

114TH CONGRESS
2D SESSION

H. R. 6533

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

IN THE HOUSE OF REPRESENTATIVES

DECEMBER 20, 2016

Mr. ENGEL (for himself, Mr. CONNOLLY, Mr. SHERMAN, Mr. MEEKS, Mr. SIRES, Mr. DEUTCH, Mr. HIGGINS, Ms. BASS, Mr. KEATING, Mr. CICILLINE, Mr. GRAYSON, Mr. BERA, Mr. LOWENTHAL, Ms. MENG, Ms. FRANKEL of Florida, Ms. GABBARD, Mr. CASTRO of Texas, Ms. KELLY of Illinois, and Mr. BRENDAN F. BOYLE of Pennsylvania) 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 “Protect American De-
5 mocracy Act of 2016”.

1 **SEC. 2. DEFINITIONS.**

2 In this Act:

3 (1) ADMITTED; ALIEN.—The terms “admitted”
4 and “alien” have the meanings given such terms in
5 section 101 of the Immigration and Nationality Act
6 (8 U.S.C. 1101).

7 (2) APPROPRIATE CONGRESSIONAL COMMIT-
8 TEES.—The term “appropriate congressional com-
9 mittees” means—

10 (A) in the House of Representatives—

11 (i) the Committee on Foreign Affairs;

12 (ii) the Committee on Homeland Se-
13 curity;

14 (iii) the Committee on Financial Serv-
15 ices;

16 (iv) the Committee on the Judiciary;

17 and

18 (v) the Permanent Select Committee
19 on Intelligence; and

20 (B) in the Senate—

21 (i) the Committee on Foreign Rela-
22 tions;

23 (ii) the Committee on Homeland Se-
24 curity and Governmental Affairs;

25 (iii) the Committee on Banking,
26 Housing, and Urban Affairs;

- 1 (iv) the Committee on the Judiciary;
2 and
3 (v) the Select Committee on Intel-
4 ligence.

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

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

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

12 (B) a foreign entity or foreign government.

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

15 (A) a United States citizen or an alien law-
16 fully admitted for permanent residence to the
17 United States; or

18 (B) an entity organized under the laws of
19 the United States or of any jurisdiction within
20 the United States, including a foreign branch of
21 such an entity.

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

8 (a) IN GENERAL.—Not later than 120 days after the
9 date of the enactment of this Act, the Secretary of State
10 shall submit to the appropriate congressional committees
11 a list of each foreign person that the Secretary deter-
12 mines—

13 (1) was, at any time since January 1, 2015, in-
14 volved in actions to unlawfully access, disrupt, influ-
15 ence, or in any way alter information or information
16 systems related to United States political parties,
17 candidates in elections for Federal office, or the ad-
18 ministration of elections for Federal office; or

19 (2) acted as an agent of or on behalf of such
20 a foreign person in a matter relating to an activity
21 described in paragraph (1).

22 (b) UPDATES.—The Secretary of State shall submit
23 to the appropriate congressional committees an update of
24 the list required under subsection (a) as new information
25 becomes available.

26 (c) FORM.—

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

4 (2) EXCEPTION.—The name of a foreign person
5 to be included in the list required under subsection
6 (a) may be submitted in a classified annex only if
7 the Secretary of State—

8 (A) determines that it is in the national se-
9 curity interests of the United States to do so;
10 and

11 (B) 15 days prior to submitting any such
12 name in such a classified annex, provides to the
13 appropriate congressional committees notice of,
14 and a justification for, including or continuing
15 to include any such foreign person in any such
16 classified annex despite any publicly available
17 information indicating that such foreign person
18 is described in paragraph (1) or (2) of such
19 subsection.

20 (3) PUBLIC AVAILABILITY; NONAPPLICABILITY
21 OF CONFIDENTIALITY REQUIREMENT WITH RESPECT
22 TO VISA RECORDS.—The unclassified portion of the
23 list required under subsection (a) shall be made
24 available to the public and published in the Federal
25 Register, without regard to the requirements of sec-

1 tion 222(f) of the Immigration and Nationality Act
2 (8 U.S.C. 1202(f)) with respect to confidentiality of
3 records pertaining to the issuance or refusal of visas
4 or permits to enter the United States.

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

6 (a) **INELIGIBILITY FOR VISAS.**—An alien is ineligible
7 to receive a visa to enter the United States and ineligible
8 to be admitted to the United States if such alien is a for-
9 eign person on the list required under section 3(a).

10 (b) **CURRENT VISAS REVOKED.**—The Secretary of
11 State shall revoke, in accordance with section 221(i) of
12 the Immigration and Nationality Act (8 U.S.C. 1201(i)),
13 the visa or other documentation of any alien who is a for-
14 eign person on the list required under section 3(a) and
15 who would therefore be ineligible to receive such a visa
16 or documentation under subsection (a) of this section.

17 (c) **APPLICABILITY TO FOREIGN ENTITIES AND FOR-**
18 **EIGN GOVERNMENTS.**—Subsections (a) and (b) of this
19 section shall apply to aliens who are officials of, working
20 or acting on behalf of, or otherwise associated with a for-
21 eign entity or foreign government that is a foreign person
22 included on the list required under section 3(a) if such
23 aliens are determined by the Secretary of State to have
24 authorized or otherwise knowingly furthered the actions
25 described in such section 3(a).

1 (d) WAIVER FOR NATIONAL SECURITY INTERESTS.—

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

5 (A) the Secretary determines that such a
6 waiver—

7 (i) is necessary to permit the United
8 States to comply with the Agreement be-
9 tween the United Nations and the United
10 States of America regarding the Head-
11 quarters of the United Nations, signed
12 June 26, 1947, and entered into force No-
13 vember 21, 1947, or other applicable inter-
14 national obligations of the United States;
15 or

16 (ii) is in the national security interests
17 of the United States; and

18 (B) prior to granting such a waiver, the
19 Secretary provides to the appropriate congres-
20 sional committees notice of, and a justification
21 for, such waiver.

22 (2) TIMING FOR CERTAIN WAIVERS.—Notifica-
23 tion under subparagraph (B) of paragraph (1) shall
24 be made not later than 15 days prior to granting a
25 waiver under such paragraph if the Secretary of

1 State grants such waiver in the national security in-
2 terests of the United States in accordance with sub-
3 paragraph (A)(ii) of such paragraph.

4 (e) REGULATORY AUTHORITY.—The Secretary of
5 State shall prescribe such regulations as are necessary to
6 carry out this section.

7 **SEC. 5. FINANCIAL MEASURES.**

8 (a) FREEZING OF ASSETS.—

9 (1) IN GENERAL.—The President, acting
10 through the Secretary of the Treasury, shall exercise
11 all powers granted by the International Emergency
12 Economic Powers Act (50 U.S.C. 1701 et seq.) (ex-
13 cept that the requirements of section 202 of such
14 Act (50 U.S.C. 1701) shall not apply) to the extent
15 necessary to freeze and prohibit all transactions in
16 all property and interests in property of a foreign
17 person that is on the list required under section 3(a)
18 of this Act if such property or interests in property
19 are in the United States, come within the United
20 States, or are or come within the possession or con-
21 trol of a United States person.

22 (2) APPLICABILITY TO FOREIGN ENTITIES AND
23 FOREIGN GOVERNMENTS.—Paragraph (1) shall
24 apply to aliens who are officials of, working or act-
25 ing on behalf of, or otherwise associated with a for-

1 eign entity or foreign government that is a foreign
2 person included on the list required under section
3 3(a) if such aliens are determined by the President,
4 acting through the Secretary of the Treasury, to
5 have authorized or otherwise knowingly furthered
6 the actions described in such section 3(a).

7 (b) WAIVER FOR NATIONAL SECURITY INTERESTS.—
8 The Secretary of the Treasury may waive the application
9 of subsection (a) if the Secretary determines that such a
10 waiver is in the national security interests of the United
11 States. Not less than 15 days prior to granting such a
12 waiver, the Secretary shall provide to the appropriate con-
13 gressional committees notice of, and a justification for,
14 such waiver.

15 (c) ENFORCEMENT.—

16 (1) PENALTIES.—A foreign person that vio-
17 lates, attempts to violate, conspires to violate, or
18 causes a violation of this section or any regulation,
19 license, or order issued to carry out this section shall
20 be subject to the penalties specified in subsections
21 (b) and (c) of section 206 of the International
22 Emergency Economic Powers Act (50 U.S.C. 1705)
23 to the same extent as a person that commits an un-
24 lawful act described in subsection (a) of such sec-
25 tion.

1 (2) APPLICABILITY TO FOREIGN ENTITIES AND
2 FOREIGN GOVERNMENTS.—Paragraph (1) shall
3 apply to aliens who are officials of, working or act-
4 ing on behalf of, or otherwise associated with a for-
5 eign entity or foreign government that is a foreign
6 person included on the list required under section
7 3(a) if such aliens are determined by the President,
8 acting through the Secretary of the Treasury, to
9 have authorized or otherwise knowingly furthered
10 the actions described in such section 3(a).

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

1 assets within the possession or control of such finan-
2 cial institution that are required to be frozen pursu-
3 ant to subsection (a).

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

8 **SEC. 6. REPORTS TO CONGRESS.**

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

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

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

18 (3) a description of the actions described in
19 such section that were undertaken by each such for-
20 eign person.

21 (b) TIMING.—The Secretary of State shall submit the
22 first report required under this section not later than one
23 year after the date of the enactment of this Act. The Sec-
24 retary shall submit subsequent reports under this section
25 not later than 60 days after the date of each regularly

1 scheduled general election for Federal office, beginning
2 with the election held in 2018.

3 (c) FORM.—Each report required under subsection
4 (a) shall be submitted in unclassified form, but may in-
5 clude a classified annex if such is in the national security
6 interests of the United States. If a classified annex is in-
7 cluded in any such report, the Secretary of State shall in-
8 clude in such report a specific national security justifica-
9 tion for such classified annex.

○