

116TH CONGRESS
1ST SESSION

S. 2669

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.

IN THE SENATE OF THE UNITED STATES

OCTOBER 23, 2019

Ms. KLOBUCHAR (for herself, Ms. BALDWIN, Mr. BLUMENTHAL, Mr. BOOKER, Mr. CARDIN, Ms. HIRONO, Mrs. MURRAY, Mr. REED, Ms. SMITH, Mr. VAN HOLLEN, Mr. WARNER, Mr. WYDEN, and Mr. KING) introduced the following bill; which was read twice and referred to the Committee on Rules and Administration

A BILL

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.

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

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Stopping Harmful Interference in Elections for a Lasting
6 Democracy Act” or the “SHIELD Act”.

1 (b) TABLE OF CONTENTS.—The table of contents of
 2 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—DETECTING 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.

1 **TITLE I—ENHANCED**
 2 **REPORTING REQUIREMENTS**
 3 **Subtitle A—Establishing Duty To**
 4 **Report Foreign Election Inter-**
 5 **ference**

6 **SEC. 101. FEDERAL CAMPAIGN REPORTING OF FOREIGN**
 7 **CONTACTS.**

8 (a) INITIAL NOTICE.—

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

13 “(j) DISCLOSURE OF REPORTABLE FOREIGN CON-
 14 TACTS.—

15 “(1) COMMITTEE OBLIGATION TO NOTIFY.—
 16 Not later than 1 week after a reportable foreign con-
 17 tact, each political committee shall notify the Fed-
 18 eral Bureau of Investigation and the Commission of
 19 the reportable foreign contact and provide a sum-
 20 mary of the circumstances with respect to such re-
 21 portable foreign contact.

22 “(2) INDIVIDUAL OBLIGATION TO NOTIFY.—
 23 Not later than 3 days after a reportable foreign con-
 24 tact—

1 “(A) each candidate shall notify the treas-
2 urer or other designated official of the principal
3 campaign committee of such candidate of the
4 reportable foreign contact and provide a sum-
5 mary of the circumstances with respect to such
6 reportable foreign contact; and

7 “(B) each official, employee, or agent of a
8 political committee shall notify the treasurer or
9 other designated official of the committee of the
10 reportable foreign contact and provide a sum-
11 mary of the circumstances with respect to such
12 reportable foreign contact.

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

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

18 “(i) is between—

19 “(I) a candidate, a political com-
20 mittee, or any official, employee, or
21 agent of such committee; and

22 “(II) an individual that the per-
23 son described in subclause (I) knows,
24 has reason to know, or reasonably be-

1 believes is a covered foreign national;
2 and

3 “(ii) the person described in clause
4 (i)(I) knows, has reason to know, or rea-
5 sonably believes involves—

6 “(I) an offer or other proposal
7 for a contribution, donation, expendi-
8 ture, disbursement, or solicitation de-
9 scribed in section 319; or

10 “(II) coordination or collabora-
11 tion with, an offer or provision of in-
12 formation or services to or from, or
13 persistent and repeated contact with,
14 a covered foreign national in connec-
15 tion with an election.

16 “(B) EXCEPTION.—The term ‘reportable
17 foreign contact’ shall not include any contact or
18 communication with a covered foreign national
19 by an elected official or an employee of an elect-
20 ed official solely in an official capacity as such
21 an official or employee. For purposes of the
22 previous sentence, a contact or communication
23 by an elected official or an employee of an elect-
24 ed official shall not be considered to be made
25 solely in an official capacity if the contact or

1 communication involves a contribution, dona-
2 tion, expenditure, disbursement, or solicitation
3 described in section 319.

4 “(C) COVERED FOREIGN NATIONAL DE-
5 FINED.—

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

9 “(I) a foreign principal (as de-
10 fined in section 1(b) of the Foreign
11 Agents Registration Act of 1938 (22
12 U.S.C. 611(b)) that is a government
13 of a foreign country or a foreign polit-
14 ical party;

15 “(II) any person who acts as an
16 agent, representative, employee, or
17 servant, or any person who acts in
18 any other capacity at the order, re-
19 quest, or under the direction or con-
20 trol, of a foreign principal described in
21 subclause (I) or of a person any of
22 whose activities are directly or indi-
23 rectly supervised, directed, controlled,
24 financed, or subsidized in whole or in

1 major part by a foreign principal de-
2 scribed in subclause (I); or

3 “(III) any person included in the
4 list of specially designated nationals
5 and blocked persons maintained by
6 the Office of Foreign Assets Control
7 of the Department of the Treasury
8 pursuant to authorities relating to the
9 imposition of sanctions relating to the
10 conduct of a foreign principal de-
11 scribed in subclause (I).

12 “(ii) CLARIFICATION REGARDING AP-
13 PPLICATION TO CITIZENS OF THE UNITED
14 STATES.—In the case of a citizen of the
15 United States, subclause (II) of clause (i)
16 applies only to the extent that the person
17 involved acts within the scope of that per-
18 son’s status as the agent of a foreign prin-
19 cipal described in subclause (I) of clause
20 (i).”.

21 (2) EFFECTIVE DATE.—The amendment made
22 by paragraph (1) shall apply with respect to report-
23 able foreign contacts which occur on or after the
24 date of the enactment of this Act.

25 (b) INFORMATION INCLUDED ON REPORT.—

1 (1) IN GENERAL.—Section 304(b) of such Act
2 (52 U.S.C. 30104(b)) is amended—

3 (A) by striking “and” at the end of para-
4 graph (7);

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

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

9 “(9) for any reportable foreign contact (as de-
10 fined in subsection (j)(3))—

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

13 “(B) the date and time of when a des-
14 ignated official of the committee was notified of
15 the contact;

16 “(C) the identity of individuals involved;
17 and

18 “(D) a description of the contact, including
19 the nature of any contribution, donation, ex-
20 penditure, disbursement, or solicitation involved
21 and the nature of any activity described in sub-
22 section (j)(3)(A)(ii)(II) involved.”.

23 (2) EFFECTIVE DATE.—The amendment made
24 by paragraph (1) shall apply with respect to reports
25 filed on or after the expiration of the 60-day period

1 which begins on the date of the enactment of this
2 Act.

3 **SEC. 102. FEDERAL CAMPAIGN FOREIGN CONTACT RE-**
4 **PORTING COMPLIANCE SYSTEM.**

5 (a) IN GENERAL.—Section 302 of the Federal Elec-
6 tion Campaign Act of 1971 (52 U.S.C. 30102) is amended
7 by adding at the end the following new subsection:

8 “(j) REPORTABLE FOREIGN CONTACTS COMPLIANCE
9 POLICY.—

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

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

23 “(3) CERTIFICATION.—

24 “(A) IN GENERAL.—Upon filing its state-
25 ment of organization under section 303(a), and

1 with each report filed under section 304(a), the
2 treasurer of each political committee (other
3 than an authorized committee) shall certify
4 that—

5 “(i) the committee has in place poli-
6 cies that meet the requirements of para-
7 graphs (1) and (2);

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

11 “(iii) not later than 1 week after the
12 beginning of any formal or informal affili-
13 ation with the committee, all officials, em-
14 ployees, and agents of such committee
15 will—

16 “(I) receive notice of such poli-
17 cies;

18 “(II) be informed of the prohibi-
19 tions under section 319; and

20 “(III) sign a certification affirm-
21 ing their understanding of such poli-
22 cies and prohibitions.

23 “(B) AUTHORIZED COMMITTEES.—With
24 respect to an authorized committee, the can-

1 didate shall make the certification required
2 under subparagraph (A).”.

3 (b) EFFECTIVE DATE.—

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

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

18 **SEC. 103. CRIMINAL PENALTIES.**

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

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

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

6 **SEC. 104. RULE OF CONSTRUCTION.**

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

9 (1) to impede legitimate journalistic activities;

10 or

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

14 (A) resides in the United States;

15 (B) is not a citizen of the United States or
16 a national of the United States, as defined in
17 section 101(a)(22) of the Immigration and Na-
18 tionality Act (8 U.S.C. 1101(a)(22)); and

19 (C) is not lawfully admitted for permanent
20 residence, as defined by section 101(a)(20) of
21 the Immigration and Nationality Act (8 U.S.C.
22 1101(a)(20)).

1 **Subtitle B—Strengthening Over-**
2 **sight of Online Political Adver-**
3 **tising**

4 **SEC. 111. SHORT TITLE.**

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

6 **SEC. 112. PURPOSE.**

7 The purpose of this subtitle is to enhance the integ-
8 rity of American democracy and national security by im-
9 proving disclosure requirements for online political adver-
10 tisements in order to uphold the Supreme Court’s well-
11 established standard that the electorate bears the right to
12 be fully informed.

13 **SEC. 113. EXPANSION OF DEFINITION OF PUBLIC COMMU-**
14 **NICATION.**

15 (a) **IN GENERAL.**—Paragraph (22) of section 301 of
16 the Federal Election Campaign Act of 1971 (52 U.S.C.
17 30101(22)) is amended by striking “or satellite commu-
18 nication” and inserting “satellite, paid internet, or paid
19 digital communication”.

20 (b) **TREATMENT OF CONTRIBUTIONS AND EXPENDI-**
21 **TURES.**—Section 301 of such Act (52 U.S.C. 30101) is
22 amended—

23 (1) in paragraph (8)(B)—

24 (A) by striking “on broadcasting stations,
25 or in newspapers, magazines, or similar types of

1 general public political advertising” in clause
2 (v) and inserting “in any public communica-
3 tion”;

4 (B) by striking “broadcasting, newspaper,
5 magazine, billboard, direct mail, or similar type
6 of general public communication or political ad-
7 vertising” in clause (ix)(1) and inserting “pub-
8 lic communication”; and

9 (C) by striking “but not including the use
10 of broadcasting, newspapers, magazines, bill-
11 boards, direct mail, or similar types of general
12 public communication or political advertising”
13 in clause (x) and inserting “but not including
14 use in any public communication”; and

15 (2) in paragraph (9)(B)—

16 (A) by amending clause (i) to read as fol-
17 lows:

18 “(i) any news story, commentary, or
19 editorial distributed through the facilities
20 of any broadcasting station or any print,
21 online, or digital newspaper, magazine,
22 blog, publication, or periodical, unless such
23 broadcasting, print, online, or digital facili-
24 ties are owned or controlled by any polit-

1 ical party, political committee, or can-
2 didate;” and

3 (B) in clause (iv), by striking “on broad-
4 casting stations, or in newspapers, magazines,
5 or similar types of general public political ad-
6 vertising” and inserting “in any public commu-
7 nication”.

8 (c) DISCLOSURE AND DISCLAIMER STATEMENTS.—
9 Subsection (a) of section 318 of such Act (52 U.S.C.
10 30120) is amended—

11 (1) by striking “financing any communication
12 through any broadcasting station, newspaper, maga-
13 zine, outdoor advertising facility, mailing, or any
14 other type of general public political advertising”
15 and inserting “financing any public communication”;
16 and

17 (2) by striking “solicits any contribution
18 through any broadcasting station, newspaper, maga-
19 zine, outdoor advertising facility, mailing, or any
20 other type of general public political advertising”
21 and inserting “solicits any contribution through any
22 public communication”.

23 **SEC. 114. EXPANSION OF DEFINITION OF ELECTIONEERING**
24 **COMMUNICATION.**

25 (a) EXPANSION TO ONLINE COMMUNICATIONS.—

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

3 (A) IN GENERAL.—Subparagraph (A) of
4 section 304(f)(3) of the Federal Election Cam-
5 paign Act of 1971 (52 U.S.C. 30104(f)(3)(A))
6 is amended by striking “or satellite communica-
7 tion” each place it appears in clauses (i) and
8 (ii) and inserting “satellite, or qualified internet
9 or digital communication”.

10 (B) QUALIFIED INTERNET OR DIGITAL
11 COMMUNICATION.—Paragraph (3) of section
12 304(f) of such Act (52 U.S.C. 30104(f)) is
13 amended by adding at the end the following
14 new subparagraph:

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

21 (2) NONAPPLICATION OF RELEVANT ELEC-
22 TORATE TO ONLINE COMMUNICATIONS.—Section
23 304(f)(3)(A)(i)(III) of such Act (52 U.S.C.
24 30104(f)(3)(A)(i)(III)) is amended by inserting “any

1 broadcast, cable, or satellite” before “communica-
2 tion”.

3 (3) NEWS EXEMPTION.—Section
4 304(f)(3)(B)(i) of such Act (52 U.S.C.
5 30104(f)(3)(B)(i)) is amended to read as follows:

6 “(i) a communication appearing in a
7 news story, commentary, or editorial dis-
8 tributed through the facilities of any
9 broadcasting station or any online or dig-
10 ital newspaper, magazine, blog, publica-
11 tion, or periodical, unless such broad-
12 casting, online, or digital facilities are
13 owned or controlled by any political party,
14 political committee, or candidate;”.

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

18 **SEC. 115. APPLICATION OF DISCLAIMER STATEMENTS TO**
19 **ONLINE COMMUNICATIONS.**

20 (a) CLEAR AND CONSPICUOUS MANNER REQUIRE-
21 MENT.—Subsection (a) of section 318 of the Federal Elec-
22 tion Campaign Act of 1971 (52 U.S.C. 30120(a)) is
23 amended—

24 (1) by striking “shall clearly state” each place
25 it appears in paragraphs (1), (2), and (3) and in-

1 serting “shall state in a clear and conspicuous man-
2 ner”; and

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

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

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

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

15 “(1) SPECIAL RULES WITH RESPECT TO STATE-
16 MENTS.—In the case of any communication to which
17 this section applies which is a qualified internet or
18 digital communication (as defined in section
19 304(f)(3)(D)) which is disseminated through a me-
20 dium in which the provision of all of the information
21 specified in this section is not possible, the commu-
22 nication shall, in a clear and conspicuous manner—

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

1 “(B) provide a means for the recipient of
2 the communication to obtain the remainder of
3 the information required under this section with
4 minimal effort and without receiving or viewing
5 any additional material other than such re-
6 quired information.

7 “(2) SAFE HARBOR FOR DETERMINING CLEAR
8 AND CONSPICUOUS MANNER.—A statement in a
9 qualified internet or digital communication (as de-
10 fined in section 304(f)(3)(D)) shall be considered to
11 be made in a clear and conspicuous manner as pro-
12 vided in subsection (a) if the communication meets
13 the following requirements:

14 “(A) TEXT OR GRAPHIC COMMUNICA-
15 TIONS.—In the case of a text or graphic com-
16 munication, the statement—

17 “(i) appears in letters at least as large
18 as the majority of the text in the commu-
19 nication; and

20 “(ii) meets the requirements of para-
21 graphs (2) and (3) of subsection (c).

22 “(B) AUDIO COMMUNICATIONS.—In the
23 case of an audio communication, the statement
24 is spoken in a clearly audible and intelligible

1 manner at the beginning or end of the commu-
2 nication and lasts at least 3 seconds.

3 “(C) VIDEO COMMUNICATIONS.—In the
4 case of a video communication which also in-
5 cludes audio, the statement—

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

8 “(ii) is made both in—

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

13 “(II) an audible format that
14 meets the requirements of subpara-
15 graph (B).

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

21 (2) NONAPPLICATION OF CERTAIN EXCEP-
22 TIONS.—The exceptions provided in section
23 110.11(f)(1)(i) and (ii) of title 11, Code of Federal
24 Regulations, or any successor to such rules, shall
25 have no application to qualified internet or digital

1 communications (as defined in section 304(f)(3)(D)
2 of the Federal Election Campaign Act of 1971, as
3 added by this Act).

4 (c) MODIFICATION OF ADDITIONAL REQUIREMENTS
5 FOR CERTAIN COMMUNICATIONS.—Section 318(d) of such
6 Act (52 U.S.C. 30120(d)) is amended—

7 (1) in paragraph (1)(A)—

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

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

13 (2) in paragraph (1)(B)—

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

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

19 (3) in paragraph (2)—

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

23 (B) by striking “through television” in the
24 second sentence and inserting “in video for-
25 mat”.

1 **SEC. 116. POLITICAL RECORD REQUIREMENTS FOR ONLINE**
2 **PLATFORMS.**

3 (a) IN GENERAL.—Section 304 of the Federal Elec-
4 tion Campaign Act of 1971 (52 U.S.C. 30104), as amend-
5 ed by section 101(a), is further amended by adding at the
6 end the following new subsection:

7 “(k) DISCLOSURE OF CERTAIN ONLINE ADVERTISE-
8 MENTS.—

9 “(1) IN GENERAL.—

10 “(A) REQUIREMENTS FOR ONLINE PLAT-
11 FORMS.—An online platform shall maintain,
12 and make available for online public inspection
13 in machine readable format, a complete record
14 of any request to purchase on such online plat-
15 form a qualified political advertisement which is
16 made by a person whose aggregate requests to
17 purchase qualified political advertisements on
18 such online platform during the calendar year
19 exceeds \$500.

20 “(B) REQUIREMENTS FOR ADVER-
21 TISERS.—Any person who requests to purchase
22 a qualified political advertisement on an online
23 platform shall provide the online platform with
24 such information as is necessary for the online
25 platform to comply with the requirements of
26 subparagraph (A).

1 “(2) CONTENTS OF RECORD.—A record main-
2 tained under paragraph (1)(A) shall contain—

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

5 “(B) a description of the audience targeted
6 by the advertisement, the number of views gen-
7 erated from the advertisement, and the date
8 and time that the advertisement is first dis-
9 played and last displayed; and

10 “(C) information regarding—

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

13 “(ii) the name of the candidate to
14 which the advertisement refers and the of-
15 fice to which the candidate is seeking elec-
16 tion, the election to which the advertise-
17 ment refers, or the national legislative
18 issue to which the advertisement refers (as
19 applicable);

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

1 “(iv) in the case of any request not
2 described in clause (iii), the name of the
3 person purchasing the advertisement, the
4 name, address, and phone number of a
5 contact person for such person, and a list
6 of the chief executive officers or members
7 of the executive committee or of the board
8 of directors of such person.

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

14 “(A) sells qualified political advertise-
15 ments; and

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

20 “(4) QUALIFIED POLITICAL ADVERTISEMENT.—
21 For purposes of this subsection, the term ‘qualified
22 political advertisement’ means any advertisement
23 (including search engine marketing, display adver-
24 tisements, video advertisements, native advertise-
25 ments, and sponsorships) that—

1 “(A) is made by or on behalf of a can-
2 didate; or

3 “(B) communicates a message relating to
4 any political matter of national importance, in-
5 cluding—

6 “(i) a candidate;

7 “(ii) any election to Federal office; or

8 “(iii) a national legislative issue of
9 public importance.

10 “(5) TIME TO MAINTAIN FILE.—The informa-
11 tion required under this subsection shall be made
12 available as soon as possible and shall be retained by
13 the online platform for a period of not less than 4
14 years.

15 “(6) PENALTIES.—For penalties for failure by
16 online platforms, and persons requesting to purchase
17 a qualified political advertisement on online plat-
18 forms, to comply with the requirements of this sub-
19 section, see section 309.”.

20 (b) RULEMAKING.—Not later than 90 days after the
21 date of the enactment of this Act, the Federal Election
22 Commission shall establish rules—

23 (1) requiring common data formats for the
24 record required to be maintained under section
25 304(k) of the Federal Election Campaign Act of

1 1971 (as added by subsection (a)) so that all online
2 platforms submit and maintain data online in a com-
3 mon, machine-readable and publicly accessible for-
4 mat; and

5 (2) establishing search interface requirements
6 relating to such record, including searches by can-
7 didate name, issue, purchaser, and date.

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

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

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

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

1 **SEC. 117. PREVENTING CONTRIBUTIONS, EXPENDITURES,**
 2 **INDEPENDENT EXPENDITURES, AND DIS-**
 3 **BURSEMENTS FOR ELECTIONEERING COM-**
 4 **MUNICATIONS BY FOREIGN NATIONALS IN**
 5 **THE FORM OF ONLINE ADVERTISING.**

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

9 “(c) Each television or radio broadcast station, pro-
 10 vider of cable or satellite television, or online platform (as
 11 defined in section 304(j)(3)) shall make reasonable efforts
 12 to ensure that communications described in section 318(a)
 13 and made available by such station, provider, or platform
 14 are not purchased by a foreign national, directly or indi-
 15 rectly.”.

16 **TITLE II—CLOSING LOOPHOLES**
 17 **ALLOWING SPENDING BY**
 18 **FOREIGN NATIONALS IN**
 19 **ELECTIONS**

20 **SEC. 201. CLARIFICATION OF PROHIBITION ON PARTICIPA-**
 21 **TION BY FOREIGN NATIONALS IN ELECTION-**
 22 **RELATED ACTIVITIES.**

23 (a) **CLARIFICATION OF PROHIBITION.**—Section
 24 319(a) of the Federal Election Campaign Act of 1971 (52
 25 U.S.C. 30121(a)) is amended—

1 (1) by striking “or” at the end of paragraph
2 (1);

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

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

7 “(3) a foreign national to direct, dictate, con-
8 trol, or directly or indirectly participate in the deci-
9 sion-making process of any person (including a cor-
10 poration, labor organization, political committee, or
11 political organization) with regard to such person’s
12 Federal or non-Federal election-related activity, in-
13 cluding any decision concerning the making of con-
14 tributions, donations, expenditures, or disbursements
15 in connection with an election for any Federal,
16 State, or local office or any decision concerning the
17 administration of a political committee.”.

18 (b) CERTIFICATION OF COMPLIANCE.—Section 319
19 of such Act (52 U.S.C. 30121), as amended by section
20 117, is further amended by adding at the end the following
21 new subsection:

22 “(d) CERTIFICATION OF COMPLIANCE REQUIRED
23 PRIOR TO CARRYING OUT ACTIVITY.—Prior to the mak-
24 ing in connection with an election for Federal office of any
25 contribution, donation, expenditure, independent expendi-

1 ture, or disbursement for an electioneering communication
 2 by a corporation, limited liability corporation, or partner-
 3 ship during a year, the chief executive officer of the cor-
 4 poration, limited liability corporation, or partnership (or,
 5 if the corporation, limited liability corporation, or partner-
 6 ship does not have a chief executive officer, the highest
 7 ranking official of the corporation, limited liability cor-
 8 poration, or partnership), shall file a certification with the
 9 Commission, under penalty of perjury, that a foreign na-
 10 tional did not direct, dictate, control, or directly or indi-
 11 rectly participate in the decision-making process relating
 12 to such activity in violation of subsection (a)(3), unless
 13 the chief executive officer has previously filed such a cer-
 14 tification during that calendar year.”.

15 (c) EFFECTIVE DATE.—The amendments made by
 16 this section shall take effect upon the expiration of the
 17 180-day period which begins on the date of the enactment
 18 of this Act.

19 **SEC. 202. CLARIFICATION OF APPLICATION OF FOREIGN**
 20 **MONEY BAN TO CERTAIN DISBURSEMENTS**
 21 **AND ACTIVITIES.**

22 (a) APPLICATION TO DISBURSEMENTS TO SUPER
 23 PACS.—Section 319(a)(1)(A) of the Federal Election
 24 Campaign Act of 1971 (52 U.S.C. 30121(a)(1)(A)) is
 25 amended by striking the semicolon and inserting the fol-

1 lowing: “, including any disbursement to a political com-
2 mittee which accepts donations or contributions that do
3 not comply with the limitations, prohibitions, and report-
4 ing requirements of this Act (or any disbursement to or
5 on behalf of any account of a political committee which
6 is established for the purpose of accepting such donations
7 or contributions);”.

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

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

16 “(A) Each individual who manages the fund,
17 and who is responsible for exercising decision-mak-
18 ing authority for the fund, is a citizen of the United
19 States or is lawfully admitted for permanent resi-
20 dence in the United States.

21 “(B) No foreign national under section 319
22 participates in any way in the decision-making proc-
23 esses of the fund with regard to contributions or ex-
24 penditures under this Act.

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

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

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

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

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

17 “(a) AUDIT.—

18 “(1) IN GENERAL.—The Commission shall con-
19 duct an audit after each Federal election cycle to de-
20 termine the incidence of illicit foreign money in such
21 Federal election cycle.

22 “(2) PROCEDURES.—In carrying out paragraph
23 (1), the Commission shall conduct random audits of
24 any disbursements required to be reported under

1 this Act, in accordance with procedures established
2 by the Commission.

3 “(b) REPORT.—Not later than 180 days after the end
4 of each Federal election cycle, the Commission shall sub-
5 mit to Congress a report containing—

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

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

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

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

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

20 (b) EFFECTIVE DATE.—The amendment made by
21 subsection (a) shall apply with respect to the Federal elec-
22 tion cycle that began during November 2018, and each
23 succeeding Federal election cycle.

1 **SEC. 204. PROHIBITION ON CONTRIBUTIONS AND DONA-**
 2 **TIONS BY FOREIGN NATIONALS IN CONNEC-**
 3 **TIONS WITH BALLOT INITIATIVES AND**
 4 **REFERENDA.**

5 (a) **IN GENERAL.**—Section 319(a)(1)(A) of the Fed-
 6 eral Election Campaign Act of 1971 (52 U.S.C.
 7 30121(a)(1)(A)) is amended by striking “election” and in-
 8 serting the following: “election, including a State or local
 9 ballot initiative or referendum”.

10 (b) **EFFECTIVE DATE.**—The amendment made by
 11 this section shall apply with respect to elections held in
 12 2020 or any succeeding year.

13 **SEC. 205. EXPANSION OF LIMITATIONS ON FOREIGN NA-**
 14 **TIONALS PARTICIPATING IN POLITICAL AD-**
 15 **VERTISING.**

16 (a) **DISBURSEMENTS DESCRIBED.**—Section
 17 319(a)(1) of the Federal Election Campaign Act of 1971
 18 (52 U.S.C. 30121(a)(1)) is amended—

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

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

23 “(C) an expenditure;

24 “(D) an independent expenditure;

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

4 “(F) a disbursement for a communication
5 which is placed or promoted for a fee on a
6 website, web application, or digital application
7 that refers to a clearly identified candidate for
8 election for Federal office and is disseminated
9 within 60 days before a general, special, or run-
10 off election for the office sought by the can-
11 didate or 30 days before a primary or pref-
12 erence election, or a convention or caucus of a
13 political party that has authority to nominate a
14 candidate for the office sought by the can-
15 didate;

16 “(G) a disbursement for a broadcast, cable
17 or satellite communication, or for a communica-
18 tion which is placed or promoted for a fee on
19 a website, web application, or digital applica-
20 tion, that promotes, supports, attacks, or op-
21 poses the election of a clearly identified can-
22 didate for Federal, State, or local office (re-
23 gardless of whether the communication contains
24 express advocacy or the functional equivalent of
25 express advocacy);

1 “(H) a disbursement for a broadcast,
2 cable, or satellite communication, or for any
3 communication which is placed or promoted for
4 a fee on an online platform (as defined in sec-
5 tion 304(k)(3)), that discusses a national legis-
6 lative issue of public importance in a year in
7 which a regularly scheduled general election for
8 Federal office is held, but only if the disburse-
9 ment is made by a covered foreign national de-
10 scribed in section 304(j)(3)(C); or

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

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

1 **TITLE III—DETECTING FOREIGN**
2 **INTERFERENCE IN ELECTIONS**
3 **Subtitle A—Deterrence Under Fed-**
4 **eral Election Campaign Act of**
5 **1971**

6 **SEC. 301. RESTRICTIONS ON EXCHANGE OF CAMPAIGN IN-**
7 **FORMATION BETWEEN CANDIDATES AND**
8 **FOREIGN POWERS.**

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

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

15 “(1) TREATMENT OF OFFER TO SHARE NON-
16 PUBLIC CAMPAIGN MATERIAL AS SOLICITATION OF
17 CONTRIBUTION FROM FOREIGN NATIONAL.—If a
18 candidate or an individual affiliated with the cam-
19 paign of a candidate, or if a political committee or
20 an individual affiliated with a political committee,
21 provides or offers to provide nonpublic campaign
22 material to a covered foreign national or to another
23 person whom the candidate, committee, or individual
24 knows or has reason to know will provide the mate-
25 rial to a covered foreign national, the candidate,

1 committee, or individual (as the case may be) shall
2 be considered for purposes of this section to have so-
3 licited a contribution or donation described in sub-
4 section (a)(1)(A) from a foreign national.

5 “(2) DEFINITIONS.—In this subsection, the fol-
6 lowing definitions apply:

7 “(A) The term ‘candidate’ means an indi-
8 vidual who seeks nomination for, or election to,
9 any Federal, State, or local public office.

10 “(B) The term ‘covered foreign national’
11 has the meaning given such term in section
12 304(j)(3)(C).

13 “(C) The term ‘individual affiliated with a
14 campaign’ means, with respect to a candidate,
15 an employee of any organization legally author-
16 ized under Federal, State, or local law to sup-
17 port the candidate’s campaign for nomination
18 for, or election to, any Federal, State, or local
19 public office, as well as any independent con-
20 tractor of such an organization and any indi-
21 vidual who performs services on behalf of the
22 organization, whether paid or unpaid.

23 “(D) The term ‘individual affiliated with a
24 political committee’ means, with respect to a
25 political committee, an employee of the com-

1 mittee as well as any independent contractor of
2 the committee and any individual who performs
3 services on behalf of the committee, whether
4 paid or unpaid.

5 “(E) The term ‘nonpublic campaign mate-
6 rial’ means, with respect to a candidate or a po-
7 litical committee, campaign material that is
8 produced by the candidate or the committee or
9 produced at the candidate or committee’s ex-
10 pense or request which is not distributed or
11 made available to the general public or other-
12 wise in the public domain, including polling and
13 focus group data and opposition research, ex-
14 cept that such term does not include material
15 produced for purposes of consultations relating
16 solely to the candidate’s or committee’s position
17 on a legislative or policy matter.”.

18 **SEC. 302. CLARIFICATION OF STANDARD FOR DETER-**
19 **MINING EXISTENCE OF COORDINATION BE-**
20 **TWEEN CAMPAIGNS AND OUTSIDE INTER-**
21 **ESTS.**

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

1 “(10) For purposes of paragraph (7), an expenditure
 2 or disbursement may be considered to have been made in
 3 cooperation, consultation, or concert with, or coordinated
 4 with, a person without regard to whether or not the co-
 5 operation, consultation, or coordination is carried out pur-
 6 suant to agreement or formal collaboration.”.

7 **Subtitle B—Prohibiting Deceptive**
 8 **Practices and Preventing Voter**
 9 **Intimidation**

10 **SEC. 311. SHORT TITLE.**

11 This subtitle may be cited as the “Deceptive Prac-
 12 tices and Voter Intimidation Prevention Act of 2019”.

13 **SEC. 312. PROHIBITION ON DECEPTIVE PRACTICES IN FED-**
 14 **ERAL ELECTIONS.**

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

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

19 “(1) IN GENERAL.—No person”; and

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

22 “(2) FALSE STATEMENTS REGARDING FEDERAL
 23 ELECTIONS.—

24 “(A) PROHIBITION.—No person, whether
 25 acting under color of law or otherwise, shall,

1 within 60 days before an election described in
2 paragraph (5), by any means, including by
3 means of written, electronic, or telephonic com-
4 munications, communicate or cause to be com-
5 municated information described in subpara-
6 graph (B), or produce information described in
7 subparagraph (B) with the intent that such in-
8 formation be communicated, if such person—

9 “(i) knows such information to be ma-
10 terially false; and

11 “(ii) has the intent to impede or pre-
12 vent another person from exercising the
13 right to vote in an election described in
14 paragraph (5).

15 “(B) INFORMATION DESCRIBED.—Infor-
16 mation is described in this subparagraph if such
17 information is regarding—

18 “(i) the time, place, or manner of
19 holding any election described in para-
20 graph (5); or

21 “(ii) the qualifications for or restric-
22 tions on voter eligibility for any such elec-
23 tion, including—

1 “(I) any criminal penalties asso-
2 ciated with voting in any such elec-
3 tion; or

4 “(II) information regarding a
5 voter’s registration status or eligi-
6 bility.

7 “(3) FALSE STATEMENTS REGARDING PUBLIC
8 ENDORSEMENTS.—

9 “(A) PROHIBITION.—No person, whether
10 acting under color of law or otherwise, shall,
11 within 60 days before an election described in
12 paragraph (5), by any means, including by
13 means of written, electronic, or telephonic com-
14 munications, communicate, or cause to be com-
15 municated, a materially false statement about
16 an endorsement, if such person—

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

19 “(ii) has the intent to impede or pre-
20 vent another person from exercising the
21 right to vote in an election described in
22 paragraph (5).

23 “(B) DEFINITION OF ‘MATERIALLY
24 FALSE’.—For purposes of subparagraph (A), a
25 statement about an endorsement is ‘materially

1 false' if, with respect to an upcoming election
2 described in paragraph (5)—

3 “(i) the statement states that a spe-
4 cifically named person, political party, or
5 organization has endorsed the election of a
6 specific candidate for a Federal office de-
7 scribed in such paragraph; and

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

11 “(4) HINDERING, INTERFERING WITH, OR PRE-
12 VENTING VOTING OR REGISTERING TO VOTE.—No
13 person, whether acting under color of law or other-
14 wise, shall intentionally hinder, interfere with, or
15 prevent another person from voting, registering to
16 vote, or aiding another person to vote or register to
17 vote in an election described in paragraph (5).

18 “(5) ELECTION DESCRIBED.—An election de-
19 scribed in this paragraph is any general, primary,
20 run-off, or special election held solely or in part for
21 the purpose of nominating or electing a candidate
22 for the office of President, Vice President, presi-
23 dential elector, Member of the Senate, Member of
24 the House of Representatives, or Delegate or Com-
25 missioner from a Territory or possession.”.

1 (b) PRIVATE RIGHT OF ACTION.—

2 (1) IN GENERAL.—Subsection (c) of section
3 2004 of the Revised Statutes (52 U.S.C. 10101(e))
4 is amended—

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

7 “(1) Whenever any person”; and

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

10 “(2) Any person aggrieved by a violation of
11 subsection (b)(2), (b)(3), or (b)(4) may institute a
12 civil action for preventive relief, including an appli-
13 cation in a United States district court for a perma-
14 nent or temporary injunction, restraining order, or
15 other order. In any such action, the court, in its dis-
16 cretion, may allow the prevailing party a reasonable
17 attorney’s fee as part of the costs.”.

18 (2) CONFORMING AMENDMENTS.—

19 (A) Subsection (e) of section 2004 of the
20 Revised Statutes (52 U.S.C. 10101(e)) is
21 amended by striking “subsection (c)” and in-
22 serting “subsection (e)(1)”.

23 (B) Subsection (g) of section 2004 of the
24 Revised Statutes (52 U.S.C. 10101(g)) is

1 amended by striking “subsection (e)” and in-
2 serting “subsection (e)(1)”.

3 (c) CRIMINAL PENALTIES.—

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

6 (A) by striking “Whoever” and inserting
7 the following:

8 “(a) INTIMIDATION.—Whoever”;

9 (B) in subsection (a), as inserted by sub-
10 paragraph (A), by striking “at any election”
11 and inserting “at any general, primary, run-off,
12 or special election”; and

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

15 “(b) DECEPTIVE ACTS.—

16 “(1) FALSE STATEMENTS REGARDING FEDERAL
17 ELECTIONS.—

18 “(A) PROHIBITION.—It shall be unlawful
19 for any person, whether acting under color of
20 law or otherwise, within 60 days before an elec-
21 tion described in subsection (e), by any means,
22 including by means of written, electronic, or tel-
23 ephonic communications, to communicate or
24 cause to be communicated information de-
25 scribed in subparagraph (B), or produce infor-

1 mation described in subparagraph (B) with the
2 intent that such information be communicated,
3 if such person—

4 “(i) knows such information to be ma-
5 terially false; and

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

10 “(B) INFORMATION DESCRIBED.—Infor-
11 mation is described in this subparagraph if such
12 information is regarding—

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

15 “(ii) the qualifications for or restric-
16 tions on voter eligibility for any such elec-
17 tion, including—

18 “(I) any criminal penalties asso-
19 ciated with voting in any such elec-
20 tion; or

21 “(II) information regarding a
22 voter’s registration status or eligi-
23 bility.

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

4 “(c) HINDERING, INTERFERING WITH, OR PRE-
5 VENTING VOTING OR REGISTERING TO VOTE.—

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

12 “(2) PENALTY.—Any person who violates para-
13 graph (1) shall be fined not more than \$100,000,
14 imprisoned for not more than 5 years, or both.

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

19 “(e) ELECTION DESCRIBED.—An election described
20 in this subsection is any general, primary, run-off, or spe-
21 cial election held solely or in part for the purpose of nomi-
22 nating or electing a candidate for the office of President,
23 Vice President, presidential elector, Member of the Senate,
24 Member of the House of Representatives, or Delegate or
25 Commissioner from a Territory or possession.”.

1 (2) MODIFICATION OF PENALTY FOR VOTER IN-
2 TIMIDATION.—Section 594(a) of title 18, United
3 States Code, as amended by paragraph (1), is
4 amended by striking “fined under this title or im-
5 prisoned not more than one year” and inserting
6 “fined not more than \$100,000, imprisoned for not
7 more than 5 years”.

8 (3) SENTENCING GUIDELINES.—

9 (A) REVIEW AND AMENDMENT.—Not later
10 than 180 days after the date of enactment of
11 this Act, the United States Sentencing Commis-
12 sion, pursuant to its authority under section
13 994 of title 28, United States Code, and in ac-
14 cordance with this section, shall review and, if
15 appropriate, amend the Federal sentencing
16 guidelines and policy statements applicable to
17 persons convicted of any offense under section
18 594 of title 18, United States Code, as amend-
19 ed by this section.

20 (B) AUTHORIZATION.—The United States
21 Sentencing Commission may amend the Federal
22 Sentencing Guidelines in accordance with the
23 procedures set forth in section 21(a) of the Sen-
24 tencing Act of 1987 (28 U.S.C. 994 note) as

1 though the authority under that section had not
2 expired.

3 (4) PAYMENTS FOR REFRAINING FROM VOT-
4 ING.—Subsection (c) of section 11 of the Voting
5 Rights Act of 1965 (52 U.S.C. 10307) is amended
6 by striking “either for registration to vote or for vot-
7 ing” and inserting “for registration to vote, for vot-
8 ing, or for not voting”.

9 **SEC. 313. CORRECTIVE ACTION.**

10 (a) CORRECTIVE ACTION.—

11 (1) IN GENERAL.—If the Attorney General re-
12 ceives a credible report that materially false informa-
13 tion has been or is being communicated in violation
14 of paragraphs (2) and (3) of section 2004(b) of the
15 Revised Statutes (52 U.S.C. 10101(b)), as added by
16 section 312(a), and if the Attorney General deter-
17 mines that State and local election officials have not
18 taken adequate steps to promptly communicate accu-
19 rate information to correct the materially false infor-
20 mation, the Attorney General shall, pursuant to the
21 written procedures and standards under subsection
22 (b), communicate to the public, by any means, in-
23 cluding by means of written, electronic, or telephonic
24 communications, accurate information designed to
25 correct the materially false information.

1 (2) COMMUNICATION OF CORRECTIVE INFORMA-
2 TION.—Any information communicated by the Attor-
3 ney General under paragraph (1)—

4 (A) shall—

5 (i) be accurate and objective;

6 (ii) consist of only the information
7 necessary to correct the materially false in-
8 formation that has been or is being com-
9 municated; and

10 (iii) to the extent practicable, be by a
11 means that the Attorney General deter-
12 mines will reach the persons to whom the
13 materially false information has been or is
14 being communicated; and

15 (B) shall not be designed to favor or dis-
16 favor any particular candidate, organization, or
17 political party.

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

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

1 (2) INCLUSION OF APPROPRIATE DEADLINES.—

2 The procedures and standards under paragraph (1)
3 shall include appropriate deadlines, based in part on
4 the number of days remaining before the upcoming
5 election.

6 (3) CONSULTATION.—In developing the proce-
7 dures and standards under paragraph (1), the Attor-
8 ney General shall consult with the Election Assist-
9 ance Commission, State and local election officials,
10 civil rights organizations, voting rights groups, voter
11 protection groups, and other interested community
12 organizations.

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

16 **SEC. 314. REPORTS TO CONGRESS.**

17 (a) IN GENERAL.—Not later than 180 days after
18 each general election for Federal office, the Attorney Gen-
19 eral shall submit to Congress a report compiling all allega-
20 tions received by the Attorney General of deceptive prac-
21 tices described in paragraphs (2), (3), and (4) of section
22 2004(b) of the Revised Statutes (52 U.S.C. 10101(b)), as
23 added by section 312(a), relating to the general election
24 for Federal office and any primary, run-off, or a special

1 election for Federal office held in the 2 years preceding
2 the general election.

3 (b) CONTENTS.—

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

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

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

14 (C) a description of each corrective action
15 taken by the Attorney General under section
16 4(a) in response to an allegation described in
17 subparagraph (A);

18 (D) a description of each referral of an al-
19 legation described in subparagraph (A) to other
20 Federal, State, or local agencies;

21 (E) to the extent information is available,
22 a description of any civil action instituted under
23 section 2004(c)(2) of the Revised Statutes (52
24 U.S.C. 10101(c)(2)), as added by section

1 312(b), in connection with an allegation de-
2 scribed in subparagraph (A); and

3 (F) a description of any criminal prosecu-
4 tion instituted under section 594 of title 18,
5 United States Code, as amended by section
6 3(c), in connection with the receipt of an allega-
7 tion described in subparagraph (A) by the At-
8 torney General.

9 (2) EXCLUSION OF CERTAIN INFORMATION.—

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

16 (B) EXCLUSION OF CERTAIN OTHER IN-
17 FORMATION.—The Attorney General may deter-
18 mine that the following information shall not be
19 included in a report submitted under subsection
20 (a):

21 (i) Any information that is privileged.

22 (ii) Any information concerning an
23 ongoing investigation.

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

4 (iv) Any other nonpublic information
5 that the Attorney General determines the
6 disclosure of which could reasonably be ex-
7 pected to infringe on the rights of any in-
8 dividual or adversely affect the integrity of
9 a pending or future criminal investigation.

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

15 **TITLE IV—MISCELLANEOUS**
16 **PROVISIONS**

17 **SEC. 401. EFFECTIVE DATES OF PROVISIONS.**

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

1 **SEC. 402. SEVERABILITY.**

2 If any provision of this Act or any amendment made
3 by this Act, or the application of a provision of this Act
4 or an amendment made by this Act to any person or cir-
5 cumstance, is held to be unconstitutional, the remainder
6 of this Act, and the application of the provisions to any
7 person or circumstance, shall not be affected by the hold-
8 ing.

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