H. R. 8106

To provide for disclosures of certain foreign contributions, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 16, 2022

Mr. GOLDEN (for himself, Mr. GOODEN of Texas, Ms. PORTER, and Mr. GOSAR) introduced the following bill; which was referred to the Committee on House Administration, and in addition to the Committees on Ways and Means, and 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 provide for disclosures of certain foreign contributions, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) Short Title.—This Act may be cited as the “Fighting Foreign Influence Act”.

(b) Table of Contents.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
TITLE I—THINK TANK AND NONPROFIT FOREIGN INFLUENCE DISCLOSURE

Sec. 101. Short title.
Sec. 102. Annual disclosure of contributions from foreign governments and political parties by certain tax-exempt organizations.

TITLE II—CONGRESSIONAL AND EXECUTIVE FOREIGN LOBBYING BAN

Sec. 201. Short title.
Sec. 202. Prohibiting certain individuals from acting as agents of foreign principals.

TITLE III—STOP FOREIGN DONATIONS AFFECTING OUR ELECTIONS

Sec. 301. Short title.
Sec. 302. Requiring disclosure of credit verification value as condition of acceptance of online contributions to Federal election.
Sec. 303. Prohibiting foreign agents from delivering contributions to Federal candidates.

1 TITLE I—THINK TANK AND NONPROFIT FOREIGN INFLUENCE DISCLOSURE

4 SEC. 101. SHORT TITLE.

5 This title may be cited as the “Think Tank and Nonprofit Foreign Influence Disclosure Act”.

7 SEC. 102. ANNUAL DISCLOSURE OF CONTRIBUTIONS FROM FOREIGN GOVERNMENTS AND POLITICAL PARTIES BY CERTAIN TAX-EXEMPT ORGANIZATIONS.

11 (a) REPORTING REQUIREMENT.—Section 6033(b) of the Internal Revenue Code of 1986 is amended by striking “and” at the end of paragraph (15), by redesignating paragraph (16) as paragraph (17) and by inserting after paragraph (15) the following new paragraph:
“(16) with respect to each government of a foreign country (within the meaning of section 1(e) of the Foreign Agents Registration Act of 1938 (22 U.S.C. 611(e))) and each foreign political party (within the meaning of section 1(f) of such Act (22 U.S.C. 611(f)) which made aggregate contributions and gifts to the organization during the year in excess of $50,000, the name of such government or political party and such aggregate amount, and”.

(b) PUBLIC DISCLOSURE.—Section 6104 of such Code is amended by adding at the end the following new subsection:

“(e) PUBLIC DISCLOSURE OF CERTAIN INFORMATION.—The Secretary shall make publicly available in a searchable database the following information:


“(2) The name of the organization furnishing the information described in paragraph (1).

“(3) The aggregate amount reported under paragraph (1) as having been received as contributions or gifts in each year from each government of a foreign country and each foreign political party.”.
(c) Effective Date.—The amendments made by this section shall apply to returns filed for taxable years beginning after the date of the enactment of this Act.

TITLE II—CONGRESSIONAL AND EXECUTIVE FOREIGN LOBBYING BAN

SEC. 201. SHORT TITLE.
This title may be cited as the “Congressional and Executive Foreign Lobbying Ban Act”.

SEC. 202. PROHIBITING CERTAIN INDIVIDUALS FROM ACTING AS AGENTS OF FOREIGN PRINCIPALS.

(a) Former Members of Congress; General or Flag Officers of Armed Forces.—

(1) Prohibiting registration as agent.—The Foreign Agents Registration Act of 1938, as amended (22 U.S.C. 611 et seq.) is amended—

(A) by redesignating sections 12 through 14 as sections 13 through 15; and

(B) by inserting after section 11 the following new section:

“SEC. 12. PROHIBITING REGISTRATION OF CERTAIN INDIVIDUALS.

“(a) Prohibition.—No individual may register under this Act or otherwise serve as the agent of a foreign principal if the individual at any time served as a Member
of Congress, as a senior political appointee, or as a general
or flag officer of the armed forces.

“(b) DEFINITIONS.—In this section—

“(1) the term ‘Member of Congress’ means a
Senator or Representative in, or Delegate or Resi-
dent Commissioner to, the Congress; and

“(2) the term ‘senior political appointee’—

“(A) means—

“(i) any individual occupying a full-
time senior position and who is appointed
by the President or the Vice President;

“(ii) any noncareer appointee in the
Senior Executive Service (or other SES-
type system); and

“(iii) any appointee to a position, at
or above the level of a noncareer member
of the Senior Executive Service, that has
been excepted from the competitive service
by reason of being of a confidential or pol-
cymaking character (schedule C and other
positions excepted under comparable cri-
teria) in an executive agency; and

“(B) does not include any individual ap-
pointed as a member of the Senior Foreign
Service or, except for a general or flag officer
of the armed forces, solely as a uniformed service commissioned officer.”.

(2) Other representation of foreign entities.—Section 207(f)(1) of title 18, United States Code, is amended by inserting after “within 1 year” the following: “(or, in the case of a person who is subject to any of such restrictions and who is a Member of Congress, a senior political appointee (as that term is defined in section 12 of the Foreign Agents Registration Act of 1938, as amended (22 U.S.C. 611 et seq.)), or a general or flag officer of the armed forces, at any time)”.

(b) Effective date.—The amendments made by subsection (a) shall apply with respect to any individual whose service as a Member of Congress or as a general or flag officer of the Armed Forces terminates on or after the date of the enactment of this Act.

TITLE III—STOP FOREIGN DONATIONS AFFECTING OUR ELECTIONS

SEC. 301. SHORT TITLE.

This title may be cited as the “Stop Foreign Donations Affecting Our Elections Act”.
SEC. 302. REQUIRING DISCLOSURE OF CREDIT VERIFICATION VALUE AS CONDITION OF ACCEPTANCE OF ONLINE CONTRIBUTIONS TO FEDERAL ELECTION.

(a) IN GENERAL.—Section 302 of the Federal Election Campaign Act of 1971 (52 U.S.C. 30102) is amended by adding at the end the following:

“(j)(1) No political committee shall accept any Internet credit card contribution unless—

“(A) the individual or entity making such contribution is required, at the time such individual makes such contribution, to disclose the credit verification value of such credit card; and

“(B)(i) the billing address associated with such credit card is located in the United States; or

“(ii) in the case of a contribution made by an individual who is a United States national or lawful permanent resident living outside of the United States, the individual provides the committee with—

“(I) the United States mailing address the individual uses for voter registration purposes;

“(II) a copy of the individual’s United States passport;

“(III) a copy of the individual’s permanent resident card; or
“(IV) a copy of a comparable acceptable identification document, or the unique identifying number from such a document, for the individual.

“(2) Notwithstanding subsection (b) or (c), in the case of an Internet credit card contribution—

“(A) no later than 10 days after receiving the contribution, the person who receives the contribution shall forward to the treasurer such contribution, the name and address of the person making the contribution, and the date of receipt; and

“(B) the treasurer of a political committee shall keep an account of the name and address of any person making any such contribution, together with the date and amount of such contribution by any person.

“(3) In this subsection, the term ‘Internet credit card contribution’ means a contribution that—

“(A) is made using a credit card; and

“(B) is received through an Internet website.”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to contributions made after the expiration of the 180-day period which begins on the date of the enactment of this Act.
SEC. 303. PROHIBITING FOREIGN AGENTS FROM DELIVERING CONTRIBUTIONS TO FEDERAL CANDIDATES.

(a) Prohibition.—Section 315 of the Federal Election Campaign Act of 1971 (52 U.S.C. 30116) is amended by adding at the end the following new subsection:

“(k) Prohibiting Delivery of Contributions by Foreign Agents.—

“(1) Prohibition.—

“(A) In General.—An individual described in subparagraph (B) may not deliver a contribution to a candidate or an authorized committee of a candidate which is made by another person.

“(B) Individuals Described.—An individual described in this subparagraph is any of the following:

“(i) An individual who is required under the Foreign Agents Registration Act of 1938, as amended (22 U.S.C. 611 et seq.), to register as the agent of a foreign principal described in section 1(b)(1) of such Act (22 U.S.C. 611(b)(1)).

“(ii) An individual who is required under such Act to register as the agent of a foreign principal described in section
1(b)(2) or 1(b)(3) of such Act (22 U.S.C. 611(b)(2) or (b)(3)), but only if the beneficial owner of such foreign principal is a foreign principal described in section 1(b)(1) of such Act (22 U.S.C. 611(b)(1)), as determined in accordance with section 5336(a)(3) of title 31, United States Code. “(iii) An individual who would be required to register under such Act as the agent of a foreign principal described in clause (ii) but for the exemption under section 3(h) of such Act (22 U.S.C. 613(h)).

“(C) Treatment of Contributions Credited to Foreign Agents.—If a contribution made to a candidate or an authorized committee of a candidate is credited to an individual described in subparagraph (B) by the committee or candidate involved through records, designations, or other means of recognizing that a certain amount of money has been raised by the individual, the individual shall be deemed to have delivered the contribution to the candidate or committee for purposes of this subsection.
“(2) RULE OF CONSTRUCTION.—Nothing in this subsection may be construed to prohibit any individual from making a contribution to a candidate for election for Federal office or from encouraging any other person to make a contribution to or otherwise support or oppose a candidate for election for Federal office.

“(3) DEFINITIONS.—In this subsection, the term ‘deliver’ means to transport, carry, transfer, or otherwise transmit, either physically or electronically.”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to contributions made on or after the date of the enactment of this Act.