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|-----------------|---------------|----------------|
| Larsen (WA) | O'Halleran | Shalala |
| Larson (CT) | Ocasio-Cortez | Sherman |
| Lawrence | Omar | Serrill |
| Lawson (FL) | Pallone | Sires |
| Lee (CA) | Panetta | Slotkin |
| Lee (NV) | Pappas | Smith (WA) |
| Levin (CA) | Pascarell | Soto |
| Levin (MI) | Payne | Spanberger |
| Lewis | Perlmutter | Speier |
| Lieu, Ted | Peterson | Stanton |
| Lipinski | Phillips | Stevens |
| Loebask | Pingree | Suozi |
| Lofgren | Pocan | Swalwell (CA) |
| Lowenthal | Porter | Thompson (CA) |
| Lujan | Pressley | Thompson (MS) |
| Luria | Price (NC) | Titus |
| Lynch | Quigley | Tlaib |
| Malinowski | Raskin | Tonko |
| Maloney, | Rice (NY) | Torres (CA) |
| Carolyn B. | Richmond | Torres Small |
| Maloney, Sean | Rose (NY) | (NM) |
| Matsui | Rouda | Trahan |
| McAdams | Roybal-Allard | Trone |
| McBath | Ruiz | Underwood |
| McCollum | Ruppersberger | Van Drew |
| McGovern | Rush | Vargas |
| McNerney | Ryan | Veasey |
| Meeks | Sánchez | Vela |
| Meng | Sarbanes | Velázquez |
| Moore | Scanlon | Vislosky |
| Morelle | Schakowsky | Wasserman |
| Moulton | Schiff | Schultz |
| Mucarsel-Powell | Schneider | Waters |
| Murphy (FL) | Schradler | Watson Coleman |
| Nadler | Schrier | Welch |
| Napolitano | Scott (VA) | Wexton |
| Neal | Scott, David | Wild |
| Neguse | Serrano | Wilson (FL) |
| Norcross | Sewell (AL) | Yarmuth |

NAYS—180

| | | |
|---------------|-----------------|---------------|
| Abraham | Gohmert | Moolenaar |
| Aderholt | Gonzalez (OH) | Mooney (WV) |
| Allen | Gooden | Mullin |
| Amash | Gosar | Murphy (NC) |
| Armstrong | Granger | Newhouse |
| Arrington | Graves (GA) | Norman |
| Babin | Graves (LA) | Nunes |
| Bacon | Graves (MO) | Olson |
| Baird | Green (TN) | Palazzo |
| Balderson | Griffith | Palmer |
| Banks | Guest | Pence |
| Barr | Guthrie | Perry |
| Biggs | Hagedorn | Posey |
| Bishop (UT) | Harris | Ratcliffe |
| Best | Hartzler | Reed |
| Brady | Hern, Kevin | Rice (SC) |
| Brooks (AL) | Herrera Beutler | Riggleman |
| Brooks (IN) | Hice (GA) | Roby |
| Buchanan | Higgins (LA) | Rodgers (WA) |
| Buck | Hill (AR) | Rogers (AL) |
| Bueshon | Holding | Rogers (KY) |
| Budd | Hollingsworth | Rooney (FL) |
| Burchett | Hudson | Rose, John W. |
| Burgess | Huizenga | Rouzer |
| Byrne | Hunter | Roy |
| Calvert | Hurd (TX) | Rutherford |
| Carter (GA) | Johnson (LA) | Scalise |
| Carter (TX) | Johnson (OH) | Schweikert |
| Chabot | Johnson (SD) | Scott, Austin |
| Cheney | Jordan | Sensenbrenner |
| Cline | Joyce (OH) | Shimkus |
| Cloud | Katko | Simpson |
| Cole | Kelly (MS) | Smith (MO) |
| Comer | King (IA) | Smith (NE) |
| Conaway | King (NY) | Smith (NJ) |
| Cook | Kinzinger | Spano |
| Crawford | Kustoff (TN) | Stauber |
| Crenshaw | LaHood | Stefanik |
| Curtis | LaMalfa | Steube |
| Davidson (OH) | Lamborn | Stewart |
| Davis, Rodney | Latta | Taylor |
| DesJarlais | Lesko | Thornberry |
| Diaz-Balart | Long | Tipton |
| Duncan | Loudermilk | Turner |
| Dunn | Lucas | Upton |
| Emmer | Luetkemeyer | Wagner |
| Estes | Marchant | Walberg |
| Ferguson | Marshall | Walden |
| Fitzpatrick | Massie | Walker |
| Fleischmann | Mast | Walorski |
| Flores | McCarthy | Waltz |
| Fortenberry | McCaul | Watkins |
| Fox (NC) | McClintock | Weber (TX) |
| Fulcher | McHenry | Webster (FL) |
| Gaetz | McKinley | Wenstrup |
| Gallagher | Meadows | Westerman |
| Gianforte | Miller | Williams |
| Gibbs | Mitchell | Wilson (SC) |

| | | |
|---------|--------|--------|
| Wittman | Wright | Young |
| Womack | Yoho | Zeldin |

NOT VOTING—25

| | | |
|--------------|---------------|---------------|
| Amodei | Joyce (PA) | Smucker |
| Bergman | Keller | Steil |
| Bilirakis | Kelly (PA) | Stivers |
| Bishop (NC) | Lowey | Takano |
| Collins (GA) | McEachin | Thompson (PA) |
| Eshoo | Meuser | Timmons |
| Fudge | Peters | Woodall |
| Gabbard | Resenthaler | |
| Grothman | Roe, David P. | |

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining.

□ 1428

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. DAVID P. ROE of Tennessee. Madam Speaker, due to a roundtable on veterans suicide at the White House, which is part of my work as Ranking Member of the Veterans Affairs Committee, I was unable to make the first series of votes.

Had I been present, I would have voted "nay" on rollcall No. 579 and "nay" on rollcall No. 580.

PERSONAL EXPLANATION

Mr. BISHOP of North Carolina. Madam Speaker, I was unable to attend votes between October 15 and 23 due to a long standing family commitment. While this would not have change the outcome, below is how I would have voted on each roll call.

Had I been present, I would have voted: "yea" on rollcall No. 576, "nay" on rollcall No. 577, "yea" on rollcall No. 578, "nay" on rollcall No. 579, and "nay" on rollcall No. 580.

PERSONAL EXPLANATION

Mr. BERGMAN. Madam Speaker, The White House held a roundtable on the National Crisis of Veteran Suicide, which I was invited to be a part of. Had I been present, I would have voted "nay" on rollcall No. 579 and "nay" on rollcall No. 580.

STOPPING HARMFUL INTERFERENCE IN ELECTIONS FOR A LASTING DEMOCRACY ACT

GENERAL LEAVE

Ms. LOFGREN. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to insert extraneous material on H.R. 4617.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The SPEAKER pro tempore. Pursuant to House Resolution 650 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the consideration of the bill, H.R. 4617.

The Chair appoints the gentleman from Texas (Mr. CUELLAR) to preside over the Committee of the Whole.

□ 1432

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole

House on the state of the Union for the consideration of the bill (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, with Mr. CUELLAR in the chair.

The Clerk read the title of the bill.

The CHAIR. Pursuant to the rule, the bill is considered read the first time.

General debate shall not exceed 1 hour equally divided and controlled by the chair and ranking minority member of the Committee on House Administration.

The gentlewoman from California (Ms. LOFGREN) and the gentleman from Illinois (Mr. RODNEY DAVIS) each will control 30 minutes.

The Chair recognizes the gentlewoman from California.

Ms. LOFGREN. Mr. Chair, I yield myself such time as I may consume.

Mr. Chairman, H.R. 4617 is comprehensive legislation to strengthen the resilience of our democracy and protect against foreign interference in our elections, including by foreign governments.

These concerns go back to the earliest days of our country. In his farewell address to the people of the United States, our first President, George Washington, warned that "Against the insidious wiles of foreign influence . . . the jealousy of a free people ought to be constantly awake, since history and experience prove that foreign influence is one of the most baneful foes of the republican government."

Mr. Chair, the 2020 Federal elections are fast-approaching. Public confidence and trust in our elections is of the utmost importance. We know that foreign adversaries are working to undermine that trust today. To quote former Special Counsel Mueller in July, "They are doing it as we sit here."

Our adversaries have a variety of tools to interfere in our democracy. These tools sow disinformation to provoke discord. Their goal is to divide us and attack our values of equality and freedom. Their tactics are calculated to undermine confidence in our democratic institutions so that they will collapse under the pressure of the division and distrust. The need to act is urgent.

We have been warned repeatedly about this. The former Director of National Intelligence, Dan Coats, wrote earlier this year in his Worldwide Threat Assessment, that as the 2020 elections advance, our "adversaries and strategic competitors almost certainly will use online influence operations to try to weaken democratic institutions, undermine U.S. alliances and partnerships, and shape policy outcomes in the United States and elsewhere."

He also wrote that their tactics will include spreading disinformation, conducting hack-and-leak operations, or manipulating data in a more targeted

fashion to influence U.S. policy, actions, and elections.

Earlier this month, the Senate Select Committee on Intelligence released a report showing how the Kremlin's "information warfare campaign was broad in scope and entailed objectives beyond the result of the 2016 presidential election." This included using content to "push Americans further away from one another and to foment distrust in government institutions." The Senate report also found that "no single group of Americans was targeted by IRA"—that is the Russian group—"information operatives more than African Americans."

Among the bipartisan Senate report's recommendations, are for Congress to "examine legislative approaches to ensuring Americans know the sources of online political advertisements," and to harmonize the rules that apply online with television, radio, and satellite communications.

H.R. 4617 does just that. It builds on two other bills that strengthen the integrity of our democracy. In March, the House passed H.R. 1, the For the People Act, which included strong standards for ballot box election security, as well as provisions to shut down loopholes that allow foreign money, including from foreign governments, to influence elections here.

In June, the House passed H.R. 2722, the SAFE Act, which sets strong cybersecurity standards for election infrastructure and provides resources to States to replace paperless and other outdated systems with voter-verified paper ballot systems.

Now we are turning to another element of election security. H.R. 4617 closes gaps in the law that allow foreign nationals and foreign governments to launder money into our elections. It promotes full transparency of the sources behind online campaign advertising, and it codifies a basic norm that political committees should report offers of illicit campaign assistance from foreign governments, both to the FBI and the FEC, rather than welcome interference from foreign governments.

Title I of the bill enhances reporting requirements and advances transparency and accountability. It establishes a duty upon political committees to report to the FBI and the FEC illicit offers of campaign assistance from foreign governments, foreign political parties, and their agents. This provision of the bill was informed by various proposals that were introduced in the House, including by Representative JACKSON LEE, Representative SWALWELL, Representative MALINOWSKI, and Representative SLOTKIN. The bill also includes the Honest Ads Act, a bipartisan piece of legislation that takes an important step to provide more transparency to digital political advertising, including the ads that the Russians targeted to Americans to build followers and the engagement of unwitting American citizens.

Title II closes loopholes and gaps in the law that permit foreign nationals and foreign governments to influence elections. It codifies existing FEC regulations prohibiting foreign nationals from influencing decisions about campaign spending. It requires the FEC to conduct an audit of illicit money in elections and report its recommendations to Congress after every election cycle. It prohibits foreign spending in connection with ballot initiatives and referenda; and it prohibits foreign spending and political advertising that promotes, attacks, supports, or opposes the election of candidates—or in the case of foreign governments, political advertising during an election year about national legislative issues of public importance.

I will note that some of these elements received bipartisan support when similar provisions were included in H.R. 1.

Title III deters foreign interference in elections. For example, it restricts campaigns from sharing nonpublic campaign materials, like internal opposition research and internal polling data with foreign governments and their agents, or those on the sanctions list, which can include oligarchs.

It also includes the Deceptive Practices and Voter Intimidation Prevention Act—this was also part of H.R. 1—and prohibits knowingly false statements about voting and elections that are made with the intent to impede someone from exercising their franchise. It also provides mechanisms to ensure that state and local officials and the attorney general, as necessary, disseminate correct information in the wake of false information that might spread.

Mr. Chair, free and fair elections are the core of what it means to live in a democracy like ours. Free and fair elections are at the heart of what it means to be a citizen of the United States. It is our solemn duty to defend them.

I urge my colleagues to support this important legislation, and I reserve the balance of my time.

Mr. RODNEY DAVIS of Illinois. Mr. Chair, I yield myself such time as I may consume.

Mr. Chairman, I said many times since becoming the ranking member of the Committee on House Administration, the committee with leading jurisdiction over election legislation in the House, that the greatest threat to our Nation's election system is partisanship.

Why is partisanship the greatest threat?

Because when you have one side drafting partisan legislation to further their own political agenda, it causes inaction. When it comes to securing our Nation's elections, we cannot afford inaction. That is why it is imperative that our colleagues across the aisle work with us to find a bipartisan solution to preventing foreign interference in elections.

Unfortunately, that is not the route that the majority party chose to take this Congress. We saw this pattern first begin with the majority's H.R. 1. Over 700 pages of political initiatives to help them Federalize elections, then again, for the SAVE Act, a partisan election security bill, again attempting to Federalize elections and take power away from States. Both bills were drafted without bipartisan input and rushed through the House.

Back then, I told my colleagues if they were serious about reforming elections and making them more secure, we needed to work together. But here we are again with another partisan election bill that has no chance—zero chance—of becoming law. This time it is the SHIELD Act, a bill aimed at preventing foreign interference in our elections, like what we saw with Russia's misinformation campaign through social media in the 2016 Presidential election.

Look, it is safe to say that no one on either side of the aisle wants foreign meddling in our elections. Let me repeat that: I don't believe a single Republican or Democrat in this House wants foreign meddling in our elections.

And I want to be clear that there is bipartisan agreement on some of the intended goals of SHIELD. We should have increased transparency and political digital advertising, and we should close the loopholes that allow for foreign nationals to meddle in our elections.

But this bill isn't a serious attempt to address the type of interference that we saw in 2016, Mr. Chairman. It is jammed full of poison pills that the Democrats knew would make SHIELD a nonstarter. The SHIELD Act contains provisions that would Federalize elections, which as I have already pointed out, is the favorite solution of our majority for any issue.

This bill expands the powers of the Department of Justice to allow the Attorney General to insert himself or herself into individual races at the Federal, State, and local level. That is a complete Federal overreach of States' constitutional rights to maintain their own elections.

Think about it: The AG can come in to your race, every State and local race if they—he or she—wants to "correct the record." There are also provisions of this bill that I believe are unconstitutional and will have a chilling effect on our freedom of speech. For instance, we should not be proposing broad, vague regulations for disclosing online political ads that create unworkable standards for the American public.

Out of the \$1.4 billion spent on political digital ads in 2016, Russia spent \$100,000 over 2 years on Facebook ads. The majority of those were not even election ads, so it wouldn't have even been regulated by the Honest Ads Act.

Why would we then overreach and threaten American's free speech with this bill when it doesn't even address

what Russia did? We need serious election security legislation that will protect Americans' First Amendment rights. That is why I introduced the Honest Elections Act, which, if passed, would actually address the type of foreign meddling we saw in 2016 and highlighted in the Senate intel report.

□ 1445

The Honest Elections Act would strengthen existing laws, such as the Foreign Agents Registration Act, FARA; the Federal Election Campaign Act; and the Help America Vote Act. And it would modernize online political ad disclosure without infringing on free speech or requiring unworkable standards for Americans.

Our bill also increases monitoring of spending by foreign nationals in elections and addresses domestic interference in our elections, something the SHIELD Act fails to accomplish.

We may never be able to prevent criminal activity, whether that is in our elections or in our day-to-day lives, but we can provide our law enforcement with the best tools and resources available.

The Honest Elections Act is simply a better solution to preventing foreign interference in our elections than the SHIELD Act and its unintended consequences on Americans.

Again, I will say the greatest threat to our Nation's election system is partisanship because it is the partisanship we are seeing from the majority today that is keeping the American people from having bipartisan legislation right now that will prevent any potential foreign interference in our elections.

I keep hearing my Democratic colleagues talk about urgency, but this is the third time we have been here with a partisan election bill in the House that has yet to become law or make any real change whatsoever. If Democrats are serious about this urgency in protecting our Nation's elections in the 2020 cycle, prove it. Stop with the political games. Come back to the table and work with us on something that actually stands a chance at becoming law and protecting our Nation's elections.

Mr. Chair, I reserve the balance of my time.

Ms. LOFGREN. Mr. Chair, I would note that it was Justice Kavanaugh, in the *Bluman v. Federal Election Commission* case, who wrote the opinion that "it is fundamental to the definition of our national political community that foreign citizens do not have a constitutional right to participate in, and thus may be excluded from, activities of democratic self-government."

The idea that we are going to infringe on foreign governments' rights to participate is simply not legally supported.

Mr. Chair, I yield 1 minute to the gentlewoman from California (Mrs. DAVIS), a valued member of our committee.

Mrs. DAVIS of California. Mr. Chairman, we know that there have been foreign attacks on our election infrastructure. That is a fact.

Knowing there are those out there who seek to rob us of our democracy, why would we leave our door wide open? Why would we not create a shield when our democracy is under attack?

The SHIELD Act, carefully drafted by my colleague and chair, Ms. LOFGREN, requires that political campaigns report any information they receive from foreign agents to the FBI so we can centralize information and stop attacks. Why would we not want to do that?

The SHIELD Act establishes strong penalties for online voter intimidation by foreign actors. Why would we not want to do that?

The SHIELD Act closes loopholes that allow foreigners to spend their money in our elections. Why would we not want to do that?

There are enemies out there every day trying to cast doubt on our elections. We have no excuse—no excuse—for not doing all we can to make ourselves less vulnerable.

This should be a bipartisan no-brainer, Mr. Chairman. I urge my colleagues to support the SHIELD Act to protect our democracy.

Mr. RODNEY DAVIS of Illinois. Mr. Chair, I yield 2 minutes to the gentleman from Georgia (Mr. LOUDERMILK), my good friend and a very well-respected member of the House Administration Committee.

Mr. LOUDERMILK. Mr. Chair, I thank my good friend, colleague, and the ranking member for yielding this time.

I also want to say how thankful I am that we are in this body, in public, in front of the American people debating something that is very important to this Nation, that at least this process isn't held in the basement of this building, behind closed doors, away from the American people like some other issues are being held right now. I am at least still thankful for that.

But here we go again. It is another attempt by our friends on the other side to bring a bad idea to fix a bad situation. This is the third attempt for a Federal takeover of our election system.

It kind of reminds me of a popular commercial that is on television right now about these young people in a horror show. There is something evil after them, and they are outside of this spooky, old house and are like: "We have to go somewhere to hide."

One of the young people says: "Why don't we get in the running car?"

The others say: "That is a dumb idea. Let's go hide in the spooky shed behind the chainsaws."

Here we go, running to chainsaws again, running to chainsaws, getting ourselves in a worse situation. This would have done nothing to prohibit the Russian meddling in the 2016 election—nothing.

What would have made a difference is the Obama administration, which was advised that the Russians were attempting to hack into our system, that they were meddling. The Obama cybersecurity czar, he brought it to their attention and proposed countermeasures, and he was told to stand down.

We did nothing within the power that we already have to try to stop foreign influence in our elections. That is where we need to be focused.

This goes further than needs to happen by giving the Federal Government more power, more authority to take away the authority that has been given to the States to oversee their elections.

If these weren't enough concerns, this thing has been rushed to the floor with zero hearings. Let me repeat that: There have been no hearings, no fact-finders to get to the bottom of what would be the best solution to this problem. None.

It was a quickly scheduled markup that was rushed to the floor. And here we are again, working on a piece of legislation that would do nothing to fix the problem and has no chance of going anywhere in the Senate.

I suggest that we work together on a bipartisan basis to actually come up with a solution that works for the American people.

Ms. LOFGREN. Mr. Chair, I would note that I think this bill would have done a lot to save us from the Russian attacks in 2016.

I will tell you one thing. The chairman of the Trump campaign, Mr. Manafort, gave internal polling and target data to a Russian agent multiple times while the Russians were buying ads. That would be prohibited under this act.

Mr. Chair, I yield 1 minute to the gentleman from Maryland (Mr. RASKIN), a much-valued member of the House Administration Committee.

Mr. RASKIN. Mr. Chair, I thank Madam Chair for her exceptional work on the SHIELD Act, which is long overdue.

For 2 years, our colleagues across the aisle had control over the Judiciary Committee, the Rules Committee, and the House Administration Committee. They had no hearings about the sweeping and systematic campaign by the Russians to subvert and undermine our election.

The Democrats have brought forth the SHIELD Act. There is not a single partisan word in this act. We hear our colleagues declaring it is partisan. Name me one provision in this act that is partisan. There is nothing partisan about it, except that their response to it is partisan.

Now, some of our colleagues said that this is unconstitutional. A takeover, a Federal takeover, I think we just heard the words uttered by our distinguished colleague from Georgia.

Do you know who engineered the Federal takeover of the American elections? The Founders of America did, the Framers of our Constitution. In Article IV, they were the ones who said

that Congress may make or alter regulations governing the time, place, and manner of elections for the House of Representatives and the U.S. Senate.

It was the Framers of the Constitution who put in Article IV that Congress must guarantee to the people of every State a republican form of government.

So, this is in the Constitution. We are doing our job to protect our elections, the sovereignty of our country, and the integrity of the democracy against foreign attack.

We should all be together on it, and I deplore the partisan response to this excellent legislation.

Mr. RODNEY DAVIS of Illinois. Mr. Chair, I yield 2 minutes to the gentleman from North Carolina (Mr. MURPHY), my good and new friend, our newest Member of this institution.

Mr. MURPHY of North Carolina. Mr. Chairman, it is an honor to serve beside Mr. DAVIS.

Mr. Chairman, I rise today with my adamant opposition to H.R. 4617, otherwise known as the SHIELD Act.

I think my Republican colleagues would agree that this bill is misleading at best and should be more effectively monikered as the First Amendment suppression act.

Simply put, this bill is an extension of House Democrats' efforts to federalize the election process away from the States by substantially restricting free speech through governmental overreach. Furthermore, it does not actually do anything further to secure our elections from foreign interference.

In the buildup to the 2016 election, Russian operatives broke many existing U.S. laws in their attempt to spread misinformation. Nothing in SHIELD would provide additional resources to law enforcement officials to pursue these foreign actors.

Additionally, this bill will create a chilling effect on free speech by punishing organizations that have nothing to do with politics, and it mandates Federal overreach on a substantial scale.

The SHIELD Act even gives the Federal Government the duty of determining what qualifies as a legitimate news source.

To combat this recklessness, I actually offered a commonsense amendment that Democratic leadership would not consider for debate. It, simply enough, would have struck the word "legitimate" from the section because it is vague, overbroad, and open to subjective interpretation. Do we really want the Federal Government deciding on what is or is not a legitimate news outlet?

Two minutes is not enough time to fully detail the unintended consequences of the SHIELD Act, which I intend to vote against later on today on the floor.

Ms. LOFGREN. Mr. Chair, I would note that the legitimate press function referred to is part of the FEC analysis that has been longstanding. It is nothing new in this bill.

Mr. Chair, I yield 1 minute to the gentleman from North Carolina (Mr. BUTTERFIELD), a respected and valued member of the committee.

Mr. BUTTERFIELD. Mr. Chair, I thank the gentlewoman for yielding. I rise today in strong support of H.R. 4617, the SHIELD Act.

Mr. Chairman, the world knows that our democracy was attacked in 2016 by foreign actors. We have a responsibility as a Congress to fight back against foreign cyber intrusions into our democracy and protect the sanctity of our elections. The SHIELD Act does just that.

Mr. Chair, right now, our country is facing an existential crisis. The question for each of us is: What are we going to do? What are we going to do to defend the principles and the Constitution upon which this country was founded?

The vote today on the SHIELD Act will be one of those moments that, some years from now, we will all look back on, and each of us will have to give an account for what we did. We must take a vote to defend our democracy from foreign interference and ensure that every American vote counts.

The words of my good friend and our dear colleague, Congressman Cummings, are swirling around this Chamber today. He said the following: "When we are dancing with the angels, the question will be asked: In 2019, what did we do to make sure we kept our democracy intact? Did we stand on the sidelines and say nothing? Did we play games?"

Mr. Chair, I ask my colleagues to support this legislation.

Mr. RODNEY DAVIS of Illinois. Mr. Chair, before I yield to my good friend from California, I do want to respond.

My great friend and colleague from the great State of Maryland mentioned that Republicans said that this bill is unconstitutional. Well, it wasn't just us.

Americans for Prosperity says this bill is unconstitutional. Heritage Action says the bill is unconstitutional. Even the ACLU said this bill is unconstitutional.

It is not every day, Mr. Chair, that you get those three organizations together on the same issue, but it is here. The unconstitutionality of this bill is from them and their remarks, adding to what we are saying here and debating on the floor.

Mr. Chair, I yield 2 minutes to the gentleman from California (Mr. MCCLINTOCK), my good friend.

Mr. MCCLINTOCK. Mr. Chairman, I fervently agree with the premise of this bill. American political campaigns should remain among Americans.

In California, it is now common for admitted noncitizens, some of them here illegally, to inject themselves into campaigns and attempt to influence voters.

Perhaps we can all agree: You are either a citizen or you are not. If you are not a citizen, you are a guest. If you

are a guest, you are not entitled to participate in our elections or in the debate that influences them.

□ 1500

That is especially important in a nation where sovereignty is vested not with the government, but with the people. In most countries, the government is the sovereign. Here in America, the people are sovereign. But in America, our sovereign doesn't govern. It hires help. That is what all of us are. We are hired help.

And once we are hired, the sovereign people then discuss among themselves the job we are doing, and every 2 years this discussion informs their decision over whether to keep us or to hire somebody else. That is a unique exercise of American sovereignty, and it ought to be off limits to all others.

But where I fervently disagree is with this bill's use of governmental power to interfere with freedom of speech and association that is absolutely essential to the preservation of our liberty. Except for incitement to commit crimes, every person must be free to speak their minds.

If a foreign national inserts himself into an American political discussion, the remedy is to call him out, tell him to butt out, and denounce such conduct for the meddling that it is. The remedy is not to insert the government into the discussion over how the government is doing.

Once government seizes the power to tell the people what they can say or who they can talk to, we will have cracked the touchstone of our Bill of Rights, and that crack will grow until it shatters the bedrock of our freedom.

Ms. LOFGREN. Mr. Chair, may I ask how much time remains.

The CHAIR. The gentlewoman from California has 19 minutes remaining. The gentleman from Illinois has 18 minutes remaining.

Ms. LOFGREN. Mr. Chair, I yield myself such time as I may consume.

I would just like to note that it was eight Justices who said, in the Citizens United case, that, while the First Amendment protects political speech, disclosure permits citizens and shareholders to react to the speech. They were the ones, in the Citizens United case, who urged transparency. And it was Justice Kavanaugh himself who pointed out that foreign citizens don't have a First Amendment right to meddle in our elections.

Mr. Chair, I yield 3 minutes to the gentleman from Maryland (Mr. SARBANES), who has done so much on our ethics and election reform effort.

Mr. SARBANES. Mr. Chair, I thank Chairwoman LOFGREN for her incredible work. Nobody has done more in this Congress to protect our democracy and lift up the voices of everyday Americans than ZOE LOFGREN, so I thank her for yielding.

The measure of partisanship here is not whether the Republicans have refused to get on this and it is a Democratic bill. That is not how you measure partisanship, because that is an

easy maneuver. You decide: None of us will get on the bill. It will be all Democrats that are supporting it or voting for it, and then we can say it is a partisan bill.

The measure of whether something is partisan or not is to go out and talk to the people in the country. And this is one of the most bipartisan bills you could possibly put together, judged by what people out in the country want to see.

Republicans, Independents, Democrats coming off of the 2016 election said to this Congress: "Protect our house." Not this House, the United States of America. "Protect our elections from foreign interference."

That wasn't just coming from Democrats. That wasn't a partisan voice out in the wilderness. That was everybody saying it, including Republicans and Independents.

So the fact that the Republicans don't want to get on a bill that Americans want to see doesn't make the bill partisan. It means that Republicans are not listening carefully enough to what the American people want to see.

We have tried now, three times—three times—to get our Republican colleagues to support these basic measures that would safeguard the integrity of our elections. H.R. 1, the For the People Act, contained many of the same provisions.

I get it. I heard what you said: Oh, the bill is too big. It does these other things. We love the election security stuff—we can go get those quotes from the H.R. 1 debate—oh, if you would just do the election security or the ballot box security measures to protect our elections, we would be on that in a minute.

Well, you got a second chance, a second bite at the apple with the SAFE Act. I thank the gentlewoman from California (Ms. LOFGREN) for shepherding that through the committee, the SAFE Act, that would protect the ballot box.

But did Republicans vote for that to protect our democracy? No, they missed the second. Strike two.

So now we have the SHIELD Act to protect us against foreign interference, foreign money coming into our elections and trying to influence the outcome, misinformation campaigns coming from overseas, all this interference that we have to push back on, that the American people are concerned about.

So here you get a third chance to show that you want to protect our elections and safeguard our elections. This is the opportunity to stand up, support what the American people want to see, which is us protecting our democracy.

The CHAIR. Members are reminded to address their remarks to the Chair.

Mr. RODNEY DAVIS of Illinois. Mr. Chair, there are too many comments I would like to make, so I will reserve them until we have a few less speakers. I am sure we will have a chance to debate some of the issues that my good friend and colleague from Maryland brought up.

Mr. Chair, I yield 3 minutes to the distinguished gentleman from the great State of Virginia (Mr. GRIFFITH).

Mr. GRIFFITH. Mr. Chairman, I appreciate the gentleman so much for yielding to me.

Mr. Chairman, I would say that, if I were in a court of law, I would tell you in advance that I am about to make an argument that is conditionally relevant, meaning: Bear with me. It will make sense when I get to the point.

So this morning, in committee—and I serve on the Energy and Commerce Committee—we were having a hearing and ObamaCare came up. About five or six times, people said, on the Democrat side of the aisle, ObamaCare is being sabotaged by the Trump administration.

Well, I started thinking about that, and I realized that that wasn't really fair, that the problem was that this Congress and the Democrats in this House voted for a bill that mentioned the Secretary, HHS Secretary, 3,033 times; 974 times it said the "Secretary shall" and then went on to say something else.

According to Dr. BURGESS, he estimated that there were actually 262 different action items in ObamaCare voted on by the Democrats. None of the Republicans in the House at the time—I was not here, but none of the Republicans voted for it. 262 action items were given over to the Secretary.

So now we have the SHIELD Act, and you are saying: All right, Morgan, what does this have to do with the SHIELD Act?

I direct you to page 49, lines 10 to 25, Corrective Action: "If the Attorney General receives a credible report that materially false information has been or is being communicated in violation" of this bill, "and if the Attorney General determines that the State and local officials have not taken adequate steps to promptly communicate accurate information to correct the materially false information, the Attorney General shall, pursuant to the written procedures and standards under subsection (b)"—which, by the way, the Attorney General determines—"communicate to the public, by any means"—any means—"including by means of written, electronic, or telephonic communications, accurate information designed to correct the materially false information."

What we are about to do in this bill, Mr. Chairman, is we are about to give the Attorney General the power to come into our congressional elections and to come into any election and start running ads, to run robocalls, to get involved in the election process, because I wouldn't want Attorney General Holder making decisions on my ads, and I don't think my friends, Mr. Chairman, on the other side of the aisle would want Attorney General Barr making decisions on their ads.

But that is what this bill does. It creates a situation where the Attorney General is going to come into our dis-

tricts if they think that one of us has issued a materially false ad and, instead of letting the voters make a decision as to whether or not I have done something wrong or my opponent has done something wrong or you have done something wrong or your opponent has done something wrong, the Attorney General is going to make that decision all by himself.

The CHAIR. The time of the gentleman has expired.

Mr. RODNEY DAVIS of Illinois. Mr. Chair, I yield the gentleman from Virginia an additional 30 seconds.

Mr. GRIFFITH. Mr. Chair, when you don't like it, you are going to come back and say: Oh, my gosh, they are sabotaging the intent of the bill.

Well, forget the intent. Read the bill. Read the bill.

This bill has significant problems. It needs to go back to committee and be worked on some more. I appreciate it, but until this is corrected, I must vote "no" to try to protect our election system from having it being taken over by whomever the Attorney General might be.

Ms. LOFGREN. Mr. Chair, I yield myself such time as I may consume.

I would just note that the provision referred to relates only to the time, place, or manner of holding an election. So if you have a digital ad that says Democrats vote Tuesday, Republicans vote Wednesday, you can send out an ad saying everybody votes on Tuesday.

Mr. Chairman, I yield 1 minute to the gentlewoman from Texas (Ms. JACKSON LEE), my colleague on the Judiciary Committee.

Ms. JACKSON LEE. Mr. Chair, let me thank the gentlewoman for her leadership.

Maybe my friends have gotten a little bit of absentmindedness. This is volume I and II of the Mueller report, a distinguished veteran of the Vietnam war.

Page 174, volume I, it says specifically, well-documented: "On February 16, 2018, a Federal grand jury in the District of Columbia returned an indictment against 13 Russian nationals and three Russian entities—including the Internet Research Agency, IRA, and Concord Management and Consulting LLC, Concord—with violating U.S. criminal laws in order to interfere with U.S. elections and political processes. The indictment charges all of the defendants with conspiracy to defraud the United States . . . three defendants with conspiracy to commit wire fraud and bank fraud . . . and five defendants with aggravated identity theft, Counts Three through Eight. Internet Research Agency Indictment. Concord, which is one of the entities charged in the Count One conspiracy, entered an appearance through U.S. counsel and moved to dismiss. . . ."

They were indicted on the basis of their interference in the 2016 election.

Let me be very clear. I rise to support this legislation, grateful that in

this bill is H.R. 2353. Duty to refuse or report foreign interference was language that I had that said that you cannot accept information from a foreign operative.

With that in mind, I thank the gentlewoman from California for her leadership.

Mr. Chair, I rise in strong support of H.R. 4617, the "Stopping Harmful Interference in Elections for A Lasting Democracy Act," or SHIELD Act and the underlying legislation.

I support this legislation introduced by my colleague, the Chairwoman of the Committee on House Administration, the gentlelady from California, Chairwoman LOFGREN, because it:

1. Creates a duty to report illicit offers of campaign assistance from foreign governments and their agents;

2. Helps prevent foreign interference in future elections by improving transparency of online political advertisements;

3. Closes loopholes that allow foreign nationals and foreign governments to spend in U.S. elections;

4. Restricts exchange of campaign information between candidates and foreign governments and their agents; and

5. Prohibits deceptive practices about voting procedures.

Mr. Chair, earlier this year FBI Director Christopher Wray testified before the Congress that foreign interference in our democracy is "a 365-day-a-year threat."

This is outrageous; American elections are to be decided by Americans.

That is why I am particularly pleased that H.R. 4617 incorporates the key provisions of H.R. 2353, the "Duty To Refuse And Report Foreign Interference In Elections Act" that I introduced in April of this year.

Mr. Chair, our friends across the aisle voted against Republicans voted against H.R. 1, the "For The People Act of 2019," which, *inter alia*, would secure our elections, and then against H.R. 2722, the "Securing America's Federal Elections Act" or SAFE Act, which closes dangerous gaps in our voting security into the 21st Century.

Today our Republican colleagues have another chance to demonstrate that they take seriously their oath to defend the Constitution against all enemies, foreign or domestic.

Mr. Chair, on January 6, 2017, representatives of the Intelligence Community advised the President-Elect that the Russian Federation conducted a sophisticated campaign to subvert our democracy with the goal of electing Donald Trump and defeating Hillary Clinton.

The Report issued by Special Counsel Robert Mueller on March 22, 2019 revealed that the Russians effectuated their goals by selectively disseminating stolen emails, with the end of maximizing the adverse impact this would have on Secretary Clinton's electoral prospects.

The Mueller Report further indicated that Russia's misinformation efforts also included the proliferation of fake online profiles on social media platforms, with the goal of echoing and amplifying politically divisive messages, so as to sow discord within the electorate and suppress the vote for Secretary Clinton.

As the Mueller Report lays bare, the Trump Campaign knew what Russia was doing and welcomed that assistance, did nothing to discourage it, did not report it, denied its exist-

ence and knowingly and happily accepted the benefits of the hostile foreign interference.

While some may tolerate this as awful but lawful conduct, none of the bill's sponsors or supporters do because it is deeply corrosive of our democracy.

In April of this year I introduced H.R. 2353, the "Duty to Refuse and Report Foreign Interference in American Elections Act of 2019," to impose an affirmative duty to refuse any offer of election campaign assistance from any agent or entity acting on behalf or in the interest of a foreign government and to report to the Federal Bureau of Investigation any such offer of assistance from an agent or entity acting on behalf or in the interest of a foreign government.

This duty to refuse and report applies to candidates and any person working for, or volunteering with, a candidate for election to federal office.

The legislation also requires the Federal Election Commission to require that a candidate for election to federal office must certify quarterly that he or she is compliance with the above requirements on penalty of not more than 5 years in prison and a fine of not more than \$250,000.

Mr. Chair, the threat to our country is real, as documented in detail in the report issued by Special Counsel Mueller, confirmed by the unanimous assessment of our nation's Intelligence Community, and affirmed most recently by FBI Director Wray who testified in Congress that foreign interference in our democracy is "a 365-day-a-year threat."

It is past time to write into the books of law the sensible and self-protective principle that American elections are to be decided only by American citizens, and not influenced by foreign adversaries.

I encourage all members to join me in voting to keep Americans in control of our electoral process and elections by voting to pass H.R. 4716, the SHIELD Act.

Mr. RODNEY DAVIS of Illinois. Mr. Chair, I yield myself such time as I may consume.

I have some folks who are on their way here to offer some more remarks, so, while we are waiting, I will offer my remarks on some of the comments that were made by my colleagues.

One of my colleagues talked about bipartisanship, that this is a bipartisan bill. It is not a bipartisan bill.

Mr. Chairman, the majority party clearly had an opportunity to put through our committee and onto the floor a bill that had Republican and Democrat cosponsors. Instead of doing that, they chose to follow the exact same path that they followed in the past through other committees and other pieces of legislation: They don't want to put real solutions forward; they want to put political talking points forward.

They decided to combine what my colleague from Virginia just talked about, allowing an Attorney General to participate, possibly, in Federal campaigns. That should scare every American, regardless of whether you are Republican or Democrat. Let's keep our elections run in the most safe and effective way possible: at the State and local level.

So it is not bipartisan. This bill is not bipartisan. There are 187 cosponsors of the SHIELD Act, and not a single Republican.

And that is a ploy? That is how we run away from bipartisanship? No, bipartisanship was taken away from us.

Now, how do you get bipartisanship? Well, you have hearings.

Not a single hearing was held in the House Administration Committee where we could ask questions to the social media platforms that are going to be affected by this piece of legislation if it becomes law. I certainly would have loved to have asked Mark Zuckerberg.

I tried to go over, today, to the Committee on Financial Services to ask Mr. Zuckerberg why in the world did Facebook or anybody at Facebook take a payment from Russia for overtly political ads. They took \$100,000 in payment out of \$1.4 billion in digital ads that were bought during the 2016 cycle. That check was cashed.

I don't know if they wrote a check; I don't know if they paid cash; I don't know if they paid rubles; but we ought to be able to get to the bottom of it.

I didn't even have a chance to ask before this bill was rushed to the floor. Too many questions.

□ 1515

If you want bipartisanship, you have got to earn bipartisanship by allowing us to have a seat at the table.

Now, it is not too hard to have discussions. It is not too hard to sit down and work out bipartisan solutions. There are only nine members of the House Administration Committee. We didn't have a chance to do that, to sit down and talk about our priorities. It was great H.R. 1 was brought up. That is the bill that was written in secret by special interests before we were all even sworn in. H.R. 1 had every single Member of the majority party signed on as a cosponsor before they even had a chance to read it. It wasn't even introduced yet.

And let's talk about what H.R. 1 did, what my colleague called strike one. H.R. 1. Every single Member of this institution who voted for that bill voted to put either your taxpayer dollars or corporate money for the first time ever in our Nation's history into their own political campaign coffers. That is not a strike to vote against that bill. That is a freaking home run. That is terrible. Nobody thinks getting more money out of politics would be solved by those provisions.

The SAFE Act, well, when the majority decided to write their bill after we had one hearing, they didn't even listen to their own witness about the efficacy of certain types of voting machines and the safety capabilities. They didn't listen to their own witness. They still tried to create a process that would have made safe election machines with a voter verified paper backup mechanism which would have made them essentially illegal after the year 2021 or 2022.

We know counties upon counties and election authorities in this Nation that have purchased these machines that their own witness said was safe, but that would be a waste of their own taxpayer dollars now because somebody in Washington that didn't consult with us, didn't allow us a chance to work in a bipartisan way, they would have wasted hundreds of thousands of dollars on voting machines.

My local Democratic election official in my home county of Christian County, Illinois, they worked with their local Republican county board to purchase almost \$300,000 in election machines that if the SAFE Act was signed into law, that expense would have lit 300 grand up with a match. That is wrong. Let's talk to our local election officials. I do. That is certainly not strike two. I think that is another home run, too.

Now the SHIELD Act. Again, I said it is not bipartisan. 137 cosponsors, all Democrats. We want to talk about bipartisanship, Mr. Chair, we can talk all we want. I want to see some action. I haven't seen some action. We talked in the Rules Committee last night about no hearings, no ability to question witnesses. We can come together. Nobody, and I mean nobody, in this institution, no one wants foreign interference. You want a bipartisan bill? Our next colleague who is going to talk was a cosponsor of a bipartisan bill that could have come to the floor, but we weren't given the chance.

Mr. Chair, I reserve the balance of my time.

Ms. LOFGREN. Mr. Chair, I yield 1 minute to the gentleman from Washington (Mr. KILMER), who is a leader in the Honest Ads Act.

Mr. KILMER. Mr. Chairman, I thank Congresswoman LOFGREN for yielding and for her leadership on this critical election security package.

Mr. Chairman, foreign interests shouldn't be able to influence American elections, period. That is not a Democratic notion. It is not a Republican notion. That is an American notion. We know that there is an election just a year away, and we know that just this week one of the world's most prominent social media companies acknowledged that Russia, Iran, China, and other adversaries are actively working to interfere in our next elections.

This is a no-brainer. It is time to take real action to fix loopholes and protect our elections from foreign interference. That is why the SHIELD Act is so important. There is a ton in this bill, and I am proud that many of the components of the SHIELD Act are based on bills the New Democratic Coalition endorsed, among them the Honest Ads Act.

Right now if a candidate or a group runs political ads on television that is publicly available information. The public and the press are able to access that information on who is buying the ad, how much they are paying. Same

thing on radio. But that is not true on social media. If an entity buys ads on social media, there are no disclosure requirements under the law, even though we know foreign adversaries are seeking to buy online ads.

The Honest Ads Act would change that, and that is why it is a bipartisan bill; 18 Democratic sponsors, 18 Republican sponsors, the chair of Senate Judiciary, the vice chair of the Intelligence Committee.

Ms. LOFGREN. Mr. Chairman, I yield an additional 30 seconds to the gentleman from Washington.

Mr. KILMER. Mr. Chairman, they see this as a way to strengthen our democracy and our national security. To enable law enforcement and the press and others to better detect and investigate foreign involvement in our elections.

The House has a choice to make, a choice to keep loopholes open and continue to see threats against our democracy or a choice to take action and pass the SHIELD Act. I am proud to be a sponsor of this bill.

I thank Chair LOFGREN and her team for their hard work on this, and I am confident the House will make the right choice and pass this bill.

Ms. LOFGREN. Mr. Chairman, I reserve the balance of my time.

Mr. RODNEY DAVIS of Illinois. Mr. Chairman, I will tell you, my colleague from the great State of Washington, you can't get much more bipartisan than Mr. KILMER. I certainly wish we would have been able to have the bill on the floor that my colleague spoke about that had an even number of Republican and Democratic cosponsors, but unfortunately, we don't have the opportunity to do that, Mr. Chairman.

Unfortunately, we are watching poison pills like the one that my colleague from Virginia spoke about where an attorney general can come in and decide to correct the record on Federal elections. I think that is scary for any American. That is not a solution.

I do believe that we will see this bill passed. I am not proud that this bill is going to pass, because this bill is not going to be signed into law.

And I know my good friend and colleague, the chairperson of the House Administration Committee, have discussed a couple of times about Supreme Court Justice Kavanaugh. I think her and I agree with Justice Kavanaugh, that foreign bad actors, they don't have freedom of speech protections in the United States of America. But the sad fact, Mr. Chairman, is that if this bill were to pass into law, it would do nothing to affect the bad actors who interfered in our 2016 elections. Nothing.

Our bill, the Honest Elections Act would. We will positively affect those bad actors, and we will make sure they are held accountable.

If this bill passes, I believe the majority party would give more free speech protections to those foreign bad actors.

Mr. Chair, I yield 3 minutes to the distinguished gentleman from California (Mr. CALVERT), my good friend.

Mr. CALVERT. Mr. Chairman, I thank the gentleman for yielding.

The bill under consideration is an attempt to protect our elections from foreign interference. That is a goal that I certainly share, and I think all of us share.

In fact, I tried to offer an amendment to the bill that would have closed a gaping hole in the security of our election system. It is a weakness that basically rolls out the red carpet to foreign interference. Unfortunately, my colleagues on the other side of the aisle blocked my amendment.

My proposal would have prohibited the practice known as ballot harvesting, which is something that is only legal in a few states, where literally anyone can collect absentee ballots. In California where ballot harvesting is legal, anyone, including paid campaign workers and foreign nationals, are allowed to collect an unlimited number of ballots.

California Democrats have refused to put any guard rails on ballot collection, leaving it wide open to fraud and abuse by both foreign and domestic bad actors.

Every time I voice my concern about ballot harvesting, my friends on the other side of the aisle and the media keep asking for evidence of abuse.

Mr. Chairman, the reason there is no evidence of ballot harvesting fraud is because California Democrats have designed a system that doesn't collect evidence. If you collect ballots in California, you aren't required to give your name to the voter whose ballot you are collecting, and when you turn in that ballot to election officials, you are not required to give your name at that point either. There is no requirement to document the chain of custody of ballots. And there is nothing in the State law prohibiting foreign nationals from collecting and handling ballots. Let me repeat that. There is nothing in California law prohibiting foreign nationals from collecting and handling ballots.

You know, in reality, the only rule is there are no rules. Mr. Chairman, this isn't the Wild West. We shouldn't wait for fraud and abuse to occur before we act. By rejecting my amendment, Democrats have not only left a door open to foreign involvement in our elections, they have laid out the welcome mat.

Ms. LOFGREN. Mr. Chairman, I yield 1 minute to the gentleman from Pennsylvania (Mr. LAMB), a star in our caucus.

Mr. LAMB. Mr. Chair, I thank the gentlewoman for yielding.

I am proud to stand up in support of the SHIELD Act, which incorporates my bill, H.R. 4703, The DEFEND Act. The DEFEND Act, as incorporated here, would forbid paid internet activity by foreign actors, foreign political parties, foreign intelligence services and the like.

This is a problem because in 2016 across Pennsylvania users of social

media saw this image over and over again. It is the real image of a coal miner suggesting that miners were supporting the Republican nominee and getting together in huge rallies in places like Pittsburgh and Philadelphia.

But the problem is, there were no rallies. And the truth is, the actual opinions of coal miners were much more mixed. They know, in fact, that they have been let down on issues like healthcare and pensions, by both Republicans and Democrats, and they have been supported and protected on those same issues by Members of both parties.

In fact, just today, the House Natural Resources Committee passed the Miners Pension Protection Act, and I was proud to stand with members of both parties in support of that.

Mr. Chair, the man in this image died in 1987 at the age of 57—too young—like most miners, of black lung. These miners have given a lot. We cannot allow the Russians or anyone else to take anything else from them and affect our elections.

Ms. LOFGREN. Mr. Chairman, I yield 1 minute to the gentlewoman from Michigan (Ms. SLOTKIN), a new Member of Congress from Michigan, who had a distinguished career in the intelligence community.

Ms. SLOTKIN. Mr. Chair, I thank the gentlewoman for yielding, and thank her for all the work she has done on the SHIELD Act.

As a former CIA officer and Pentagon official, as the wife of a 30-year Army officer and the stepmom of a current Army officer, I know that when our country sees a threat, we have the responsibility to act and to consider ways to protect our country.

I think we have all said it many times here today, no matter who you are, what political party you are from, we can all agree that foreigners have no role in our political process.

I am incredibly proud to be supporting the SHIELD Act. Certain portions of it are modeled off legislation I have been working on since I first started in Congress in January, the PAID AD Act, in particular. It is the very basic idea that foreigners should not be able to buy an ad for or against a candidate in an American political election. That should be illegal, plain and simple.

Michigan was particularly targeted by these ads. They are divisive. They are hateful. They are meant to split us apart and stoke fears in our community. It is a classic in the playbook the Russians have used in Eastern Europe, and now they are using it here in the United States.

The SHIELD Act closes these loopholes that currently allow foreign entities to purchase campaign ads. I am thrilled to support it.

Ms. LOFGREN. Mr. Chairman, I yield 1 minute to the gentleman from Minnesota (Mr. PHILLIPS), a valued new Member of Congress.

Mr. PHILLIPS. Mr. Chair, I thank the gentlewoman for yielding.

Mr. Chairman, people in small towns and cities in my home State of Minnesota and in neighborhoods all across the Nation are being targeted for manipulation.

□ 1530

Foreign governments have found a weakness in our national security. They are exploiting it by using social media platforms to influence Americans, with the hope that they will vote for foreign interests, not American interests.

Democrats and Republicans need to come together now—today—to do something about it. It is what our Founders—Washington, Adams, Jefferson, Madison, and others—would have demanded.

That is why I am proud to support the SHIELD Act, an important legislative package that includes my bill, the Firewall Act, that simply prevents foreign nationals from paying for online political advertisements, something to which my distinguished colleague from Illinois referred to just moments ago.

Mr. Chair, I urge my colleagues to support this historic and necessary package and help us build a wall, a digital wall, to protect Americans from foreign interference in our elections.

Mr. RODNEY DAVIS of Illinois. Mr. Chair, I yield myself the balance of my time.

Mr. Chair, I thank my colleagues for their comments today.

Look, there is a lot of activity and the opportunity to come to this floor and debate very important issues, and there are no more important issues than protecting the validity and safety of our election system here in this institution in the great United States of America.

You know what? We heard a lot about this process not being bipartisan, Mr. Chairman. Well, let's talk about what we have done in a bipartisan manner to protect our elections.

When Republicans were in charge of this institution, we worked in a bipartisan fashion to actually appropriate over \$300 million to go to our States, to work with our local officials, to partner with the Department of Homeland Security to ensure that our election infrastructure is safer than it was in 2016.

We all learned the lessons of 2016, and we worked together to put solutions on the table.

That is exactly what we should be doing here. But on the SHIELD Act, unfortunately, the Democratic majority did not allow us a seat at the table.

You know, you go to my home State of Illinois, where they have been raving about their partnership with this administration's Department of Homeland Security, and look at the 2018 election cycle. We had record turnout in a midterm election, and not one instance of foreign interference has been brought forth. So it looks like we have done something good together in a bipartisan fashion in the past.

I certainly hope, Mr. Chair, we could do that in the future.

Many of the provisions that my colleagues talked about and that I spoke about are just simply too egregious for us to support. We want to support a bill that has proper hearings, goes through regular order, and provides an opportunity for Republicans and Democrats to work together, just like we did to protect America's election systems for the 2018 election cycle.

I want to see results, Mr. Chair. I am not seeing results with the SHIELD Act.

Let's come together. Let's take another swing, take another crack at the bat. Let's hit another home run together. Because according to my count right now, that bipartisan investment of \$300-plus million that we worked together on, that is a grand slam. Let's start working on some more grand slams together.

Mr. Chair, I yield back the balance of my time.

Ms. LOFGREN. Mr. Chair, I yield myself such time as I may consume.

Mr. Chair, I am disappointed that, apparently, we are not going to get support for this important bill from at least the ranking member and some of the Members who have spoken today on the other side of the aisle.

There are no poison pills in this bill, and much of the bill is made up of bills that had bipartisan support.

It is interesting to hear that somehow this is partisan because the Republican leadership refuses to step forward to confront the danger that we face from Russian interference in our elections and the possible interference from other nations. We have been told by the FBI that might include Iran as well as Turkey.

I listened carefully to my friend, the ranking member, about the money that was appropriated—and that was bipartisan; we supported that—in the last Congress for election security. Democrats included \$600 million this year for election security. We sent it to the Senate, and unlike last year, they now are refusing to act.

I remember back in law school that I was told by one of my professors, who I liked so much, that if you can't argue the law and you can't argue the facts, argue a lot. I think that is some of what we heard today.

We have had some hearings on these issues, three in the House Administration Committee. Although the Elections Subcommittee, which has been so active, did not focus entirely on these issues, it did touch also on these issues, in fact, just earlier this week. In the House Administration Committee, there have been 11 of these hearings.

To say that this bill threatens First Amendment rights is certainly incorrect. Now, I value the ACLU. We work with them very closely on a variety of issues, including the role of due process in immigration, and they have an important role in American society. But when it comes to campaign finance reform, they have a long history of opposing laws that regulate the raising

and spending of money to influence elections.

The ACLU filed an amicus brief in support of the Citizens United case. They opposed the effort by the Congress to get rid of the dark money in our elections. They, I think, misunderstand the issue of free speech when it comes to foreign governments.

I will quote the entire thing again that Justice Kavanaugh wrote: “The United States has a compelling interest for purposes of First Amendment analysis in limiting the participation of foreign citizens in activities of American democratic self-government, and in thereby preventing foreign influence over the U.S. political process.”

We don’t have to worry about whether the Russian trolls’ rights to free speech are being violated when we keep them from interfering in our elections because we have a compelling interest to keep the Russians and others from trying to subvert our elections, to hurt our country. We have a right to defend ourselves from them, and the SHIELD Act does that.

I would like to note also that elements in this bill would have prevented some of the misconduct or problems that occurred in the 2016 election.

I was interested that my colleague expressed concern that we didn’t hear from some of the platforms, that we didn’t hear from Mark Zuckerberg. He is correct. We did not call Facebook into the House Administration Committee. Frankly, if they had said, “We don’t want to do this,” I would have said, “Too bad.”

We need to set some rules that prevent the lack of responsibility on the part of some of these platforms. They accepted money from Russian influencers to place ads to harm our democracy. This bill requires them to make a reasonable effort to find out that the ads that are being placed are not actually coming from our foreign adversaries.

We, as I mentioned earlier, in this bill directly prohibit the sharing of sensitive campaign information by American campaigns with foreign actors. That happened in the 2016 election. We had the chairman of the Trump campaign, Mr. Manafort, sharing internal polling data with a Russian agent, sharing the playbook for the States at play with a Russian agent.

I have wondered a lot about what was going on there. I didn’t get an answer to that, but this bill makes that impermissible. This bill makes that a crime.

It also requires campaigns to report to the FBI when they have been contacted by a foreign campaign. We all know now that the Russians contacted the Trump campaign, and the President’s son said: “If it is what you say, I love it.” They supposedly had dirt on the Democratic opponent. They were going to funnel information into the campaign. Did the campaign tell the FBI? No, they did not.

Well, if this bill had passed, there would have been a requirement to notify the FEC and the FBI that the Russians were trying to interfere in the campaign.

Now, I would think that would be something that most people would think you would do anyway, that we shouldn’t need a law to require it. But, apparently, we do, and this bill would include that.

I want to mention the Honest Ads Act because the Honest Ads Act has been introduced with a broad bipartisan group to make sure that there is disclosure.

We have had a disclosure regime when it comes to broadcast TV and radio for a long time, but it did not extend to the digital advertising environment. That is a mistake because as information migrates to the digital world, we need to have disclosure there, too. The Honest Ads Act does that. It is incorporated in the SHIELD Act.

It is important. It requires the platforms to maintain copies of the ads for 4 years. It requires that there be a disclosure of who is paying for it. The American people have a right to know who is trying to influence them online, just as they do in TV broadcasting.

Does it make a difference? Yes, it does. I remember in my State of California, a number of years ago, there was an initiative to control smoking in restaurants. It was polling at, like, 80 percent, something of that nature. Then it came out that the backers of the initiative were the tobacco companies. They were doing it to undercut local ordinances that were stricter than what they were trying to put into place at the State level.

Support for the initiative dropped like a stone because people aren’t stupid. They know that they have to consider the source of the information when information is sent to them.

The American voters have a right to know who is spending money to influence them.

I would like to say that this measure deserves the support of every Member of this body. To say that the Senate will take it up—I would hate to think that the Senate cares so little about protecting our country from foreign influence that they would simply say no.

Mr. Chair, I urge adoption of this bill. I think it is important for our country. I think it is essential for our democracy.

Mr. Chair, I yield back the balance of my time.

The CHAIR. All time for general debate has expired.

Pursuant to the rule, the bill shall be considered for amendment under the 5-minute rule.

In lieu of the amendment in the nature of a substitute recommended by the Committee on House Administration, printed in the bill, it shall be in order to consider as an original bill for the purpose of amendment under the 5-minute rule an amendment in the na-

ture of a substitute consisting of the text of Rules Committee Print 116–35, modified by the amendment printed in part A of House Report 116–253. That amendment in the nature of a substitute shall be considered as read.

The text of the amendment in the nature of a substitute is as follows:

H.R. 4617

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 “Stopping Harmful Interference in Elections for a Lasting Democracy Act” or the “SHIELD Act”.

(b) *TABLE OF CONTENTS.*—The table of contents of 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 foreign 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 disbursements 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—DETERRING 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 between 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.

TITLE I—ENHANCED REPORTING REQUIREMENTS

Subtitle A—Establishing Duty to Report Foreign Election Interference

SEC. 101. FEDERAL CAMPAIGN REPORTING OF FOREIGN CONTACTS.

(a) INITIAL NOTICE.—

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

“(j) DISCLOSURE OF REPORTABLE FOREIGN CONTACTS.—

“(I) COMMITTEE OBLIGATION TO NOTIFY.—Not later than 1 week after a reportable foreign contact, each political committee shall notify the Federal Bureau of Investigation and the Commission of the reportable foreign contact and provide a summary of the circumstances with respect to such reportable foreign contact.

“(2) INDIVIDUAL OBLIGATION TO NOTIFY.—Not later than 3 days after a reportable foreign contact—

“(A) each candidate shall notify the treasurer or other designated official of the principal campaign committee of such candidate of the reportable foreign contact and provide a summary of the circumstances with respect to such reportable foreign contact; and

“(B) each official, employee, or agent of a political committee shall notify the treasurer or other designated official of the committee of the reportable foreign contact and provide a summary of the circumstances with respect to such reportable foreign contact.

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

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

“(i) is between—

“(I) a candidate, a political committee, or any official, employee, or agent of such committee; and

“(II) an individual that the person described in subclause (I) knows, has reason to know, or reasonably believes is a covered foreign national; and

“(ii) the person described in clause (i)(I) knows, has reason to know, or reasonably believes involves—

“(I) an offer or other proposal for a contribution, donation, expenditure, disbursement, or solicitation described in section 319; or

“(II) coordination or collaboration with, an offer or provision of information or services to or from, or persistent and repeated contact with, a covered foreign national in connection with an election.

“(B) EXCEPTIONS.—

“(i) CONTACTS IN OFFICIAL CAPACITY AS ELECTED OFFICIAL.—The term ‘reportable foreign contact’ shall not include any contact or communication with a covered foreign national by an elected official or an employee of an elected official solely in an official capacity as such an official or employee.

(ii) CONTACTS FOR PURPOSES OF ENABLING OBSERVATION OF ELECTIONS BY INTERNATIONAL OBSERVERS.—The term ‘reportable foreign contact’ shall not include any contact or communication with a covered foreign national by any person which is made for purposes of enabling the observation of elections in the United States by a foreign national or observation of elections outside of the United States by a candidate, political committee, or any official, employee, or agent of such committee.

(iii) EXCEPTIONS NOT APPLICABLE IF CONTACTS OR COMMUNICATIONS INVOLVE PROHIBITED DISBURSEMENTS.—A contact or communication by

an elected official or an employee of an elected official shall not be considered to be made solely in an official capacity for purposes of clause (i), and a contact or communication shall not be considered to be made for purposes of enabling the observation of elections for purposes of clause (ii), if the contact or communication involves a contribution, donation, expenditure, disbursement, or solicitation described in section 319.

“(C) COVERED FOREIGN NATIONAL DEFINED.—

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

“(I) a foreign principal (as defined in section 1(b) of the Foreign Agents Registration Act of 1938 (22 U.S.C. 611(b)) that is a government of a foreign country or a foreign political party;

“(II) any person who acts as an agent, representative, employee, or servant, or any person who acts in any other capacity at the order, request, or under the direction or control, of a foreign principal described in subclause (I) or of a person any of whose activities are directly or indirectly supervised, directed, controlled, financed, or subsidized in whole or in major part by a foreign principal described in subclause (I); or

“(III) any person included in the list of specially designated nationals and blocked persons maintained by the Office of Foreign Assets Control of the Department of the Treasury pursuant to authorities relating to the imposition of sanctions relating to the conduct of a foreign principal described in subclause (I).

“(ii) CLARIFICATION REGARDING APPLICATION TO CITIZENS OF THE UNITED STATES.—In the case of a citizen of the United States, subclause (II) of clause (i) applies only to the extent that the person involved acts within the scope of that person’s status as the agent of a foreign principal described in subclause (I) of clause (i).”.

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

(b) INFORMATION INCLUDED ON REPORT.—

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

(A) by striking “and” at the end of paragraph (7);

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

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

“(9) for any reportable foreign contact (as defined in subsection (j)(3))—

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

“(B) the date and time of when a designated official of the committee was notified of the contact;

“(C) the identity of individuals involved; and

“(D) a description of the contact, including the nature of any contribution, donation, expenditure, disbursement, or solicitation involved and the nature of any activity described in subsection (j)(3)(A)(ii)(II) involved.”.

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

SEC. 102. FEDERAL CAMPAIGN FOREIGN CONTACT REPORTING COMPLIANCE SYSTEM.

(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 new subsection:

“(j) REPORTABLE FOREIGN CONTACTS COMPLIANCE POLICY.—

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

“(2) RETENTION AND PRESERVATION OF RECORDS.—Each political committee shall establish a policy that provides for the retention and preservation of records and information related to reportable foreign contacts (as so defined) for a period of not less than 3 years.

“(3) CERTIFICATION.—

“(A) IN GENERAL.—Upon filing its statement of organization under section 303(a), and with each report filed under section 304(a), the treasurer of each political committee (other than an authorized committee) shall certify that—

“(i) the committee has in place policies that meet the requirements of paragraphs (1) and (2);

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

“(iii) not later than 1 week after the beginning of any formal or informal affiliation with the committee, all officials, employees, and agents of such committee will—

“(I) receive notice of such policies;

“(II) be informed of the prohibitions under section 319; and

“(III) sign a certification affirming their understanding of such policies and prohibitions.

“(B) AUTHORIZED COMMITTEES.—With respect to an authorized committee, the candidate shall make the certification required under subparagraph (A).”.

(b) EFFECTIVE DATE.—

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

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

SEC. 103. CRIMINAL PENALTIES.

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

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

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

SEC. 104. RULE OF CONSTRUCTION.

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

(1) to impede legitimate journalistic activities; or

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

(A) resides in the United States;

(B) is not a citizen of the United States or a national of the United States, as defined in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22)); and

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

Subtitle B—Strengthening Oversight of Online Political Advertising

SEC. 111. SHORT TITLE.

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

SEC. 112. PURPOSE.

The purpose of this subtitle is to enhance the integrity of American democracy and national security by improving disclosure requirements for online political advertisements in order to

uphold the Supreme Court's well-established standard that the electorate bears the right to be fully informed.

SEC. 113. EXPANSION OF DEFINITION OF PUBLIC COMMUNICATION.

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

(b) **TREATMENT OF CONTRIBUTIONS AND EXPENDITURES.**—Section 301 of such Act (52 U.S.C. 30101) is amended—

(1) in paragraph (8)(B)(v), by striking “on broadcasting stations, or in newspapers, magazines, or similar types of general public political advertising” and inserting “in any public communication”; and

(2) in paragraph (9)(B)—

(A) by amending clause (i) to read as follows: “(i) any news story, commentary, or editorial distributed through the facilities of any broadcasting station or any print, online, or digital newspaper, magazine, blog, publication, or periodical, unless such broadcasting, print, online, or digital facilities are owned or controlled by any political party, political committee, or candidate;”; and

(B) in clause (iv), by striking “on broadcasting stations, or in newspapers, magazines, or similar types of general public political advertising” and inserting “in any public communication”.

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

(1) by striking “financing any communication through any broadcasting station, newspaper, magazine, outdoor advertising facility, mailing, or any other type of general public political advertising” and inserting “financing any public communication”; and

(2) by striking “solicits any contribution through any broadcasting station, newspaper, magazine, outdoor advertising facility, mailing, or any other type of general public political advertising” and inserting “solicits any contribution through any public communication”.

SEC. 114. EXPANSION OF DEFINITION OF ELECTORATE AND CONSPICUOUS MANNER.

(a) **EXPANSION TO ONLINE COMMUNICATIONS.**—

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

(A) **IN GENERAL.**—Subparagraph (A) of section 304(f)(3) of the Federal Election Campaign Act of 1971 (52 U.S.C. 30104(f)(3)(A)) is amended by striking “or satellite communication” each place it appears in clauses (i) and (ii) and inserting “satellite, or qualified internet or digital communication”.

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

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

(2) **NONAPPLICATION OF RELEVANT ELECTORATE TO ONLINE COMMUNICATIONS.**—Section 304(f)(3)(A)(i)(III) of such Act (52 U.S.C. 30104(f)(3)(A)(i)(III)) is amended by inserting “any broadcast, cable, or satellite” before “communication”.

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

“(i) a communication appearing in a news story, commentary, or editorial distributed through the facilities of any broadcasting station or any online or digital newspaper, magazine, blog, publication, or periodical, unless such broadcasting, online, or digital facilities are owned or controlled by any political party, political committee, or candidate;”.

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

SEC. 115. APPLICATION OF DISCLAIMER STATEMENTS TO ONLINE COMMUNICATIONS.

(a) **CLEAR AND CONSPICUOUS MANNER REQUIREMENT.**—Subsection (a) of section 318 of the Federal Election Campaign Act of 1971 (52 U.S.C. 30120(a)) is amended—

(1) by striking “shall clearly state” each place it appears in paragraphs (1), (2), and (3) and inserting “shall state in a clear and conspicuous manner”; and

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

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

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

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

“(1) **SPECIAL RULES WITH RESPECT TO STATEMENTS.**—In the case of any communication to which this section applies which is a qualified internet or digital communication (as defined in section 304(f)(3)(D)) which is disseminated through a medium in which the provision of all of the information specified in this section is not possible, the communication shall, in a clear and conspicuous manner—

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

“(B) provide a means for the recipient of the communication to obtain the remainder of the information required under this section with minimal effort and without receiving or viewing any additional material other than such required information.”.

(2) **SAFE HARBOR FOR DETERMINING CLEAR AND CONSPICUOUS MANNER.**—A statement in a qualified internet or digital communication (as defined in section 304(f)(3)(D)) shall be considered to be made in a clear and conspicuous manner as provided in subsection (a) if the communication meets the following requirements:

“(A) **TEXT OR GRAPHIC COMMUNICATIONS.**—In the case of a text or graphic communication, the statement—

“(i) appears in letters at least as large as the majority of the text in the communication; and

“(ii) meets the requirements of paragraphs (2) and (3) of subsection (c).

“(B) **AUDIO COMMUNICATIONS.**—In the case of an audio communication, the statement is spoken in a clearly audible and intelligible manner at the beginning or end of the communication and lasts at least 3 seconds.

“(C) **VIDEO COMMUNICATIONS.**—In the case of a video communication which also includes audio, the statement—

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

“(ii) is made both in—

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

“(II) an audible format that meets the requirements of subparagraph (B).

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

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

(c) **MODIFICATION OF ADDITIONAL REQUIREMENTS FOR CERTAIN COMMUNICATIONS.**—Section

318(d) of such Act (52 U.S.C. 30120(d)) is amended—

(1) in paragraph (1)(A)—

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

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

(2) in paragraph (1)(B)—

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

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

(3) in paragraph (2)—

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

(B) by striking “through television” in the second sentence and inserting “in video format”.

SEC. 116. POLITICAL RECORD REQUIREMENTS FOR ONLINE PLATFORMS.

(a) **IN GENERAL.**—Section 304 of the Federal Election Campaign Act of 1971 (52 U.S.C. 30104), as amended by section 101(a), is further amended by adding at the end the following new subsection:

“(k) **DISCLOSURE OF CERTAIN ONLINE ADVERTISEMENTS.**—

“(1) **IN GENERAL.**—

“(A) **REQUIREMENTS FOR ONLINE PLATFORMS.**—An online platform shall maintain, and make available for online public inspection in machine readable format, a complete record of any request to purchase on such online platform a qualified political advertisement which is made by a person whose aggregate requests to purchase qualified political advertisements on such online platform during the calendar year exceeds \$500.

“(B) **REQUIREMENTS FOR ADVERTISERS.**—Any person who requests to purchase a qualified political advertisement on an online platform shall provide the online platform with such information as is necessary for the online platform to comply with the requirements of subparagraph (A).

“(2) **CONTENTS OF RECORD.**—A record maintained under paragraph (1)(A) shall contain—

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

“(B) a description of the audience targeted by the advertisement, the number of views generated from the advertisement, and the date and time that the advertisement is first displayed and last displayed; and

“(C) information regarding—

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

“(ii) the name of the candidate to which the advertisement refers and the office to which the candidate is seeking election, the election to which the advertisement refers, or the national legislative issue to which the advertisement refers (as applicable);

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

“(iv) in the case of any request not described in clause (iii), the name of the person purchasing the advertisement, the name and address of a contact person for such person, and a list of the chief executive officers or members of the executive committee or of the board of directors of such person.

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

“(A) sells qualified political advertisements; and

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

“(4) **QUALIFIED POLITICAL ADVERTISEMENT.**—For purposes of this subsection, the term ‘qualified political advertisement’ means any advertisement (including search engine marketing, display advertisements, video advertisements, native advertisements, and sponsorships) that—

“(A) is made by or on behalf of a candidate; or

“(B) communicates a message relating to any political matter of national importance, including—

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

“(5) **TIME TO MAINTAIN FILE.**—The information required under this subsection shall be made available as soon as possible and shall be retained by the online platform for a period of not less than 4 years.

“(6) **SAFE HARBOR FOR PLATFORMS MAKING BEST EFFORTS TO IDENTIFY REQUESTS WHICH ARE SUBJECT TO RECORD MAINTENANCE REQUIREMENTS.**—In accordance with rules established by the Commission, if an online platform shows that the platform used best efforts to determine whether or not a request to purchase a qualified political advertisement was subject to the requirements of this subsection, the online platform shall not be considered to be in violation of such requirements.

“(7) **PENALTIES.**—For penalties for failure by online platforms, and persons requesting to purchase a qualified political advertisement on online platforms, to comply with the requirements of this subsection, see section 309.”

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

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

(2) establishing search interface requirements relating to such record, including searches by candidate name, issue, purchaser, and date; and

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

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

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

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

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

SEC. 117. PREVENTING CONTRIBUTIONS, EXPENDITURES, INDEPENDENT EXPENDITURES, AND DISBURSEMENTS FOR ELECTIONEERING COMMUNICATIONS BY FOREIGN NATIONALS IN THE FORM OF ONLINE ADVERTISING.

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

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

“(1) **RESPONSIBILITIES DESCRIBED.**—Each television or radio broadcast station, provider of cable or satellite television, or online platform (as defined in section 304(k)(3)) shall make reasonable efforts to ensure that communications described in section 318(a) and made available by such station, provider, or platform are not

purchased by a foreign national, directly or indirectly. For purposes of the previous sentence, a station, provider, or online platform shall not be considered to have made reasonable efforts under this paragraph in the case of the availability of a communication unless the station, provider, or online platform directly inquires from the individual or entity making such purchase whether the purchase is to be made by a foreign national, directly or indirectly.

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

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

“(B) the billing address associated with such credit card is located in the United States or, in the case of a purchase made by an individual who is a United States citizen living outside of the United States, the individual provides the television or radio broadcast station, provider of cable or satellite television, or online platform with the United States mailing address the individual uses for voter registration purposes.”

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.

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

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

(2) by striking the period at the end of paragraph (2) and inserting “; or”; and

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

“(3) a foreign national to direct, dictate, control, or directly or indirectly participate in the decision making process of any person (including a corporation, labor organization, political committee, or political organization) with regard to such person’s Federal or non-Federal election-related activity, including any decision concerning the making of contributions, donations, expenditures, or disbursements in connection with an election for any Federal, State, or local office or any decision concerning the administration of a political committee.”

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

“(d) **CERTIFICATION OF COMPLIANCE REQUIRED PRIOR TO CARRYING OUT ACTIVITY.**—Prior to the making in connection with an election for Federal office of any contribution, donation, expenditure, independent expenditure, or disbursement for an electioneering communication by a corporation, labor organization (as defined in section 316(b)), limited liability corporation, or partnership during a year, the chief executive officer of the corporation, labor organization, limited liability corporation, or partnership (or, if the corporation, labor organization, limited liability corporation, or partnership does not have a chief executive officer, the highest ranking official of the corporation, labor organization, limited liability corporation, or partnership), shall file a certification with the Commission, under penalty of perjury, that a foreign national did not direct, dictate, control, or directly or indirectly participate in the decision making process relating to such activity in violation of subsection (a)(3), unless the chief executive officer has previously filed such a certification during that calendar year.”

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

SEC. 202. CLARIFICATION OF APPLICATION OF FOREIGN MONEY BAN TO CERTAIN DISBURSEMENTS AND ACTIVITIES.

(a) **APPLICATION TO DISBURSEMENTS TO SUPER PACS.**—Section 319(a)(1)(A) of the Federal Election Campaign Act of 1971 (52 U.S.C. 30121(a)(1)(A)) is amended by striking the semicolon and inserting the following: “, including any disbursement to a political committee which accepts donations or contributions that do not comply with the limitations, prohibitions, and reporting requirements of this Act (or any disbursement to or on behalf of any account of a political committee which is established for the purpose of accepting such donations or contributions);”

(b) **CONDITIONS UNDER WHICH CORPORATE PACS MAY MAKE CONTRIBUTIONS AND EXPENDITURES.**—Section 316(b) of such Act (52 U.S.C. 30118(b)) is amended by adding at the end the following new paragraph:

“(8) A separate segregated fund established by a corporation may not make a contribution or expenditure during a year unless the fund has certified to the Commission the following during the year:

“(A) Each individual who manages the fund, and who is responsible for exercising decision-making authority for the fund, is a citizen of the United States or is lawfully admitted for permanent residence in the United States.

“(B) No foreign national under section 319 participates in any way in the decisionmaking processes of the fund with regard to contributions or expenditures under this Act.

“(C) The fund does not solicit or accept recommendations from any foreign national under section 319 with respect to the contributions or expenditures made by the fund.

“(D) Any member of the board of directors of the corporation who is a foreign national under section 319 abstains from voting on matters concerning the fund or its activities.”

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

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

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

“(a) **AUDIT.**—

“(1) **IN GENERAL.**—The Commission shall conduct an audit after each Federal election cycle to determine the incidence of illicit foreign money in such Federal election cycle.

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

“(b) **REPORT.**—Not later than 180 days after the end of each Federal election cycle, the Commission shall submit to Congress a report containing—

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

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

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

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

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

(b) **EFFECTIVE DATE.**—The amendment made by subsection (a) shall apply with respect to the

Federal election cycle that began during November 2018, and each succeeding Federal election cycle.

SEC. 204. PROHIBITION ON CONTRIBUTIONS AND DONATIONS BY FOREIGN NATIONALS IN CONNECTIONS WITH BALLOT INITIATIVES AND REFERENDA.

(a) IN GENERAL.—Section 319(a)(1)(A) of the Federal Election Campaign Act of 1971 (52 U.S.C. 30121(a)(1)(A)) is amended by striking “election” and inserting the following: “election, including a State or local ballot initiative or referendum”.

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

SEC. 205. EXPANSION OF LIMITATIONS ON FOREIGN NATIONALS PARTICIPATING IN POLITICAL ADVERTISING.

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

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

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

“(C) an expenditure;

“(D) an independent expenditure;

“(E) a disbursement for an electioneering communication (within the meaning of section 304(j)(3));

“(F) a disbursement for a communication which is placed or promoted for a fee on a website, web application, or digital application that refers to a clearly identified candidate for election for Federal office and is disseminated within 60 days before a general, special or runoff election for the office sought by the candidate or 30 days before a primary or preference election, or a convention or caucus of a political party that has authority to nominate a candidate for the office sought by the candidate;

“(G) a disbursement for a broadcast, cable or satellite communication, or for a communication which is placed or promoted for a fee on a website, web application, or digital application, that promotes, supports, attacks or opposes the election of a clearly identified candidate for Federal, State, or local office (regardless of whether the communication contains express advocacy or the functional equivalent of express advocacy);

“(H) a disbursement for a broadcast, cable, or satellite communication, or for any communication which is placed or promoted for a fee on an online platform (as defined in section 304(k)(3)), that discusses a national legislative issue of public importance in a year in which a regularly scheduled general election for Federal office is held, but only if the disbursement is made by a covered foreign national described in section 304(j)(3)(C); or

“(I) a disbursement by a covered foreign national described in section 304(j)(3)(C) to compensate any person for internet activity that promotes, supports, attacks or opposes the election of a clearly identified candidate for Federal, State, or local office (regardless of whether the activity communication contains express advocacy or the functional equivalent of express advocacy);”.

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

TITLE III—DETERRING 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.

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

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

“(1) TREATMENT OF OFFER TO SHARE NON-PUBLIC CAMPAIGN MATERIAL AS SOLICITATION OF CONTRIBUTION FROM FOREIGN NATIONAL.—If a candidate or an individual affiliated with the campaign of a candidate, or if a political committee or an individual affiliated with a political committee, provides or offers to provide non-public campaign material to a covered foreign national or to another person whom the candidate, committee, or individual knows or has reason to know will provide the material to a covered foreign national, the candidate, committee, or individual (as the case may be) shall be considered for purposes of this section to have solicited a contribution or donation described in subsection (a)(1)(A) from a foreign national.

“(2) DEFINITIONS.—In this subsection, the following definitions apply:

“(A) The term ‘candidate’ means an individual who seeks nomination for, or election to, any Federal, State, or local public office.

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

“(C) The term ‘individual affiliated with a campaign’ means, with respect to a candidate, an employee of any organization legally authorized under Federal, State, or local law to support the candidate’s campaign for nomination for, or election to, any Federal, State, or local public office, as well as any independent contractor of such an organization and any individual who performs services on behalf of the organization, whether paid or unpaid.

“(D) The term ‘individual affiliated with a political committee’ means, with respect to a political committee, an employee of the committee as well as any independent contractor of the committee and any individual who performs services on behalf of the committee, whether paid or unpaid.

“(E) The term ‘nonpublic campaign material’ means, with respect to a candidate or a political committee, campaign material that is produced by the candidate or the committee or produced at the candidate or committee’s expense or request which is not distributed or made available to the general public or otherwise in the public domain, including polling and focus group data and opposition research, except that such term does not include material produced for purposes of consultations relating solely to the candidate’s or committee’s position on a legislative or policy matter.”.

SEC. 302. CLARIFICATION OF STANDARD FOR DETERMINING EXISTENCE OF COORDINATION BETWEEN CAMPAIGNS AND OUTSIDE INTERESTS.

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

“(10) For purposes of paragraph (7), an expenditure or disbursement may be considered to have been made in cooperation, consultation, or concert with, or coordinated with, a person without regard to whether or not the cooperation, consultation, or coordination is carried out pursuant to agreement or formal collaboration.”.

Subtitle B—Prohibiting Deceptive Practices and Preventing Voter Intimidation

SEC. 311. SHORT TITLE.

This subtitle may be cited as the “Deceptive Practices and Voter Intimidation Prevention Act of 2019”.

SEC. 312. PROHIBITION ON DECEPTIVE PRACTICES IN FEDERAL ELECTIONS.

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

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

“(1) IN GENERAL.—No person”; and

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

“(2) FALSE STATEMENTS REGARDING FEDERAL ELECTIONS.—

“(A) PROHIBITION.—No person, whether acting under color of law or otherwise, shall, within 60 days before an election described in paragraph (5), by any means, including by means of written, electronic, or telephonic communications, communicate or cause to be communicated information described in subparagraph (B), or produce information described in subparagraph (B) with the intent that such information be communicated, if such person—

“(i) knows such information to be materially false; and

“(ii) has the intent to impede or prevent another person from exercising the right to vote in an election described in paragraph (5).

“(B) INFORMATION DESCRIBED.—Information is described in this subparagraph if such information is regarding—

“(i) the time, place, or manner of holding any election described in paragraph (5); or

“(ii) the qualifications for or restrictions on voter eligibility for any such election, including—

“(I) any criminal penalties associated with voting in any such election; or

“(II) information regarding a voter’s registration status or eligibility.

“(3) FALSE STATEMENTS REGARDING PUBLIC ENDORSEMENTS.—

“(A) PROHIBITION.—No person, whether acting under color of law or otherwise, shall, within 60 days before an election described in paragraph (5), by any means, including by means of written, electronic, or telephonic communications, communicate, or cause to be communicated, a materially false statement about an endorsement, if such person—

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

“(ii) has the intent to impede or prevent another person from exercising the right to vote in an election described in paragraph (5).

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

“(i) the statement states that a specifically named person, political party, or organization has endorsed the election of a specific candidate for a Federal office described in such paragraph; and

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

“(4) HINDERING, INTERFERING WITH, OR PREVENTING VOTING OR REGISTERING TO VOTE.—No person, whether acting under color of law or otherwise, shall intentionally hinder, interfere with, or prevent another person from voting, registering to vote, or aiding another person to vote or register to vote in an election described in paragraph (5).

“(5) ELECTION DESCRIBED.—An election described in this paragraph is any general, primary, runoff, or special election held solely or in part for the purpose of nominating or electing a candidate for the office of President, Vice President, presidential elector, Member of the Senate, Member of the House of Representatives, or Delegate or Commissioner from a Territory or possession.”.

(b) PRIVATE RIGHT OF ACTION.—

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

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

“(1) Whenever any person”; and

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

“(2) Any person aggrieved by a violation of subsection (b)(2), (b)(3), or (b)(4) may institute a civil action for preventive relief, including an

application in a United States district court for a permanent or temporary injunction, restraining order, or other order. In any such action, the court, in its discretion, may allow the prevailing party a reasonable attorney's fee as part of the costs."

(2) CONFORMING AMENDMENTS.—

(A) Subsection (e) of section 2004 of the Revised Statutes (52 U.S.C. 10101(e)) is amended by striking "subsection (c)" and inserting "subsection (c)(1)".

(B) Subsection (g) of section 2004 of the Revised Statutes (52 U.S.C. 10101(g)) is amended by striking "subsection (c)" and inserting "subsection (c)(1)".

(c) CRIMINAL PENALTIES.—

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

(A) by striking "Whoever" and inserting the following:

"(a) INTIMIDATION.—Whoever";

(B) in subsection (a), as inserted by subparagraph (A), by striking "at any election" and inserting "at any general, primary, run-off, or special election"; and

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

"(b) DECEPTIVE ACTS.—

"(1) FALSE STATEMENTS REGARDING FEDERAL ELECTIONS.—

"(A) PROHIBITION.—It shall be unlawful for any person, whether acting under color of law or otherwise, within 60 days before an election described in subsection (e), by any means, including by means of written, electronic, or telephonic communications, to communicate or cause to be communicated information described in subparagraph (B), or produce information described in subparagraph (B) with the intent that such information be communicated, if such person—

"(i) knows such information to be materially false; and

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

"(B) INFORMATION DESCRIBED.—Information is described in this subparagraph if such information is regarding—

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

"(ii) the qualifications for or restrictions on voter eligibility for any such election, including—

"(1) any criminal penalties associated with voting in any such election; or

"(2) information regarding a voter's registration status or eligibility.

"(2) PENALTY.—Any person who violates paragraph (1) shall be fined not more than \$100,000, imprisoned for not more than 5 years, or both.

"(c) HINDERING, INTERFERING WITH, OR PREVENTING VOTING OR REGISTERING TO VOTE.—

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

"(2) PENALTY.—Any person who violates paragraph (1) shall be fined not more than \$100,000, imprisoned for not more than 5 years, or both.

"(d) ATTEMPT.—Any person who attempts to commit any offense described in subsection (a), (b)(1), or (c)(1) shall be subject to the same penalties as those prescribed for the offense that the person attempted to commit.

"(e) ELECTION DESCRIBED.—An election described in this subsection is any general, primary, run-off, or special election held solely or in part for the purpose of nominating or electing a candidate for the office of President, Vice President, presidential elector, Member of the Senate, Member of the House of Representatives,

or Delegate or Commissioner from a Territory or possession."

(2) MODIFICATION OF PENALTY FOR VOTER INTIMIDATION.—Section 594(a) of title 18, United States Code, as amended by paragraph (1), is amended by striking "fined under this title or imprisoned not more than one year" and inserting "fined not more than \$100,000, imprisoned for not more than 5 years".

(3) SENTENCING GUIDELINES.—

(A) REVIEW AND AMENDMENT.—Not later than 180 days after the date of enactment of this Act, the United States Sentencing Commission, pursuant to its authority under section 994 of title 28, United States Code, and in accordance with this section, shall review and, if appropriate, amend the Federal sentencing guidelines and policy statements applicable to persons convicted of any offense under section 594 of title 18, United States Code, as amended by this section.

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

(4) PAYMENTS FOR REFRAINING FROM VOTING.—Subsection (c) of section 11 of the Voting Rights Act of 1965 (52 U.S.C. 10307) is amended by striking "either for registration to vote or for voting" and inserting "for registration to vote, for voting, or for not voting".

SEC. 313. CORRECTIVE ACTION.

(a) CORRECTIVE ACTION.—

(1) IN GENERAL.—If the Attorney General receives a credible report that materially false information has been or is being communicated in violation of paragraphs (2) and (3) of section 2004(b) of the Revised Statutes (52 U.S.C. 10101(b)), as added by section 312(a), and if the Attorney General determines that State and local election officials have not taken adequate steps to promptly communicate accurate information to correct the materially false information, the Attorney General shall, pursuant to the written procedures and standards under subsection (b), communicate to the public, by any means, including by means of written, electronic, or telephonic communications, accurate information designed to correct the materially false information.

(2) COMMUNICATION OF CORRECTIVE INFORMATION.—Any information communicated by the Attorney General under paragraph (1)—

(A) shall—

(i) be accurate and objective;

(ii) consist of only the information necessary to correct the materially false information that has been or is being communicated; and

(iii) to the extent practicable, be by a means that the Attorney General determines will reach the persons to whom the materially false information has been or is being communicated; and

(B) shall not be designed to favor or disfavor any particular candidate, organization, or political party.

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

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

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

(3) CONSULTATION.—In developing the procedures and standards under paragraph (1), the Attorney General shall consult with the Election Assistance Commission, State and local election officials, civil rights organizations, voting rights groups, voter protection groups, and other interested community organizations.

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

SEC. 314. REPORTS TO CONGRESS.

(a) IN GENERAL.—Not later than 180 days after each general election for Federal office, the Attorney General shall submit to Congress a report compiling all allegations received by the Attorney General of deceptive practices described in paragraphs (2), (3), and (4) of section 2004(b) of the Revised Statutes (52 U.S.C. 10101(b)), as added by section 312(a), relating to the general election for Federal office and any primary, run-off, or a special election for Federal office held in the 2 years preceding the general election.

(b) CONTENTS.—

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

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

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

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

(D) a description of each referral of an allegation described in subparagraph (A) to other Federal, State, or local agencies;

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

(F) a description of any criminal prosecution instituted under section 594 of title 18, United States Code, as amended by section 3(c), in connection with the receipt of an allegation described in subparagraph (A) by the Attorney General.

(2) EXCLUSION OF CERTAIN INFORMATION.—

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

(B) EXCLUSION OF CERTAIN OTHER INFORMATION.—

The Attorney General may determine that the following information shall not be included in a report submitted under subsection (a):

(i) Any information that is privileged.

(ii) Any information concerning an ongoing investigation.

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

(iv) Any other nonpublic information that the Attorney General determines the disclosure of which could reasonably be expected to infringe on the rights of any individual or adversely affect the integrity of a pending or future criminal investigation.

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

Subtitle C—Inadmissibility and Deportability of Aliens Engaging in Improper Election Interference

SEC. 321. INADMISSIBILITY AND DEPORTABILITY OF ALIENS ENGAGING IN IMPROPER INTERFERENCE IN UNITED STATES ELECTIONS.

(a) INADMISSIBILITY.—Section 212(a)(3) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(3)) is amended by adding at the end the following:

"(H) IMPROPER INTERFERENCE IN A UNITED STATES ELECTION.—Any alien who a consular

officer, the Secretary of Homeland Security, the Secretary of State, or the Attorney General knows, or has reasonable grounds to believe, is seeking admission to the United States to engage in improper interference in a United States election, or has engaged in improper interference in a United States election, is inadmissible.”.

(b) DEPORTABILITY.—Section 237(a) of such Act (8 U.S.C. 1227(a)) is amended by adding at the end the following:

“(B) IMPROPER INTERFERENCE IN A UNITED STATES ELECTION.—Any alien who has engaged, is engaged, or at any time after admission engages in improper interference in a United States election is deportable.”.

(c) DEFINITION.—Section 101(a) of such Act (8 U.S.C. 1101(a)) is amended by adding at the end the following:

“(53) The term ‘improper interference in a United States election’ means conduct by an alien that—

“(A)(i) violates Federal criminal, voting rights, or campaign finance law, or

“(ii) is performed by any person acting as an agent of or on behalf of a foreign government or criminal enterprise; and

“(B) includes any covert, fraudulent, deceptive, or unlawful act or attempted act, undertaken with the purpose or effect of undermining public confidence in election processes or institutions, or influencing, undermining confidence in, or altering the result or reported result of, a general or primary Federal, State, or local election or caucus, including—

“(i) the campaign of a candidate; or

“(ii) a ballot measure, including an amendment, a bond issue, an initiative, a recall, a referendum, or a referendum.”.

TITLE IV—MISCELLANEOUS PROVISIONS

SEC. 401. EFFECTIVE DATES OF PROVISIONS.

Each provision of this Act and each amendment made by a provision of this Act shall take effect on the effective date provided under this Act for such provision or such amendment without regard to whether or not the Federal Election Commission, the Attorney General, or any other person has promulgated regulations to carry out such provision or such amendment.

SEC. 402. SEVERABILITY.

If any provision of this Act or any amendment made by this Act, or the application of a provision of this Act or an amendment made by this Act to any person or circumstance, is held to be unconstitutional, the remainder of this Act, and the application of the provisions to any person or circumstance, shall not be affected by the holding.

The CHAIR. No amendment to that amendment in the nature of a substitute shall be in order except those printed in part B of House Report 116–253. Each such amendment may be offered only in the order printed in the report, by a Member designated in the report, shall be considered read, shall be debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

AMENDMENT NO. 1 OFFERED BY MR. DESAULNIER

The CHAIR. It is now in order to consider amendment No. 1 printed in part B of House Report 116–253.

Mr. DESAULNIER. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 54, insert after line 14 the following:

Subtitle C—Notifying States of Disinformation Campaigns by Foreign Nationals

SEC. 321. NOTIFYING STATES OF DISINFORMATION CAMPAIGNS BY FOREIGN NATIONALS.

(a) REQUIRING DISCLOSURE.—If the Federal Election Commission makes a determination that a foreign national has initiated or has attempted to initiate a disinformation campaign targeted at an election for public office held in a State, the Commission shall notify the State involved of the determination not later than 30 days after making the determination.

(b) DEFINITIONS.—In this section the term “foreign national” has the meaning given such term in section 319(b) of the Federal Election Campaign Act of 1971 (52 U.S.C. 30121(b)).

The CHAIR. Pursuant to House Resolution 650, the gentleman from California (Mr. DESAULNIER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

□ 1545

Mr. DESAULNIER. Mr. Chairman, as the first amendment, I don’t want to belabor many of the points that have been brought up in the general debate by my friend from Illinois and my very good friend from the Bay Area. I do want to say, as someone who has been in elected office in the San Francisco Bay Area for a long time, where so many of the innovations around social platforms and communications have taken place—much of it in Ms. LOFGREN’s district—how proud I have been of them. But how now—appropriately I think—skeptical I am of their ability to unilaterally, or merely by themselves, enforce the proper protections for American democracy. That is why I think this bill and this discussion are so very important.

We know from the Mueller report that 126 million Americans were contacted, either directly or indirectly, just on Facebook by the Russians. We also know the outcome of the Presidential election was based on less than 80,000 votes in three key States in the electoral college. We know that Mr. Mueller said that this was a systematic attempt by the Russians. And we know also that the President’s appointed FBI director has said recently, “Russia attempted to interfere with the last election and continues to engage in malign influence operations to this day. This is a threat we need to take extremely seriously and to tackle and respond to with fierce determination and focus.”

Mr. Chairman, we also have talked a lot, in the last few years, about the role of the Federal Government, State governments, and local communities, and I agree with how diffused our historic relationships are. But here is an instance in my amendment. It is a simple one. It is to give the States and local jurisdictions the information they need to be aware of some of these influences that are afforded by this bill.

My amendment is very simple. It requires that when the FEC is made

aware of credible targeted disinformation campaigns, that affected States must be notified within 30 days. I think that is a fairly simple amendment. I would hope, in the spirit of bipartisanship, my colleagues would agree with that.

Thomas Jefferson famously said that, “We in America do not have government by the majority. We have government by the majority who participate.”

We know that disinformation hurts participation when done effectively, as it was just a short time ago in the recent Presidential election. And we also know that effective oversight and this government’s engagement of both parties at the Federal level, the State level, and the local level, when we are open, honest, and afford transparency to American voters, they will participate at a higher rate and also at a more knowledgeable rate.

It is our responsibility to recognize that disinformation is a threat to the participation that is vital to our continued success as a democracy, and it is our responsibility to act.

Mr. Chairman, I urge my colleagues to support this simple amendment, and I reserve the balance of my time.

Mr. RODNEY DAVIS of Illinois. Mr. Chairman, I rise in opposition to the amendment.

The CHAIR. The gentleman is recognized for 5 minutes.

Mr. RODNEY DAVIS of Illinois. Mr. Chairman, the core function of the Federal Election Commission is to be the independent regulatory agency charged with administering and enforcing Federal campaign finance law. The FEC has jurisdiction over the financing of campaigns for the U.S. House, the Senate, the Presidency, and the Vice Presidency.

We do think States should be notified of disinformation by foreign actors. The FEC is not equipped to investigate, much less make a final determination, that foreign nationals have meddled in an election. This is better left to law enforcement and intelligence agencies.

In one way that they are not equipped is that FEC commissioners do not have the authority to obtain clearances to access certain classified information, which would make it impossible for any commissioner or the FEC to make such a notification to States, not to mention the fact that the FEC chair is too busy attacking the President to spend time on additional notification requirements.

It is also worth noting that the majority of the committee’s position has been that the FEC is dysfunctional, even to the point that they voted to make it a five-member partisan commission in H.R. 1.

The Department of Justice, FBI, DHS, and other national security agencies are better suited to address the problem of foreign meddling in our elections, which is exactly what we allow them to do in the Honest Elections Act—my bill—that I would certainly hope some on the other side of the aisle would cosponsor.

Mr. Chairman, for these reasons, I urge a “no” vote, and I reserve the balance of my time.

Mr. DESAULNIER. Mr. Chairman, I appreciate my friend from Illinois’ baseball metaphor earlier, and I would say that for this metaphor, I disagree. I think his call is wrong.

I think this amendment is a simple strike. As he knows, the bill requires other agencies to give the information to the FEC. They are merely a collector, in many instances, of the information, so they are the appropriate body to disseminate that information.

That is what my amendment does. I don’t disagree or think that it is appropriate to debate the gentleman’s other aspects, which may be true or not, based on his perspective. The amendment is basically consistent with the bill that the information goes here, and it should be disseminated to the States.

Mr. Chairman, I yield back the balance of my time.

Mr. RODNEY DAVIS of Illinois. Mr. Chairman, I appreciate my colleague from California offering an amendment and participating in this process. It is not every time that we have disagreements on not only legislation, but amendments like this.

I believe that this amendment needs to be clarified before it should be put into law. And just as with the SHIELD Act, I believe it should go back to the drawing board and we ought to be able to have more hearings to find out the effect on free speech in the United States of America, but also give us a chance in a bipartisan way to question the social media platforms that we want to work with us to protect this Nation from foreign meddling.

For the reasons I mentioned above and for the reasons that I stated just now, I am going to urge a “no” vote on this amendment.

Mr. Chairman, I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from California (Mr. DESAULNIER).

The amendment was agreed to.

AMENDMENT NO. 2 OFFERED BY MRS. LESKO

The CHAIR. It is now in order to consider amendment No. 2 printed in part B of House Report 116-253.

Mrs. LESKO. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Strike section 313 (and redesignate the succeeding sections accordingly).

The CHAIR. Pursuant to House Resolution 650, the gentlewoman from Arizona (Mrs. LESKO) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Arizona.

Mrs. LESKO. Mr. Chairman, I rise in support of my amendment to H.R. 4617, which would strike from the bill a section that gives the U.S. Attorney General unprecedented power to involve

him or herself in State and local elections. This should be a concern for all Americans as it says Washington knows best when it comes to our local elections.

Not only does this section represent a massive Federal overreach, it is also vague.

For example, the section requires the Attorney General to determine whether State and local election officials have taken “adequate steps” to communicate information to address misinformation.

What are adequate steps? It doesn’t say.

What is misinformation? This bill turns the United States Attorney General into a fact-checker.

This section also requires the Attorney General to communicate to the public “by any means” to address misinformation.

Taken together, this language would grant the United States Attorney General power without guardrails and we, as Congress, should find this concerning.

In addition to the troublesome substance of this section, it also arrived on the floor through a deficient process.

As a member of the Judiciary Committee, I have an interest in ensuring legislation under my committee’s jurisdiction is considered in the Judiciary Committee. This did not happen here.

Despite the request from Judiciary Committee Ranking Member COLLINS, this section of the legislation was not afforded the opportunity of a markup by the Judiciary Committee, despite it having jurisdiction. In fact, this is at least the fourth piece of legislation this year that Ranking Member COLLINS requested to markup but was denied an opportunity by the chairman of the Judiciary Committee.

Because this section is a Federal intrusion into State and local elections and came to the floor through a deficient process, I urge my colleagues to support my amendment to strike this section, and I reserve the balance of my time.

Ms. LOFGREN. Mr. Chairman, I rise in opposition to the amendment.

The CHAIR. The gentlewoman from California is recognized for 5 minutes.

Ms. LOFGREN. Mr. Chairman, I oppose the amendment. I think the amendment strikes what is really a commonsense section of the underlying bill.

Section 313, beginning on page 49, line 11, comes from the Deceptive Practices and Voter Intimidation Act. It first gives deference to State and local officials to combat deceptive practices in their localities if there is a credible report made that materially false information has been communicated to the public regarding Federal elections such as the time, place, or manner of holding an election.

Section 313 provides that the responsibility first falls on State and local of-

ficials to correct the materially false information. It is only if State and local election officials fall short of making a correction that the Attorney General would ensure that voters do not fall victim to deceptive practices.

I don’t believe this is an example of Federal interference or overreach. It is an example of putting to use all levels of government to protect voters in our democracy.

Let’s be clear, section 313 is, at its core, about enhancing transparency and disclosure. The sort of activity we are talking about here is merely providing factual information to voters to ensure they are not deceived, that they are adequately informed, and that they have a fair chance of participating in their democracy.

Section 313, page 51, directs the U.S. Attorney General to work in partnership with the Election Assistance Commission, State and local officials, and others to come up with procedures and standards for how to take corrective action if there is an instance of materially false information regarding voting. It is not just whatever he or she thinks at the time. This is going to be said in advance.

The procedures in the partnership determines exactly how the AG could step in when there is materially false information being spread. The information communicated by the AG also should be designed not to favor or disfavor any particular candidate, organization, or political party.

I think this is an example of how local, State, and Federal levels of government could work together to protect voters in our democracy. This is not an academic issue. We have seen situations where online, or elsewhere, information has been spread to people that certain people—for example, one party or the other—would be allowed to vote on a day that wasn’t election day. Well, that needs to be corrected or people will be disenfranchised if they believe it because they saw it on the internet.

Mr. Chairman, I think, though I am sure well-intended, this amendment is a mistake. I urge its defeat, and I reserve the balance of my time.

Mrs. LESKO. Mr. Chairman, I yield 2 minutes to the gentleman from Illinois (Mr. RODNEY DAVIS), my good friend.

Mr. RODNEY DAVIS of Illinois. Mr. Chairman, I thank my good friend from Arizona (Mrs. LESKO) for yielding.

Mr. Chairman, this amendment is a very well-intended amendment. I agree with my colleague from California that it is a very well-intended amendment that is going to actually correct, I believe, what would be an unintended consequence if this bill were to ever become law.

□ 1600

This section that is being amended today provides unprecedented power to the Attorney General to intercede in Federal races when he or she believes State and local officials have not taken

“adequate steps” to correct “misinformation.”

Madam Chair, the Attorney General is a partisan official. They are not a nonpartisan official. Imagine if Attorney General Barr was given broad authority to take “adequate steps.” This is the language in the bill.

These are the facts, Madam Chair. If Attorney General Barr was given broad authority to take adequate steps in correcting the record in any Democratic districts, imagine that. Imagine the uproar. There would be a public uproar. The same could be said for a Democratic Attorney General.

The section not only gives broad authority to the AG, but it is extremely vague and will also leave State and local election officials struggling to comply with this section.

To make matters worse, we have not heard from a single State or local election official about how this might impact their ability to conduct elections. This is the reason why we have hearings. This is the reason why we call people into Congress to listen to them about the impact of legislation that we are debating in this House.

And we did not have a single hearing before this bill was rushed to the floor. This is not regular order. This is not what the Democratic majority promised when they were given the majority by the American people to run this institution. This is a broken promise that they made to the American people, and I think we need to pass this amendment.

Ms. LOFGREN. Madam Chair, I would note that this bill is supported by a broad spectrum of civil rights groups, including the Leadership Conference on Civil and Human Rights, the NAACP, as well as the Brennan Center for Justice. And there is a reason for that.

A lot of the mischief that goes on to try and prevent people from voting has a racial impact. We have seen the suppression of the vote, the efforts that have been undertaken to suppress the vote through confusion and through lies, where a piece of information would go into a minority community—“the vote is now on Wednesday, not on Tuesday”—so that people will be confused and not show up to vote.

That is simply wrong. We need to take steps that are reasonable, as this is, to confront that.

This bill will help. That is why so many groups support it.

I urge defeat of the amendment, and I yield back the balance of my time.

Mrs. LESKO. Madam Chair, I agree that it is wrong if somebody pulls out false information about an election, like the date or time, but I certainly don't agree that the United States Attorney General should get involved in local elections.

On this bill and other bills, I think there is a fundamental difference between the way some of my Democratic colleagues believe and what fellow Republicans and I believe. They believe

the U.S. Government should know everything and should do everything. I think local control is better, that they know better what is going on.

Madam Chair, I ask my colleagues to support the amendment, and I yield back the balance of my time.

The Acting CHAIR (Ms. DEGETTE). The question is on the amendment offered by the gentlewoman from Arizona (Mrs. LESKO).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mrs. LESKO. Madam Chair, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from Arizona will be postponed.

AMENDMENT NO. 3 OFFERED BY MR. LYNCH

The Acting CHAIR. It is now in order to consider amendment No. 3 printed in part B of House Report 116-253.

Mr. LYNCH. Madam Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 54, insert after line 14 the following:

Subtitle C—Prohibiting Use of Deepfakes in Election Campaigns

SEC. 321. PROHIBITION ON DISTRIBUTION OF MATERIALLY DECEPTIVE AUDIO OR VISUAL MEDIA PRIOR TO ELECTION.

(a) IN GENERAL.—Title III of the Federal Election Campaign Act of 1971 (52 U.S.C. 30101 et seq.), as amended by section 203, is further amended by adding at the end the following new section:

“SEC. 325. PROHIBITION ON DISTRIBUTION OF MATERIALLY DECEPTIVE MEDIA PRIOR TO ELECTION.

“(a) IN GENERAL.—Except as provided in subsections (b) and (c), a person, political committee, or other entity shall not, within 60 days of a election for Federal office at which a candidate for elective office will appear on the ballot, distribute, with actual malice, materially deceptive audio or visual media of the candidate with the intent to injure the candidate's reputation or to deceive a voter into voting for or against the candidate.

“(b) EXCEPTION.—

“(1) REQUIRED LANGUAGE.—The prohibition in subsection (a) does not apply if the audio or visual media includes—

“(A) a disclosure stating: “This _____ has been manipulated.”; and

“(B) filled in the blank in the disclosure under subparagraph (A), the term ‘image’, ‘video’, or ‘audio’, as most accurately describes the media.

“(2) VISUAL MEDIA.—For visual media, the text of the disclosure shall appear in a size that is easily readable by the average viewer and no smaller than the largest font size of other text appearing in the visual media. If the visual media does not include any other text, the disclosure shall appear in a size that is easily readable by the average viewer. For visual media that is video, the disclosure shall appear for the duration of the video.

“(3) AUDIO-ONLY MEDIA.—If the media consists of audio only, the disclosure shall be read in a clearly spoken manner and in a pitch that can be easily heard by the average listener, at the beginning of the audio, at the end of the audio, and, if the audio is greater than two minutes in length, interspersed

within the audio at intervals of not greater than two minutes each.

“(c) INAPPLICABILITY TO CERTAIN ENTITIES.—This section does not apply to the following:

“(1) A radio or television broadcasting station, including a cable or satellite television operator, programmer, or producer, that broadcasts materially deceptive audio or visual media prohibited by this section as part of a bona fide newscast, news interview, news documentary, or on-the-spot coverage of bona fide news events, if the broadcast clearly acknowledges through content or a disclosure, in a manner that can be easily heard or read by the average listener or viewer, that there are questions about the authenticity of the materially deceptive audio or visual media.

“(2) A radio or television broadcasting station, including a cable or satellite television operator, programmer, or producer, when it is paid to broadcast materially deceptive audio or visual media.

“(3) An internet website, or a regularly published newspaper, magazine, or other periodical of general circulation, including an internet or electronic publication, that routinely carries news and commentary of general interest, and that publishes materially deceptive audio or visual media prohibited by this section, if the publication clearly states that the materially deceptive audio or visual media does not accurately represent the speech or conduct of the candidate.

“(4) Materially deceptive audio or visual media that constitutes satire or parody.

“(d) CIVIL ACTION.—

“(1) INJUNCTIVE OR OTHER EQUITABLE RELIEF.—A candidate for elective office whose voice or likeness appears in a materially deceptive audio or visual media distributed in violation of this section may seek injunctive or other equitable relief prohibiting the distribution of audio or visual media in violation of this section. An action under this paragraph shall be entitled to precedence in accordance with the Federal Rules of Civil Procedure.

“(2) DAMAGES.—A candidate for elective office whose voice or likeness appears in a materially deceptive audio or visual media distributed in violation of this section may bring an action for general or special damages against the person, committee, or other entity that distributed the materially deceptive audio or visual media. The court may also award a prevailing party reasonable attorney's fees and costs. This paragraph shall not be construed to limit or preclude a plaintiff from securing or recovering any other available remedy.

“(3) BURDEN OF PROOF.—In any civil action alleging a violation of this section, the plaintiff shall bear the burden of establishing the violation through clear and convincing evidence.

“(e) RULE OF CONSTRUCTION.—This section shall not be construed to alter or negate any rights, obligations, or immunities of an interactive service provider under section 230 of title 47, United States Code.

“(f) MATERIALLY DECEPTIVE AUDIO OR VISUAL MEDIA DEFINED.—In this section, the term ‘materially deceptive audio or visual media’ means an image or an audio or video recording of a candidate's appearance, speech, or conduct that has been intentionally manipulated in a manner such that both of the following conditions are met:

“(1) The image or audio or video recording would falsely appear to a reasonable person to be authentic.

“(2) The image or audio or video recording would cause a reasonable person to have a fundamentally different understanding or impression of the expressive content of the image or audio or video recording than that

person would have if the person were hearing or seeing the unaltered, original version of the image or audio or video recording.”

(b) CRIMINAL PENALTIES.—Section 309(d)(1) of the Federal Election Campaign Act of 1971 (52 U.S.C. 30109(d)(1)), as amended by section 103, is further amended by adding at the end the following new subparagraph:

“(G) Any person who knowingly and willfully commits a violation of section 325 shall be fined not more than \$100,000, imprisoned not more than 5 years, or both.”

(c) EFFECT ON DEFAMATION ACTION.—For purposes of an action for defamation, a violation of section 325 of the Federal Election Campaign Act of 1971, as added by subsection (a), shall constitute defamation per se.

The Acting CHAIR. Pursuant to House Resolution 650, the gentleman from Massachusetts (Mr. LYNCH) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Massachusetts.

Mr. LYNCH. Madam Chair, I yield myself such time as I may consume.

First of all, I thank Ms. LOFGREN for her leadership and her courage and hard work in bringing this important bill to the floor.

My amendment to H.R. 4617, the SHIELD Act, would generally prohibit the use of so-called deepfakes within 60 days of a Federal election.

These digital photo, audio, and video forgeries are generated using artificial intelligence. They appear realistic and are intended to manipulate or deceive their audience.

This amendment also establishes criminal and civil penalties for the malicious use of deepfakes in Federal elections while providing necessary exemptions for broadcasting or publication of deepfake content by news media organizations in satire or parody and other appropriate cases.

As chairman of the National Security Subcommittee of the Oversight and Reform Committee, I can attest to the escalating warnings that we have received from U.S. intelligence community officials and national security experts regarding the use of these deepfake technologies as an emerging tool of foreign election interference.

During our recent hearing to examine election security, government and private-sector panelists testified about the capacity of deepfake technologies to “weaponize” false information on a massive scale. That is because it is already widely accessible, easy to use, low cost, and rapidly evolving.

In reference to the security of the 2020 U.S. Presidential election, FBI Director Christopher Wray has stated that deepfake content is a “topic of great concern,” as Federal intelligence agencies combat the threat of election meddling by foreign adversaries that are intent on developing new ways to perpetuate malign influence operations.

According to the nonpartisan Council on Foreign Relations, deepfakes present “disinformation on steroids” and could easily be deployed to influence an election, spark violence, exacerbate societal divisions, and undermine other democratic institutions.

The Congressional Research Service similarly warns that hostile state actors could release digitally altered videos of government officials or candidates making incendiary comments or engaged in inappropriate behavior to erode public trust, degrade our public discourse, defame particular candidates, and sway elections.

The proliferation of deepfake technologies presents a serious threat to the integrity of U.S. elections, considering that our Nation’s 17 intelligence agencies already determined that our most fundamental democratic process has come under attack by foreign adversaries. With high confidence, the U.S. intelligence community found that Russian President Vladimir Putin ordered an influence campaign aimed at the 2016 election that included clandestine intelligence operations and blatant meddling by state-owned agencies, state-funded media outlets, third-party intermediaries, and paid social media trolls. The final report issued by Special Counsel Robert Mueller augmented this assessment.

According to the “2019 Worldwide Threat Assessment of the U.S. Intelligence Community,” our adversaries will continue refining their interference capabilities and add new tactics to dramatically alter the threat landscape for 2020 and future elections.

In the interest of enhancing election security, campaign law must adapt to these evolving technologies. A prohibition on the use of deepfakes in Federal elections is a great first step in the right direction.

Madam Chair, I urge my colleagues on both sides of the aisle to support this amendment, and I reserve the balance of my time.

Mr. RODNEY DAVIS of Illinois. Madam Chair, I rise in opposition to the amendment, although I am not necessarily opposed it.

The Acting CHAIR. Without objection, the gentleman is recognized for 5 minutes.

There was no objection.

Mr. RODNEY DAVIS of Illinois. Madam Chair, this is a problem. Misinformation, false representation, digitally manipulated images, that is a problem.

What we do in this institution, and the political nature of our jobs, I think we have all been victims of videos that try to provide false information. This has to be addressed.

I believe we need to have some hearings on this issue because it is pretty complicated. And we haven’t had a single hearing with any of the platforms, where many of these videos would be published, before this bill was rushed to the floor.

I agree with my colleague from Massachusetts (Mr. LYNCH) that deepfakes present a unique challenge for Congress to address. I would hate to see a potential solution that is being offered by my good friend put on a partisan bill.

An additional problem I see is that I am not aware of any technology that

can identify which images or video are deepfakes. Perhaps the Committee on Science, Space, and Technology should hold a hearing on this issue as well.

In dealing with this issue, Congress needs to appropriately weigh the First Amendment protections afforded to public speech with the dangerous potential of deepfakes to add further damage to our already polarized climate.

This amendment, like many of these amendments, would be better served to pass through regular order and give the American public a chance to learn about these very important and, at times, recent and troubling issues.

I reserve the balance of my time.

Mr. LYNCH. Madam Chair, I do appreciate the gentleman from Illinois’ thoughtful support for this amendment.

I thank Chair LOFGREN for her leadership again in bringing the SHIELD Act to the floor and working with me on this amendment.

I again urge my colleagues on both sides of the aisle to support this amendment, and I yield back the balance of my time.

Mr. RODNEY DAVIS of Illinois. Madam Chair, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Massachusetts (Mr. LYNCH).

The amendment was agreed to.

AMENDMENT NO. 4 OFFERED BY MR. LEVIN OF MICHIGAN

The Acting CHAIR. It is now in order to consider amendment No. 4 printed in part B of House Report 116–253.

Mr. LEVIN of Michigan. Madam Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 36, insert after line 22 the following:
SEC. 206. PROHIBITING ESTABLISHMENT OF CORPORATION TO CONCEAL ELECTION CONTRIBUTIONS AND DONATIONS BY FOREIGN NATIONALS.

(a) PROHIBITION.—Chapter 29 of title 18, United States Code is amended by adding at the end the following:

“§ 612. Establishment of corporation to conceal election contributions and donations by foreign nationals

“(a) OFFENSE.—It shall be unlawful for an owner, officer, attorney, or incorporation agent of a corporation, company, or other entity to establish or use the corporation, company, or other entity with the intent to conceal an activity of a foreign national (as defined in section 319 of the Federal Election Campaign Act of 1971 (52 U.S.C. 30121)) prohibited under such section 319.

“(b) PENALTY.—Any person who violates subsection (a) shall be imprisoned for not more than 5 years, fined under this title, or both.”

(b) TABLE OF SECTIONS.—The table of sections for chapter 29 of title 18, United States Code, is amended by inserting after the item relating to section 611 the following:

“612. Establishment of corporation to conceal election contributions and donations by foreign nationals.”

The Acting CHAIR. Pursuant to House Resolution 650, the gentleman from Michigan (Mr. LEVIN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Michigan.

Mr. LEVIN of Michigan. Madam Chair, my bipartisan amendment cracks down on foreign influence in our elections.

I would like to begin by thanking my friend and coauthor of this amendment, Ranking Member MCCAUL, with whom I have the great privilege of serving on the House Foreign Affairs Committee, as well as my colleagues cosponsoring this amendment, especially Representatives ROUDA, SLOTKIN, and SPEIER.

I also thank Chairwoman LOFGREN for her inspiring leadership and for working with me on this provision.

I came to Congress to strengthen our democracy, and that is the fundamental purpose of this truly bipartisan amendment that I am proposing today.

Current campaign finance laws prohibit foreign nationals from making campaign contributions or conducting political activity. But because of a loophole, there is no law specifically preventing foreign nationals from setting up a shell corporation or company to hide illegal political activity.

Our bipartisan amendment will nail that loophole shut by prohibiting foreign nationals from funneling money through shell companies to engage in political activity in America.

We must keep our democratic process safe from all bad actors, including foreign actors, and strengthen the integrity of our elections. That is what this amendment does.

Specifically, this amendment will make it a felony for an owner, officer, attorney, or incorporated agent of a corporation, company, or other entity to establish or use the corporation, company, or other entity with the intent to conceal the political activities of foreign actors.

Put simply, passing our amendment will ensure serious consequences for anyone who starts or operates a shell company, or anyone who helps start or operate a shell company, for the purpose of concealing political activities of bad foreign actors.

I am proud to partner with the gentleman from Texas in proposing this bipartisan amendment to defend our elections against foreign interference. Our elections are a sacred cornerstone of our democracy, and we must do everything in our power to protect them.

I urge my colleagues to support this amendment.

I am particularly pleased to yield 1 minute to the gentleman from California (Mr. ROUDA), my good friend.

Mr. ROUDA. Madam Chair, I thank my friend from Michigan, Representative LEVIN, for yielding.

Madam Chair, preventing foreign election interference is a bipartisan issue. This amendment is proof of that

statement. I am proud to support this amendment, a commonsense measure to close a loophole that is allowing illegal political spending by foreign nationals in United States elections.

In the 2016 election, millions of Americans saw and engaged with political advertisements paid for by foreign nationals. Last year, Facebook CEO Mark Zuckerberg confirmed in sworn testimony before Congress that foreign nationals were purchasing campaign ads and issue ads through American shell companies.

As elected officials, we took an oath to defend the Constitution of the United States of America against both foreign and domestic adversaries and threats. That includes the cornerstone of our democracy, free and fair elections.

□ 1615

This amendment and the underlying bill seek to end a dangerous and well-documented form of foreign election interference.

I thank Representatives LEVIN and MCCAUL for offering this important amendment, and I look forward to continuing to work with them to address this critical issue.

Mr. RODNEY DAVIS of Illinois. Madam Chair, I claim the time in opposition, although I am not opposed to this amendment.

The Acting CHAIR. Without objection, the gentleman is recognized for 5 minutes.

There was no objection.

Mr. RODNEY DAVIS of Illinois. Madam Chair, I support this amendment.

I want to thank my colleagues, Mr. LEVIN, Ranking Member MCCAUL, Mr. ROUDA, Ms. SPEIER, and Ms. SLOTKIN, for offering this very thoughtful amendment. I would like to note that, even though the issue of using shell corporations to make contributions is covered under the existing straw donor prohibition, I do believe more clarity is needed on this issue.

Madam Chair, I want to thank my colleagues. I am prepared to close, and I reserve the balance of my time.

Mr. LEVIN of Michigan. Madam Chair, I will close by thanking the gentleman from Illinois for his kind words on this. We really have worked hard as a team. It is a truly bipartisan effort.

Madam Chair, I yield back the balance of my time.

Mr. RODNEY DAVIS of Illinois. Madam Chair, I thank, again, my good friend from the great State of Michigan for offering this amendment.

The only thing that I wish could have happened is I wish we could have had some hearings on this bill so that we could have brought experts in on shell corporations that are making straw donor donations to Federal campaigns that are already prohibited so we could find out the best way to ensure that doesn't happen in the future, especially from nefarious foreign actors.

Madam Chair, I urge a "yes" vote on this amendment, and I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Michigan (Mr. LEVIN).

The amendment was agreed to.

AMENDMENT NO. 5 OFFERED BY MR. LANGEVIN

The Acting CHAIR. It is now in order to consider amendment No. 5 printed in part B of House Report 116-253.

Mr. LANGEVIN. Madam Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 28, insert after line 12 the following:
SEC. 118. INDEPENDENT STUDY ON MEDIA LITERACY AND ONLINE POLITICAL CONTENT CONSUMPTION.

(a) INDEPENDENT STUDY.—Not later than 30 days after the date of enactment of this Act, the Federal Election Commission shall commission an independent study and report on media literacy with respect to online political content consumption among voting-age Americans.

(b) ELEMENTS.—The study and report under subsection (a) shall include the following:

(1) An evaluation of media literacy skills, such as the ability to evaluate sources, synthesize multiple accounts into a coherent understanding of an issue, understand the context of communications, and responsibly create and share information, among voting-age Americans.

(2) An analysis of the effects of media literacy education and particular media literacy skills on the ability to critically consume online political content, including political advertising.

(3) Recommendations for improving voting-age Americans' ability to critically consume online political content, including political advertising.

(c) DEADLINE.—Not later than 270 days after the date of enactment of this Act, the entity conducting the study and report under subsection (a) shall submit the report to the Commission.

(d) SUBMISSION TO CONGRESS.—Not later than 30 days after receiving the report under subsection (c), the Commission shall submit the report to the Committee on House Administration of the House of Representatives and the Committee on Rules and Administration of the Senate, together with such comments on the report as the Commission considers appropriate.

(e) DEFINITION OF MEDIA LITERACY.—The term "media literacy" means the ability to—

(1) access relevant and accurate information through media;

(2) critically analyze media content and the influences of media;

(3) evaluate the comprehensiveness, relevance, credibility, authority, and accuracy of information;

(4) make educated decisions based on information obtained from media and digital sources;

(5) operate various forms of technology and digital tools; and

(6) reflect on how the use of media and technology may affect private and public life.

The Acting CHAIR. Pursuant to House Resolution 650, the gentleman from Rhode Island (Mr. LANGEVIN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Rhode Island.

Mr. LANGEVIN. Madam Chair, I yield myself such time as I may consume.

Madam Chair, it is quite evident that our democracy is under attack from concerted foreign influence campaigns, and online disinformation is one of our enemies' most potent weapons.

Starting in 2013, Russian operatives associated with the Internet Research Agency waged a robust and systematic influence campaign on Facebook, Instagram, and Twitter that reached millions of users in the United States.

These operatives used political advertisements and falsified news articles and other content in an attempt to deceive social media users, widen our political and social divisions, and weaken our confidence and participation in the democratic process.

Their efforts, particularly surrounding the 2016 election, were disturbingly successful.

About 60 percent of Americans who prefer getting their news through social media say they have shared false information. Additionally, public confidence in our democracy is low, and we are perhaps more polarized than ever before.

With the 2020 elections right around the corner, we must act now to build up our resilience to these efforts and ensure Americans are informed, critical consumers of online content. Voters must view online political advertising with a discerning eye and be able to make educated decisions based on the content that they consume.

This amendment, Madam Chair, to the SHIELD Act would direct the FEC to commission a study on Americans' media literacy skills, including the ability to critically evaluate sources and responsibly share information. It would require a report on the impact of media literacy education on how Americans consume and understand online political content, with a focus on political advertisements. The study would also include recommendations to improve voters' resilience to disinformation.

A functioning democracy depends on informed citizens who can responsibly participate in the political process, and the unquestioning consumption and sharing of disinformation online undermines the integrity of this system. My amendment will help shed light on the skills Americans need to resist these malicious campaigns.

Renee Hobbs, the director of Media Education Lab in Rhode Island and a professor at the University of Rhode Island, puts it plainly:

"Learning to recognize and resist propaganda and disinformation is an essential dimension of education in a digital age. After all, it is the only long-term strategy that embodies our country's vital democratic traditions of robust dialogue and debate in the marketplace of ideas."

Professor Hobbs is right, and as more and more Americans rely on social media to get their news, media literacy is becoming ever more important.

Madam Chair, I urge my colleagues to support my amendment so we can explore how best to build up our citizens' resilience to foreign online influence campaigns.

Madam Chair, I reserve the balance of my time.

Mr. RODNEY DAVIS of Illinois. Madam Chair, I claim the time in opposition to this amendment.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. RODNEY DAVIS of Illinois. Madam Chair, I yield myself such time as I may consume.

Madam Chair, I thank my colleague, Mr. LANGEVIN, for offering this amendment. As good a friend as he is, it somewhat pains me to have to stand up and be opposed to it.

Again, the FEC, the Federal Election Commission, is the independent regulatory agency charged with administering and enforcing the Federal campaign finance law. They have jurisdiction over the financing of campaigns for us here in the House, our colleagues in the Senate, the President, and the Vice President. They are not the fake news police, much to the chagrin of the current FEC Chair.

This amendment requires an independent report from the FEC, and I am not convinced that the FEC Chair is capable of issuing any independent report, any independent guidance, or any independent legal interpretations; and, frankly, I don't think she is capable of offering any independent tweets.

I think it is worth noting that every single House Democrat voted to make the FEC a partisan agency earlier this Congress in H.R. 1 and has lamented how dysfunctional they believe the FEC is. If the FEC were a partisan agency, would we want them determining which news was fake news and which news was legitimate?

I agree we need to understand and improve media literacy with respect to political content in this country, but the FEC is not the entity to lead that endeavor.

Let's take a look at the danger of overregulating online ads and misinterpreting political content. The ad I have behind me and the ones behind it are already being labeled as political ads on Facebook. These came straight from the Facebook ad library.

First off, we have my favorite. As the proud dad of two Yorkies at home in Taylorville, Illinois, this political ad for hotdogcollars.com would allow me to get my two Yorkies some new dog collars. I don't know—except maybe the American flag dog collar—how political that is.

Next up is the very political ad Facebook is now categorizing under current law and under their current regulations as a political ad—Pizza Crave. Hey, it is Halloween season, it is almost upon us, \$10 pizza pies. I don't know why that is categorized as political, but it is.

Do we really want the FEC to figure out that they are the agency to correct that? No. Facebook ought to correct it.

Lastly, Stone Bridge Pizza & Salad: We always crave the classic—obviously a political ad. I don't know anybody who would eat pizza like that, but clearly this is not a political ad.

I think we need to take a step back. We need to realize that the current FEC that is dysfunctional is the last place for independent review of anything. We need to make sure that the FEC does its job in a nonpartisan way.

Madam Chair, we need to vote "no" on this amendment, and I reserve the balance of my time.

Mr. LANGEVIN. Madam Chair, may I inquire how much time I have remaining?

The Acting CHAIR. The gentleman from Rhode Island has 2 minutes remaining.

Mr. LANGEVIN. Madam Chair, if only my colleague had actually read and understood the bill, he would know that it is an independent study. I think that would make a difference in how, perhaps, he felt about the bill.

Madam Chair, I yield 1 minute to the gentlewoman from Michigan (Ms. SLOTKIN).

Ms. SLOTKIN. Madam Chair, I rise today in support of this amendment to the SHIELD Act, the digital citizenship and media literacy amendment.

We have said it before. No matter who we are, Democrats, Republicans, or Independents, we should all agree that we don't want foreigners manipulating our citizens, sowing discord in our society, and playing in our political process.

We know that foreign entities continue to target social media ads and disinformation at voters, particularly in swing States like mine, Michigan. These ads are horrible. They seek to divide us and influence our political process.

The Senate Select Committee on Intelligence released a bipartisan report late last month and said that the public needs to be informed and both understand and identify disinformation that is critical to preventing foreign influence. This means our citizens, and especially our kids, need to have the tools to spot this disinformation.

In this new age of digital warfare, we need education. Education is critical. This study helps us get at this so that we can all understand how to identify propaganda and flag it.

Mr. RODNEY DAVIS of Illinois. Madam Chair, I yield myself such time as I may consume.

Madam Chair, I appreciate the comments from my good friend from Michigan. I, too, am in a swing district. We don't want misinformation.

To address comments made by my good friend from Rhode Island, I understand that what the gentleman is asking for is an independent report. I don't believe the FEC can offer an independent assessment of anything right now.

Madam Chair, you have an FEC that is completely dysfunctional. You have a Chair of the FEC who is doing nothing but taking partisan shots at our

President. That is not what the FEC should be.

The FEC is incapable of offering any independent review of anything. That is my concern. That is why I believe if we could work together and come up with a more viable solution to get a true independent study, I think we could do that.

Madam Chair, I am ready to close, and I reserve the balance of my time.

Mr. LANGEVIN. Madam Chair, I yield myself the balance of my time to close.

Madam Chair, to address my colleague's point, again, it is not the FEC that is going to do the study. It is an independent study that will be done, be commissioned to be concluded, and that would be the final product, not the FEC.

So, with that, Russia's election interference efforts in 2016 were sweeping and damaging, and we know that social media was one of their greatest weapons. As the 2020 elections approach, and for future elections, we must ensure that our citizens are resilient to foreign influence companies by arming them with the skills to be critical consumers of online political content.

I urge my colleagues to support my amendment to study media literacy and its impact on American voters—again, an independent study that will be commissioned.

Madam Chair, I yield back the balance of my time.

Mr. RODNEY DAVIS of Illinois. Madam Chair, to clarify, I don't think the FEC is capable of actually commissioning an independent study. I would be happy to work with the gentleman from Rhode Island to find another agency that we believe could offer a fair assessment.

Madam Chair, I will urge a "no" vote on this amendment for those reasons, and I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Rhode Island (Mr. LANGEVIN).

The amendment was agreed to.

□ 1630

AMENDMENT NO. 6 OFFERED BY MR. SWALWELL OF CALIFORNIA

The Acting CHAIR. It is now in order to consider amendment No. 6 printed in part B of House Report 116-253.

Mr. SWALWELL of California. Madam Chair, I have an amendment at the desk, No. 6, made in order under the rule.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 3, line 15, insert "and each immediate family member of a candidate" after "each candidate".

Page 4, line 9, insert "an immediate family member of the candidate," after "a candidate,".

Page 7, line 9, strike the closing quotation mark and the second period.

Page 7, insert after line 9 the following:

"(4) IMMEDIATE FAMILY MEMBER.—In this subsection, the term 'immediate family member' means, with respect to a candidate, a parent, parent-in-law, spouse, adult child, or sibling."

The Acting CHAIR. Pursuant to House Resolution 650, the gentleman from California (Mr. SWALWELL) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

Mr. SWALWELL of California. Madam Chair, I yield myself such time as I may consume.

Madam Chair, I rise in support of the underlying bill and my amendment, which would include a candidate's immediate family members to those whose direct or indirect contacts or communications with a foreign national may amount to a reportable foreign contact.

I also think it is very fitting that we are doing this legislation in the same week that we will honor Oversight and Reform Committee Chairman, Elijah Cummings, someone who I have had the privilege of not only working with but being represented by when I was a law student in Baltimore.

But Elijah, the gentleman from Maryland, and I worked to write the Protecting Our Democracy Act immediately after the Russian interference campaign.

Every member of the Democrat Caucus and members from the Republican Caucus signed on to that. I still believe that is the best way to address what the Russians did in 2016 and to harden our systems so they don't do it again.

But I believe that this effort, the SHIELD Act, led by Chairwoman ZOE LOFGREN will go a very, very long way in protecting our elections, and I thank the chairwoman for her leadership in this effort.

American elections should be decided by Americans. Ms. LOFGREN's bill will go a long way to stopping secret foreign attempts to influence our democracy, as we saw in 2016.

We know that as a part of Russia's attack on us, it purchased social media advertisements.

Madam Chair, 3,500 advertisements on political or public policy topics were purchased using rubles. To combat this conduct, I had introduced in May, H.R. 2853, the Corporate Duty to Report Act. Part of my bill would require companies distributing political communications, including social media companies, to take the small but important step in at least asking if the purchaser is a foreign national. I thank Chairwoman LOFGREN for including this concept in the SHIELD Act.

We also learned in June 2016 that Donald Trump, Jr., was told over email that the Russian Government was offering "official documents and information that would incriminate Hillary and her dealings with Russia," which was, "part of Russia and its government support for Mr. Trump."

Don Jr., replied in part, "If it's what you say, I love it, especially later in

the summer." Then he accepted the offer of assistance. He told a lot of people about the offer, including his brother-in-law and the chairman of the campaign, he had a meeting around the offer, but he never told law enforcement.

This is the part of the honor code that most candidates in America follow. It is just the right thing to do. Unfortunately, Donald Trump, Jr.'s conduct highlights that we have to take parts of the honor code that good people usually just follow and codify them into law.

I wrote the Duty to Report Act last Congress with Senator RICHARD BLUMENTHAL, who sponsored it in the Senate, that also would include immediate family members, not just the candidate to tell law enforcement, but the parent, parent-in-law, spouse, adult child, or sibling.

I am afraid that someone like Don Jr., who didn't have an official role in the Trump campaign, would not be included in the SHIELD Act as written, and that is the reason I am offering this amendment.

Madam Chair, I ask for support on my amendment, and I reserve the balance of my time.

Mr. RODNEY DAVIS of Illinois. Madam Chair, I rise in opposition to this amendment.

The Acting CHAIR. The gentleman from Illinois is recognized for 5 minutes.

Mr. RODNEY DAVIS of Illinois. Madam Chair, this amendment amends the underlying duty to report section.

The goal of this underlying section is something I share with my friend across the aisle. If a foreign national would approach me with an offer of assistance in my campaign, I would absolutely alert the FBI.

My colleague from California mentions an instance with the President's son. I mean, clearly, I know that he and my Democratic colleagues, they look at this, this is not about what is going to happen to many of the colleagues here, because, likely, we are never going to be approached by a foreign national. But if we are, I think we all agree, it is a pretty bipartisan consensus, we would call the FBI.

This is a partisan attack on the President. But rarely are instances as blatant as what I mentioned before about being contacted and I would call the FBI. What this underlying section is asking of political committees is for them to serve as immigration officials, where they will be in a position to determine the citizenship of anyone that their campaign comes into contact with.

But, again, I believe through bipartisan negotiations, we could make this work. The underlying duty to report section was already vague to begin with, and adding in additional parties, as this amendment does, that must comply only adds to our concern that we are setting up campaign committees, as well as their families, we are setting them up for failure.

It is also worth noting that this amendment would affect family members the candidate has no control over. My family members own fast food restaurants. So are they going to have to ask—if this becomes law—every customer if they are a foreign national representing a foreign government?

Do they have a duty to report?

That is something that needs to be clarified.

We have to do a little bit more work. I think we can work this out, but again, the secretive nature of how this bill was written and forced onto the floor with zero hearings doesn't give us a chance, or frankly, the majority a chance to ask these questions and address our concerns.

Madam Chair, I would urge a "no" vote, and I reserve the balance of my time.

Mr. SWALWELL of California. Madam Chair, I yield myself the balance of my time.

I appreciate the gentleman's concerns and I accept that the gentleman would report, if he was contacted by a foreign national. And I want to clarify, in the legislation under section (c)(1), the term is covered, "foreign national," which means a foreign principal who would fall subject to the Foreign Agents Registration Act. So it is not an immigrant. It is not any person born outside the United States. It is someone acting on behalf of a foreign agent.

And it also has a "knowing standard," meaning that you would have to have some knowledge that this person is acting on behalf of a foreign agent. And the Donald Trump, Jr., example, it was represented that the individuals were working with the prosecutor general of Russia, so clearly, that would be notice that this is on behalf of a foreign agent.

Now, I also want to just point out that, yes, there is an honor code that we all follow, and I believe most of my colleagues would tell the FBI. And, of course, in 2000, when the Gore campaign received debate prep materials for the Bush campaign, the Gore campaign went to the FBI because it was provided by a foreign national.

However, what we learned in 2016 is not everyone is as honorable, and so we have to codify this. And I do believe that we will be judged by what we do as our democracy has been tested. And not only what we do, but what we learn from the vulnerabilities that have been exposed.

And that is why I think it is so important that Ms. LOFGREN's legislation is voted for and passed on this floor, and that we include this amendment to make sure it is not just candidates, but also the family members.

Madam Chair, I yield back the balance of my time.

Mr. RODNEY DAVIS of Illinois. Madam Chair, I agree with my colleague from California. We will be judged on how we actually impact foreign interference in our elections. We

will be judged on the chilling effect to free speech that this legislation, if put into law, would have on our system that is so much different from those nefarious countries and leaders who want to meddle in our election process.

But my point earlier still stands. I agree that somebody who would fall under FARA, the Foreign Agent Registration Act, would be the ones that we would have a duty to report, if they came to our campaign. But at the same time, how do we know? Are they going to wear a badge that says, Hey, I am a FARA-registered individual from another country, and I am coming to talk to you since you are a Member of Congress in a political campaign?

I mean, am I going to have my kids who are in college, am I going to have to have them ask everyone they come into contact with, "Are you registered under the Foreign Agent Registration Act in Washington, D.C., because I have a duty to report."

How are we going to know? That is why we have to take a step back. We have to sit down. We have to work this together. There are too many unintended consequences that, yes, Madam Chair, we will be judged by in this country. We will be judged by the freedoms and the freedom of speech that many in this country take for granted, that we should stand together, Republicans and Democrats, to protect, or we will be judged by bad legislation that could be turned into law that could have a chilling effect on these freedoms, on these liberties that our adversaries that meddle in our elections want to use to take them away from every single American.

Vote "no" on this amendment. Vote to protect free speech and vote to take a step back to clarify how we work to ensure that no foreign entity can interfere with our elections again.

Madam Chair, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from California (Mr. SWALWELL).

The amendment was agreed to.

AMENDMENT NO. 7 OFFERED BY MR. BROWN OF MARYLAND

The Acting CHAIR. It is now in order to consider amendment No. 7 printed in part B of House Report 116-253.

Mr. BROWN of Maryland. Madam Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 3, line 11, insert after "foreign contact," the following: "The Federal Bureau of Investigation, not later than 1 week after receiving a notification from a political committee under this paragraph, shall submit to the political committee, the Permanent Select Committee on Intelligence of the House of Representatives, and the Select Committee on Intelligence of the Senate written or electronic confirmation of receipt of the notification."

Page 11, insert after line 23 the following (and redesignate the succeeding section):

SEC. 104. REPORT TO CONGRESSIONAL INTELLIGENCE COMMITTEES.

(a) IN GENERAL.—Not later than one year after the date of enactment of this Act, and annually thereafter, the Director of the Federal Bureau of Investigation shall submit to the congressional intelligence committees a report relating to notifications received by the Federal Bureau of Investigation under section 304(j)(1) of the Federal Election Campaign Act of 1971 (as added by section 101(a) of this Act).

(b) ELEMENTS.—Each report under subsection (a) shall include, at a minimum, the following with respect to notifications described in subsection (a):

(1) The number of such notifications received from political committees during the year covered by the report.

(2) A description of protocols and procedures developed by the Federal Bureau of Investigation relating to receipt and maintenance of records relating to such notifications.

(3) With respect to such notifications received during the year covered by the report, a description of any subsequent actions taken by the Director resulting from the receipt of such notifications.

(c) CONGRESSIONAL INTELLIGENCE COMMITTEES DEFINED.—In this section, the term "congressional intelligence committees" has the meaning given that term in section 3 of the National Security Act of 1947 (50 U.S.C. 3003).

The Acting CHAIR. Pursuant to House Resolution 650, the gentleman from Maryland (Mr. BROWN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Maryland.

Mr. BROWN of Maryland. Madam Chair, I yield myself such time as I may consume.

Madam Chair, I want to recognize, first, the hard work of Chairwoman LOFGREN. Your hard work and your leadership on this important issue and the underlying bill. It is clear that our foreign adversaries have and will continue to interfere and influence our elections and attempt to erode confidence in our government and destroy our democratic system.

The Mueller report made clear that the Russian Government interfered in the 2016 Presidential election in a sweeping and systematic fashion. And Mr. Mueller testified earlier this year that many more countries have developed misinformation campaigns since 2016 targeted at the United States, our democracy, and our system of elections.

Facebook on Monday disclosed that it had taken down four new foreign interference operations originating from Iran and Russia. Soliciting or accepting foreign interference doesn't just violate our democratic norms; it clearly violates our laws.

Yet, in June, President Trump said there would be nothing wrong with accepting from a foreign government incriminating information about an opponent and saw no reason—the President saw no reason—to call the FBI if it were to happen.

He went one step further and said it was wrong for FBI Director Chris Wray to say that public officials or campaigns should contact the FBI if they

are contacted by other nations seeking to influence or interfere with our elections.

The President's remarks mirrored one given by his son-in-law, Jared Kushner, who also said he was not sure he would call the FBI if a foreign government offered damaging information about a political foe.

That is why it is critical that we pass this legislation, to protect the integrity of our elections.

The underlying bill requires public officials, candidates, and campaigns to report to the FBI when foreign governments and their agents contact them and holds them responsible when they fail to report.

Madam Chair, my amendment strengthens this legislation by requiring the FBI to confirm receipt of any notification of possible foreign interference operations.

Additionally, the FBI must also notify both the House and Senate Intelligence Committees guaranteeing that Congress, as a coequal branch of government, is made aware when foreign agents and hostile nations are attempting to undermine our democracy.

Finally, my amendment would require the FBI to submit an annual report to Congress related to all the notifications it has received and the corresponding actions the Bureau has taken in response.

The FBI cannot be passive to these threats to our national security but must take decisive action to respond to election interference.

Madam Chair, I strongly encourage my colleagues to support this amendment and this underlying bill, and I yield back the balance of my time.

Mr. RODNEY DAVIS of Illinois. Madam Chair, I rise in opposition to this amendment.

The Acting CHAIR. The gentleman from Illinois is recognized for 5 minutes.

Mr. RODNEY DAVIS of Illinois. Madam Chair, the provision this section seeks to amend has problems in and of itself. I object to this amendment because I object to the underlying premise of the bill. It is unreasonable to require candidates to vet every foreign national they come into contact with.

I understand that this bill requires that candidates know or have reason to know that foreign nationals are covered. My question is: Would not any government employee, such as those that work at an embassy, be covered under this bill? Wouldn't a conversation with a traffic officer or embassy clerk be subject to penalties under this section?

I absolutely believe that campaigns should have to report offers of assistance from foreign nationals. The issue with this bill and, thus, this amendment, is that it is overbroad and puts the responsibility on campaigns. Campaigns are ill-prepared to interpret this language.

I am also concerned that requiring the FBI to not only notify Congress,

but detail how they are managing and responding to notifications from political committees will inevitably lead to selective leaks and will politicize the well-intended goal of preventing foreign influence.

Madam Chair, for those reasons, I oppose this bill. And since my colleague yielded back, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Maryland (Mr. BROWN).

The amendment was agreed to.

AMENDMENT NO. 8 OFFERED BY MR. DELGADO

The Acting CHAIR. It is now in order to consider amendment No. 8 printed in part B of House Report 116-253.

Mr. DELGADO. Madam Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 33, line 7, strike "and"

Page 33, insert after line 7 the following (and redesignate the succeeding provision accordingly):

"(2) an analysis of the extent to which illicit foreign money was used to carry out disinformation and propaganda campaigns focused on depressing turnout among rural communities and the success or failure of these efforts, together with recommendations to address these efforts in future elections; and"

The Acting CHAIR. Pursuant to House Resolution 650, the gentleman from New York (Mr. DELGADO) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New York.

□ 1645

Mr. DELGADO. Madam Chair, I yield myself such time as I may consume.

Today, I rise in support of my amendment to the SHIELD Act, which is meant to keep foreign influences from depressing voter turnout in rural communities.

Protecting our democracy and upholding the sanctity of our elections is of critical importance.

Madam Chair, the SHIELD Act is urgently needed legislation. Americans will go to the polls in a matter of weeks, and every day, we are presented with more data that our foreign adversaries are working to influence our elections and undermine our democracy.

These destructive tactics, as we have seen in previous election cycles, continue to get more sophisticated, with outside parties now manipulating our elections through the ballot box, social media, and spreading misinformation.

My amendment fights against these tactics and requires an analysis, following each Federal election, into whether or not illicit foreign money was used to carry out disinformation or propaganda campaigns focused on depressing turnout among rural communities.

The amendment also requires a breakdown of the successes or failures

of these efforts and recommendations for how we can address these tactics in future elections.

Americans in rural communities face many hurdles to exercising the right to vote, including the distance to the nearest poll. We cannot add additional hurdles of foreign disinformation and its influence on voter turnout.

There is nothing more important than protecting our democracy and ensuring every American has the ability to vote and the opportunity to make their voices heard.

Madam Chair, I urge my colleagues to support this amendment, and I reserve the balance of my time.

Mr. RODNEY DAVIS of Illinois. Madam Chair, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from Illinois is recognized for 5 minutes.

Mr. RODNEY DAVIS of Illinois. Madam Chair, I, too, like my colleague from New York, represent a district with a very large rural population. I want to see rural turnout as high as possible.

But the mission of the FEC is to administer and enforce Federal campaign finance law. I mean, if this becomes law, along with some of the other previous amendments and amendments after this, I don't know when the FEC is going to have any time to actually enforce campaign finance violations that are happening right now. The FEC is not equipped to receive all these mandates from Congress.

This is an extremely important job, a job some on the Commission, including the Chair, are ignoring by spending all their time attacking the President. I think we need to let the FEC focus on their day job.

There are many groups, within and outside government, that could produce a report on misinformation, such as the U.S. Commission on Civil Rights, maybe even the Brennan Center. Let's let them do it.

Help us help the FEC to be able to do the job that we have required it to do.

Madam Chair, I reserve the balance of my time.

Mr. DELGADO. Madam Chair, I would note to my friend that in order for the FEC to enforce the law as you suggest, which I certainly believe they ought to, it would help if they would have the data and the information to do so and to be able to track down attempts to break the law.

This would be exactly what we are trying to do with this amendment. To speculate on who might—when, where, and how—be able to do this is a waste of time when we know at this point that we are under siege.

Madam Chair, I reserve the balance of my time.

Mr. RODNEY DAVIS of Illinois. Madam Chair, I look forward to working with my colleague from New York to address many issues regarding rural America. I would love to be able to sit down and find a workable solution.

The problem is, the solution that is being offered in this amendment is going to be tacked on to a bill that is never going to become law. So we are either going to talk about amendments that are going to remain talking points or we can sit down together and work in a bipartisan fashion to get a law passed that is going to have the impact that my colleague from New York and I want it to have.

Let's sit down, without having to write the rules that the FEC would have to follow. Let's work together and send a letter to the U.S. Commission on Civil Rights. Let's send a letter to the Brennan Center and see if they can study it.

Why do we have to wait so long? This is a much easier way to address the problem that I think he and I agree ought to be addressed. Let's do that.

When this bill passes on a partisan rollcall today and goes nowhere when it moves into the Senate, let's commit to working together to see what we can do to get this done because rural America is too important to be affected by partisanship here in Washington, D.C.

Madam Chair, I reserve the balance of my time.

Mr. DELGADO. Madam Chair, I would be more than happy to work with my colleague to do whatever we can to deal with protecting our elections and ensuring that they remain free and fair.

As I am sure the gentleman understands, representing a rural district, too many folks in our communities are being left behind, and they should not be left behind in the least bit when it comes to the sanctity of our elections.

While we might be in a position where, unfortunately, partisanship gets in the way of these issues, I will note that to simply say these things won't become law is part of the problem. I think it is also important to deconstruct why these things are not making their way into law in the first place.

When people become overly partisan in this environment, we are at an impasse, unfortunately. I am here to work beyond that.

Madam Chair, I reserve the balance of my time.

Mr. RODNEY DAVIS of Illinois. Madam Chair, again, I agree with my colleague. This place becomes overly partisan. This entire process, this bill, with zero hearings in the House Administration Committee before it was forced to markup through our committee, without us to have a chance to ask experts what they can and cannot do to address many of the problems that my colleague from New York actually offers solutions for, that is the problem of partisanship.

We can't just blame the Senate. I was told by many of my colleagues on the other side of the aisle when we were in the majority, "So what if the Senate is not going to pass it? We ought to work together in the House." I agreed then, and I agree now. We ought to find solutions.

Unfortunately, partisanship has overtaken this process. The unfortunate result of that is that good ideas like the one my colleague has are going to stop in their tracks when this amendment passes on a partisan rollcall vote for this amendment, and then it is not going to be signed into law.

Again, I can't wait to work with my colleague on finding a way to get this information into the right hands and have those who can study it without having to go through a dysfunctional Federal Election Commission and also have them study why we had historic turnout not just in urban America but in rural America during the 2018 midterms. Let's talk about what we have done right to make sure that voters have a chance to get to the polls at historic turnout numbers like we saw during the 2018 election cycle, which allowed many of my colleagues to get elected to this institution.

Madam Chair, I urge a "no" vote on this amendment. I look forward to working with my colleague in the future to address the problem of access and voter access in rural America, and I yield back the balance of my time.

Mr. DELGADO. Madam Chair, I would like to note, to bring the discussion back full circle, when my friend says that the FEC is dysfunctional but began this conversation saying that it has the responsibility to enforce election laws, those two points don't really go hand in hand.

I think it is important that if we are going to make the FEC able and capable of enforcing the laws that we know are critical to protecting our democracy, then we should operate on the assumption of how we could make the FEC as functional as possible and give the FEC data and information to achieve its stated purpose.

I thank Chairwoman LOFGREN for her leadership on this issue and urge my colleagues on both sides of the aisle to put the protection of our democracy over partisan division and pass both my amendment and the underlying bill.

Madam Chair, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from New York (Mr. DELGADO).

The amendment was agreed to.

AMENDMENT NO. 9 OFFERED BY MS. HOULAHAN

The Acting CHAIR. It is now in order to consider amendment No. 9 printed in part B of House Report 116-253.

Ms. HOULAHAN. Madam Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 40, insert after line 6 the following:
SEC. 303. PROHIBITION ON PROVISION OF SUBSTANTIAL ASSISTANCE RELATING TO CONTRIBUTION OR DONATION BY FOREIGN NATIONALS.

Section 319 of the Federal Election Campaign Act of 1971 (52 U.S.C. 30121), as amended by section 117, section 201(a), section 201(b), and section 301, is further amended—

(1) in subsection (a)—

(A) by striking "or" at the end of paragraph (2);

(B) by striking the period at the end of paragraph (3) and inserting "; or"; and

(C) by adding at the end the following:
“(4) a person to knowingly provide substantial assistance to another person in carrying out an activity described in paragraph (1), (2), or (3).”; and

(2) by adding at the end the following new subsections:

“(f) KNOWINGLY DESCRIBED.—

“(1) IN GENERAL.—For purposes of subsection (a)(4), the term ‘knowingly’ means actual knowledge, constructive knowledge, awareness of pertinent facts that would lead a reasonable person to conclude there is a substantial probability, or awareness of pertinent facts that would lead a reasonable person to conduct a reasonable inquiry to establish—

“(A) with respect to an activity described in subsection (a)(1), that the contribution, donation, expenditure, independent expenditure, or disbursement is from a foreign national;

“(B) with respect to an activity described in subsection (a)(2), that the contribution or donation solicited, accepted, or received is from a foreign national; and

“(C) with respect to an activity described in subsection (a)(3), that the person directing, dictating, controlling, or directly or indirectly participating in the decision making process is a foreign national.

“(2) PERTINENT FACTS.—For purposes of paragraph (1), pertinent facts include, but are not limited to, that the person making the contribution, donation, expenditure, independent expenditure, or disbursement, or that the person from whom the contribution or donation is solicited, accepted, or received, or that the person directing, dictating, controlling, or directly or indirectly participating in the decision making process—

“(A) uses a foreign passport or passport number for identification purposes;

“(B) provides a foreign address;

“(C) uses a check or other written instrument drawn on a foreign bank, or by a wire transfer from a foreign bank, in carrying out the activity; or

“(D) resides abroad.

“(g) SUBSTANTIAL ASSISTANCE DEFINED.—As used in this section, the term ‘substantial assistance’ means, with respect to an activity prohibited by paragraph (1), (2), or (3) of subsection (a), involvement with an intent to facilitate successful completion of the activity.”.

The Acting CHAIR. Pursuant to House Resolution 650, the gentleman from Pennsylvania (Ms. HOULAHAN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Pennsylvania.

Ms. HOULAHAN. Madam Chairwoman, I yield myself such time as I may consume.

I thank Chairwoman LOFGREN today for having supported such an amazing body of work and for also supporting this amendment.

I rise today in support of my amendment to H.R. 4617, which helps secure our elections by holding Americans who help foreigners funnel money into our elections more accountable.

Throughout our history, people have fought for the right to vote, and our men and women in uniform have died to protect that right. Being an American is a privilege, and the right for

every American to cast their ballot is sacred. It is part of our duty, and it is part of our duty in Congress, to protect that right. That is why I am encouraging my colleagues on both sides of the aisle to support my amendment.

Foreign money in our elections is an assault on the American electorate and on the democracy that our forefathers built. Americans who help foreign actors meddle in our elections must be held accountable under the law.

To vote against my amendment is, therefore, to condone the actions of Americans who act against the interests of our country and who help foreigners undermine our elections.

I believe I speak for my colleagues on both sides of the aisle when I say this body is committed to defending our country's democratic processes. This need not be partisan because there is nothing more fundamentally American than protecting our most sacred right, the right to vote, from all foreign interference.

Madam Chair, I reserve the balance of my time.

Mr. RODNEY DAVIS of Illinois. Madam Chair, I rise in opposition, although I am not opposed to this amendment.

The Acting CHAIR. Without objection, the gentleman from Illinois is recognized for 5 minutes.

There was no objection.

Mr. RODNEY DAVIS of Illinois. Madam Chair, I thank my good friend from the great State of Pennsylvania for offering this amendment.

However, I would like to add, this is an incredibly wonky amendment to an already complicated, convoluted, and confusing bill. I don't think you should have to be a high-powered campaign finance attorney to understand what is at stake in terms of election security.

The issue of foreign nationals meddling in elections can be resolved more simply by passing my bill, the Honest Elections Act. My bill does not have to empower the FEC, an already—I have said, and I hope my colleagues agree—pretty dysfunctional agency.

If they didn't believe it was dysfunctional, they wouldn't have voted, in H.R. 1, to make it a partisan agency. If they think it is great now, why did they try to make it into an even more partisan agency?

So, I think we all agree it is dysfunctional. We may have different reasons why.

But my bill doesn't empower a dysfunctional FEC to address the problem of foreign nationals meddling in our elections. My bill empowers the Department of Justice, which has jurisdiction over enforcing the Foreign Agents Registration Act. That is a better option.

Clearly, I am not going to get an option because this bill was brought to the floor without any hearings, without any opportunity for us to have input, and that is a problem. That is a problem with legislating in this institution.

That is a broken promise that this Democratic majority made to the voters who sent them here and put them in the majority. They said they were going to do things differently, right? I heard from my colleagues on the other side of the aisle, in my terms before this one, how things were ramrodded through, how regular order wasn't followed, how they weren't given a chance to sit down and come up with solutions. Well, I find it ironic that the success story we have of the Republican majority in the 115th Congress of investing \$380 million in election security funds, where we saw historic turnout in the 2018 midterms—we saw historic turnout, and we saw success.

That is what a Republican majority gave. The Democrat majority, they have given us hearings—well, wait, no. No hearings before this bill was put to the floor, that is a problem.

I really want to say thank you to my colleague from Pennsylvania for offering this amendment. It is a common-sense amendment. But, again, the FEC is not the place. I am not going to be opposed to this amendment. The DOJ is the place.

Madam Chair, I am going to make sure I reserve my time. If I had a challenge flag, I thought my colleague last time yielded back, but I believe the judgment from the referees up there was that he did not yield back. Maybe we could check the replay a little later, so I will go ahead and reserve this time.

Madam Chair, I reserve the balance of my time.

Ms. HOULAHAN. Madam Chair, I will take it as the deepest compliment from my colleague, Mr. DAVIS, that he says that my amendment is wonky since I believe that is our responsibility here in Congress, to legislate and to develop good policy.

I will also take that back to the working group that was a bipartisan working group that developed this amendment with me, the bipartisan Task Force Sentry, which really worked very hard to find a way to make sure that we would codify what was already being practiced by the FEC.

This doesn't give the FEC any more power. It simply gives the power to us to be able to actually criminalize people by defining what it means to support foreign interference.

I believe that this amendment does speak for itself, and I am very, very grateful for the compliments of how this is a policy wonk's dream. I will go ahead and interpret the gentleman's words.

I very much would encourage Americans to understand why we need to prevent funneling foreign money into our elections.

Madam Chair, I yield back the balance of my time.

Mr. RODNEY DAVIS of Illinois. Madam Chair, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gen-

tlewoman from Pennsylvania (Ms. HOULAHAN).

The amendment was agreed to.

□ 1700

AMENDMENT NO. 10 OFFERED BY MS. SLOTKIN

The Acting CHAIR. It is now in order to consider amendment No. 10 printed in part B of House Report 116-253.

Ms. SLOTKIN. Madam Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 54, insert after line 14 the following:

Subtitle C—Assessment of Exemption of Registration Requirements Under FARA for Registered Lobbyists

SEC. 321. ASSESSMENT OF EXEMPTION OF REGISTRATION REQUIREMENTS UNDER FARA FOR REGISTERED LOBBYISTS.

Not later than 90 days after the date of the enactment of this Act, the Comptroller General of the United States shall conduct and submit to Congress an assessment of the implications of the exemption provided under the Foreign Agents Registration Act of 1938, as amended (22 U.S.C. 611 et seq.) for agents of foreign principals who are also registered lobbyists under the Lobbying Disclosure Act of 1995 (2 U.S.C. 1601 et seq.), and shall include in the assessment an analysis of the extent to which revisions in such Acts might mitigate the risk of foreign government money influencing elections or political processes in the United States.

The Acting CHAIR. Pursuant to House Resolution 650, the gentlewoman from Michigan (Ms. SLOTKIN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Michigan.

Ms. SLOTKIN. Madam Chair, I rise today in support of an amendment to the SHIELD Act, which takes a step toward solving a tough, complicated, outstanding challenge in preventing foreign influence in our elections, and that is closing loopholes that currently allow lobbyists of foreign governments to contribute to U.S. campaigns.

Again, no matter who we are or what party we are from, we can all agree that we don't want foreigners playing in our political process.

I am very proud that the SHIELD Act includes legislation—we have discussed it earlier—that closes loopholes so that foreigners cannot buy ads for or against a candidate in an American election. That idea was very simple. Particularly on social media, this is important.

So why, then, if we are not letting foreign entities buy ads in our political process is it okay that lobbyists for foreign governments are able to contribute to candidates, campaigns, and otherwise influence U.S. elections?

There is some work to be done on this. It is, admittedly, complicated. But in order to properly close these loopholes, we need to first understand what those loopholes are and how they impact foreign entities' ability to influence our elections.

My amendment directs the Government Accountability Office to assess

existing law to identify loopholes in FARA, the Foreign Agents Registration Act, and then recommend the right legislative fixes.

The SHIELD Act does a great deal to meet the threat of foreign influence and interference with robust legislative responses. This amendment will help us continue that work and get us closer to a solution to an outstanding vulnerability in our system.

Madam Chair, I urge my colleagues to support this amendment, and I reserve the balance of my time.

Mr. RODNEY DAVIS of Illinois. Madam Chair, I rise in opposition, although I am supportive of this amendment.

The Acting CHAIR. Without objection, the gentleman from Illinois is recognized for 5 minutes.

There was no objection.

Mr. RODNEY DAVIS of Illinois. Madam Chair, I just want to say to my colleague from the great State of Michigan, thank you.

Finally—finally—we have a study that is not too wonky, a perfect amount of wonkiness, that is going to go through an agency that is going to give us an unbiased review: the GAO.

Thank you, thank you, thank you, thank you. Pass this amendment.

Madam Chair, I yield back the balance of my time.

Ms. SLOTKIN. Madam Chair, I am just shocked because I have them running, jumping up and down over there.

I continue to think that the gentleman from Illinois doesn't understand that when he calls our bills wonky and our amendments wonky, we are deeply proud of that over here. I am thrilled that he is supportive.

There actually is a bipartisan agreement on the need to reform FARA, as reflected, I think, by Senator GRASSLEY's bipartisan bill, very similar language.

I am thrilled. I thank the gentleman for his support and for jumping up and down, giving us a little energy.

Madam Chair, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from Michigan (Ms. SLOTKIN).

The amendment was agreed to.

AMENDMENT NO. 11 OFFERED BY MS. SHERRILL

The Acting CHAIR. It is now in order to consider amendment No. 11 printed in part B of House Report 116-253.

Ms. SHERRILL. Madam Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 41, line 1, strike "60" and insert "90".

Page 42, line 11, strike "60" and insert "90".

Page 45, line 20, strike "60" and insert "90".

The Acting CHAIR. Pursuant to House Resolution 650, the gentlewoman from New Jersey (Ms. SHERRILL) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from New Jersey.

Ms. SHERRILL. Madam Chair, I rise today to offer an amendment to strengthen protections from deceptive practices in Federal elections.

We know that in the lead-up to the 2016 election, our adversaries employed multiple systematic efforts to spread disinformation and sow confusion among American voters. In one particularly egregious example, Russian bots used social media to mislead voters and tell them that they could "vote from home" by simply texting a code or going online.

On the eve of the 2018 election, Facebook deleted many accounts—including those with links to the Russian Government—that were engaged in coordinated, deceptive behavior.

Today, we know that our adversaries are not only working to hijack our political system just before an election, they are interfering in our democracy on a continuous basis.

Madam Chair, election security is not about Democrats or Republicans. Election security is about all Americans coming together to defend our shared democracy—our democracy—enshrined in our Constitution.

I have prioritized election security since arriving in Washington 10 months ago. As chairwoman of the House Science Subcommittee on Investigations and Oversight, I held a hearing on disinformation and the threat posed by online imposters and deep fakes.

I have worked with a group of colleagues on both sides of the aisle on election security, and we have heard over and over again from experts on the need for more robust protections to combat this new era of coordinated disinformation efforts.

As a proud Representative of the great State of New Jersey, I will always defend our right as Americans to have a spirited debate, particularly when it comes to what matters to us in the run-up to our elections.

One of the things I love about my district is, while we don't always agree on the path forward, we agree on the need for honest and respectful debate. That is what our democracy is all about. It is what I signed up to defend when I joined the United States Navy.

So it is essential that we stand together as Americans to strengthen our laws and to ensure that our foreign adversaries are not able to dictate the outcomes of our elections.

I offer this amendment to prohibit any attempts to deceive voters 90 days before a Federal primary and general elections. This includes knowingly providing false information about the time or place of voting, what qualifications a voter must have in order to vote, or public endorsements of candidates.

Expanding the provisions in the Deceptive Practices and Voter Intimidation Act from 60 days before an election to 90 days will better protect our democracy from hostile foreign actors

trying to disrupt the voices and votes of Americans. It also protects against longstanding efforts to disenfranchise communities of color, women, and other marginalized groups.

In my home State of New Jersey, early voting can occur up to 45 days before an election. In fact, 39 States across the country have some form of early voting. That is why we need this critical amendment to extend protections and prohibit disinformation before any American casts their ballot.

I urge my colleagues to pass this important amendment, safeguard our democracy, and ensure that the American people, not our foreign adversaries, determine the results of our elections.

Madam Chair, I reserve the balance of my time.

Mr. RODNEY DAVIS of Illinois. Madam Chair, I rise in opposition to this amendment.

The Acting CHAIR. The gentleman from Illinois is recognized for 5 minutes.

Mr. RODNEY DAVIS of Illinois. Madam Chair, I appreciate my new colleague from New Jersey offering this amendment and participating in this process. I look to work with her and many of my colleagues when the majority party finally comes to the table and wants to put a bipartisan solution together.

Everyone here is against deceptive practices. This includes providing false information about the time or place of voting and qualifications for voting.

But the underlying section here presents numerous questions because of its vagueness. Some of the situations this would apply to seem pretty ridiculous.

Do you want to know how ridiculous this section of the SHIELD Act is? Let's talk about public endorsements.

Recently, former Secretary of State Hillary Clinton said about current Presidential candidate, our colleague, Congresswoman TULSI GABBARD:

I think the Russians have got their eye on somebody and are grooming her to be a third-party candidate. She's a favorite of the Russians.

So Secretary Clinton is suggesting the Russians endorse Congresswoman GABBARD. Is that not a false endorsement? Would Hillary Clinton not be subject to 5 years in prison according to this section if this bill were passed?

Let the RECORD show, nobody is chanting "Lock her up."

This is another ridiculous section of the bill. It is not surprising, given the warp speed with which this bill is being rushed to the floor.

I have to commend my colleague from New Jersey because this amendment is right about the amount of wonkiness that we need in amendments and pieces of legislation.

But I will stand here and say, as a Member of this institution, that we can never get so wonky with our jobs and our writing of bills that it has a chilling effect on the First Amendment

rights to free speech that every American in this country deserves.

Madam Chair, I reserve the balance of my time.

Ms. SHERRILL. Madam Chair, I yield back the balance of my time.

Mr. RODNEY DAVIS of Illinois. Madam Chair, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from New Jersey (Ms. SHERRILL).

The amendment was agreed to.

AMENDMENT NO. 12 OFFERED BY MR. CUNNINGHAM

The Acting CHAIR. It is now in order to consider amendment No. 12 printed in part B of House Report 116-253.

Mr. CUNNINGHAM. Madam Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 33, line 7, strike “and”

Page 33, insert after line 7 the following (and redesignate the succeeding provision accordingly):

“(2) an analysis of the extent to which illicit foreign money was used to carry out disinformation and propaganda campaigns focused on depressing turnout among African-American and other minority communities and the success or failure of these efforts, together with recommendations to address these efforts in future elections; and”.

The Acting CHAIR. Pursuant to House Resolution 650, the gentleman from South Carolina (Mr. CUNNINGHAM) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from South Carolina.

Mr. CUNNINGHAM. Madam Chair, I rise today in support of my straightforward, commonsense amendment which would specifically examine how illicit foreign money was used to carry out disinformation and propaganda campaigns focused on depressing turnout among African American and other minority communities and the success or failure of these efforts during our recent elections. This amendment would also call for recommendations to address these concerns in future elections.

Republicans and Democrats agree that foreign adversaries should never be allowed to sow discord in our political system and interfere with our electoral process. Unfortunately, in the last two elections, we saw massive misinformation campaigns launched by hostile foreign powers, and we know—we know—those efforts disproportionately targeted African American communities.

Last May, the House Judiciary Committee released a trove of over 3,500 Facebook ads posted by Russia-linked accounts between 2014 and 2017. In 2015, for instance, Kremlin-backed accounts tweeted and retweeted dozens of messages manipulating the tragic mass shooting at the predominantly African American Mother Emanuel AME Church in downtown Charleston. Ads

like this reached over 11.4 million people.

Russia has sought to influence our democratic process by stoking racial, religious, and political differences, and this has had real consequences. African American turnout declined in 2016 for the Presidential election for the first time in 20 years, according to the U.S. Census Bureau, falling to less than 60 percent, from a record high of 66.6 percent in 2012.

Election security is not a partisan issue; it is essential to our democracy; and Americans deserve to have the confidence of knowing the information they seek hasn’t been manipulated by foreign adversaries.

Our next elections are quickly approaching, so the time to show the world that we stand united on election security is now. I ask all my colleagues, Republicans and Democrats alike, to support this amendment to protect against foreign interference in America’s elections.

Madam Chair, I reserve the balance of my time.

Mr. RODNEY DAVIS of Illinois. Madam Chair, I rise in opposition, although I am not necessarily opposed.

The Acting CHAIR. Without objection, the gentleman from Illinois is recognized for 5 minutes.

There was no objection.

Mr. RODNEY DAVIS of Illinois. Madam Chair, I have had the opportunity to travel the country with my friend and colleague Congresswoman MARCIA FUDGE on the subject of the Voting Rights Act.

We have heard testimony that minority turnout across the board was higher than ever: Hispanic and Asian communities jumped 13 points above the turnout levels in 2014 when compared to the 2018 election cycle; this last midterm, in 2018, African American turnout jumped 11 points.

I hope this trend continues, and I hope we see increased minority turnout in our upcoming elections.

Madam Chair, I reserve the balance of my time.

Mr. CUNNINGHAM. Madam Chair, in closing, I urge both Democrats and Republicans to support this commonsense amendment to prevent malicious misinformation and propaganda campaigns from targeting African American and other minority communities.

Madam Chair, I yield back the balance of my time.

Mr. RODNEY DAVIS of Illinois. Madam Chair, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from South Carolina (Mr. CUNNINGHAM).

The amendment was agreed to.

AMENDMENT NO. 13 OFFERED BY MR. CUNNINGHAM

The Acting CHAIR. It is now in order to consider amendment No. 13 printed in part B of House Report 116-253.

Madam Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 33, line 7, strike “and”

Page 33, insert after line 7 the following (and redesignate the succeeding provision accordingly):

“(2) an analysis of the extent to which illicit foreign money was used to carry out disinformation and propaganda campaigns focused on influencing military and veteran communities and the success or failure of these efforts, together with recommendations to address these efforts in future elections; and”.

The Acting CHAIR. Pursuant to House Resolution 650, the gentleman from South Carolina (Mr. CUNNINGHAM) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from South Carolina.

□ 1715

Mr. CUNNINGHAM. Madam Chair, today I rise in support of my amendment to help protect our Nation’s veterans and servicemembers from targeted disinformation campaigns bankrolled by foreign governments.

Earlier this month the Republican-led Senate Intelligence Committee released its report on Russia’s attempts to interfere with the 2016 U.S. Presidential election. In that report, the committee described how Russian-influenced operatives created fake online personas to target specific groups, including veterans, with the goal of sowing discord in the American political system.

To that end, operatives created social media pages impersonating congressionally-chartered veteran service organizations, or VSOs, to push their divisive message. In one such case, a page impersonating Vietnam Veterans of America run by a troll farm in Bulgaria grew to nearly 200,000 followers before it was shut down.

After learning of this illicit account, VVA launched their own 2-year investigation into the issue, and they found more than 150 similar efforts across every major social media platform.

And while I think their actions are reprehensible, I have to admit that their approach makes sense. Numerous studies have shown that veterans vote at higher rates than those who haven’t served. And those votes are especially concentrated in swing states. In my South Carolina district, veterans make up nearly 13 percent of the voting population, so I for one prefer my chances against a fellow American, rather than a campaign run out of a troll farm in Saint Petersburg.

Joking aside, it is unacceptable that we are allowing those same men and women who have served our Nation overseas to be susceptible to these malign influences. That is why I am proud to support the underlying bill, which would prohibit foreign governments from sponsoring influenced campaigns designed to affect the outcome of a Federal election.

But since we know that foreign adversaries aren't interested in playing by our own rules, my amendment would require the FEC to investigate those foreign influence campaigns after each election so we can put a stop to them.

Madam Chair, I reserve the balance of my time.

Mr. RODNEY DAVIS of Illinois. Madam Chair, I claim the time in opposition to the amendment, even though I am not opposed to it.

The Acting CHAIR. Without objection, the gentleman from Illinois is recognized for 5 minutes.

There was no objection.

Mr. RODNEY DAVIS of Illinois. Madam Chair, as much as I would like to have some fun with my good friend and colleague from South Carolina and oppose this amendment and have great debate back and forth, it is a pretty darn good amendment.

I think we need to do everything we can in a bipartisan way to make sure that our Nation's heroes have the right to vote not only here at home, but abroad.

I look forward to working with you—after this bill that will pass today on a partisan roll call but will go nowhere—to make sure that our Nation's heroes are not adversely affected by any propaganda or any attempts to stop them from exercising that right.

Madam Chair, I reserve the balance of my time.

Mr. CUNNINGHAM. Madam Chair, in closing, I want to thank Chairwoman LOFGREN for her leadership on the House Administration Committee and all the members of the committee for their work on this critical legislation. I also want to thank Chairman MCGOVERN and the members of the Rules Committee for allowing my amendments to come to the floor. I want to thank my colleague, Mr. DAVIS, across the aisle for his work. And I hope that all my colleagues on both sides of the aisle will join me in supporting my straightforward, commonsense amendment, as well as the underlying bill.

Madam Chair, I yield back the balance of my time.

Mr. RODNEY DAVIS of Illinois. Madam Chair, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from South Carolina (Mr. CUNNINGHAM).

The amendment was agreed to.

AMENDMENT NO. 14 OFFERED BY MS.
SPANBERGER

The Acting CHAIR. It is now in order to consider amendment No. 14 printed in part B of House Report 116-253.

Ms. SPANBERGER. Madam Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 23, line 8, strike “and a list” and insert “a list”.

Page 23, line 11, strike the period and insert the following: “, and, if the person pur-

chasing the advertisement is acting as the agent of a foreign principal under the Foreign Agents Registration Act of 1938, as amended (22 U.S.C. 611 et seq.), a statement that the person is acting as the agent of a foreign principal and the identification of the foreign principal involved.”.

The Acting CHAIR. Pursuant to House Resolution 650, the gentlewoman from Virginia (Ms. SPANBERGER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Virginia.

Ms. SPANBERGER. Madam Chair, I rise in support of my amendment to H.R. 4617, the SHIELD Act.

Today the House is discussing and debating how we can safeguard the integrity of our elections, the bedrock of our democracy. How do we protect our electoral systems from foreign threats? And how do we prevent foreign influence over our electorate?

As we stand here today, the number of countries engaged in active campaigns to mislead the electorate, the American people continues to grow. According to a new report from the University of Oxford, the number of countries engaged in disinformation campaigns has more than doubled in the last 2 years. Additionally, at least seven countries have used their intelligence or military apparatuses to deploy disinformation on social media to influence a foreign country and its people.

As a former intelligence officer, I recognize the risks that these potential attacks, yes, attacks, pose as we head into the next year's Federal, State, and local elections. There is a legitimate fear across our intelligence community that foreign governments will build on Russia's extensive information warfare strategy. Foreign actors from Russia to China to North Korea to Iran are eager to undermine the foundations of our democracy.

Leading up to the 2016 Presidential election Facebook disclosed that it had found more than \$100,000 worth of ads on divisive issues purchased by a Russian company linked to the Kremlin, and the potential return on investment is extremely high. As we approach 2020, they have every reason to follow this playbook again and to strengthen their disinformation operations.

In the context of these threats, we need to take a serious look at how we build resiliency against foreign interference on social media platforms. Digital advertising can be a far less expensive and time intensive as a tool for propaganda, and it can spread disinformation, confusion, hate, and division at an alarming rate.

The SHIELD Act takes real steps to require large online platforms to keep records of qualified political advertisements, and I would like to thank my colleagues for their hard work on this critical issue.

The SHIELD Act would require online companies to keep publicly available records about online digital political advertisements. It would require

information about the contents of a specific advertisement, its target audience, and the issue it addresses.

Additionally, it would require disclosure information about those purchasing the advertisement. Disclosure sheds light on corruption. It unmask influence. And it stops our democracy from becoming vulnerable to foreign governments, nonstate actors, and shadowy influence groups constantly working to distract and mislead the American people. My amendment would strengthen this disclosure requirement.

My amendment would add that online platforms need to include a statement when the person purchasing a political advertisement is acting as the agent of a foreign principal.

Not only would it include language making it clear that they are acting on behalf of a foreign entity, but it would require the online platform to identify the foreign principal involved. That principal could be a foreign government, a foreign political party or a nonstate actor.

Fundamentally, my amendment to the SHIELD Act would put the power back in the hands of the American people. It would help address a critical underlying question, who is in charge of deciding American elections? Is it those abroad, working to divide and influence the American people? Or is it the American people themselves?

By requiring online records of purchase requests that include public information on the foreign principal behind these advertisements, the American people will be able to see clearly who is attempting to influence their decisions.

As Congress acts today to restore the trust of those we serve in our system of government, my amendment would strengthen our efforts to prevent the spread of foreign influence in our democratic system.

I urge my colleagues to support my amendment to H.R. 4617 to increase transparency in online advertisements, something that should not be controversial.

Madam Chair, I reserve the balance of my time.

Mr. RODNEY DAVIS of Illinois. Madam Chair, I rise in opposition to this amendment.

The Acting CHAIR. The gentleman from Illinois is recognized for 5 minutes.

Mr. RODNEY DAVIS of Illinois. Madam Chair, I thank my colleague from Virginia for offering this amendment, but this amendment shares the same flaw as the main text of the bill, putting media platforms in charge of enforcing our Nation's laws.

They are not doing a good job right now. I don't know if Mr. Zuckerberg is still across the street testifying in front of the Financial Services Committee, but if they were doing a good job, he wouldn't have been here so long.

Rather, we need to strengthen FARA and help the Department of Justice do

its job. I do not understand why the Democrats want the social media companies to have more responsibilities when they failed miserably in 2016.

I strongly urge a “no” vote. I also urge every Member, both Republicans and Democrats, to take a look at my bill. It is a nonpartisan bill.

I don’t want to empower the media platforms or restrict speech by American citizens. I want to give the DOJ the resources to do its job

Madam Chair, I reserve the balance of my time

Ms. SPANBERGER. Madam Chair, the purpose of this amendment is, in fact, to ensure that the American people are aware when an agent of a foreign principal under FARA parameters purchases a political advertisement. We, as Members of Congress, have the ability to set the parameters under which the transparency and information is available to the American public. And in doing so, we need to make sure that not only do the American people know when there is a foreign individual purchasing advertisements meant to influence them, but when someone else is purchasing those advertisements on behalf of a foreign entity as described by FARA.

Madam Chair, I reserve the balance of my time.

Mr. RODNEY DAVIS of Illinois. Madam Chair, I appreciate the gentlewoman’s willingness to want to help fix a bill where the underlying bill is one that we never had a chance to have an open debate about, never had a chance to have hearings about.

When it doesn’t pass, I look forward to working with my colleagues. When it doesn’t pass into law—it will pass here on a partisan roll call—when it doesn’t pass into law, I look forward to working with my colleagues.

But I do have a bill that would address this situation. FARA, let’s work together to let the DOJ have the resources and the ability to do their job. The SHIELD Act is not allowing that to happen. The Honest Elections Act, my bill, will allow that to happen. I would urge everybody to take a look at that.

Madam Chair, I reserve the balance of my time

Ms. SPANBERGER. Madam Chair, I also support increasing the enforcement of FARA. But this, in particular, is about transparency and the transparency that it brings as it relates to the underlying aspect of the Honest Ads Act, which is a bipartisan bill, Republicans and Democrats in equal amounts. This is about transparency. This is about allowing the American people to know who, in fact, is purchasing the ads that are meant to influence them.

Madam Chair, I yield back the balance of my time.

Ms. SPANBERGER. Madam Chair, I also support increasing the enforcement of FARA.

But this, in particular, is about transparency and the transparency that it brings as it relates to the underlying aspect of the Honest Ads Act, which is a bipartisan bill, Republicans and Democrats in equal amounts. This is about transparency. This is about allowing the American people to know who, in fact, is purchasing the ads that are meant to influence them.

Madam Chair, I yield back the balance of my time.

Mr. RODNEY DAVIS of Illinois. Madam Chair, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gen-

tlewoman from Virginia (Ms. SPANBERGER).

The amendment was agreed to.

AMENDMENT NO. 2 OFFERED BY MRS. LESKO

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, the unfinished business is the request for a recorded vote on amendment No. 2 printed in part B of House Report 116–253 offered by the gentlewoman from Arizona (Mrs. LESKO) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 180, noes 231, not voting 26, as follows:

[Roll No. 581]

AYES—180

Abraham
Aderholt
Allen
Amash
Arrington
Babin
Bacon
Baird
Balderson
Banks
Barr
Bergman
Biggs
Bishop (NC)
Bishop (UT)
Bost
Brady
Brooks (AL)
Brooks (IN)
Buchanan
Buck
Bucshon
Budd
Burchett
Burgess
Byrne
Calvert
Carter (GA)
Carter (TX)
Chabot
Cheney
Cline
Cloud
Cole
Comer
Conaway
Cook
Crawford
Crenshaw
Curtis
Davidson (OH)
Davis, Rodney
DesJarlais
Diaz-Balart
Duncan
Dunn
Emmer
Ferguson
Fleischmann
Flores
Fortenberry
Foxy (NC)
Fulcher
Gaetz
Gallagher
Gianforte
Gibbs
Gohmert
Gonzalez (OH)
Gooden
Gosar
Granger
Graves (GA)
Graves (LA)
Graves (MO)
Green (TN)
Griffith
Guest
Guthrie
Hagedorn
Harris
Hartzler
Hern, Kevin
Herrera Beutler
Hice (GA)
Higgins (LA)
Hill (AR)
Holding
Hollingsworth
Hudson
Huizenga
Hunter
Hurd (TX)
Johnson (LA)
Johnson (OH)
Johnson (SD)
Jordan
Joyce (OH)
Katko
Kelly (MS)
King (IA)
King (NY)
Kinzinger
Kustoff (TN)
LaHood
LaMalfa
Lamborn
Latta
Lesko
Long
Loudermilk
Lucas
Luetkemeyer
Marchant
Marshall
Massie
Mast
McCarthy
McCaul
McClintock
McHenry
McKinley
Meadows
Miller
Moolenaar
Mooney (WV)
Mullin
Murphy (NC)
Newhouse
Norman
Olson
Palazzo
Palmer
Pence
Perry
Posey
Rateliff
Reed
Rice (SC)
Riggelman
Roby
Rodgers (WA)
Roe, David P.
Rogers (AL)
Rogers (KY)
Rooney (FL)
Rose, John W.
Rouzer
Roy
Rutherford
Scalise
Schweikert
Scott, Austin
Sensenbrenner
Shimkus
Simpson
Smith (MO)
Smith (NE)
Smith (NJ)
Spano
Staubert
Stefanik
Steube
Stewart
Taylor
Thornberry
Tipton
Turner
Upton
Wagner
Walberg
Walden
Walker
Walorski
Waltz
Watkins
Weber (TX)
Webster (FL)
Wenstrup
Westerman
Williams
Wilson (SC)
Wittman
Womack
Woodall
Wright
Yoho
Young
Zeldin

NOES—231

Adams
Aguilar
Allred
Axne
Barragán
Bass

Beatty
Bera
Beyer
Bishop (GA)
Blumenauer
Blunt Rochester
Bonamici
Boyle, Brendan
F.
Brindisi
Brown (MD)
Brownley (CA)
Bustos
Butterfield
Carbajal
Cárdenas
Carson (IN)
Cartwright
Case
Casten (IL)
Castor (FL)
Castro (TX)
Chu, Judy
Cicilline
Cisneros
Clark (MA)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly
Cooper
Correa
Costa
Courtney
Cox (CA)
Craig
Crist
Crow
Cuellar
Cunningham
Davids (KS)
Davis (CA)
Davis, Danny K.
Dean
DeFazio
DeGette
DeLauro
DeBene
Delgado
Demings
DeSaulnier
Deutch
Dingell
Doggett
Doyle, Michael
F.
Engel
Escobar
Españillat
Evans
Finkenauer
Fitzpatrick
Fletcher
Foster
Frankel
Fudge
Gallego
Garamendi
Garcia (IL)
Garcia (TX)
Golden
Gomez
Gonzalez (TX)
Gottheimer
Green, Al (TX)
Grijalva
Haaland
Harder (CA)
Hastings
Hayes
Heck
Higgins (NY)
Hill (CA)
Himes
Horn, Kendra S.
Horsford
Houlihan
Hoyer
Huffman
Jackson Lee
Jayapal
Jeffries
Johnson (GA)
Johnson (TX)
Kaptur
Keating
Kelly (IL)
Kennedy
Khanna
Kildee
Kilmer
Kim
Kirkpatrick
Krishnamoorthi
Kuster (NH)
Lamb
Langevin
Larsen (WA)
Larson (CT)
Lawrence
Lawson (FL)
Lee (CA)
Lee (NV)
Levin (CA)
Levin (MI)
Lewis
Lieu, Ted
Lipinski
Loebsock
Lofgren
Lowenthal
Lowe
Lujan
Lynch
Malinowski
Maloney,
Carolyn B.
Maloney, Sean
Matsui
McAdams
McBath
McCollum
McGovern
McNerney
Meeks
Meng
Moore
Morelle
Moulton
Mucarsel-Powell
Murphy (FL)
Nadler
Napolitano
Neal
Neguse
Norcross
Norton
O’Halloran
Ocasio-Cortez
Omar
Pallone
Panetta
Pappas
Pascrell
Payne
Perlmutter
Peterson
Phillips
Pingree
Plaskett
Pocan
Porter
Pressley
Price (NC)
Quigley
Raskin
Rice (NY)
Richmond
Rose (NY)
Rouda
Roybal-Allard
Ruiz
Ruppersberger
Rush
Ryan
Sablan
San Nicolas
Sánchez
Sarbanes
Scanlon
Schakowsky
Schiff
Schneider
Schrader
Schrier
Scott (VA)
Scott, David
Serrano
Sewell (AL)
Shalala
Sherman
Sherrill
Sires
Slotkin
Lipinski
Smith (WA)
Soto
Spanberger
Speier
Stanton
Stevens
Suzuki
Swalwell (CA)
Thompson (MS)
Thompson (MI)
Titus
Tlaib
Tonko
Torres (CA)
Torres Small
(NM)
Trahan
Trone
Underwood
Van Drew
Vargas
Veasey
Vela
Velázquez
Visclosky
Wasserman
Schultz
Waters
Watson Coleman
Welch
Wexton
Wild
Wilson (FL)
Yarmuth

NOT VOTING—26

Amodei
Armstrong
Bilirakis
Collins (GA)
Eshoo
Estes
Gabbard
González-Colón
(PR)
Grothman
Joyce (PA)
Keller
Kelly (PA)
Kind
Luria
McEachin
Meuser
Mitchell
Peters
Radewagen
Reschenthaler
Snucker
Steil
Stivers
Takano
Thompson (PA)
Timmons

□ 1759

Messrs. RUSH, VAN DREW, Ms. WILD, and Mr. LOWENTHAL changed their vote from “aye” to “no.”

So the amendment was rejected.

The result of the vote was announced as above recorded.

The Acting CHAIR (Mr. THOMPSON of Mississippi). The question is on the amendment in the nature of a substitute, as amended.

The amendment was agreed to.

The Acting CHAIR. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Ms. DEGETTE) having assumed the chair, Mr. THOMPSON of Mississippi, Acting Chair of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (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, and, pursuant to House Resolution 650, he reported the bill back to the House with an amendment adopted in the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the amendment reported from the Committee of the Whole?

If not, the question is on the amendment in the nature of a substitute, as amended.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT

Mr. RODNEY DAVIS of Illinois. Madam Speaker, I have a motion to recommit at the desk.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. RODNEY DAVIS of Illinois. I am in its current form.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Rodney Davis of Illinois moves to recommit the bill H.R. 4617 to the Committee on House Administration with instructions to report the same back to the House forthwith with the following amendment:

Strike subsection (b) of section 1 and all that follows and insert the following:

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

TITLE I—FOREIGN AGENTS REGISTRATION REFORM

Sec. 101. Clarification of coverage of activities directed within the United States by agents outside of United States.

Sec. 102. Application of press exemption to other forms of media for purposes of engagement in political activities.

Sec. 103. Treatment of activities to influence public opinion on elections as political activity.

Sec. 104. Effective date.

TITLE II—DISCLAIMER REQUIREMENTS FOR ONLINE POLITICAL ADVERTISEMENTS

Sec. 201. Clarifying disclaimer requirements for online political advertisements.

TITLE III—REDUCING ILLICIT FOREIGN MONEY IN ELECTIONS

Sec. 301. Report on illicit foreign money in Federal elections.

Sec. 302. Prohibition on contributions and donations by foreign nationals in connections with ballot initiatives and referenda.

TITLE IV—PROHIBITING PAYMENT OF ELECTION ASSISTANCE FUNDS TO STATES ALLOWING BALLOT HARVESTING

Sec. 401. Prohibition on payments to States allowing collection and transmission of ballots by certain third parties.

TITLE V—PROHIBITING PAYMENT OF ELECTION ASSISTANCE FUNDS TO STATES ALLOWING VOTING BY NON-CITIZENS

Sec. 501. Prohibition on payments to States allowing voting by non-citizens.

TITLE VI—INADMISSIBILITY AND DEPORTABILITY OF ALIENS ENGAGING IN IMPROPER ELECTION INTERFERENCE

Sec. 601. Inadmissibility and deportability of aliens engaging in improper interference in United States elections.

TITLE I—FOREIGN AGENTS REGISTRATION REFORM

SEC. 101. CLARIFICATION OF COVERAGE OF ACTIVITIES DIRECTED WITHIN THE UNITED STATES BY AGENTS OUTSIDE OF UNITED STATES.

(a) TREATMENT OF AGENTS ENGAGED IN ACTIVITIES AS AGENTS OF FOREIGN PRINCIPALS.—Section 1(c)(1) of the Foreign Agents Registration Act of 1938, as amended (22 U.S.C. 611(c)(1)) is amended—

(1) by striking “or” at the end of clause (iii);

(2) by striking “and” at the end of clause (iv) and inserting “or”; and

(3) by adding at the end the following new clause:

“(v) engages outside the United States in political activities for or in the interests of such foreign principal which are directed at persons within the United States, including activities consisting of communications disseminated within the United States through telecommunications or computer equipment or services, the Internet, broadcast, cable, satellite, print, or mail; and”.

(b) CONFORMING AMENDMENT.—Section 9 of such Act (22 U.S.C. 619) is amended by striking the period at the end and inserting the following: “, and shall be applicable outside the United States to the extent described in section 1(c)(1)(v).”.

SEC. 102. APPLICATION OF PRESS EXEMPTION TO OTHER FORMS OF MEDIA FOR PURPOSES OF ENGAGEMENT IN POLITICAL ACTIVITIES.

(a) APPLICATION.—Section 1(d) of the Foreign Agents Registration Act of 1938, as amended (22 U.S.C. 611(d)(1)) is amended—

(1) by striking “(d)” and insert “(d)(1)”; and

(2) by adding at the end the following new paragraph:

“(2) In addition to the exception described in paragraph (1), to the extent that a person engages with the United States in political activities, the term ‘agent of a foreign principal’ does not include any bona fide media outlet organized under the laws of the United States or of any State or other place

subject to the jurisdiction of the United States, or any bona fide media outlet for which there is on file with the United States Postal Service information in compliance with section 3685 of title 39, United States Code, published in the United States, solely by virtue of any bona fide news or journalistic activities, including the solicitation or acceptance of paid advertisements, subscriptions, free social media access which is made available to the general public, or other compensation therefor, so long as it is at least 80 per centum beneficially owned by, and its officers and directors, if any, are citizens of the United States, and such media outlet is not owned, directed, supervised, controlled, subsidized, or financed, and none of its policies are determined by, any foreign principal defined in subsection (b), or by any agent of a foreign principal required to register under this Act.”.

(b) DEFINITION.—Section 1 of such Act (22 U.S.C. 611) is amended by adding at the end the following new subsection:

“(q) The term ‘media outlet’ means any of the following:

“(1) Any newspaper, magazine, or periodical.

“(2) Any broadcast, satellite or cable television or radio station.

“(3) Any Internet-based website, application, or platform.”.

SEC. 103. TREATMENT OF ACTIVITIES TO INFLUENCE PUBLIC OPINION ON ELECTIONS AS POLITICAL ACTIVITY.

Section 1(o) of the Foreign Agents Registration Act of 1938, as amended (22 U.S.C. 611(o)) is amended by striking the semicolon at the end and inserting the following: “, or with reference to public opinion about public officials, candidates, or elections of the United States.”.

SEC. 104. EFFECTIVE DATE.

The amendments made by this title shall apply with respect to activities carried out on or after the date of the enactment of this Act.

TITLE II—DISCLAIMER REQUIREMENTS FOR ONLINE POLITICAL ADVERTISEMENTS

SEC. 201. CLARIFYING DISCLAIMER REQUIREMENTS FOR ONLINE POLITICAL ADVERTISEMENTS.

(a) CLARIFICATION.—Section 318 of the Federal Election Campaign Act of 1971 (52 U.S.C. 30120) is amended by adding at the end the following new subsection:

“(e) APPLICATION OF REQUIREMENTS TO ONLINE COMMUNICATIONS.—

“(1) METHOD OF PROVISION OF INFORMATION.—Except as provided in paragraph (2) or paragraph (3), a covered Internet communication shall provide the information required under this section on the face of the communication.

“(2) AUTHORIZING USE OF ALTERNATIVE MECHANISMS.—

“(A) IN GENERAL.—In the case of a covered Internet communication described in subparagraph (C) of paragraph (4), the communication may provide the information required under this section through the use of a technological mechanism described in subparagraph (B), so long as the communication presents an indicator described in subparagraph (C).

“(B) TECHNOLOGICAL MECHANISM DESCRIBED.—A technological mechanism described in this subparagraph is, with respect to a communication, any technology which enables the individual reading, observing, or listening to the communication to read, observe, or listen to the information required under this section without navigating more than one step away from the communication itself. Such mechanism may take any form, including hover-over, mouse-over, voice-

over, rollover, pop-up screen, scrolling text, rotating panels, or click-through or hyperlink to a landing page.

“(C) INDICATOR DESCRIBED.—An indicator described in this subparagraph is, with respect to a communication, any clear and conspicuous visible or audible element of the communication that gives notice to the individual reading, observing, or listening to the communication that the individual may read, observe, or listen to the information required under this section through a technological mechanism. An indicator may take any form, including words such as ‘Paid for by’, ‘Paid by’, ‘Sponsored by’, or ‘Ad by’, a website URL, an image, a sound, a symbol, or an icon.

“(3) WAIVER.—A disclaimer shall not be required for any covered internet communication that cannot provide a clear and conspicuous statement of the information required under this section either on the face of communication or through the use of a technological mechanism under paragraph (2).

“(4) COVERED INTERNET COMMUNICATION DEFINED.—In this subsection, the term ‘covered Internet communication’ means any communication which is required to include information under this section and which is any of the following:

“(A) Any electronic mailing of more than 500 substantially similar communications which is disseminated by a political committee.

“(B) Any communication disseminated on a publicly-available website of a political committee.

“(C) Any communication placed for a fee on another person’s website or Internet-based application or platform.”.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to communications made after the expiration of the 30-day period which begins on the date of the enactment of this Act.

TITLE III—REDUCING ILLICIT FOREIGN MONEY IN ELECTIONS

SEC. 301. REPORT ON ILLICIT FOREIGN MONEY IN FEDERAL ELECTIONS.

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

“SEC. 319A. REPORT ON PRESENCE OF ILLICIT FOREIGN MONEY.

“(a) REPORT.—Not later than 180 days after the end of each Federal election cycle, the Commission shall submit to Congress a report containing—

“(1) an analysis of the presence of illicit foreign money in such cycle; and

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

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

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

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

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

SEC. 302. PROHIBITION ON CONTRIBUTIONS AND DONATIONS BY FOREIGN NATIONALS IN CONNECTIONS WITH BALLOT INITIATIVES AND REFERENDA.

(a) IN GENERAL.—Section 319(a)(1)(A) of the Federal Election Campaign Act of 1971 (52

U.S.C. 30121(a)(1)(A)) is amended by striking “election” and inserting the following: “election, including a State or local ballot initiative or referendum”.

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

TITLE IV—PROHIBITING PAYMENT OF ELECTION ASSISTANCE FUNDS TO STATES ALLOWING BALLOT HARVESTING

SEC. 401. PROHIBITION ON PAYMENTS TO STATES ALLOWING COLLECTION AND TRANSMISSION OF BALLOTS BY CERTAIN THIRD PARTIES.

(a) IN GENERAL.—Subtitle D of title II of the Help America Vote Act of 2002 (52 U.S.C. 21001 et seq.) is amended by adding at the end the following new part:

“PART 7—PROHIBITION ON PAYMENTS TO STATES ALLOWING COLLECTION AND TRANSMISSION OF BALLOTS BY CERTAIN THIRD PARTIES

“SEC. 297. ELIGIBILITY FOR PAYMENTS OF STATES ALLOWING COLLECTION AND TRANSMISSION OF BALLOTS BY CERTAIN THIRD PARTIES.

“(a) IN GENERAL.—A State is not eligible to receive funds under this Act unless the State has in effect a law that prohibits an individual from the knowing collection and transmission of a ballot in an election for Federal office that was mailed to another person, other than an individual described as follows:

“(1) An election official while engaged in official duties as authorized by law.

“(2) An employee of the United States Postal Service while engaged in official duties as authorized by law.

“(3) Any other individual who is allowed by law to collect and transmit United States mail, while engaged in official duties as authorized by law.

“(4) A family member, household member, or caregiver of the person to whom the ballot was mailed.

“(b) DEFINITIONS.—For purposes of this section, with respect to a person to whom the ballot was mailed:

“(1) The term ‘caregiver’ means an individual who provides medical or health care assistance to such person in a residence, nursing care institution, hospice facility, assisted living center, assisted living facility, assisted living home, residential care institution, adult day health care facility, or adult foster care home.

“(2) The term ‘family member’ means an individual who is related to such person by blood, marriage, adoption or legal guardianship.

“(3) The term ‘household member’ means an individual who resides at the same residence as such person.”.

(b) CLERICAL AMENDMENT.—The table of contents of such Act is amended by inserting after the item relating to section 296 the following new item:

“PART 7—PROHIBITION ON PAYMENTS TO STATES ALLOWING COLLECTION AND TRANSMISSION OF BALLOTS BY CERTAIN THIRD PARTIES

“Sec. 297. Eligibility for payments of States allowing collection and transmission of ballots by certain third parties.”.

TITLE V—PROHIBITING PAYMENT OF ELECTION ASSISTANCE FUNDS TO STATES ALLOWING VOTING BY NON-CITIZENS

SEC. 501. PROHIBITION ON PAYMENTS TO STATES ALLOWING VOTING BY NON-CITIZENS.

(a) IN GENERAL.—Subtitle D of title II of the Help America Vote Act of 2002 (52 U.S.C.

21001 et seq.), as amended by section 401, is further amended by adding at the end the following new part:

“PART 8—PROHIBITION ON PAYMENTS TO STATES ALLOWING VOTING BY NON-CITIZENS

“SEC. 298. ELIGIBILITY FOR PAYMENTS OF STATES ALLOWING VOTING BY NON-CITIZENS.

“A State is not eligible to receive funds under this Act if the State allows an individual who is not a citizen of the United States to vote in an election for public office.”.

(b) CLERICAL AMENDMENT.—The table of contents for such Act, as amended by section 401, is further amended by inserting after the item relating to section 297 the following new item:

“PART 8—PROHIBITION ON PAYMENTS TO STATES ALLOWING VOTING BY NON-CITIZENS

“Sec. 298. Eligibility for payments of States allowing voting by non-citizens.”.

TITLE VI—INADMISSIBILITY AND DEPORTABILITY OF ALIENS ENGAGING IN IMPROPER ELECTION INTERFERENCE

SEC. 601. INADMISSIBILITY AND DEPORTABILITY OF ALIENS ENGAGING IN IMPROPER INTERFERENCE IN UNITED STATES ELECTIONS.

(a) INADMISSIBILITY.—Section 212(a)(3) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(3)) is amended by adding at the end the following:

“(H) IMPROPER INTERFERENCE IN A UNITED STATES ELECTION.—Any alien who a consular officer, the Secretary of Homeland Security, the Secretary of State, or the Attorney General knows, or has reasonable grounds to believe, is seeking admission to the United States to engage in improper interference in a United States election, or has engaged in improper interference in a United States election, is inadmissible.”.

(b) DEPORTABILITY.—Section 237(a) of such Act (8 U.S.C. 1227(a)) is amended by adding at the end the following:

“(8) IMPROPER INTERFERENCE IN A UNITED STATES ELECTION.—Any alien who has engaged, is engaged, or at any time after admission engages in improper interference in a United States election is deportable.”.

(c) DEFINITION.—Section 101(a) of such Act (8 U.S.C. 1101(a)) is amended by adding at the end the following:

“(53) The term ‘improper interference in a United States election’ means conduct by an alien that—

“(A)(i) violates Federal criminal, voting rights, or campaign finance law, or

“(ii) is performed by any person acting as an agent of or on behalf of a foreign government or criminal enterprise; and

“(B) includes any covert, fraudulent, deceptive, or unlawful act or attempted act, undertaken with the purpose or effect of undermining public confidence in election processes or institutions, or influencing, undermining confidence in, or altering the result or reported result of, a general or primary Federal, State, or local election or caucus, including—

“(i) the campaign of a candidate; or

“(ii) a ballot measure, including an amendment, a bond issue, an initiative, a recall, a referral, or a referendum.”.

Mr. RODNEY DAVIS of Illinois (during the reading). Madam Speaker, I ask unanimous consent to dispense with the reading.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois is recognized for 5 minutes.

Mr. RODNEY DAVIS of Illinois. Madam Speaker, I rise in support of the motion to recommit, a proposal that would actually assist law enforcement in pursuing those individuals who seek to disrupt our elections, as opposed to the partisan bill we have been debating here today.

I first want to address some of the accusations made here today about how my colleagues and I on this side of the aisle do not care about election security or how we are the only thing standing in the way of securing elections. This is simply not true.

In the 115th Congress, a Republican-controlled Congress appropriated over \$400 million to the States and to DHS prior to the 2018 midterms to bolster election security, allowing for unprecedented cooperation between DHS and all 50 States and 1,400 localities. Earlier this year, \$33 million was appropriated to DHS to continue these assistance efforts.

I also introduced a bill during the debate of the SAFE Act that will provide even more funding for DHS to combat nefarious activity. But last week, I introduced, along with many of my colleagues, the Honest Elections Act, which the entire basis for this motion to recommit is based upon. So don't tell me that we on this side of the aisle are standing in the way.

According to the report recently released by the Senate Intelligence Committee, out of the \$1.4 billion spent on digital political ads in the 2016 election cycle, Russia spent \$100,000 over 2 years on Facebook ads. The majority of those were not election ads, so they wouldn't necessarily be regulated by the Honest Ads Act portion of SHIELD and will not address the real threat that we saw in 2016.

My motion today strengthens and reforms the Foreign Agents Registration Act, FARA, to combat election interference. It modernizes online political ad disclosure. It increases monitoring of spending by foreign nationals in elections. It incentivizes States to prohibit the practice of ballot harvesting and encourages States to stop this recent trend of noncitizen voting.

Madam Speaker, I urge my colleagues to vote for this motion to recommit because I was given some advice by our colleague from Idaho (Mr. SIMPSON) before I came up here. He said: "The more you talk, the fewer votes this MTR will get."

So, let's make sure everyone goes back to their districts. But first, vote for this motion to recommit. Vote to protect our elections from interference from foreign countries like Russia, China, and all others. Vote to hunt down those who are attempting to interfere in our elections. And vote, finally, to restore the American people's trust in our institutions.

Madam Speaker, I urge a "yes" vote on this motion to recommit, and I yield back the balance of my time.

Ms. LOFGREN. Madam Speaker, I rise in opposition to the motion to recommit.

The SPEAKER pro tempore. The gentlewoman from California is recognized for 5 minutes.

Ms. LOFGREN. Madam Speaker, I would like to say that this motion to recommit should be opposed. It is so much weaker than the bill that we have an opportunity to pass to get foreign interference out of our elections so that millions of Americans are not exposed unwittingly to ads by Russian trolls.

I yield the balance of my time to the gentleman from New York (Mr. ROSE).

Mr. ROSE of New York. Madam Speaker, I rise today in strong opposition to this blatant attempt to help foreign agents subvert our democracy.

Madam Speaker, we stand at the crossroads of history. Foreign enemies have attacked our elections in a sweeping and systematic fashion, and they are continuing to do so.

We are faced today with a very simple question: Should Iran, Russia, and China be allowed to interfere in our elections? Should they have more of a say in who gets elected than our constituents?

Let me tell you my answer. Our soldiers did not fight our enemies overseas just to watch them try to corrupt our democracy here at home. I am not sure when that became a controversial position, but it is a damn shame that it has.

Protecting America should not be a one-party issue. It should be what unites us, not a cause for petty games.

But once again, the minority party has decided it is more important to practice the kind of politics that put them in the minority in the first place. They have decided, yet again, to play another political stunt, just like they played this morning in the SCIF. It is the same exact thing.

That is your choice. My choice is to stand up to say American elections are for Americans only.

The SHIELD Act puts forward critical reforms to improve our defenses against foreign influence and interference. The bill strengthens reporting requirements, closes loopholes, and deters illegal foreign activity in our elections.

I can understand if some of my colleagues are worried that they cannot win on a fair and level election playing field, but for all those who believe in free and fair elections, who swore an oath to protect and defend the Constitution, I urge you to reject this MTR and stand with the United States of America.

Ms. LOFGREN. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. RODNEY DAVIS of Illinois. Madam Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, this 5-minute vote on the motion to recommit will be followed by 5-minute votes on:

Passage of H.R. 4617, if ordered; and The motion to suspend the rules and pass H.R. 777.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 182, noes 225, not voting 24, as follows:

[Roll No. 582]

AYES—182

| | | |
|---------------|-----------------|---------------|
| Abraham | Gooden | Nunes |
| Aderholt | Gosar | Olson |
| Allen | Gottheimer | Palazzo |
| Amash | Granger | Palmer |
| Arrington | Graves (GA) | Pence |
| Babin | Graves (LA) | Perry |
| Bacon | Graves (MO) | Posey |
| Baird | Green (TN) | Ratcliffe |
| Balderson | Griffith | Reed |
| Banks | Guest | Rice (SC) |
| Barr | Guthrie | Riggleman |
| Bergman | Hagedorn | Roby |
| Biggs | Harris | Rodgers (WA) |
| Bishop (NC) | Hartzler | Roe, David P. |
| Bishop (UT) | Hern, Kevin | Rogers (AL) |
| Bost | Herrera Beutler | Rogers (KY) |
| Brady | Hice (GA) | Rooney (FL) |
| Brindisi | Higgins (LA) | Rose, John W. |
| Brooks (AL) | Hill (AR) | Rouzer |
| Brooks (IN) | Holding | Roy |
| Buchanan | Hollingsworth | Rutherford |
| Buck | Hudson | Scalise |
| Bucshon | Huizenga | Schweikert |
| Budd | Hunter | Scott, Austin |
| Burchett | Hurd (TX) | Sensenbrenner |
| Burgess | Johnson (LA) | Shimkus |
| Byrne | Johnson (OH) | Simpson |
| Calvert | Johnson (SD) | Smith (MO) |
| Carter (GA) | Jordan | Smith (NE) |
| Carter (TX) | Joyce (OH) | Smith (NJ) |
| Chabot | Katko | Spano |
| Cheney | Kelly (MS) | Stauber |
| Cline | King (IA) | Stefanik |
| Cloud | King (NY) | Stewart |
| Cole | Kinzinger | Taylor |
| Comer | Kustoff (TN) | Thornberry |
| Conaway | LaHood | Tipton |
| Cook | LaMalfa | Turner |
| Crawford | Lamborn | Upton |
| Crenshaw | Latta | Van Drew |
| Curtis | Lesko | Wagner |
| Davidson (OH) | Long | Walberg |
| Davis, Rodney | Loudermilk | Walden |
| DesJarlais | Lucas | Walker |
| Diaz-Balart | Luetkemeyer | Walorski |
| Duncan | Marchant | Waltz |
| Dunn | Marshall | Watkins |
| Emmer | Massie | Weber (TX) |
| Ferguson | Mast | Webster (FL) |
| Fitzpatrick | McCarthy | Wenstrup |
| Fleischmann | McCaul | Westerman |
| Flores | McClintock | Williams |
| Fortenberry | McHenry | Wilson (SC) |
| Foxx (NC) | McKinley | Wittman |
| Fulcher | Meadows | Womack |
| Gaetz | Miller | Woodall |
| Gallagher | Moolenaar | Wright |
| Gianforte | Mooney (WV) | Yoho |
| Gibbs | Mullin | Young |
| Gohmert | Murphy (NC) | Zeldin |
| Gonzalez (OH) | Norman | |

NOES—225

| | | | |
|-------------|----------------|-----------|-------------|
| Adams | Blunt | Rochester | Cartwright |
| Aguilar | Bonamici | | Case |
| Allred | Boyle, Brendan | | Casten (IL) |
| Axne | F. | | Castor (FL) |
| Barragán | Brown (MD) | | Castro (TX) |
| Bass | Brownley (CA) | | Chu, Judy |
| Beatty | Bustos | | Cicilline |
| Bera | Butterfield | | Cisneros |
| Beyer | Carbajal | | Clark (MA) |
| Bishop (GA) | Cárdenas | | Clarke (NY) |
| Blumenauer | Carson (IN) | | Clay |

Cleaver Johnson (TX)
 Clyburn Kaptur
 Cohen Keating
 Connolly Kelly (IL)
 Cooper Kennedy
 Correa Khanna
 Costa Kildee
 Courtney Kilmer
 Cox (CA) Kim
 Craig Kirkpatrick
 Crist Krishnamoorthi
 Crow Kuster (NH)
 Cuellar Lamb
 Cunningham Langevin
 Davids (KS) Larsen (WA)
 Davis (CA) Larson (CT)
 Davis, Danny K. Lawrence
 Dean Lawson (FL)
 DeFazio Lee (CA)
 DeGette Lee (NV)
 DeLauro Levin (CA)
 DelBene Levin (MI)
 Delgado Lewis
 Demings Lieu, Ted
 DeSaulnier Lipinski
 Deutch Loeb sack
 Dingell Lofgren
 Doggett Lowenthal
 Doyle, Michael F. Lowey
 Engle Luján
 Escobar Luria
 Eshoo Lynch
 Espallat Malinowski
 Evans Maloney,
 Finkenauer Carolyn B.
 Fletcher Maloney, Sean
 Foster Matsui
 Frankel McAdams
 Fudge McBath
 Gallego McCollum
 Garamendi McGovern
 García (IL) Mc Nerney
 García (TX) Meeks
 Golden Meng
 Gomez Moore
 Gonzalez (TX) Morelle
 Green, Al (TX) Moulton
 Grijalva Mucarsel-Powell
 Haaland Murphy (FL)
 Haaland Nadler
 Harder (CA) Napolitano
 Hastings Neal
 Hayes Neguse
 Heck Norcross
 Higgins (NY) O'Halleran
 Hill (CA) Ocasio-Cortez
 Himes Omar
 Horn, Kendra S. Pallone
 Horsford Panetta
 Houlahan Pappas
 Hoyer Pascrell
 Huffman Payne
 Jackson Lee Perlmutter
 Jayapal Peterson
 Jeffries Phillips
 Johnson (GA) Pingree

NOT VOTING—24

Amodei Keller
 Armstrong Kelly (PA)
 Billarakis Kind
 Collins (GA) McEachin
 Estes Meuser
 Gabbard Mitchell
 Grothman Newhouse
 Joyce (PA) Peters

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The Speaker Pro Tempore (during the vote). There are 2 minutes remaining.

□ 1816

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE
 Mr. RODNEY DAVIS of Illinois.
 Madam Speaker, I demand a recorded vote.

A recorded vote was ordered.
 The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 227, noes 181, not voting 23, as follows:

[Roll No. 583]

AYES—227

Adams Golden
 Aguilar Gomez
 Allred Gonzalez (TX)
 Axne Gottheimer
 Barragán Green, Al (TX)
 Bass Grijalva
 Beatty Haaland
 Bera Harder (CA)
 Beyer Hastings
 Bishop (GA) Hayes
 Blumenauer Heck
 Blunt Rochester Higgins (NY)
 Bonamici Hill (CA)
 Boyle, Brendan Himes
 F. Horn, Kendra S.
 Brindisi Horsford
 Brown (MD) Houlahan
 Brownley (CA) Hoyer
 Bustos Huffman
 Butterfield Jackson Lee
 Carbajal Jayapal
 Cárdenas Jeffries
 Carden (IN) Johnson (GA)
 Cartwright Johnson (TX)
 Case Kaptur
 Casten (IL) Keating
 Castor (FL) Kelly (IL)
 Castro (TX) Kennedy
 Chu, Judy Khanna
 Cicilline Morelle
 Cisneros Kilmer
 Clark (MA) Kim
 Clarke (NY) Kirkpatrick
 Clay Krishnamoorthi
 Cleaver Kuster (NH)
 Clyburn Lamb
 Cohen Langevin
 Connolly Larsen (WA)
 Cooper Larson (CT)
 Correa Lawrence
 Costa Lawson (FL)
 Courtney Lee (CA)
 Cox (CA) Lee (NV)
 Craig Levin (CA)
 Crist Levin (MI)
 Crow Lewis
 Cuellar Lieu, Ted
 Cunningham Lipinski
 Davids (KS) Loeb sack
 Davis (CA) Lofgren
 Davis, Danny K. Lowenthal
 Dean Lowey
 DeFazio Luján
 DeGette Luria
 DeLauro Lynch
 DelBene Malinowski
 Delgado Maloney,
 Demings Carolyn B.
 DeSaulnier Maloney, Sean
 Deutch Matsui
 Dingell McAdams
 Doggett McBath
 Doyle, Michael F. McCollum
 Engle McGovern
 Escobar Mc Nerney
 Eshoo Meeks
 Espallat Meng
 Evans Moore
 Finkenauer Morelle
 Fletcher Moulton
 Foster Mucarsel-Powell
 Frankel Murphy (FL)
 Fudge Nadler
 Gallego Napolitano
 Garamendi Neal
 García (IL) Neguse
 García (TX) Norcross
 O'Halleran

Ocasio-Cortez Omar
 Pallone
 Panetta
 Pappas
 Pascrell
 Payne
 Perlmutter
 Phillips
 Pingree
 Comer
 Conaway
 Cook
 Crawford
 Crenshaw
 Curtis
 Davidson (OH)
 Davis, Rodney
 DesJarlais
 Diaz-Balart
 Duncan
 Dunn
 Emmer
 Ferguson
 Fitzpatrick
 Fleischmann
 Flores
 Fortenberry
 Foxx (NC)
 Fulcher
 Gaetz
 Gallagher
 Gianforte
 Gibbs
 Gohmert
 Gonzalez (OH)
 Gooden
 Gosar
 Granger
 Graves (GA)
 Graves (LA)
 Graves (MO)
 Green (TN)
 Amodei
 Armstrong
 Billarakis
 Collins (GA)
 Estes
 Gabbard
 Grothman
 Joyce (PA)
 Keller
 Kelly (PA)
 Kind
 McEachin
 Meuser
 Mitchell
 Peters
 Reschenthaler
 Kuster (VA)
 Scott, David
 Serrano
 Sewell (AL)
 Shalala
 Sherman
 Sherrill
 Sires
 Slotkin
 Smith (WA)
 Soto
 Spanberger
 Speier
 Stanton
 Stevens
 Suozzi
 Swalwell (CA)
 Thompson (CA)
 Thompson (MS)
 Titus
 Tlaib
 Tonko
 Torres (CA)
 Torres Small
 (NM)
 Trahan
 Trone
 Underwood
 Van Drew
 Vargas
 Veasey
 Vela
 Velázquez
 Visclosky
 Wasserman
 Schultz
 Waters
 Watson Coleman
 Welch
 Wexton
 Wild
 Wilson (FL)
 Yarmuth

NOES—181

Abraham
 Aderholt
 Allen
 Amash
 Arrington
 Babin
 Bacon
 Baird
 Balderson

Banks Griffith
 Barr Guest
 Bergman Guthrie
 Biggs Hagedorn
 Bishop (NC) Harris
 Bishop (UT) Hartzler
 Bost Hern, Kevin
 Brady Herrera Beutler
 Brooks (AL) Hice (GA)
 Brooks (IN) Higgins (LA)
 Buchanan Hill (AR)
 Buck Holding
 Bucshon Hollingsworth
 Budd Hudson
 Burchett Huizenga
 Burgess Hunter
 Byrne Hurd (TX)
 Calvert Johnson (LA)
 Carter (GA) Johnson (OH)
 Carter (TX) Johnson (SD)
 Chabot Jordan
 Cheney Joyce (OH)
 Cline Katko
 Cloud Kelly (MS)
 Cole King (IA)
 Comer King (NY)
 Conaway Kinzinger
 Cook Kustoff (TN)
 Crawford LaHood
 Crenshaw LaMalfa
 Curtis Lamborn
 Davidson (OH) Latta
 Davis, Rodney Lesko
 DesJarlais Long
 Diaz-Balart Loudermilk
 Duncan Lucas
 Dunn Luetkemeyer
 Emmer Marchant
 Ferguson Marshall
 Fitzpatrick Massie
 Fleischmann Mast
 Flores McCarthy
 Fortenberry McCaul
 Foxx (NC) McClintock
 Fulcher McHenry
 Gaetz McKinley
 Gallagher Meadows
 Gianforte Miller
 Gibbs Moolenaar
 Gohmert Mooney (WV)
 Gonzalez (OH) Mullin
 Gooden Murphy (NC)
 Gosar Newhouse
 Granger Norman
 Graves (GA) Nunes
 Graves (LA) Olson
 Graves (MO) Palazzo
 Green (TN) Palmer

NOT VOTING—23

Keller
 Kelly (PA)
 Kind
 McEachin
 Meuser
 Mitchell
 Peters
 Reschenthaler
 Smucker
 Steil
 Steube
 Stivers
 Takano
 Thompson (PA)
 Timmons

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The Speaker Pro Tempore (during the vote). There are 2 minutes remaining.

□ 1824

So the bill was passed.
 The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

DEBBIE SMITH REAUTHORIZATION ACT OF 2019

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the unfinished business is the vote on the motion to suspend the rules and pass the bill (H.R. 777) to reauthorize programs authorized under the Debbie Smith Act of 2004, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.