

115TH CONGRESS
1ST SESSION

H. R. 1615

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

IN THE HOUSE OF REPRESENTATIVES

MARCH 17, 2017

Mr. RASKIN (for himself, Mrs. BEATTY, Mr. BROWN of Maryland, Ms. CLARK of Massachusetts, Mr. CLAY, Mr. COHEN, Mr. CONYERS, Mr. COOPER, Mr. DOGGETT, Mr. ESPAILLAT, Mr. EVANS, Mr. GRIJALVA, Ms. MICHELLE LUJAN GRISHAM of New Mexico, Mr. HIGGINS of New York, Ms. JAYAPAL, Mr. JEFFRIES, Mr. JOHNSON of Georgia, Ms. KAPTUR, Mr. KIHUEN, Ms. LEE, Ms. LOFGREN, Mr. MCNERNEY, Ms. NORTON, Mr. O'ROURKE, Mr. SARBANES, Mr. SOTO, and Mr. WELCH) introduced the following bill; which was referred to the Committee on House Administration

A BILL

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

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

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Get Foreign Money
3 Out of U.S. Elections Act”.

4 **SEC. 2. APPLICATION OF BAN ON CONTRIBUTIONS AND EX-**
5 **PENDITURES BY FOREIGN NATIONALS TO DO-**
6 **MESTIC CORPORATIONS THAT ARE FOREIGN-**
7 **CONTROLLED, FOREIGN-INFLUENCED, AND**
8 **FOREIGN-OWNED.**

9 (a) APPLICATION OF BAN.—Section 319(b) of the
10 Federal Election Campaign Act of 1971 (52 U.S.C.
11 30121(b)) is amended—

12 (1) by striking “or” at the end of paragraph
13 (1);

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

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

18 “(3) any corporation which is not a foreign na-
19 tional described in paragraph (1) and—

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

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

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

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

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

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

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

22 “(i) the making of a contribution, do-
23 nation, expenditure, independent expendi-
24 ture, or disbursement for an electioneering

1 communication (within the meaning of sec-
2 tion 304(f)(3)); or

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

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

9 “(c) CERTIFICATION OF COMPLIANCE REQUIRED
10 PRIOR TO CARRYING OUT ACTIVITY.—Prior to the mak-
11 ing in connection with an election for Federal office of any
12 contribution, donation, expenditure, independent expendi-
13 ture, or disbursement for an electioneering communication
14 by a corporation during a year, the chief executive officer
15 of the corporation (or, if the corporation does not have
16 a chief executive officer, the highest ranking official of the
17 corporation), shall file a certification with the Commission,
18 under penalty of perjury, that the corporation is not pro-
19 hibited from carrying out such activity under subsection
20 (b)(3), unless the chief executive officer has previously
21 filed such a certification during the year.”.

22 (c) EFFECTIVE DATE.—The amendments made by
23 this section shall take effect upon the expiration of the
24 period which begins on the date of the enactment of this
25 Act, and shall take effect without regard to whether or

1 not the Federal Election Commission has promulgated
2 regulations to carry out such amendments.

3 **SEC. 3. CLARIFICATION OF APPLICATION OF FOREIGN**
4 **MONEY BAN TO CERTAIN DISBURSEMENTS**
5 **AND ACTIVITIES.**

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

17 (b) CONDITIONS UNDER WHICH CORPORATE PACS
18 MAY MAKE CONTRIBUTIONS AND EXPENDITURES.—Sec-
19 tion 316(b) of such Act (52 U.S.C. 30118(b)) is amended
20 by adding at the end the following new paragraph:

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

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

6 “(B) No foreign national under section 319
7 participates in any way in the decisionmaking proc-
8 esses of the fund with regard to contributions or ex-
9 penditures under this Act.

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

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

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