

116TH CONGRESS
1ST SESSION

H. R. 746

To amend the Federal Election Campaign Act of 1971 to apply the ban on contributions and expenditures by foreign nationals under such Act to foreign-controlled, foreign-influenced, and foreign-owned domestic corporations, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 24, 2019

Mr. RASKIN (for himself and Ms. SPANBERGER) introduced the following bill;
which was referred to the Committee on House Administration

A BILL

To amend the Federal Election Campaign Act of 1971 to apply the ban on contributions and expenditures by foreign nationals under such Act to foreign-controlled, foreign-influenced, and foreign-owned domestic corporations, 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 “Get Foreign Money
5 Out of U.S. Elections Act”.

1 **SEC. 2. APPLICATION OF BAN ON CONTRIBUTIONS AND EX-**
2 **PENDITURES BY FOREIGN NATIONALS TO DO-**
3 **MESTIC CORPORATIONS, LIMITED LIABILITY**
4 **CORPORATIONS, AND PARTNERSHIPS THAT**
5 **ARE FOREIGN-CONTROLLED, FOREIGN-IN-**
6 **FLUENCED, AND FOREIGN-OWNED.**

7 (a) APPLICATION OF BAN.—Section 319(b) of the
8 Federal Election Campaign Act of 1971 (52 U.S.C.
9 30121(b)) is amended—

10 (1) by striking “or” at the end of paragraph
11 (1);

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

14 (3) by adding at the end the following new
15 paragraph:

16 “(3) any corporation, limited liability corpora-
17 tion, or partnership which is not a foreign national
18 described in paragraph (1) and—

19 “(A) in which a foreign national described
20 in paragraph (1) or (2) directly or indirectly
21 owns or controls—

22 “(i) 5 percent or more of the voting
23 shares, if the foreign national is a foreign
24 country, a foreign government official, or a
25 corporation principally owned or controlled

1 by a foreign country or foreign government
2 official; or

3 “(ii) 20 percent or more of the voting
4 shares, if the foreign national is not de-
5 scribed in clause (i);

6 “(B) in which two or more foreign nation-
7 als described in paragraph (1) or (2), each of
8 whom owns or controls at least 5 percent of the
9 voting shares, directly or indirectly own or con-
10 trol 50 percent or more of the voting shares;

11 “(C) over which one or more foreign na-
12 tionals described in paragraph (1) or (2) has
13 the power to direct, dictate, or control the deci-
14 sionmaking process of the corporation, limited
15 liability corporation, or partnership with respect
16 to its interests in the United States; or

17 “(D) over which one or more foreign na-
18 tionals described in paragraph (1) or (2) has
19 the power to direct, dictate, or control the deci-
20 sionmaking process of the corporation, limited
21 liability corporation, or partnership with respect
22 to activities in connection with a Federal, State,
23 or local election, including—

24 “(i) the making of a contribution, do-
25 nation, expenditure, independent expendi-

1 ture, or disbursement for an electioneering
2 communication (within the meaning of sec-
3 tion 304(f)(3)); or

4 “(ii) the administration of a political
5 committee established or maintained by the
6 corporation.”.

7 (b) CERTIFICATION OF COMPLIANCE.—Section 319
8 of such Act (52 U.S.C. 30121) is amended by adding at
9 the end the following new subsection:

10 “(c) CERTIFICATION OF COMPLIANCE REQUIRED
11 PRIOR TO CARRYING OUT ACTIVITY.—Prior to the mak-
12 ing in connection with an election for Federal office of any
13 contribution, donation, expenditure, independent expendi-
14 ture, or disbursement for an electioneering communication
15 by a corporation, limited liability corporation, or partner-
16 ship during a year, the chief executive officer of the cor-
17 poration, limited liability corporation, or partnership (or,
18 if the corporation, limited liability corporation, or partner-
19 ship does not have a chief executive officer, the highest
20 ranking official of the corporation, limited liability cor-
21 poration, or partnership), shall file a certification with the
22 Commission, under penalty of perjury, that the corpora-
23 tion, limited liability corporation, or partnership is not
24 prohibited from carrying out such activity under sub-
25 section (b)(3), unless the chief executive officer has pre-

1 viously filed such a certification during that calendar
 2 year.”.

3 (c) EFFECTIVE DATE.—The amendments made by
 4 this section shall take effect upon the expiration of the
 5 180-day period which begins on the date of the enactment
 6 of this Act, and shall take effect without regard to whether
 7 or not the Federal Election Commission has promulgated
 8 regulations to carry out such amendments.

9 **SEC. 3. 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 decisionmaking
9 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 decisionmaking 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.”.

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