

Union Calendar No. 559

118TH CONGRESS
2^D SESSION

H. R. 8399

[Report No. 118–663, Part I]

To amend the Federal Election Campaign Act of 1971 to further restrict contributions of foreign nationals, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 14, 2024

Mr. STEIL (for himself and Mrs. BICE) introduced the following bill; which was referred to the Committee on House Administration, and in addition to the Committee on Oversight and Accountability, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

SEPTEMBER 12, 2024

Additional sponsor: Ms. LEE of Florida

SEPTEMBER 12, 2024

Reported from the Committee on House Administration with an amendment

[Strike out all after the enacting clause and insert the part printed in italic]

SEPTEMBER 12, 2024

Committee on Oversight and Accountability discharged; committed to the Committee of the Whole House on the State of the Union and ordered to be printed

[For text of introduced bill, see copy of bill as introduced on May 14, 2024]

A BILL

To amend the Federal Election Campaign Act of 1971 to further restrict contributions of foreign nationals, and for other purposes.

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

3 **SECTION 1. SHORT TITLE.**

4 *This Act may be cited as the “Preventing Foreign In-*
5 *terference in American Elections Act”.*

6 **SEC. 2. MODIFICATIONS TO FOREIGN MONEY BAN.**

7 *(a) ADDITIONAL RESTRICTIONS.—*

8 *(1) IN GENERAL.—Section 319(a)(1) of the Fed-*
9 *eral Election Campaign Act of 1971 (52 U.S.C.*
10 *30121(a)(1)) is amended—*

11 *(A) by striking “or” at the end of subpara-*
12 *graph (B); and*

13 *(B) by adding at the end the following new*
14 *subparagraph:*

15 *“(D) a donation for the purpose of—*

16 *“(i) voter registration activity;*

17 *“(ii) ballot collection;*

18 *“(iii) voter identification;*

19 *“(iv) get-out-the-vote activity;*

20 *“(v) any public communication that*

21 *refers to a clearly identified Federal, State,*

22 *or local political party; or*

23 *“(vi) the administration of a Federal,*

24 *State, or local election; or”.*

1 (2) *CONFORMING AMENDMENT.*—Section
2 319(a)(2) of such Act (52 U.S.C. 30121(a)(2)) is
3 amended by striking “subparagraph (A) or (B) of
4 paragraph (1)” and inserting “subparagraph (A),
5 (B), or (D) of paragraph (1)”.

6 (b) *PROHIBITION ON AIDING OR FACILITATING VIOLA-*
7 *TIONS.*—Section 319(a) of the *Federal Election Campaign*
8 *Act of 1971* (52 U.S.C. 30121(a)), as amended by subsection
9 (a), is amended—

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

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

14 (3) by adding at the end the following new para-
15 graph:

16 “(3) a person to knowingly aid or facilitate a
17 violation of paragraph (1) or (2).”.

18 (c) *INDIRECT CONTRIBUTIONS.*—Section 319 of the
19 *Federal Election Campaign Act of 1971* (52 U.S.C. 30121)
20 is amended by adding at the end the following new sub-
21 section:

22 “(c) *INDIRECT CONTRIBUTIONS.*—For purposes of this
23 section, a person shall be treated as having indirectly made
24 a contribution, donation, expenditure, or disbursement de-
25 scribed in subparagraphs (A), (B), (C), or (D) of subsection

1 *(a)(1) if such person has made a contribution or donation*
2 *to a person with a designation, instruction, or encumbrance*
3 *(whether direct or indirect, express or implied, oral or writ-*
4 *ten, or involving intermediaries or conduits) which results*
5 *in any part of such contribution, donation, expenditure, or*
6 *disbursement being used for an activity described in sub-*
7 *paragraphs (A), (B), (C), or (D) of subsection (a)(1).”.*

8 *(d) ENFORCEMENT PROVISIONS.—Section 319 of the*
9 *Federal Election Campaign Act of 1971 (52 U.S.C. 30121),*
10 *as amended by subsection (c), is amended by adding at the*
11 *end the following new subsection:*

12 *“(d) ENFORCEMENT.—*

13 *“(1) USE OF CERTIFICATION AS A DEFENSE.—*

14 *“(A) IN GENERAL.—In the case of any alle-*
15 *gation that a person has violated subsection (a),*
16 *any person alleged in the complaint may, in*
17 *connection with a response to such allegation*
18 *under section 309(a)(1), submit, under penalty*
19 *of perjury, a certification that no such violation*
20 *has occurred.*

21 *“(B) EFFECT OF SUBMISSION.—The Com-*
22 *mission shall take into consideration any certifi-*
23 *cation submitted under subparagraph (A) in*
24 *making a determination under section 309(a)(2)*

1 *whether there is reason to believe such violation*
2 *has occurred.*

3 “(2) *LIMITATION ON INVESTIGATIONS.*—

4 “(A) *IN GENERAL.*—*If the Commission*
5 *makes a determination under section 309(a)(2)*
6 *that there is reason to believe a violation of sub-*
7 *section (a) has occurred or is about to occur, any*
8 *investigation of such alleged violation shall be*
9 *limited in scope to the factual matter necessary*
10 *to determine whether such alleged violation oc-*
11 *curred.*

12 “(B) *PETITION TO QUASH SUBPOENA OR*
13 *ORDER ON BASIS NOT LIMITED IN SCOPE TO NEC-*
14 *CESSARY FACTUAL MATTER.*—

15 “(i) *IN GENERAL.*—*A person subject to*
16 *an investigation by the Commission fol-*
17 *lowing a determination of the Commission*
18 *that there is reason to believe a violation of*
19 *subsection (a) has occurred or is about to*
20 *occur may file a petition in any United*
21 *States district court with jurisdiction to*
22 *quash any subpoena or order of the Com-*
23 *mission issued under paragraph (3) or (4),*
24 *respectively, of section 307(a) on the basis*
25 *that the subpoena or order is not limited in*

1 scope to the factual matter necessary to de-
2 termine whether such alleged violation oc-
3 curred as required under subparagraph (A).

4 “(ii) CLARIFICATION.—Nothing in
5 clause (i) shall be construed to alter the
6 right of any person to otherwise challenge
7 the power of the Commission to issue a sub-
8 poena under section 307(a)(3) or an order
9 under section 307(a)(4).”.

10 (e) REPORTING.—

11 (1) CONTRIBUTIONS AND EXPENDITURES OF PO-
12 LITICAL COMMITTEES AND POLITICAL PARTIES.—Sec-
13 tion 304(b) of the Federal Election Campaign Act of
14 1971 (52 U.S.C. 30104(b)) is amended—

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

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

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

21 “(9) under penalty of perjury, a certification
22 that the committee has complied with the require-
23 ments of section 319(a).”.

24 (2) INDEPENDENT EXPENDITURES.—

1 (A) COMMITTEE REPORTS.—Section
2 304(b)(6)(B)(iii) of such Act (52 U.S.C.
3 30104(b)(6)(B)(iii)) is amended—

4 (i) by striking “and a certification”
5 and inserting “a certification”; and

6 (ii) by inserting “, and a certification,
7 under penalty of perjury that the inde-
8 pendent expenditure does not violate section
9 319(a)” before the semicolon at the end.

10 (B) OTHER PERSONS.—Section 304(c)(2) of
11 such Act (52 U.S.C. 30104(c)(2)) is amended—

12 (i) by striking “and” at the end of sub-
13 paragraph (B);

14 (ii) by redesignating subparagraph (C)
15 as subparagraph (D); and

16 (iii) by inserting after subparagraph
17 (B) the following new subparagraph:

18 “(C) under penalty of perjury, a certification
19 that the independent expenditure does not violate sec-
20 tion 319(a); and”.

21 (3) ELECTIONEERING COMMUNICATIONS.—Sec-
22 tion 304(f)(2) of such Act (52 U.S.C. 30104(f)(2)) is
23 amended by adding at the end the following new sub-
24 paragraph:

1 “(G) A certification, under penalty of per-
2 jury, that the disbursement does not violate sec-
3 tion 319(a).”.

4 **SEC. 3. PROTECTING PRIVACY OF DONORS TO TAX-EXEMPT**
5 **ORGANIZATIONS.**

6 (a) *RESTRICTIONS ON COLLECTION OF DONOR INFOR-*
7 *MATION.—*

8 (1) *RESTRICTIONS.—An entity of the Federal*
9 *government may not collect or require the submission*
10 *of information on the identification of any donor to*
11 *a tax-exempt organization.*

12 (2) *EXCEPTIONS.—Paragraph (1) does not apply*
13 *to the following:*

14 (A) *The Internal Revenue Service, acting*
15 *lawfully pursuant to section 6033 of the Internal*
16 *Revenue Code of 1986 or any successor provision.*

17 (B) *The Secretary of the Senate and the*
18 *Clerk of the House of Representatives, acting*
19 *lawfully pursuant to section 3 of the Lobbying*
20 *Disclosure Act of 1995 (2 U.S.C. 1604).*

21 (C) *The Federal Election Commission, act-*
22 *ing lawfully pursuant to—*

23 (i) *section 510 of title 36, United*
24 *States Code; or*

1 (ii) any provision of title III of the
2 Federal Election Campaign Act of 1971 (52
3 U.S.C. 30101 et seq.).

4 (D) An entity acting pursuant to a lawful
5 order of a court or administrative body which
6 has the authority under law to direct the entity
7 to collect or require the submission of the infor-
8 mation, but only to the extent permitted by the
9 lawful order of such court or administrative
10 body.

11 (b) *RESTRICTIONS ON RELEASE OF DONOR INFORMA-*
12 *TION.—*

13 (1) *RESTRICTIONS.—*An entity of the Federal
14 government may not disclose to the public informa-
15 tion revealing the identification of any donor to a
16 tax-exempt organization.

17 (2) *EXCEPTIONS.—*Paragraph (1) does not apply
18 to the following:

19 (A) The Internal Revenue Service, acting
20 lawfully pursuant to section 6104 of the Internal
21 Revenue Code of 1986 or any successor provision.

22 (B) The Secretary of the Senate and the
23 Clerk of the House of Representatives, acting
24 lawfully pursuant to section 3 of the Lobbying
25 Disclosure Act of 1995 (2 U.S.C. 1604).

1 (C) *The Federal Election Commission, act-*
2 *ing lawfully pursuant to—*

3 (i) *section 510 of title 36, United*
4 *States Code; or*

5 (ii) *any provision of title III of the*
6 *Federal Election Campaign Act of 1971 (52*
7 *U.S.C. 30101 et seq.).*

8 (D) *An entity acting pursuant to a lawful*
9 *order of a court or administrative body which*
10 *has the authority under law to direct the entity*
11 *to disclose the information, but only to the extent*
12 *permitted by the lawful order of such court or*
13 *administrative body.*

14 (E) *An entity which discloses the informa-*
15 *tion as authorized by the organization.*

16 (c) *TAX-EXEMPT ORGANIZATION DEFINED.—In this*
17 *section, a “tax-exempt organization” means an organiza-*
18 *tion which is described in section 501(c) of the Internal*
19 *Revenue Code of 1986 and is exempt from taxation under*
20 *section 501(a) of such Code. Nothing in this subsection may*
21 *be construed to treat a political organization under section*
22 *527 of such Code as a tax-exempt organization for purposes*
23 *of this section.*

24 (d) *PENALTIES.—It shall be unlawful for any officer*
25 *or employee of the United States, or any former officer or*

1 *employee, willfully to disclose to any person, except as au-*
2 *thorized in this section, any information revealing the iden-*
3 *tification of any donor to a tax-exempt organization. Any*
4 *violation of this section shall be a felony punishable upon*
5 *conviction by a fine in any amount not exceeding \$250,000,*
6 *or imprisonment of not more than 5 years, or both, together*
7 *with the costs of prosecution, and if such offense is com-*
8 *mited by any officer or employee of the United States, he*
9 *shall, in addition to any other punishment, be dismissed*
10 *from office or discharged from employment upon conviction*
11 *for such offense.*

12 **SEC. 4. EFFECTIVE DATE.**

13 *(a) MODIFICATIONS TO FOREIGN MONEY BAN.—*

14 *(1) IN GENERAL.—Except as provided in para-*
15 *graph (2), section 2 and the amendments made by*
16 *section 2 shall apply with respect to donations or*
17 *other amounts provided on or after the date of the en-*
18 *actment of this Act.*

19 *(2) REPORTING REQUIREMENTS.—Subsection (e)*
20 *of section 2 and the amendments made by such sub-*
21 *section shall apply with respect to reports filed under*
22 *the Federal Election Campaign Act of 1971 on or*
23 *after the date of the enactment of this Act.*

1 **(b) PROTECTING PRIVACY OF DONORS.**—*Section 3*
2 *shall apply with respect to donations made on or after the*
3 *date of the enactment of this Act.*

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