

116TH CONGRESS
1ST SESSION

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.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 8, 2019

Ms. LOFGREN (for herself, Mr. SARBANES, Mr. RASKIN, Mrs. DAVIS of California, Mr. BUTTERFIELD, Ms. FUDGE, Mr. AGUILAR, Mr. NADLER, Mrs. MURPHY of Florida, Mr. MCEACHIN, Mr. MALINOWSKI, and Mr. KILMER) introduced the following bill; which was referred to the Committee on House Administration, and in addition to the Committee on the Judiciary, 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 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.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

2 (a) **SHORT TITLE.**—This Act may be cited as the
 3 “Stopping Harmful Interference in Elections for a Lasting
 4 Democracy Act” or the “SHIELD Act”.

5 (b) **TABLE OF CONTENTS.**—The table of contents of
 6 this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—ENHANCED REPORTING REQUIREMENTS

Subtitle A—Establishing Duty To Report Foreign Election Interference

Sec. 101. Federal campaign reporting of foreign contacts.

Sec. 102. Federal campaign foreign contact reporting compliance system.

Sec. 103. Criminal penalties.

Sec. 104. Rule of construction.

Subtitle B—Strengthening Oversight of Online Political Advertising

Sec. 111. Short title.

Sec. 112. Purpose.

Sec. 113. Expansion of definition of public communication.

Sec. 114. Expansion of definition of electioneering communication.

Sec. 115. Application of disclaimer statements to online communications.

Sec. 116. Political record requirements for online platforms.

Sec. 117. Preventing contributions, expenditures, independent expenditures,
 and disbursements for electioneering communications by for-
 eign nationals in the form of online advertising.

**TITLE II—CLOSING LOOPHOLES ALLOWING SPENDING BY
 FOREIGN NATIONALS IN ELECTIONS**

Sec. 201. Clarification of prohibition on participation by foreign nationals in
 election-related activities.

Sec. 202. Clarification of application of foreign money ban to certain disburse-
 ments and activities.

Sec. 203. Audit and report on illicit foreign money in Federal elections.

Sec. 204. Prohibition on contributions and donations by foreign nationals in
 connections with ballot initiatives and referenda.

Sec. 205. Expansion of limitations on foreign nationals participating in political
 advertising.

TITLE III—DETECTING FOREIGN INTERFERENCE IN ELECTIONS

Subtitle A—Deterrence Under Federal Election Campaign Act of 1971

Sec. 301. Restrictions on exchange of campaign information between candidates
 and foreign powers.

Sec. 302. Clarification of standard for determining existence of coordination be-
 tween campaigns and outside interests.

Subtitle B—Prohibiting Deceptive Practices and Preventing Voter
Intimidation

- Sec. 311. Short title.
Sec. 312. Prohibition on deceptive practices in Federal elections.
Sec. 313. Corrective action.
Sec. 314. Reports to Congress.

TITLE IV—MISCELLANEOUS PROVISIONS

- Sec. 401. Effective dates of provisions.
Sec. 402. Severability.

1 **TITLE I—ENHANCED**
2 **REPORTING REQUIREMENTS**
3 **Subtitle A—Establishing Duty To**
4 **Report Foreign Election Inter-**
5 **ference**

6 **SEC. 101. FEDERAL CAMPAIGN REPORTING OF FOREIGN**
7 **CONTACTS.**

8 (a) INITIAL NOTICE.—

9 (1) IN GENERAL.—Section 304 of the Federal
10 Election Campaign Act of 1971 (52 U.S.C. 30104)
11 is amended by adding at the end the following new
12 subsection:

13 “(j) DISCLOSURE OF REPORTABLE FOREIGN CON-
14 TACTS.—

15 “(1) COMMITTEE OBLIGATION TO NOTIFY.—
16 Not later than 1 week after a reportable foreign con-
17 tact, each political committee shall notify the Fed-
18 eral Bureau of Investigation and the Commission of
19 the reportable foreign contact and provide a sum-

1 mary of the circumstances with respect to such re-
2 portable foreign contact.

3 “(2) INDIVIDUAL OBLIGATION TO NOTIFY.—

4 Not later than 3 days after a reportable foreign con-
5 tact—

6 “(A) each candidate shall notify the treas-
7 urer or other designated official of the principal
8 campaign committee of such candidate of the
9 reportable foreign contact and provide a sum-
10 mary of the circumstances with respect to such
11 reportable foreign contact; and

12 “(B) each official, employee, or agent of a
13 political committee shall notify the treasurer or
14 other designated official of the committee of the
15 reportable foreign contact and provide a sum-
16 mary of the circumstances with respect to such
17 reportable foreign contact.

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

20 “(A) IN GENERAL.—The term ‘reportable
21 foreign contact’ means any direct or indirect
22 contact or communication that—

23 “(i) is between—

1 “(I) a candidate, a political com-
2 mittee, or any official, employee, or
3 agent of such committee; and

4 “(II) an individual that the per-
5 son described in subclause (I) knows,
6 has reason to know, or reasonably be-
7 lieves is a covered foreign national;
8 and

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

12 “(I) an offer or other proposal
13 for a contribution, donation, expendi-
14 ture, disbursement, or solicitation de-
15 scribed in section 319; or

16 “(II) coordination or collabora-
17 tion with, an offer or provision of in-
18 formation or services to or from, or
19 persistent and repeated contact with,
20 a covered foreign national in connec-
21 tion with an election.

22 “(B) EXCEPTION.—The term ‘reportable
23 foreign contact’ shall not include any contact or
24 communication with a covered foreign national
25 by an elected official or an employee of an elect-

1 ed official solely in an official capacity as such
2 an official or employee. For purposes of the
3 previous sentence, a contact or communication
4 by an elected official or an employee of an elect-
5 ed official shall not be considered to be made
6 solely in an official capacity if the contact or
7 communication involves a contribution, dona-
8 tion, expenditure, disbursement, or solicitation
9 described in section 319.

10 “(C) COVERED FOREIGN NATIONAL DE-
11 FINED.—

12 “(i) IN GENERAL.—In this paragraph,
13 the term ‘covered foreign national’
14 means—

15 “(I) a foreign principal (as de-
16 fined in section 1(b) of the Foreign
17 Agents Registration Act of 1938 (22
18 U.S.C. 611(b)) that is a government
19 of a foreign country or a foreign polit-
20 ical party;

21 “(II) any person who acts as an
22 agent, representative, employee, or
23 servant, or any person who acts in
24 any other capacity at the order, re-
25 quest, or under the direction or con-

1 trol, of a foreign principal described in
2 subclause (I) or of a person any of
3 whose activities are directly or indi-
4 rectly supervised, directed, controlled,
5 financed, or subsidized in whole or in
6 major part by a foreign principal de-
7 scribed in subclause (I); or

8 “(III) any person included in the
9 list of specially designated nationals
10 and blocked persons maintained by
11 the Office of Foreign Assets Control
12 of the Department of the Treasury
13 pursuant to authorities relating to the
14 imposition of sanctions relating to the
15 conduct of a foreign principal de-
16 scribed in subclause (I).

17 “(ii) CLARIFICATION REGARDING AP-
18 PPLICATION TO CITIZENS OF THE UNITED
19 STATES.—In the case of a citizen of the
20 United States, subclause (II) of clause (i)
21 applies only to the extent that the person
22 involved acts within the scope of that per-
23 son’s status as the agent of a foreign prin-
24 cipal described in subclause (I) of clause
25 (i).”.

1 (2) EFFECTIVE DATE.—The amendment made
2 by paragraph (1) shall apply with respect to report-
3 able foreign contacts which occur on or after the
4 date of the enactment of this Act.

5 (b) INFORMATION INCLUDED ON REPORT.—

6 (1) IN GENERAL.—Section 304(b) of such Act
7 (52 U.S.C. 30104(b)) is amended—

8 (A) by striking “and” at the end of para-
9 graph (7);

10 (B) by striking the period at the end of
11 paragraph (8) and inserting “; and”; and

12 (C) by adding at the end the following new
13 paragraph:

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

16 “(A) the date, time, and location of the
17 contact;

18 “(B) the date and time of when a des-
19 ignated official of the committee was notified of
20 the contact;

21 “(C) the identity of individuals involved;
22 and

23 “(D) a description of the contact, including
24 the nature of any contribution, donation, ex-
25 penditure, disbursement, or solicitation involved

1 and the nature of any activity described in sub-
2 section (j)(3)(A)(ii)(II) involved.”.

3 (2) EFFECTIVE DATE.—The amendment made
4 by paragraph (1) shall apply with respect to reports
5 filed on or after the expiration of the 60-day period
6 which begins on the date of the enactment of this
7 Act.

8 **SEC. 102. FEDERAL CAMPAIGN FOREIGN CONTACT RE-**
9 **PORTING COMPLIANCE SYSTEM.**

10 (a) IN GENERAL.—Section 302 of the Federal Elec-
11 tion Campaign Act of 1971 (52 U.S.C. 30102) is amended
12 by adding at the end the following new subsection:

13 “(j) REPORTABLE FOREIGN CONTACTS COMPLIANCE
14 POLICY.—

15 “(1) REPORTING.—Each political committee
16 shall establish a policy that requires all officials, em-
17 ployees, and agents of such committee to notify the
18 treasurer or other appropriate designated official of
19 the committee of any reportable foreign contact (as
20 defined in section 304(j)) not later than 3 days after
21 such contact was made.

22 “(2) RETENTION AND PRESERVATION OF
23 RECORDS.—Each political committee shall establish
24 a policy that provides for the retention and preserva-
25 tion of records and information related to reportable

1 foreign contacts (as so defined) for a period of not
2 less than 3 years.

3 “(3) CERTIFICATION.—

4 “(A) IN GENERAL.—Upon filing its state-
5 ment of organization under section 303(a), and
6 with each report filed under section 304(a), the
7 treasurer of each political committee (other
8 than an authorized committee) shall certify
9 that—

10 “(i) the committee has in place poli-
11 cies that meet the requirements of para-
12 graphs (1) and (2);

13 “(ii) the committee has designated an
14 official to monitor compliance with such
15 policies; and

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

21 “(I) receive notice of such poli-
22 cies;

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

1 “(III) sign a certification affirm-
2 ing their understanding of such poli-
3 cies and prohibitions.

4 “(B) AUTHORIZED COMMITTEES.—With
5 respect to an authorized committee, the can-
6 didate shall make the certification required
7 under subparagraph (A).”.

8 (b) EFFECTIVE DATE.—

9 (1) IN GENERAL.—The amendment made by
10 subsection (a) shall apply with respect to political
11 committees which file a statement of organization
12 under section 303(a) of the Federal Election Cam-
13 paign Act of 1971 (52 U.S.C. 30103(a)) on or after
14 the date of the enactment of this Act.

15 (2) TRANSITION RULE FOR EXISTING COMMIT-
16 TEES.—Not later than 30 days after the date of the
17 enactment of this Act, each political committee
18 under the Federal Election Campaign Act of 1971
19 shall file a certification with the Federal Election
20 Commission that the committee is in compliance
21 with the requirements of section 302(j) of such Act
22 (as added by subsection (a)).

1 **SEC. 103. CRIMINAL PENALTIES.**

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

5 “(E) Any person who knowingly and willfully com-
6 mits a violation of subsection (j) or (b)(9) of section 304
7 or section 302(j) shall be fined not more than \$500,000,
8 imprisoned not more than 5 years, or both.

9 “(F) Any person who knowingly and willfully conceals
10 or destroys any materials relating to a reportable foreign
11 contact (as defined in section 304(j)) shall be fined not
12 more than \$1,000,000, imprisoned not more than 5 years,
13 or both.”

14 **SEC. 104. RULE OF CONSTRUCTION.**

15 Nothing in this subtitle or the amendments made by
16 this subtitle shall be construed—

17 (1) to impede legitimate journalistic activities;

18 or

19 (2) to impose any additional limitation on the
20 right to express political views or to participate in
21 public discourse of any individual who—

22 (A) resides in the United States;

23 (B) is not a citizen of the United States or
24 a national of the United States, as defined in
25 section 101(a)(22) of the Immigration and Na-
26 tionality Act (8 U.S.C. 1101(a)(22)); and

1 (C) is not lawfully admitted for permanent
2 residence, as defined by section 101(a)(20) of
3 the Immigration and Nationality Act (8 U.S.C.
4 1101(a)(20)).

5 **Subtitle B—Strengthening Over-**
6 **sight of Online Political Adver-**
7 **tising**

8 **SEC. 111. SHORT TITLE.**

9 This subtitle may be cited as the “Honest Ads Act”.

10 **SEC. 112. PURPOSE.**

11 The purpose of this subtitle is to enhance the integ-
12 rity of American democracy and national security by im-
13 proving disclosure requirements for online political adver-
14 tisements in order to uphold the Supreme Court’s well-
15 established standard that the electorate bears the right to
16 be fully informed.

17 **SEC. 113. EXPANSION OF DEFINITION OF PUBLIC COMMU-**
18 **NICATION.**

19 (a) IN GENERAL.—Paragraph (22) of section 301 of
20 the Federal Election Campaign Act of 1971 (52 U.S.C.
21 30101(22)) is amended by striking “or satellite commu-
22 nication” and inserting “satellite, paid internet, or paid
23 digital communication”.

1 (b) TREATMENT OF CONTRIBUTIONS AND EXPENDI-
2 TURES.—Section 301 of such Act (52 U.S.C. 30101) is
3 amended—

4 (1) in paragraph (8)(B)(v), by striking “on
5 broadcasting stations, or in newspapers, magazines,
6 or similar types of general public political adver-
7 tising” and inserting “in any public communica-
8 tion”; and

9 (2) in paragraph (9)(B)—

10 (A) by amending clause (i) to read as fol-
11 lows:

12 “(i) any news story, commentary, or
13 editorial distributed through the facilities
14 of any broadcasting station or any print,
15 online, or digital newspaper, magazine,
16 blog, publication, or periodical, unless such
17 broadcasting, print, online, or digital facili-
18 ties are owned or controlled by any polit-
19 ical party, political committee, or can-
20 didate;” and

21 (B) in clause (iv), by striking “on broad-
22 casting stations, or in newspapers, magazines,
23 or similar types of general public political ad-
24 vertising” and inserting “in any public commu-
25 nication”.

1 (c) DISCLOSURE AND DISCLAIMER STATEMENTS.—
2 Subsection (a) of section 318 of such Act (52 U.S.C.
3 30120) is amended—

4 (1) by striking “financing any communication
5 through any broadcasting station, newspaper, maga-
6 zine, outdoor advertising facility, mailing, or any
7 other type of general public political advertising”
8 and inserting “financing any public communication”;
9 and

10 (2) by striking “solicits any contribution
11 through any broadcasting station, newspaper, maga-
12 zine, outdoor advertising facility, mailing, or any
13 other type of general public political advertising”
14 and inserting “solicits any contribution through any
15 public communication”.

16 **SEC. 114. EXPANSION OF DEFINITION OF ELECTIONEERING**
17 **COMMUNICATION.**

18 (a) EXPANSION TO ONLINE COMMUNICATIONS.—

19 (1) APPLICATION TO QUALIFIED INTERNET AND
20 DIGITAL COMMUNICATIONS.—

21 (A) IN GENERAL.—Subparagraph (A) of
22 section 304(f)(3) of the Federal Election Cam-
23 paign Act of 1971 (52 U.S.C. 30104(f)(3)(A))
24 is amended by striking “or satellite communica-
25 tion” each place it appears in clauses (i) and

1 (ii) and inserting “satellite, or qualified internet
2 or digital communication”.

3 (B) QUALIFIED INTERNET OR DIGITAL
4 COMMUNICATION.—Paragraph (3) of section
5 304(f) of such Act (52 U.S.C. 30104(f)) is
6 amended by adding at the end the following
7 new subparagraph:

8 “(D) QUALIFIED INTERNET OR DIGITAL
9 COMMUNICATION.—The term ‘qualified internet
10 or digital communication’ means any commu-
11 nication which is placed or promoted for a fee
12 on an online platform (as defined in subsection
13 (k)(3)).”.

14 (2) NONAPPLICATION OF RELEVANT ELEC-
15 TORATE TO ONLINE COMMUNICATIONS.—Section
16 304(f)(3)(A)(i)(III) of such Act (52 U.S.C.
17 30104(f)(3)(A)(i)(III)) is amended by inserting “any
18 broadcast, cable, or satellite” before “communica-
19 tion”.

20 (3) NEWS EXEMPTION.—Section
21 304(f)(3)(B)(i) of such Act (52 U.S.C.
22 30104(f)(3)(B)(i)) is amended to read as follows:

23 “(i) a communication appearing in a
24 news story, commentary, or editorial dis-
25 tributed through the facilities of any

1 broadcasting station or any online or dig-
2 ital newspaper, magazine, blog, publica-
3 tion, or periodical, unless such broad-
4 casting, online, or digital facilities are
5 owned or controlled by any political party,
6 political committee, or candidate;”.

7 (b) EFFECTIVE DATE.—The amendments made by
8 this section shall apply with respect to communications
9 made on or after January 1, 2020.

10 **SEC. 115. APPLICATION OF DISCLAIMER STATEMENTS TO**
11 **ONLINE COMMUNICATIONS.**

12 (a) CLEAR AND CONSPICUOUS MANNER REQUIRE-
13 MENT.—Subsection (a) of section 318 of the Federal Elec-
14 tion Campaign Act of 1971 (52 U.S.C. 30120(a)) is
15 amended—

16 (1) by striking “shall clearly state” each place
17 it appears in paragraphs (1), (2), and (3) and in-
18 serting “shall state in a clear and conspicuous man-
19 ner”; and

20 (2) by adding at the end the following flush
21 sentence: “For purposes of this section, a commu-
22 nication does not make a statement in a clear and
23 conspicuous manner if it is difficult to read or hear
24 or if the placement is easily overlooked.”.

1 (b) SPECIAL RULES FOR QUALIFIED INTERNET OR
2 DIGITAL COMMUNICATIONS.—

3 (1) IN GENERAL.—Section 318 of such Act (52
4 U.S.C. 30120) is amended by adding at the end the
5 following new subsection:

6 “(e) SPECIAL RULES FOR QUALIFIED INTERNET OR
7 DIGITAL COMMUNICATIONS.—

8 “(1) SPECIAL RULES WITH RESPECT TO STATE-
9 MENTS.—In the case of any communication to which
10 this section applies which is a qualified internet or
11 digital communication (as defined in section
12 304(f)(3)(D)) which is disseminated through a me-
13 dium in which the provision of all of the information
14 specified in this section is not possible, the commu-
15 nication shall, in a clear and conspicuous manner—

16 “(A) state the name of the person who
17 paid for the communication; and

18 “(B) provide a means for the recipient of
19 the communication to obtain the remainder of
20 the information required under this section with
21 minimal effort and without receiving or viewing
22 any additional material other than such re-
23 quired information.

24 “(2) SAFE HARBOR FOR DETERMINING CLEAR
25 AND CONSPICUOUS MANNER.—A statement in a

1 qualified internet or digital communication (as de-
2 fined in section 304(f)(3)(D)) shall be considered to
3 be made in a clear and conspicuous manner as pro-
4 vided in subsection (a) if the communication meets
5 the following requirements:

6 “(A) TEXT OR GRAPHIC COMMUNICA-
7 TIONS.—In the case of a text or graphic com-
8 munication, the statement—

9 “(i) appears in letters at least as large
10 as the majority of the text in the commu-
11 nication; and

12 “(ii) meets the requirements of para-
13 graphs (2) and (3) of subsection (c).

14 “(B) AUDIO COMMUNICATIONS.—In the
15 case of an audio communication, the statement
16 is spoken in a clearly audible and intelligible
17 manner at the beginning or end of the commu-
18 nication and lasts at least 3 seconds.

19 “(C) VIDEO COMMUNICATIONS.—In the
20 case of a video communication which also in-
21 cludes audio, the statement—

22 “(i) is included at either the beginning
23 or the end of the communication; and

24 “(ii) is made both in—

1 “(I) a written format that meets
2 the requirements of subparagraph (A)
3 and appears for at least 4 seconds;
4 and

5 “(II) an audible format that
6 meets the requirements of subpara-
7 graph (B).

8 “(D) OTHER COMMUNICATIONS.—In the
9 case of any other type of communication, the
10 statement is at least as clear and conspicuous
11 as the statement specified in subparagraph (A),
12 (B), or (C).”.

13 (2) NONAPPLICATION OF CERTAIN EXCEP-
14 TIONS.—The exceptions provided in section
15 110.11(f)(1)(i) and (ii) of title 11, Code of Federal
16 Regulations, or any successor to such rules, shall
17 have no application to qualified internet or digital
18 communications (as defined in section 304(f)(3)(D)
19 of the Federal Election Campaign Act of 1971, as
20 added by this Act).

21 (c) MODIFICATION OF ADDITIONAL REQUIREMENTS
22 FOR CERTAIN COMMUNICATIONS.—Section 318(d) of such
23 Act (52 U.S.C. 30120(d)) is amended—

24 (1) in paragraph (1)(A)—

1 (A) by striking “which is transmitted
2 through radio” and inserting “which is in an
3 audio format”; and

4 (B) by striking “BY RADIO” in the heading
5 and inserting “AUDIO FORMAT”;

6 (2) in paragraph (1)(B)—

7 (A) by striking “which is transmitted
8 through television” and inserting “which is in
9 video format”; and

10 (B) by striking “BY TELEVISION” in the
11 heading and inserting “VIDEO FORMAT”; and

12 (3) in paragraph (2)—

13 (A) by striking “transmitted through radio
14 or television” and inserting “made in audio or
15 video format”; and

16 (B) by striking “through television” in the
17 second sentence and inserting “in video for-
18 mat”.

19 **SEC. 116. POLITICAL RECORD REQUIREMENTS FOR ONLINE**
20 **PLATFORMS.**

21 (a) IN GENERAL.—Section 304 of the Federal Elec-
22 tion Campaign Act of 1971 (52 U.S.C. 30104), as amend-
23 ed by section 101(a), is further amended by adding at the
24 end the following new subsection:

1 “(k) DISCLOSURE OF CERTAIN ONLINE ADVERTISE-
2 MENTS.—

3 “(1) IN GENERAL.—

4 “(A) REQUIREMENTS FOR ONLINE PLAT-
5 FORMS.—An online platform shall maintain,
6 and make available for online public inspection
7 in machine readable format, a complete record
8 of any request to purchase on such online plat-
9 form a qualified political advertisement which is
10 made by a person whose aggregate requests to
11 purchase qualified political advertisements on
12 such online platform during the calendar year
13 exceeds \$500.

14 “(B) REQUIREMENTS FOR ADVER-
15 TISERS.—Any person who requests to purchase
16 a qualified political advertisement on an online
17 platform shall provide the online platform with
18 such information as is necessary for the online
19 platform to comply with the requirements of
20 subparagraph (A).

21 “(2) CONTENTS OF RECORD.—A record main-
22 tained under paragraph (1)(A) shall contain—

23 “(A) a digital copy of the qualified political
24 advertisement;

1 “(B) a description of the audience targeted
2 by the advertisement, the number of views gen-
3 erated from the advertisement, and the date
4 and time that the advertisement is first dis-
5 played and last displayed; and

6 “(C) information regarding—

7 “(i) the average rate charged for the
8 advertisement;

9 “(ii) the name of the candidate to
10 which the advertisement refers and the of-
11 fice to which the candidate is seeking elec-
12 tion, the election to which the advertise-
13 ment refers, or the national legislative
14 issue to which the advertisement refers (as
15 applicable);

16 “(iii) in the case of a request made
17 by, or on behalf of, a candidate, the name
18 of the candidate, the authorized committee
19 of the candidate, and the treasurer of such
20 committee; and

21 “(iv) in the case of any request not
22 described in clause (iii), the name of the
23 person purchasing the advertisement, the
24 name and address of a contact person for
25 such person, and a list of the chief execu-

1 tive officers or members of the executive
2 committee or of the board of directors of
3 such person.

4 “(3) ONLINE PLATFORM.—For purposes of this
5 subsection, the term ‘online platform’ means any
6 public-facing website, web application, or digital ap-
7 plication (including a social network, ad network, or
8 search engine) which—

9 “(A) sells qualified political advertise-
10 ments; and

11 “(B) has 50,000,000 or more unique
12 monthly United States visitors or users for a
13 majority of months during the preceding 12
14 months.

15 “(4) QUALIFIED POLITICAL ADVERTISEMENT.—
16 For purposes of this subsection, the term ‘qualified
17 political advertisement’ means any advertisement
18 (including search engine marketing, display adver-
19 tisements, video advertisements, native advertise-
20 ments, and sponsorships) that—

21 “(A) is made by or on behalf of a can-
22 didate; or

23 “(B) communicates a message relating to
24 any political matter of national importance, in-
25 cluding—

- 1 “(i) a candidate;
- 2 “(ii) any election to Federal office; or
- 3 “(iii) a national legislative issue of
- 4 public importance.

5 “(5) TIME TO MAINTAIN FILE.—The informa-

6 tion required under this subsection shall be made

7 available as soon as possible and shall be retained by

8 the online platform for a period of not less than 4

9 years.

10 “(6) SAFE HARBOR FOR PLATFORMS MAKING

11 BEST EFFORTS TO IDENTIFY REQUESTS WHICH ARE

12 SUBJECT TO RECORD MAINTENANCE REQUIRE-

13 MENTS.—In accordance with rules established by the

14 Commission, if an online platform shows that the

15 platform used best efforts to determine whether or

16 not a request to purchase a qualified political adver-

17 tisement was subject to the requirements of this sub-

18 section, the online platform shall not be considered

19 to be in violation of such requirements.

20 “(7) PENALTIES.—For penalties for failure by

21 online platforms, and persons requesting to purchase

22 a qualified political advertisement on online plat-

23 forms, to comply with the requirements of this sub-

24 section, see section 309.”.

1 (b) RULEMAKING.—Not later than 120 days after the
2 date of the enactment of this Act, the Federal Election
3 Commission shall establish rules—

4 (1) requiring common data formats for the
5 record required to be maintained under section
6 304(k) of the Federal Election Campaign Act of
7 1971 (as added by subsection (a)) so that all online
8 platforms submit and maintain data online in a com-
9 mon, machine-readable and publicly accessible for-
10 mat;

11 (2) establishing search interface requirements
12 relating to such record, including searches by can-
13 didate name, issue, purchaser, and date; and

14 (3) establishing the criteria for the safe harbor
15 exception provided under paragraph (6) of section
16 304(k) of such Act (as added by subsection (a)).

17 (c) REPORTING.—Not later than 2 years after the
18 date of the enactment of this Act, and biannually there-
19 after, the Chairman of the Federal Election Commission
20 shall submit a report to Congress on—

21 (1) matters relating to compliance with and the
22 enforcement of the requirements of section 304(k) of
23 the Federal Election Campaign Act of 1971, as
24 added by subsection (a);

1 (2) recommendations for any modifications to
2 such section to assist in carrying out its purposes;
3 and

4 (3) identifying ways to bring transparency and
5 accountability to political advertisements distributed
6 online for free.

7 **SEC. 117. PREVENTING CONTRIBUTIONS, EXPENDITURES,**
8 **INDEPENDENT EXPENDITURES, AND DIS-**
9 **BURSEMENTS FOR ELECTIONEERING COM-**
10 **MUNICATIONS BY FOREIGN NATIONALS IN**
11 **THE FORM OF ONLINE ADVERTISING.**

12 Section 319 of the Federal Election Campaign Act
13 of 1971 (52 U.S.C. 30121) is amended by adding at the
14 end the following new subsection:

15 “(c) RESPONSIBILITIES OF BROADCAST STATIONS,
16 PROVIDERS OF CABLE AND SATELLITE TELEVISION, AND
17 ONLINE PLATFORMS.—

18 “(1) RESPONSIBILITIES DESCRIBED.—Each tel-
19 evision or radio broadcast station, provider of cable
20 or satellite television, or online platform (as defined
21 in section 304(k)(3)) shall make reasonable efforts
22 to ensure that communications described in section
23 318(a) and made available by such station, provider,
24 or platform are not purchased by a foreign national,
25 directly or indirectly. For purposes of the previous

1 sentence, a station, provider, or online platform shall
2 not be considered to have made reasonable efforts
3 under this paragraph in the case of the availability
4 of a communication unless the station, provider, or
5 online platform directly inquires from the individual
6 or entity making such purchase whether the pur-
7 chase is to be made by a foreign national, directly
8 or indirectly.

9 “(2) SPECIAL RULES FOR DISBURSEMENT PAID
10 WITH CREDIT CARD.—For purposes of paragraph
11 (1), a television or radio broadcast station, provider
12 of cable or satellite television, or online platform
13 shall be considered to have made reasonable efforts
14 under such paragraph in the case of a purchase of
15 the availability of a communication which is made
16 with a credit card if—

17 “(A) the individual or entity making such
18 purchase is required, at the time of making
19 such purchase, to disclose the credit verification
20 value of such credit card; and

21 “(B) the billing address associated with
22 such credit card is located in the United States
23 or, in the case of a purchase made by an indi-
24 vidual who is a United States citizen living out-
25 side of the United States, the individual pro-

1 vides the television or radio broadcast station,
2 provider of cable or satellite television, or online
3 platform with the United States mailing ad-
4 dress the individual uses for voter registration
5 purposes.”.

6 **TITLE II—CLOSING LOOPHOLES**
7 **ALLOWING SPENDING BY**
8 **FOREIGN NATIONALS IN**
9 **ELECTIONS**

10 **SEC. 201. CLARIFICATION OF PROHIBITION ON PARTICIPA-**
11 **TION BY FOREIGN NATIONALS IN ELECTION-**
12 **RELATED ACTIVITIES.**

13 (a) CLARIFICATION OF PROHIBITION.—Section
14 319(a) of the Federal Election Campaign Act of 1971 (52
15 U.S.C. 30121(a)) is amended—

16 (1) by striking “or” at the end of paragraph
17 (1);

18 (2) by striking the period at the end of para-
19 graph (2) and inserting “; or”; and

20 (3) by adding at the end the following new
21 paragraph:

22 “(3) a foreign national to direct, dictate, con-
23 trol, or directly or indirectly participate in the deci-
24 sion-making process of any person (including a cor-
25 poration, labor organization, political committee, or

1 political organization) with regard to such person’s
2 Federal or non-Federal election-related activity, in-
3 cluding any decision concerning the making of con-
4 tributions, donations, expenditures, or disbursements
5 in connection with an election for any Federal,
6 State, or local office or any decision concerning the
7 administration of a political committee.”.

8 (b) CERTIFICATION OF COMPLIANCE.—Section 319
9 of such Act (52 U.S.C. 30121), as amended by section
10 117, is further amended by adding at the end the following
11 new subsection:

12 “(d) CERTIFICATION OF COMPLIANCE REQUIRED
13 PRIOR TO CARRYING OUT ACTIVITY.—Prior to the mak-
14 ing in connection with an election for Federal office of any
15 contribution, donation, expenditure, independent expendi-
16 ture, or disbursement for an electioneering communication
17 by a corporation, limited liability corporation, or partner-
18 ship during a year, the chief executive officer of the cor-
19 poration, limited liability corporation, or partnership (or,
20 if the corporation, limited liability corporation, or partner-
21 ship does not have a chief executive officer, the highest
22 ranking official of the corporation, limited liability cor-
23 poration, or partnership), shall file a certification with the
24 Commission, under penalty of perjury, that a foreign na-
25 tional did not direct, dictate, control, or directly or indi-

1 rectly participate in the decision-making process relating
2 to such activity in violation of subsection (a)(3), unless
3 the chief executive officer has previously filed such a cer-
4 tification during that calendar year.”.

5 (c) EFFECTIVE DATE.—The amendments made by
6 this section shall take effect upon the expiration of the
7 180-day period which begins on the date of the enactment
8 of this Act.

9 **SEC. 202. CLARIFICATION OF APPLICATION OF FOREIGN**
10 **MONEY BAN TO CERTAIN DISBURSEMENTS**
11 **AND ACTIVITIES.**

12 (a) APPLICATION TO DISBURSEMENTS TO SUPER
13 PACS.—Section 319(a)(1)(A) of the Federal Election
14 Campaign Act of 1971 (52 U.S.C. 30121(a)(1)(A)) is
15 amended by striking the semicolon and inserting the fol-
16 lowing: “, including any disbursement to a political com-
17 mittee which accepts donations or contributions that do
18 not comply with the limitations, prohibitions, and report-
19 ing requirements of this Act (or any disbursement to or
20 on behalf of any account of a political committee which
21 is established for the purpose of accepting such donations
22 or contributions);”.

23 (b) CONDITIONS UNDER WHICH CORPORATE PACS
24 MAY MAKE CONTRIBUTIONS AND EXPENDITURES.—Sec-

1 tion 316(b) of such Act (52 U.S.C. 30118(b)) is amended
2 by adding at the end the following new paragraph:

3 “(8) A separate segregated fund established by a cor-
4 poration may not make a contribution or expenditure dur-
5 ing a year unless the fund has certified to the Commission
6 the following during the year:

7 “(A) Each individual who manages the fund,
8 and who is responsible for exercising decision-mak-
9 ing authority for the fund, is a citizen of the United
10 States or is lawfully admitted for permanent resi-
11 dence in the United States.

12 “(B) No foreign national under section 319
13 participates in any way in the decision-making proc-
14 esses of the fund with regard to contributions or ex-
15 penditures under this Act.

16 “(C) The fund does not solicit or accept rec-
17 ommendations from any foreign national under sec-
18 tion 319 with respect to the contributions or expend-
19 itures made by the fund.

20 “(D) Any member of the board of directors of
21 the corporation who is a foreign national under sec-
22 tion 319 abstains from voting on matters concerning
23 the fund or its activities.”.

1 **SEC. 203. AUDIT AND REPORT ON ILLICIT FOREIGN MONEY**
2 **IN FEDERAL ELECTIONS.**

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

7 **“SEC. 319A. AUDIT AND REPORT ON DISBURSEMENTS BY**
8 **FOREIGN NATIONALS.**

9 “(a) AUDIT.—

10 “(1) IN GENERAL.—The Commission shall con-
11 duct an audit after each Federal election cycle to de-
12 termine the incidence of illicit foreign money in such
13 Federal election cycle.

14 “(2) PROCEDURES.—In carrying out paragraph
15 (1), the Commission shall conduct random audits of
16 any disbursements required to be reported under
17 this Act, in accordance with procedures established
18 by the Commission.

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

22 “(1) results of the audit required by subsection
23 (a)(1); and

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

26 “(c) DEFINITIONS.—As used in this section:

1 “(1) The term ‘Federal election cycle’ means
2 the period which begins on the day after the date of
3 a regularly scheduled general election for Federal of-
4 fice and which ends on the date of the first regularly
5 scheduled general election for Federal office held
6 after such date.

7 “(2) The term ‘illicit foreign money’ means any
8 disbursement by a foreign national (as defined in
9 section 319(b)) prohibited under such section.”.

10 (b) EFFECTIVE DATE.—The amendment made by
11 subsection (a) shall apply with respect to the Federal elec-
12 tion cycle that began during November 2018, and each
13 succeeding Federal election cycle.

14 **SEC. 204. PROHIBITION ON CONTRIBUTIONS AND DONA-**
15 **TIONS BY FOREIGN NATIONALS IN CONNec-**
16 **TIONS WITH BALLOT INITIATIVES AND**
17 **REFERENDA.**

18 (a) IN GENERAL.—Section 319(a)(1)(A) of the Fed-
19 eral Election Campaign Act of 1971 (52 U.S.C.
20 30121(a)(1)(A)) is amended by striking “election” and in-
21 serting the following: “election, including a State or local
22 ballot initiative or referendum”.

23 (b) EFFECTIVE DATE.—The amendment made by
24 this section shall apply with respect to elections held in
25 2020 or any succeeding year.

1 **SEC. 205. EXPANSION OF LIMITATIONS ON FOREIGN NA-**
2 **TIONALS PARTICIPATING IN POLITICAL AD-**
3 **VERTISING.**

4 (a) DISBURSEMENTS DESCRIBED.—Section
5 319(a)(1) of the Federal Election Campaign Act of 1971
6 (52 U.S.C. 30121(a)(1)) is amended—

7 (1) by striking “or” at the end of subparagraph
8 (B); and

9 (2) by striking subparagraph (C) and inserting
10 the following:

11 “(C) an expenditure;

12 “(D) an independent expenditure;

13 “(E) a disbursement for an electioneering
14 communication (within the meaning of section
15 304(f)(3));

16 “(F) a disbursement for a communication
17 which is placed or promoted for a fee on a
18 website, web application, or digital application
19 that refers to a clearly identified candidate for
20 election for Federal office and is disseminated
21 within 60 days before a general, special, or run-
22 off election for the office sought by the can-
23 didate or 30 days before a primary or pref-
24 erence election, or a convention or caucus of a
25 political party that has authority to nominate a

1 candidate for the office sought by the can-
2 didate;

3 “(G) a disbursement for a broadcast, cable
4 or satellite communication, or for a communica-
5 tion which is placed or promoted for a fee on
6 a website, web application, or digital applica-
7 tion, that promotes, supports, attacks or op-
8 poses the election of a clearly identified can-
9 didate for Federal, State, or local office (re-
10 gardless of whether the communication contains
11 express advocacy or the functional equivalent of
12 express advocacy);

13 “(H) a disbursement for a broadcast,
14 cable, or satellite communication, or for any
15 communication which is placed or promoted for
16 a fee on an online platform (as defined in sec-
17 tion 304(k)(3)), that discusses a national legis-
18 lative issue of public importance in a year in
19 which a regularly scheduled general election for
20 Federal office is held, but only if the disburse-
21 ment is made by a covered foreign national de-
22 scribed in section 304(j)(3)(C); or

23 “(I) a disbursement by a covered foreign
24 national described in section 304(j)(3)(C) to
25 compensate any person for internet activity that

1 promotes, supports, attacks, or opposes the
 2 election of a clearly identified candidate for
 3 Federal, State, or local office (regardless of
 4 whether the activity communication contains ex-
 5 press advocacy or the functional equivalent of
 6 express advocacy);”.

7 (b) EFFECTIVE DATE.—The amendments made by
 8 this section shall apply with respect to disbursements
 9 made on or after the date of the enactment of this Act.

10 **TITLE III—DETECTING FOREIGN**
 11 **INTERFERENCE IN ELECTIONS**
 12 **Subtitle A—Deterrence Under Fed-**
 13 **eral Election Campaign Act of**
 14 **1971**

15 **SEC. 301. RESTRICTIONS ON EXCHANGE OF CAMPAIGN IN-**
 16 **FORMATION BETWEEN CANDIDATES AND**
 17 **FOREIGN POWERS.**

18 Section 319 of the Federal Election Campaign Act
 19 of 1971 (52 U.S.C. 30121), as amended by section 117
 20 and section 201(b), is further amended by adding at the
 21 end the following new subsection:

22 “(e) RESTRICTIONS ON EXCHANGE OF INFORMATION
 23 BETWEEN CANDIDATES AND FOREIGN POWERS.—

24 “(1) TREATMENT OF OFFER TO SHARE NON-
 25 PUBLIC CAMPAIGN MATERIAL AS SOLICITATION OF

1 CONTRIBUTION FROM FOREIGN NATIONAL.—If a
2 candidate or an individual affiliated with the cam-
3 paign of a candidate, or if a political committee or
4 an individual affiliated with a political committee,
5 provides or offers to provide nonpublic campaign
6 material to a covered foreign national or to another
7 person whom the candidate, committee, or individual
8 knows or has reason to know will provide the mate-
9 rial to a covered foreign national, the candidate,
10 committee, or individual (as the case may be) shall
11 be considered for purposes of this section to have so-
12 licited a contribution or donation described in sub-
13 section (a)(1)(A) from a foreign national.

14 “(2) DEFINITIONS.—In this subsection, the fol-
15 lowing definitions apply:

16 “(A) The term ‘candidate’ means an indi-
17 vidual who seeks nomination for, or election to,
18 any Federal, State, or local public office.

19 “(B) The term ‘covered foreign national’
20 has the meaning given such term in section
21 304(j)(3)(C).

22 “(C) The term ‘individual affiliated with a
23 campaign’ means, with respect to a candidate,
24 an employee of any organization legally author-
25 ized under Federal, State, or local law to sup-

1 port the candidate’s campaign for nomination
2 for, or election to, any Federal, State, or local
3 public office, as well as any independent con-
4 tractor of such an organization and any indi-
5 vidual who performs services on behalf of the
6 organization, whether paid or unpaid.

7 “(D) The term ‘individual affiliated with a
8 political committee’ means, with respect to a
9 political committee, an employee of the com-
10 mittee as well as any independent contractor of
11 the committee and any individual who performs
12 services on behalf of the committee, whether
13 paid or unpaid.

14 “(E) The term ‘nonpublic campaign mate-
15 rial’ means, with respect to a candidate or a po-
16 litical committee, campaign material that is
17 produced by the candidate or the committee or
18 produced at the candidate or committee’s ex-
19 pense or request which is not distributed or
20 made available to the general public or other-
21 wise in the public domain, including polling and
22 focus group data and opposition research, ex-
23 cept that such term does not include material
24 produced for purposes of consultations relating

1 solely to the candidate’s or committee’s position
2 on a legislative or policy matter.”.

3 **SEC. 302. CLARIFICATION OF STANDARD FOR DETER-**
4 **MINING EXISTENCE OF COORDINATION BE-**
5 **TWEEN CAMPAIGNS AND OUTSIDE INTER-**
6 **ESTS.**

7 Section 315(a) of the Federal Election Campaign Act
8 of 1971 (52 U.S.C. 30116(a)) is amended by adding at
9 the end the following new paragraph:

10 “(10) For purposes of paragraph (7), an expenditure
11 or disbursement may be considered to have been made in
12 cooperation, consultation, or concert with, or coordinated
13 with, a person without regard to whether or not the co-
14 operation, consultation, or coordination is carried out pur-
15 suant to agreement or formal collaboration.”.

16 **Subtitle B—Prohibiting Deceptive**
17 **Practices and Preventing Voter**
18 **Intimidation**

19 **SEC. 311. SHORT TITLE.**

20 This subtitle may be cited as the “Deceptive Prac-
21 tices and Voter Intimidation Prevention Act of 2019”.

22 **SEC. 312. PROHIBITION ON DECEPTIVE PRACTICES IN FED-**
23 **ERAL ELECTIONS.**

24 (a) PROHIBITION.—Subsection (b) of section 2004 of
25 the Revised Statutes (52 U.S.C. 10101(b)) is amended—

1 (1) by striking “No person” and inserting the
2 following:

3 “(1) IN GENERAL.—No person”; and

4 (2) by inserting at the end the following new
5 paragraphs:

6 “(2) FALSE STATEMENTS REGARDING FEDERAL
7 ELECTIONS.—

8 “(A) PROHIBITION.—No person, whether
9 acting under color of law or otherwise, shall,
10 within 60 days before an election described in
11 paragraph (5), by any means, including by
12 means of written, electronic, or telephonic com-
13 munications, communicate or cause to be com-
14 municated information described in subpara-
15 graph (B), or produce information described in
16 subparagraph (B) with the intent that such in-
17 formation be communicated, if such person—

18 “(i) knows such information to be ma-
19 terially false; and

20 “(ii) has the intent to impede or pre-
21 vent another person from exercising the
22 right to vote in an election described in
23 paragraph (5).

1 “(B) INFORMATION DESCRIBED.—Infor-
2 mation is described in this subparagraph if such
3 information is regarding—

4 “(i) the time, place, or manner of
5 holding any election described in para-
6 graph (5); or

7 “(ii) the qualifications for or restric-
8 tions on voter eligibility for any such elec-
9 tion, including—

10 “(I) any criminal penalties asso-
11 ciated with voting in any such elec-
12 tion; or

13 “(II) information regarding a
14 voter’s registration status or eligi-
15 bility.

16 “(3) FALSE STATEMENTS REGARDING PUBLIC
17 ENDORSEMENTS.—

18 “(A) PROHIBITION.—No person, whether
19 acting under color of law or otherwise, shall,
20 within 60 days before an election described in
21 paragraph (5), by any means, including by
22 means of written, electronic, or telephonic com-
23 munications, communicate, or cause to be com-
24 municated, a materially false statement about
25 an endorsement, if such person—

1 “(i) knows such statement to be false;

2 and

3 “(ii) has the intent to impede or pre-
4 vent another person from exercising the
5 right to vote in an election described in
6 paragraph (5).

7 “(B) DEFINITION OF ‘MATERIALLY
8 FALSE’.—For purposes of subparagraph (A), a
9 statement about an endorsement is ‘materially
10 false’ if, with respect to an upcoming election
11 described in paragraph (5)—

12 “(i) the statement states that a spe-
13 cifically named person, political party, or
14 organization has endorsed the election of a
15 specific candidate for a Federal office de-
16 scribed in such paragraph; and

17 “(ii) such person, political party, or
18 organization has not endorsed the election
19 of such candidate.

20 “(4) HINDERING, INTERFERING WITH, OR PRE-
21 VENTING VOTING OR REGISTERING TO VOTE.—No
22 person, whether acting under color of law or other-
23 wise, shall intentionally hinder, interfere with, or
24 prevent another person from voting, registering to

1 vote, or aiding another person to vote or register to
2 vote in an election described in paragraph (5).

3 “(5) ELECTION DESCRIBED.—An election de-
4 scribed in this paragraph is any general, primary,
5 run-off, or special election held solely or in part for
6 the purpose of nominating or electing a candidate
7 for the office of President, Vice President, presi-
8 dential elector, Member of the Senate, Member of
9 the House of Representatives, or Delegate or Com-
10 missioner from a Territory or possession.”.

11 (b) PRIVATE RIGHT OF ACTION.—

12 (1) IN GENERAL.—Subsection (c) of section
13 2004 of the Revised Statutes (52 U.S.C. 10101(c))
14 is amended—

15 (A) by striking “Whenever any person”
16 and inserting the following:

17 “(1) Whenever any person”; and

18 (B) by adding at the end the following new
19 paragraph:

20 “(2) Any person aggrieved by a violation of
21 subsection (b)(2), (b)(3), or (b)(4) may institute a
22 civil action for preventive relief, including an appli-
23 cation in a United States district court for a perma-
24 nent or temporary injunction, restraining order, or
25 other order. In any such action, the court, in its dis-

1 cretion, may allow the prevailing party a reasonable
2 attorney’s fee as part of the costs.”.

3 (2) CONFORMING AMENDMENTS.—

4 (A) Subsection (e) of section 2004 of the
5 Revised Statutes (52 U.S.C. 10101(e)) is
6 amended by striking “subsection (e)” and in-
7 serting “subsection (e)(1)”.

8 (B) Subsection (g) of section 2004 of the
9 Revised Statutes (52 U.S.C. 10101(g)) is
10 amended by striking “subsection (e)” and in-
11 serting “subsection (e)(1)”.

12 (c) CRIMINAL PENALTIES.—

13 (1) DECEPTIVE ACTS.—Section 594 of title 18,
14 United States Code, is amended—

15 (A) by striking “Whoever” and inserting
16 the following:

17 “(a) INTIMIDATION.—Whoever”;

18 (B) in subsection (a), as inserted by sub-
19 paragraph (A), by striking “at any election”
20 and inserting “at any general, primary, run-off,
21 or special election”; and

22 (C) by adding at the end the following new
23 subsections:

24 “(b) DECEPTIVE ACTS.—

1 “(1) FALSE STATEMENTS REGARDING FEDERAL
2 ELECTIONS.—

3 “(A) PROHIBITION.—It shall be unlawful
4 for any person, whether acting under color of
5 law or otherwise, within 60 days before an elec-
6 tion described in subsection (e), by any means,
7 including by means of written, electronic, or tel-
8 ephonic communications, to communicate or
9 cause to be communicated information de-
10 scribed in subparagraph (B), or produce infor-
11 mation described in subparagraph (B) with the
12 intent that such information be communicated,
13 if such person—

14 “(i) knows such information to be ma-
15 terially false; and

16 “(ii) has the intent to mislead voters,
17 or the intent to impede or prevent another
18 person from exercising the right to vote in
19 an election described in subsection (e).

20 “(B) INFORMATION DESCRIBED.—Infor-
21 mation is described in this subparagraph if such
22 information is regarding—

23 “(i) the time or place of holding any
24 election described in subsection (e); or

1 “(ii) the qualifications for or restric-
2 tions on voter eligibility for any such elec-
3 tion, including—

4 “(I) any criminal penalties asso-
5 ciated with voting in any such elec-
6 tion; or

7 “(II) information regarding a
8 voter’s registration status or eligi-
9 bility.

10 “(2) PENALTY.—Any person who violates para-
11 graph (1) shall be fined not more than \$100,000,
12 imprisoned for not more than 5 years, or both.

13 “(c) HINDERING, INTERFERING WITH, OR PRE-
14 VENTING VOTING OR REGISTERING TO VOTE.—

15 “(1) PROHIBITION.—It shall be unlawful for
16 any person, whether acting under color of law or
17 otherwise, to intentionally hinder, interfere with, or
18 prevent another person from voting, registering to
19 vote, or aiding another person to vote or register to
20 vote in an election described in subsection (e).

21 “(2) PENALTY.—Any person who violates para-
22 graph (1) shall be fined not more than \$100,000,
23 imprisoned for not more than 5 years, or both.

24 “(d) ATTEMPT.—Any person who attempts to commit
25 any offense described in subsection (a), (b)(1), or (c)(1)

1 shall be subject to the same penalties as those prescribed
2 for the offense that the person attempted to commit.

3 “(e) ELECTION DESCRIBED.—An election described
4 in this subsection is any general, primary, run-off, or spe-
5 cial election held solely or in part for the purpose of nomi-
6 nating or electing a candidate for the office of President,
7 Vice President, presidential elector, Member of the Senate,
8 Member of the House of Representatives, or Delegate or
9 Commissioner from a Territory or possession.”.

10 (2) MODIFICATION OF PENALTY FOR VOTER IN-
11 TIMIDATION.—Section 594(a) of title 18, United
12 States Code, as amended by paragraph (1), is
13 amended by striking “fined under this title or im-
14 prisoned not more than one year” and inserting
15 “fined not more than \$100,000, imprisoned for not
16 more than 5 years”.

17 (3) SENTENCING GUIDELINES.—

18 (A) REVIEW AND AMENDMENT.—Not later
19 than 180 days after the date of enactment of
20 this Act, the United States Sentencing Commis-
21 sion, pursuant to its authority under section
22 994 of title 28, United States Code, and in ac-
23 cordance with this section, shall review and, if
24 appropriate, amend the Federal sentencing
25 guidelines and policy statements applicable to

1 persons convicted of any offense under section
2 594 of title 18, United States Code, as amend-
3 ed by this section.

4 (B) AUTHORIZATION.—The United States
5 Sentencing Commission may amend the Federal
6 Sentencing Guidelines in accordance with the
7 procedures set forth in section 21(a) of the Sen-
8 tencing Act of 1987 (28 U.S.C. 994 note) as
9 though the authority under that section had not
10 expired.

11 (4) PAYMENTS FOR REFRAINING FROM VOT-
12 ING.—Subsection (c) of section 11 of the Voting
13 Rights Act of 1965 (52 U.S.C. 10307) is amended
14 by striking “either for registration to vote or for vot-
15 ing” and inserting “for registration to vote, for vot-
16 ing, or for not voting”.

17 **SEC. 313. CORRECTIVE ACTION.**

18 (a) CORRECTIVE ACTION.—

19 (1) IN GENERAL.—If the Attorney General re-
20 ceives a credible report that materially false informa-
21 tion has been or is being communicated in violation
22 of paragraphs (2) and (3) of section 2004(b) of the
23 Revised Statutes (52 U.S.C. 10101(b)), as added by
24 section 312(a), and if the Attorney General deter-
25 mines that State and local election officials have not

1 taken adequate steps to promptly communicate accu-
2 rate information to correct the materially false infor-
3 mation, the Attorney General shall, pursuant to the
4 written procedures and standards under subsection
5 (b), communicate to the public, by any means, in-
6 cluding by means of written, electronic, or telephonic
7 communications, accurate information designed to
8 correct the materially false information.

9 (2) COMMUNICATION OF CORRECTIVE INFORMA-
10 TION.—Any information communicated by the Attor-
11 ney General under paragraph (1)—

12 (A) shall—

13 (i) be accurate and objective;

14 (ii) consist of only the information
15 necessary to correct the materially false in-
16 formation that has been or is being com-
17 municated; and

18 (iii) to the extent practicable, be by a
19 means that the Attorney General deter-
20 mines will reach the persons to whom the
21 materially false information has been or is
22 being communicated; and

23 (B) shall not be designed to favor or dis-
24 favor any particular candidate, organization, or
25 political party.

1 (b) WRITTEN PROCEDURES AND STANDARDS FOR
2 TAKING CORRECTIVE ACTION.—

3 (1) IN GENERAL.—Not later than 180 days
4 after the date of enactment of this Act, the Attorney
5 General shall publish written procedures and stand-
6 ards for determining when and how corrective action
7 will be taken under this section.

8 (2) INCLUSION OF APPROPRIATE DEADLINES.—
9 The procedures and standards under paragraph (1)
10 shall include appropriate deadlines, based in part on
11 the number of days remaining before the upcoming
12 election.

13 (3) CONSULTATION.—In developing the proce-
14 dures and standards under paragraph (1), the Attor-
15 ney General shall consult with the Election Assist-
16 ance Commission, State and local election officials,
17 civil rights organizations, voting rights groups, voter
18 protection groups, and other interested community
19 organizations.

20 (c) AUTHORIZATION OF APPROPRIATIONS.—There
21 are authorized to be appropriated to the Attorney General
22 such sums as may be necessary to carry out this subtitle.

23 **SEC. 314. REPORTS TO CONGRESS.**

24 (a) IN GENERAL.—Not later than 180 days after
25 each general election for Federal office, the Attorney Gen-

1 eral shall submit to Congress a report compiling all allega-
2 tions received by the Attorney General of deceptive prac-
3 tices described in paragraphs (2), (3), and (4) of section
4 2004(b) of the Revised Statutes (52 U.S.C. 10101(b)), as
5 added by section 312(a), relating to the general election
6 for Federal office and any primary, run-off, or a special
7 election for Federal office held in the 2 years preceding
8 the general election.

9 (b) CONTENTS.—

10 (1) IN GENERAL.—Each report submitted
11 under subsection (a) shall include—

12 (A) a description of each allegation of a
13 deceptive practice described in subsection (a),
14 including the geographic location, racial and
15 ethnic composition, and language minority-
16 group membership of the persons toward whom
17 the alleged deceptive practice was directed;

18 (B) the status of the investigation of each
19 allegation described in subparagraph (A);

20 (C) a description of each corrective action
21 taken by the Attorney General under section
22 4(a) in response to an allegation described in
23 subparagraph (A);

1 (D) a description of each referral of an al-
2 legation described in subparagraph (A) to other
3 Federal, State, or local agencies;

4 (E) to the extent information is available,
5 a description of any civil action instituted under
6 section 2004(c)(2) of the Revised Statutes (52
7 U.S.C. 10101(c)(2)), as added by section
8 312(b), in connection with an allegation de-
9 scribed in subparagraph (A); and

10 (F) a description of any criminal prosecu-
11 tion instituted under section 594 of title 18,
12 United States Code, as amended by section
13 3(e), in connection with the receipt of an allega-
14 tion described in subparagraph (A) by the At-
15 torney General.

16 (2) EXCLUSION OF CERTAIN INFORMATION.—

17 (A) IN GENERAL.—The Attorney General
18 shall not include in a report submitted under
19 subsection (a) any information protected from
20 disclosure by rule 6(e) of the Federal Rules of
21 Criminal Procedure or any Federal criminal
22 statute.

23 (B) EXCLUSION OF CERTAIN OTHER IN-
24 FORMATION.—The Attorney General may deter-
25 mine that the following information shall not be

1 included in a report submitted under subsection

2 (a):

3 (i) Any information that is privileged.

4 (ii) Any information concerning an
5 ongoing investigation.

6 (iii) Any information concerning a
7 criminal or civil proceeding conducted
8 under seal.

9 (iv) Any other nonpublic information
10 that the Attorney General determines the
11 disclosure of which could reasonably be ex-
12 pected to infringe on the rights of any in-
13 dividual or adversely affect the integrity of
14 a pending or future criminal investigation.

15 (c) REPORT MADE PUBLIC.—On the date that the
16 Attorney General submits the report under subsection (a),
17 the Attorney General shall also make the report publicly
18 available through the internet and other appropriate
19 means.

20 **TITLE IV—MISCELLANEOUS** 21 **PROVISIONS**

22 **SEC. 401. EFFECTIVE DATES OF PROVISIONS.**

23 Each provision of this Act and each amendment made
24 by a provision of this Act shall take effect on the effective
25 date provided under this Act for such provision or such

1 amendment without regard to whether or not the Federal
2 Election Commission, the Attorney General, or any other
3 person has promulgated regulations to carry out such pro-
4 vision or such amendment.

5 **SEC. 402. SEVERABILITY.**

6 If any provision of this Act or any amendment made
7 by this Act, or the application of a provision of this Act
8 or an amendment made by this Act to any person or cir-
9 cumstance, is held to be unconstitutional, the remainder
10 of this Act, and the application of the provisions to any
11 person or circumstance, shall not be affected by the hold-
12 ing.

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