The Sec-
17 retary shall submit subsequent reports under this section
18 not later than 60 days after the date of each regularly
19 scheduled general election for Federal office, beginning
20 with the election held in 2018.

21 (c) FORM.—Each report required under subsection
22 (a) shall be submitted in unclassified form, but may in-
23 clude a classified annex if such is in the national security
24 interests of the United States. If a classified annex is in-
25 cluded in any such report, the Secretary of State shall in-

- 1 clude in such report a specific national security justifica-
- 2 tion for such classified annex.

○