159th CONGRESS
1ST SESSION

S. 1

To render the issues facing our democracy defunct, so as to protect the Republic.

IN THE SENATE OF THE UNITED STATES

November 17th, 2022

Mr. Twos of Lincoln, on behalf of constituent author Mr. Sullivan of Olympia(for themselves,) introduced the following bill;

A BILL

To render the issues facing our democracy defunct, so as to protect the Republic.

Be it enacted by the Senate and the House of Representatives of the United States of America in Congress Assembled,

SEC. 1. SHORT TITLE.

This act may be cited as the “The Protecting our Democracy Act”.

SEC. 2. FINDINGS.

Congress finds that —

1) Recent events in the Capital of our nation have highlighted the widespread corruption that is ingrained in our systems of government;
2) The revolving door between congress and lobbying firms must be halted for the sake of the integrity of our elected officials;
3) Election Security, and in particular Election Cybersecurity, is of the upmost importance. In recent years we’ve seen how the vulnerabilities in our Election Machines could leave us exposed to a hacking threat from a foreign adversary such as the Russian Federation or The People’s Republic of China. Such a hacking event could change the results of our elections in a way that is inherently a threat to our Democracy;
4) For far too long, Foreign Governments have been able to influence the policy decisions and elections of the United States of America legally, which has allowed them to contort the Public Policy of the United States of America in a manner that suits the needs of their citizens and not our citizens;

5) The extremely lax and minimal standards we have had regarding foreign powers, both friend and foe, have gone unenforced and therefore ignored;
6) The United States of America, and by extension the Congress of the United States of America, has a vested interest to fix certain issues surrounding the stability and security of our elections, the ethics of our government, and campaign finance;
7) The Congress of the United States of America has the full constitutional authority to amend the previous statutes enacted by this Congress that this bill addresses as these statutes surround Campaign Finance, National Security, and the Ethics of our Government. The constitution gives Congress the full authority to regulate itself so long as it does not impede on the freedoms of the people; and
8) Therefore, this Act to address the critical issues facing our Democracy is necessitated.

SEC. 3. SEVERABILITY.

1) Severability. — Should any one or more provision, section, subsection, sentence, clause, phrase, word, application of this Act be deemed invalid or unconstitutional for any reason in a court with relevant jurisdiction, the rest of the Act, and the application of the remaining provisions, shall not be affected.

SEC. 4. TABLE OF CONTENTS.

The table of contents for this Act are as follows:

DIVISION A — CONGRESSIONAL LOBBYING REFORM

SEC. 1101. BARRING MEMBERS OF CONGRESS FROM LOBBYING WITHIN THEIR LIFETIME.

1) In General. – Section 207(e)(1) of title 18 of the United States Code is amended to read as follows:

> "(1) Prohibition. — Any person who is a Senator, a Member of the House of Representatives, or an elected officer of the Senate or the House of Representatives and who, after that person leaves office, knowingly makes, with the intent to influence, any communication to or appearance before any Member, officer, or employee of either House of Congress or any employee of any other legislative office of the Congress, on

behalf of any other person (except the United States) in connection with any matter on which said former Senator, Member, or elected official seeks action by a Member, officer, or employee of either House of Congress, in his or her official capacity, shall be punished as provided in section 216 of this title.

(2) Exemption. — The prohibition under subsection (a) shall not apply to a former Senator, a former Member of the House of Representatives, or a former elected officer of the Senate or House of Representatives, while they are an officeholder in either state or local government."

2) Conforming Amendments. – Section 207(e)(2) of title 18 of the United States code is amended to read as follows:
   a) in the heading, by striking "OFFICERS AND STAFF" and inserting "STAFF";
   b) by striking "an elected officer of the Senate, or";
   c) by striking "leaves office or employment" and inserting "leaves employment"; and
   d) by striking "former elected officer or".

SEC. 1102. LENGTHENING THE PERIOD OF TIME BEFORE CONGRESSIONAL STAFF MAY ENGAGE IN LOBBYING.

1) In General. – Paragraphs (2), (3)(A), (4), (5)(A), and (6)(A) of section 207(e) of title 18 of the United States Code are each amended by striking "1 year" and inserting "10 years".

SEC. 1103. LOBBYIST REVOLVING DOOR INTO CONGRESS.

1) Definitions. – for the purposes of this section:
   a) the term "foreign principal" has the meaning given that term under section 1(b) of the Foreign Agents Registration Act of 1938, as amended (22 U.S.C. 611(b));
   b) the terms "lobbyist" and "lobbying contact" has the meanings given such terms under section 3 of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1602); and
   c) the term "registered lobbyist" means a lobbyist registered under the Lobbying Disclosure Act of 1995 (2 U.S.C. 1601 et seq.).

1) Temporary prohibition for Registered Lobbyists. – Any person who is a registered lobbyist may not, within 10 years after that person leaves such position, be hired by a member or committee of either House of Congress with whom the registered lobbyist has had substantial lobbying contact.
2) Permanent Prohibition for Agents of a Foreign Principal. – Any person who is an agent of a foreign principal may not be hired by a member of committee of either House of Congress with whom the agent of a foreign principal has had substantial lobbying contact.
3) Waiver. – This section may be waived in the Senate or the House of Representatives by the Select Committee on Ethics of the Senate or the Committee on Oversight and Ethics of the House of Representatives, respectively, based on a compelling national need.
4) Substantial Lobbying Contact. – For purposes of this section, in determining whether a registered lobbyist or agent of a foreign principal has had substantial lobbying contact within the applicable period of time, a Member or committee of either House of Congress shall take into consideration whether the individual's lobbying contacts have pertained to pending legislative business, or related to solicitation of an earmark or other Federal funding, particularly if such contacts included the coordination of meetings with the Member or

committee, involved presentations to employees of the Member or committee, or participation in fundraising (except for the mere giving of a personal contribution). Simple social contacts with the Member or committee of either House of Congress and staff, shall not by themselves constitute substantial lobbying contacts.

SEC. 1104. IMPROVED REPORTING OF LOBBYISTS' ACTIVITIES.

In General. – Section 6 of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1605) is amended by adding at the end the following:

"(c) Joint Website. —

(1) IN GENERAL. — The Secretary of the Senate and the Clerk of the House of Representatives shall maintain a joint lobbyist disclosure internet database for information required to be publicly disclosed under this Act which shall be an easily searchable Web site called lobbyists.gov with a stated goal of simplicity of usage.

(2) AUTHORIZATION OF APPROPRIATIONS. — There is authorized to be appropriated to carry out this subsection $100,000 for fiscal year 2022, and $50,000 for each succeeding fiscal year.".

SEC. 1105. REPORTING BY SUBSTANTIAL LOBBYING ENTITIES.

1) In General. – The Lobbying Disclosure Act of 1995 (2 U.S.C. 1601 et seq.) is amended by inserting after section 6 the following:

"SEC. 6A. REPORTING BY SUBSTANTIAL LOBBYING ENTITIES.

(a) In General. — A substantial lobbying entity shall file on an annual basis with the Clerk of the House of Representatives and the Secretary of the Senate a list of each employee of, individual under contract with, or individual who provides paid consulting services to the substantial lobbying entity who is—

(1) a former Senator or a former Member of the House of Representatives; or
(2) another covered legislative branch official who—

(A) was paid not less than $100,000 in any 1 year as a covered legislative branch official;
(B) worked for a total of not less than 4 years as a covered legislative branch official; or
(C) had a job title at any time while employed as a covered legislative branch official that contained any of the following terms: 'Chief of Staff', 'Legislative Director', 'Staff Director', 'Counsel', 'Professional Staff Member', 'Communications Director', or 'Press Secretary'.

(b) Contents of Filing. — The filing required under this section shall contain a brief job description of each individual described in subsection (a) and an explanation of their work experience under subsection (a) that requires this filing.

(c) Improved Reporting of Substantial Lobbying Entities. — The joint Website being maintained by the Secretary of the Senate and the Clerk of the House of Representatives, known as lobbyists.gov, shall include an easily searchable database entitled 'Substantial Lobbying Entities' that includes information on all individuals described in subsection (a).
(d) Law Enforcement Oversight. — The Clerk of the House of Representatives and the Secretary of the Senate shall provide a copy of each filing under subsection (a) to the United States Attorney for the District of Columbia, to allow the United States Attorney for the District of Columbia to determine whether a substantial lobbying entity is underreporting the lobbying activities of its employees, individuals under contract, or individuals who provide paid consulting services.
(e) Substantial Lobbying Entity. — In this section, the term 'substantial lobbying entity' means an incorporated entity that employs more than 3 registered lobbyists during a filing period.".

SEC. 1106. REQUIRING LOBBYISTS TO DISCLOSE STATUS AS LOBBYISTS UPON MAKING ANY LOBBYING CONTACTS.

1) Mandatory Disclosure at Time of Contact. – Section 14 of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1609) is amended —
   a) by striking subsections (a) and (b) and inserting the following:
      "(a) Requiring Identification at Time of Lobbying Contact. —
         Any person or entity that makes a lobbying contact with a covered legislative branch official or a covered executive branch official shall, at the time of the lobbying contact —
            1. indicate whether the person or entity is registered under this chapter and identify the client on whose behalf the lobbying contact is made; and
            2. indicate whether such client is a foreign entity and identify any foreign entity required to be disclosed under section 4(b)(4) that has a direct interest in the outcome of the lobbying activity."; and
   b) by redesignating subsection (c) as subsection (b).
2) Effective Date. — The amendment made by subsection (a) shall apply with respect to lobbying contacts made on or after the date of enactment of this act

SEC. 1107. PENALTY ENHANCEMENT.

1) Civil Penalty. – Section 7(a) of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1606(a)) is amended by striking "$200,000" and inserting "1,000,000" in its place.
2) Criminal Penalty. – Section 7(b) of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1606(b)) is amended by striking "5 years" and inserting "7 years" in its place.

SEC. 1108. FEDERAL CAMPAIGN REPORTING OF FOREIGN CONTACTS.

1) Initial Notice. —
   a) 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. —

(1) 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. 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.

(2) Individual obligation to notify. — Not later than 3 days after a reportable foreign contact —

(A) each candidate and each immediate family member of a 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, an immediate family member of the 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 the 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.

(B) 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).

(3) 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.".

b) 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.

2) Information Included on Report. —

a) In general. — Section 304(b) of such Act (52 U.S.C. 30104(b)) is amended —

i) By striking "and at the end of paragraph (7);

ii) By striking the period at the end of paragraph (8) and inserting "; and"; and

iii) 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.".

b) Effective Date. — The amendment made by paragraph (1) shall apply with respect to reports filed on or after the expiration of the 30-day period which begins on the date of the enactment of this Act.

SEC. 1109. FEDERAL CAMPAIGN FOREIGN CONTACT REPORTING COMPLIANCE SYSTEM.

1) 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 (and, in the case of an authorized committee, the candidate and each immediate family member of the candidate) 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 10 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).".

2) Effective Date. —
   a) In General. — The amendment made by subsection 1 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.
   b) 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 (1)).

SEC. 1110. 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 7 years, or both.".

SEC. 1111. REPORT TO CONGRESSIONAL INTELLEGENCE COMMITTIEES.

1) In General. — Not later than 1 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 1108(a) of this Act).

2) Elements. — Each report under subsection (a) shall include, at a minimum, the following with respect to notifications described in subsection (a):
   a) The number of such notifications received from political committees during the year covered by the report.

b) A description of protocols and procedures developed by the Federal Bureau of Investigation relating to receipt and maintenance of records relating to such notifications.

c) With respect to such notifications received during the year covered by the report, a description of any subsequent actions taken by the Director of the Federal Bureau of Investigation resulting from the receipt of such notifications.

3) 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).

SEC. 1112. STREAMLINING COLLECTION OF ELECTION INFORMATION.

Section 202 of the Help America Vote Act of 2002 (52 U.S.C. 20922) is amended —

a) By striking "The Commission" and inserting "(a) In General. — The commission"; and

b) By adding at the end the following new subsection:
"(b) Waiver of Certain Requirements. — Subchapter I of chapter 35 of title 44, United States Code, shall not apply to the collection of information for purposes of maintaining the clearinghouse described in paragraph (1) of subsection (a).".

SEC. 1113. ESTABLISHMENT OF CLEARINGHOUSE.

1) Establishment. — The Attorney General shall establish and operate within the Department of Justice a clearinghouse through which members of the public may obtain copies (including in electronic form) of registration statements filed under the Lobbying Disclosure Act of 1995 (2 U.S.C. 1601 et seq.) and the Foreign Agents Registration Act of 1938, as amended (22 U.S.C. 611 et seq.).
2) Format. — The Attorney General shall ensure that the information in the clearinghouse established under this section is maintained in a searchable and sortable format.
3) Stated Goal. — The stated goal of the Clearinghouse shall be simplicity of usage.
4) Agreements With Clerk of House and Secretary of the Senate. — The Attorney General shall enter into agreements with the Clerk of the House of Representative and the Secretary of the Senate as may be necessary for the Attorney General to obtain registration statements filed with the Clerk and the Secretary under the Lobbying Disclosure Act of 1995 for inclusion in the clearinghouse.
5) Lobbyists.gov. —
   a) In General. — If deemed necessary by the Attorney General in agreeance with the Clerk of the House of Representatives and the Secretary of the Senate, the searchable Web Site called lobbyists.gov established under Sec. 1104 of this Act may be merged into the clearinghouse, so as to facilitate ease of access by the public to registration statements and disclosures made under the Foreign Agents Registration Act of 1938, as amended (22 U.S.C. 611 et seq.) and the Lobbying Disclosure Act of 1995 (2 U.S.C. 1601 et seq.) respectively.
   b) Operational Authority. — In the case of such a merger under paragraph a, the Clerk of the House of Representatives and the Secretary of the Senate shall have the

authority to participate, in collaboration with the Attorney General, in the management and maintenance of the clearinghouse.

c) Funding Authorized. — In the case of such a merger under paragraph a, the funding authorized under subsection (2) of Sec.1104's amendment to Sec.6 of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1605) shall be redirected to the clearinghouse to be used for the purposes of establishment, maintenance, and development of the clearinghouse.

SEC. 1114 PROHIBITION ON FOREIGN LOBBYING.

1) In General. — The Lobbying Disclosure Act of 1995 (2 U.S.C. 1601 et seq) is amended —

a) By redesignating section 26 (2 U.S.C. 1614) as section 27; and

b) By inserting after section 25 (2 U.S.C. 1613) the following:
"SEC. 26. PROHIBITION ON FOREIGN LOBBYING.

(a) Definition. — In this section —

(1) the term `covered lobbyist' means—

(A) a lobbyist that is registered or is required to register under section 4(a)(1);

(B) an organization that employs 1 or more lobbyists and is registered, or is required to register, under section 4(a)(2); and

(C) an employee listed or required to be listed as a lobbyist by a registrant under section 4(b)(6) or 5(b)(2)(C); and

(2) the terms "information-service employee", "public-relations counsel", and "publicity agent" have the meanings given those terms in section 1 of the Foreign Agents Registration Act of 1938, as amended (22 U.S.C. 611)

(b) Prohibition. — Except as provided in subsection (c), a covered lobbyist may not accept financial or other compensation for services that include lobbying activities on behalf of a foreign entity.

(c) Exemptions. — The prohibition under subsection (b) shall not apply to the following covered lobbyists:

(1) Diplomatic or consular officers. — A duly accredited diplomatic or consular officer of a foreign government who is so recognized by the Department of State, while the officer is engaged exclusively in activities that are recognized by the Department of State as being within the scope of the functions of the officer.

(2) Officials of foreign governments. — An official of a foreign government, if that government is recognized by the United States, who is not a public-relations counsel, a publicity agent, or an information-service employee, or a citizen of the United States, whose name and status and the character of whose duties as an official are of public record in the Department of State, while said official is engaged exclusively in activities that are recognized by the

Department of State as being within the scope of the functions of the official.

(3) Staff members of diplomatic or consular officers. — A member of the staff of, or any person employed by, a duly accredited diplomatic or consular officer of a foreign government who is so recognized by the Department of State, other than a public-relations counsel, a publicity agent, or an information-service employee, whose name and status and the character of whose duties as such member or employee are of public record in the Department of State, while the member or employee is engaged exclusively in the performance of activities that are recognized by the Department of State as being within the scope of the functions of the member or employee.

(4) Persons engaging or agreeing to engage in the soliciting or collecting of funds for humanitarian relief. — A person engaging or agreeing to engage only in the soliciting or collecting of funds and contributions within the United States to be used only for medical aid and assistance, or for food and clothing to relieve human suffering, if the solicitation or collection of funds and contributions is in accordance with, and subject to, the provisions of the Neutrality Act of 1939 (22 U.S.C. 441 et seq.), and such rules and regulations as may be prescribed thereunder.

(5) Certain persons qualified to practice law. —

(A) In general. — A person qualified to practice law, insofar as the person engages, or agrees to engage in, the legal representation of a disclosed foreign entity before any court of law or any agency of the Government of the United States.

(B) Legal representation. — For the purpose of this paragraph, legal representation does not include any attempt to influence or persuade agency personnel or officials other than in the course of —

(i) a judicial proceeding;

(ii) a criminal or civil law enforcement inquiry, investigation, or proceeding; or

(iii) an agency proceeding required by statute or regulation to be conducted on the record.

(d) Penalties. — Any person who knowingly violates this section shall be fined not more than $1,000,000, imprisoned for not more than 7 years, or both, and any compensation received for engaging in the unlawful activity shall be subject to disgorgement.”.

2) Conforming Amendment. — Section 7 of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1606) is amended —

a) In subsection (a), in the matter preceding paragraph (1), by striking “Whoever” and inserting “Except as otherwise provided in this Act, whoever”; and

b) In subsection (b), by striking “Whoever” and inserting “Except as otherwise provided in this Act, whoever”.

SEC. 1115. RULE OF CONSTRUCTION.

1) Nothing in this Division or the amendments made by this Division shall be construed —
   a) To impede legitimate journalistic activities; or
   b) To impose any additional limitation on the right to express political views or to participate in public discourse of any individual who —
      i) Resides in the United States;
      ii) 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
      iii) 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)).

DIVISION B — ELECTION SECURITY

SEC. 2101. PREVENTING FOREIGN INFLUENCE IN BALLOT MEASURES.

1) 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 in its place: "election, including a State or local ballot initiative or referendum;".
2) Effective Date. – The amendment made by this section shall apply with respect to elections held in November 2022 or any succeeding month or year.

SEC. 2102. PROHIBITING USE OF DEEPFAKES IN ELECTION CAMPAIGNS.

1) In General. – Title III of the Federal Election Campaign Act of 1971 (52 U.S.C. 30101 et seq.) is 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 an 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. —
      i) Required language. – The prohibition in subsection (a) does not apply if the audio or visual media includes —
         (1) a disclosure stating: "This ___ has been manipulated."; and
         (2) filled in the blank in the disclosure under subparagraph (A), the term 'image', 'video', or 'audio', as most accurately described the media.
      ii) 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 the 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.

iii) 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 beginner of the audio, at the end of the audio, and, if the audio is greater than 2 minutes in length, interspersed within the audio at intervals of not greater than 2 minutes each.

c) Inapplicability to Certain Entities. – This section does not apply to the following:
   i) 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.
   ii) 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.
   iii) 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.
   iv) Materially deceptive audio or visual media that constitutes satire or parody.

d) Civil Action. —
   i) 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.
   ii) 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.
   iii) 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 of the 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:
   i) The image or audio or video recording would falsely appear to a reasonable person to be authentic
   ii) The image or audio or video recording would cause a reasonable person to have a fundamentally different understanding or impression of the expressive context 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.".

2) 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 subparagraph:
   "(G) Any person who knowingly and willingly commits a violation of section 325 shall be fined not more than $100,000, imprisoned not more than 5 years, or both.".
3) 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.

SEC. 2103. APPLICATION OF LAWS TO U.S. TERRITORIES.

1) National Voter Registration Act of 1993. — Section 3(4) of the National Voter Registration Act of 1993 (52 U.S.C. 20502(4)) is amended by striking "States and the District of Columbia" and inserting "States, the District of Columbia, Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands."
2) Help America Vote Act of 2002. —
   a) Coverage of the Commonwealth of Northern Mariana Islands. — Section 901 of the Help America Vote Act of 2002 (52 U.S.C. 21141) is amended by striking "and the United States Virgin Islands" and inserting "the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands".
   b) Conforming amendments to the Help America Vote Act of 2002. — Such Act is further amended as follows:
      i) The second sentence of section 213(a)(2) (52 U.S.C. 20943(a)(2)) is amended by striking "and American Samoa" and inserting "American Samoa, and the Commonwealth of the Northern Mariana Islands".
      ii) Section 252 (c) (2) (52 U.S.C. 21002(c)(2)) is amended by striking "or the United States Virgin Islands" and inserting "the United States Virgin Islands, or the Commonwealth of the Northern Mariana Islands".
   c) Conforming amendment relating to consultation of help America vote foundation with local election officials. — Section 90102(c) of title 36, United States Code, is amended by striking "and the United States Virgin Islands" and inserting "the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands".

SEC. 2104. TESTING OF EXISTING VOTING SYSTEMS TO ENSURE COMPLIANCE WITH ELECTION CYBERSECURITY GUIDELINES AND OTHER GUIDELINES.

1) Requiring Testing of Existing Voting Systems —

a) In general. — -Section 231(a) of the Help America Vote Act of 2002 (52 U.S.C. 20971(a)) is amended by adding at the end the following new paragraph:
"(3) Testing to ensure compliance with guidelines. —
(A) Testing. — Not later than 9 months before the date of each regularly scheduled general election for Federal office, the Commission shall provide for the testing by accredited laboratories under this section of the voting system hardware and software which was certified for use in the most recent such election, on the basis of the most recent voting system guidelines applicable to such hardware or software (including election cybersecurity guidelines) issued under this Act.
(B) Decertification of hardware or software failing to meet guidelines. — If, on the basis of the described in subparagraph (A), the Commission determines that any voting system hardware or software does not meet the most recent guidelines applicable to such hardware or software issued under this Act, the Commission shall decertify such hardware or software.".

b) Effective Date — The amendment made by paragraph (a) shall apply with respect to the regularly scheduled general election for Federal office held in March 2023 and each succeeding regularly scheduled general election for Federal Office.

2) Issuance of Cybersecurity Guidelines by CISA. — Not later than 6 months after the date of the enactment of this subsection, the Director of the Cybersecurity and Infrastructure Security Agency of the Department of Homeland Security, in consultation with the Commission, shall issue election cybersecurity guidelines, including standards and best practices for procuring, maintaining, testing, operating, and updating election systems to prevent and deter cybersecurity incidents.

SEC. 2105. TREATMENT OF ELECTRONIC POLL BOOKS AS PART OF VOTING SYSTEMS.

1) Inclusion in Definition of Voting System. — Section 301(b) of the Help America Vote Act of 2002 (52 U.S.C. 21081(b)) is amended —
   a) In the matter of the preceding paragraph (1), by striking "this section" and inserting "this act"
   b) By striking "and" at the end of paragraph (1);
   c) By redesignating paragraph (2) as paragraph (3); and
   d) By inserting after paragraph (1) the following new paragraph:
   "(2) any electronic poll book used with respect to the election; and".
2) Definition. — Section 301 of such Act (52 U.S.C. 21081) is amended —
   a) By redesignating subsections (c) and (d) as subsections (d) and (e); and
   b) By inserting after subsection (b) the following new subsection:
   "(c) Electronic Poll Book Defined — In this Act, the term 'electronic poll book' means the total combination of mechanical, electromechanical, or electronic equipment (including the software, firmware, and documentation required to program, control, and support the equipment) that is used —
   (1) to retain the list of registered voters at a polling location, or vote center, or other location at which voters cast votes in an election for Federal office; and

(2) to identify registered voters who are eligible to vote in an election.".

3) Effective Date. — Subsection 301(e) of such Act (52 U.S.C. 21081(e)), as redesignated by subsection (2), is amended by striking the period at the end and inserting the following: "or, with respect to any requirements relating to electronic poll books, on or after March 1, 2023.".

SEC. 2106. PRE-ELECTION REPORTS ON VOTING SYSTEM USAGE.

1) Requiring States to Submit Reports. — Title III of the Help America Vote Act of 2002 (52 U.S.C. 21081 et seq.) is amended by inserting after section 301 the following new section:

"Sec. 301A. Pre-Election Reports on Voting System Usage.

(a) Requiring States To Submit Reports. — Not later than 10 days before the date of each regularly scheduled general election for Federal office, the chief State election official of a State shall submit a report to the Commission containing a detailed voting system usage plan for each jurisdiction in the State which will administer the election, including a detailed plan for the usage of electronic poll books and other equipment and components of such system.
(b) Effective Date. — Subsection (a) shall apply with respect to the regularly scheduled general election for Federal office held in November 2022 and each succeeding regularly scheduled general election for Federal office.".

2) Clerical Amendment. — The table of contents of such Act is amended by inserting after the item relating to section 301 the following new item:
"Sec. 301A. Pre-election reports on voting system usage.".

SEC. 2107. BUG BOUNTY PROGRAM.

1) Establishment. — Not later than 1 year after the date of enactment of this Act, the Secretary shall establish a program to be known as the "Election Security Bug Bounty Program" (hereafter in this section referred to as the "Program") to improve the cybersecurity of the systems used to administer elections for Federal office by facilitating and encouraging assessments by independent technical experts, in cooperation with State and local election officials and election service providers, to identify and report election cybersecurity vulnerabilities.
2) Voluntary Participation by Election Officials and Election Service Providers. —
   a) No requirement to participate in program. — Participation in the Program shall be entirely voluntary for State and local election officials and election service providers.
   b) Encouraging participation and input from election officials. — In developing the Program, the Secretary shall solicit input from, and encourage participation by, State and local election officials.
3) Activities Funded. — In establishing and carrying out the program, the Secretary shall —
   a) establish a process for State and local election officials and election service providers to voluntarily participate in the Program;
   b) designate appropriate information systems to be included in the Program;

c) provide compensation to eligible individuals, organizations, and companies for reports of previously unidentified security vulnerabilities within the information systems designated under paragraph (a) and establish criteria for individuals, organizations, and companies to be considered eligible for such compensation in compliance with Federal laws;
d) consult with the Attorney General on how to ensure that approved individuals, organizations, and companies that comply with the requirements of the Program are protected from prosecution under section 1030 of title 18, United States Code, and similar provisions of law, and from liability under civil actions for specific activities authorized under the Program;
e) consult with the Secretary of Defense and the heads of other departments and agencies that have implemented to provide compensation for reports of previously undisclosed vulnerabilities in information systems, regarding lessons that be applied from such programs;
f) develop an expeditious process by which an individual, organization, or company can register with the Department, to a background check as determined by the Department, and receive a determination regarding eligibility for the Program; and
g) engage qualified interested persons, including representatives of private entities, about the structure of the Program and, to the extent practicable, establish a recurring competition for independent technical experts to assess election systems for the purpose of identifying and reporting election cybersecurity vulnerabilities.

4) Use of Service Providers. — The Secretary may award competitive contracts as necessary to manage the Program.
5) Definitions. — In this section:
a) The term "Department" means the Department of Homeland Security.
b) The terms "election" and "Federal office" have the meanings given such terms in section 301 of the Federal Election Campaign Act of 1971 (52 U.S.C. 30101)
c) The term "election cybersecurity vulnerability" means security vulnerability that affects an election system.
d) The term "election infrastructure" means storage facilities, polling places, and centralized vote tabulation locations used to support the administration of elections for public office, as well as related information and communications technology, including voter registration databases, voting machines, electronic mail and other communications systems (including electronic mail and other systems of vendors who have entered into contracts with election agencies to support the administration of elections, manage the election process, and report and display election results), and other systems used to manage the election process and to report and display election results on behalf of an election agency.
e) The term "election agency" means any component of a State, or any component of a unit of local government in a State, which is responsible for the administration of elections for Federal office in a State.
f) The term "election service provider" means any person providing, supporting, or maintaining an election system on behalf of a State or local election official, such as a contractor or vendor.
g) The term "election system" means any information system which is part of an election infrastructure.

h) The term “information system” has the meaning given such term in section 3502 of title 44, United States Code.
i) The term “Secretary” means the Secretary of Homeland Security, or, upon designation by the Secretary of Homeland Security, the Deputy Secretary of Homeland Security, the Director of Cybersecurity and Infrastructure Security of the Cybersecurity and Infrastructure Security Agency of the Department of Homeland Security, or a Senate-confirmed official who reports to the Director.
j) The term “security vulnerability” has the meaning given such term in section 102 of the Cybersecurity Information Sharing Act of 2015 (6 U.S.C. 1501).
k) The term “State” means each of the several states, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Commonwealth of Northern Mariana Islands, and the United States Virgin Islands.
l) The term “voting system” has the meaning given such term in section 301(b) of the Help America Vote Act of 2002 (52 U.S.C. 21081(b)).

SEC. 2108. USE OF VOTING MACHINES MANUFACTURED IN THE UNITED STATES.

1) Requirement. — Section 301(a) of the Help America Vote Act of 2002 (52 U.S.C. 21081(a)), is amended by adding at the end the following new paragraph:
“(5) Voting machine requirements. — By not later than the date of the regularly scheduled general election for Federal office occurring in March 2023, each State shall seek to ensure that any voting machine used in such election and in any subsequent election for Federal office is manufactured in the United States.”
2) Conforming Amendments Relating to Effective Date. —
a) Section 301(d) of such Act (52 U.S.C. 21081(d)), is amended by adding at the end the following new paragraph:
“(2) Each State and jurisdiction shall be required to comply with the requirements of subsection a (5) on and after March 1, 2023.”.
b) Section 301(d)(1) of such Act (52 U.S.C. 21081(d)(1)), is amended to read as follows:
“(1) Each state and jurisdiction shall be required to comply with the requirements of this section, except for subsection a (5), on and after January 1, 2006.”.

SEC. 2109. CLARIFICATION OF PROHIBITION ON PARTICIPATION BY FOREIGN NATIONALS IN ELECTION-RELATED ACTIVITIES.

1) Clarification of Prohibition. — Section 319(a) of the Federal Election Campaign Act of 1971 (52 U.S.C. 30121(a)) is amended —
a) By striking “or” at the end of paragraph (1);
b) By striking the period at the end of paragraph (2) and inserting “; or”; and
c) 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."

2) Certification of Compliance. — Section 319 of such Act (52 U.S.C. 30121) is amended by adding at the end the following new subsection:

"(c) 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.".

3) Effective Date. — The amendments made by this section shall take effect upon enactment of this Act, and shall take effect without regard to whether or not the Federal Election Commission has promulgated regulations to carry out such amendments.

SEC. 2110. CLARIFICATION OF APPLICATION OF FOREIGN MONEY BAN TO CERTAIN DISBURSEMENTS AND ACTIVITIES.

1) Application to Disbursements to Super PACs and Other Persons. — Section 319(b) of the Federal Election Campaign Act of 1971 (52 U.S.C. 30121(b)) is amended —

a) By redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectfully, and by moving such subparagraphs 2 ems to the right;

b) By striking "as used in this section" and inserting the following:
"Definitions. — For the purposes of this section —
(1) Foreign national. — The term"; and

c) By adding at the end the following new paragraph:
"Contribution and donation. — For purposes of paragraphs (1) and (2) of subsection (a), the term `contribution or donation' includes any disbursement to a political committee which accepts donations or contributions that do not comply with any of 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), or to any other person for the purpose of funding an expenditure, independent expenditure, or electioneering communication (as defined in section 304(f)(3)).

2) 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 decision-making 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. 2111. AUDIT AND REPORT ON ILLICIT FOREIGN MONEY IN FEDERAL ELECTIONS.

1) In General. — Title III of the Federal Election Campaign Act of 1971 (52 U.S.C. 30101 et seq.), as amended by section 1821, is further amended by inserting after section 319A the following new section:

"Sec. 319B. 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 10 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);

(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;

(3) 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;

(4) 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

(5) 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.".

2) Effective Date. — The amendment made by subsection (a) shall apply with respect to the Federal election cycle that begins on March 1, 2023, and each succeeding Federal Election Cycle.

SEC. 2112. DISBURSEMENTS AND ACTIVITIES SUBJECT TO FOREIGN MONEY BAN.

1) Disbursements Described. — Section 319(a)(1) of the Federal Election Campaign Act of 1971 (52 U.S.C. 30121(a)(1)), as amended by section 2109, is amended —
   a) By striking "or" at the end of subparagraph (b); and
   b) 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(f)(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 15 days before a general, special or runoff election for the office by the candidate or 7 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);
      (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 contains express advocacy or the functional equivalent of express advocacy);
      (J) a disbursement for a Federal judicial nomination communication (as defined in section 324(d)(3));"

4) Effective Date. — The amendments made by this section shall take effect upon enactment of this Act, and shall take effect without regard to whether or not the Federal Election Commission has promulgated regulations to carry out such amendments.

SEC. 2113. PROHIBITING ESTABLISHMENT OF CORPORATION TO CONCEAL ELECTION CONTRIBUTIONS AND DONATIONS BY FOREIGN NATIONALS.

1) Prohibition. — Chapter 29 of title 18, United States Code, is amended by adding at the end the following:
"Sec. 614. 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.".

2) 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 613 the following:
"614. Establishment of corporation to conceal election contributions and donations by foreign nationals."

SEC. 2114. APPLICATION OF FOREIGN MONEY BAN TO DISBURSEMENTS FOR CAMPAIGN-RELATED DISBURSEMENTS CONSISTING OF COVERED TRANSFERS.

1) Section 319(b)(2) of the Federal Election Campaign Act of 1971 (52 U.S.C. 30121(a)(1)(A)), as previously amended by this Act, is amended —
   a) By striking "includes any disbursement" and inserting "includes—
      (A) any disbursement";
   b) By striking the period at the end and inserting "; and", and
   c) By adding at the end the following new subparagraph:
      "(B) any disbursement, other than a disbursement described in section 324(a)(3)(A), to another person who made a campaign-related disbursement consisting of a covered transfer (as described in section 324) during the 2-year period ending on the date of the disbursement.".

2) Effective Date. — The amendments made by this section shall apply with respect to any disbursements made on or after the date of the enactment of this Act, and shall take effect without regard as to whether or not the Federal Election Commission has promulgated regulations to carry out such amendments.

SEC. 2115. 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 4101(b) and section 4209, 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 nonpublic 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 nonpublic 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. 2116. 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.".

SEC. 2117. 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 this Act, 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. 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 carry 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."

SEC. 2118. CLARIFICATION OF APPLICATION OF FOREIGN MONEY BAN.

1) Clarification of Treatment of Provision of Certain Information as Contribution or Donation of a Thing of Value. — Section 319 of the Federal Election Campaign Act of 1971 (52 U.S.C. 30121), as amended by section 4101(a), section 4101(b), section 4209, section 4401, and section 4403, is amended by adding at the end the following new subsection:
   "(h) Clarification of Treatment of Provision of Certain Information as Contribution or Donation of a Thing of Value. — For purposes of this section, a `contribution or donation of money or other thing of value' includes the provision of opposition research, polling, or other non-public information relating to a candidate for election for a Federal, State, or local office for the purpose of influencing the election, regardless of whether such research, polling, or information has monetary value, except that nothing in this subsection shall be construed to treat the mere provision of an opinion about a candidate as a thing of value for purposes of this section.".
2) Clarification of Application of Foreign Money ban to All Contributions and Donations of Things of Value and to all solicitations of Contributions and Donations of Things of Value. — Section 319(a) of such Act (52 U.S.C. 30121(a)), as amended by section 4105 and section 4403, is amended —
   a) In paragraph (1)(A), by striking "promise to make a contribution or donation" and inserting "promise to make such a contribution or donation";
   b) In paragraph (1)(B), by striking "donation" and inserting "Donation of money or other thing of value, or to make an express or implied promise to make such a contribution or donation,"; and
   c) By amending paragraph (2) to read as follows:
      "(2) a person to solicit, accept, or receive (directly or indirectly) a contribution, donation, or disbursement described in paragraph (1), or to solicit, accept, or receive (directly or indirectly) an express or implied promise to make such a contribution or donation, from a foreign national;"

SEC. 2119. EXPANSION OF DEFINITION OF ELECTIONEERING COMMUNICATION.

1) Expansion to Online Communications. —
   a) Application to qualified internet and digital communications. —
      i) 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".
      ii) 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;".
4) Effective Date. — The amendments made by this section shall apply with respect to communications made on or after March 1, 2023.

SEC. 2120. DEFINITIONS.

As is applicable in sections 2104, 2105, and 2106 of this Act, the following definitions apply:
1) Chairman. — The term "Chairman" means the chair of the Election Assistance Commission.
2) Chief state election official. — The term "chief State election official" means, with respect to a State, the individual designated by the State under Section 10 of the National Voter Registration Act of 1993 (52 U.S.C. 20509) to be responsible for coordination of the State's responsibilities under such Act.
3) Commission. — The term "Commission" means the Election Assistance Commission.
4) Secretary. — The term "Secretary" means the Secretary of Homeland Security.
5) State. The term "state" has the meaning given such term in section 901 of the Help America Vote Act of 2002 (52 U.S.C. 21141).

DIVISION C — ETHICS

SEC. 3101. CODE OF CONDUCT FOR FEDERAL JUDGES.

1) In General. Chapter 57 of Title 28 of the United States Code is amended by adding at the end the following:
"Sec. 964. Code of Conduct
i) Not later than 1 year after the date of the enactment of this section, the Judicial Conference shall issue a code of conduct, which applies to each justice and judge of the United States, except that the code of conduct may include provisions that are applicable only to certain categories of judges or justices."
2) Clerical Amendment. – The table of sections for chapter 57 of Title 28 of the United States Code is amended by adding after the item related to section 963 the following:
"964. Code of Conduct.".

SEC. 3102. 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.

SEC. 3103. ESTABLISHMENT OF FARA INVESTIGATION AND ENFORCEMENT UNIT WITHIN DEPARTMENT OF JUSTICE.

Section 8 of the Foreign Agents Registration Act of 1938, as amended (22 U.S.C. 618) is amended by adding at the end the following new subsection:

"(i) Dedicated Enforcement Unit. —

(1) Establishment. — Not later than 90 days after the date of enactment of this subsection, the Attorney General shall establish a unit within the counterespionage section of the National Security Division of the Department of Justice with responsibility for the enforcement of this Act.

(2) Powers. — The unit established under this subsection is authorized to —

(A) take appropriate legal action against individuals suspected of violating this Act; and

(B) coordinate any such legal action with the United States Attorney for the relevant jurisdiction.

(3) Consultation. — In operating the united established under this subsection, the Attorney General shall, as appropriate, consult with the Director of National Intelligence, the Secretary of Homeland Security, and the Secretary of State.

(4) Authorization of appropriations. — There are authorized to be appropriated to carry out the activities of the unit established under this subsection $10,000,000 for fiscal year 2022 and each succeeding fiscal year.".

SEC. 3104. AUTHORITY TO IMPOSE CIVIL MONEY PENALTIES.

1) Establishing Authority. — Section 8 of the Foreign Agents Registration Act of 1938, as amended (22 U.S.C. 618) is amended by inserting after subsection (c) the following new subsection:

"(d) Civil Money Penalties. —

(1) Registration statements. — Whoever fails to file timely or complete a registration statement as provided under section 2(a) shall be subject to a civil money penalty of not more than $100,000 per violation.

(2) Supplements. Whoever failed to file timely or complete supplements as provided under section 2(b) shall be subject to a civil money penalty of not more than $10,000 per violation.

(3) Other violations. — Whoever Knowingly fails to —

(A) remedy a defective filing within 60 days after notice of such defect by the Attorney General; or

(B)comply with any other provision of this Act,

Shall upon proof of such knowing violation by a preponderance of the evidence, be subject to a civil money penalty of not more than $500,000, depending on the extent and gravity of the violation.

(4) No fines paid by foreign principals. — A civil money penalty paid under paragraph (1) may not be paid, directly or indirectly, by a foreign principal.

(5) Use of fines. — All civil money penalties collected under this subsection shall be used to defray the cost of the enforcement established under subsection (i).".

2) Effective Date. — The amendment made by subsection (1) shall take effect on the date of the enactment of this Act.

SEC. 3105. DISCLOSURE OF TRANSACTIONS INVOLVING THINGS OF FINANCIAL VALUE CONFERRED ON OFFICEHOLDERS.

1) Requiring Agents to Disclose Known Transactions. —
   a) In General. — Section 2(a) of the Foreign Agents Registration Act of 1938, as amended (22 U.S.C. 612(a)) is amended —
      i) By redesignating paragraphs (10) and (11) as paragraphs (11) and (12); and
      ii) By inserting after paragraph (9) the following new paragraph:
      "(10) To the extent that the registrant has knowledge of any transaction which occurred in the preceding 60 days and in which the foreign principal for whom the registrant is acting as an agent conferred on a Federal or State officeholder any thing of financial value, including a gift, profit, salary, favorable regulatory treatment, or any other direct or indirect economic or financial benefit, a detailed statement describing each such transaction.".
   b) Effective date. — The amendments made by paragraph (a) shall apply with respect to statements filed on or after the expiration of the 30 day period which begins on the date of the enactment of this Act.
2) Supplemental Disclosure for Current Registrants. — Not later than the expiration of the 30-day period which begins on the date of the enactment of this Act, each registrant who (prior to the expiration of such period) filed a registration statement with the Attorney General under section 2(a) of the Foreign Agents Registration Act of 1938, as amended (22 U.S.C. 612(a)) and who has knowledge of any transaction described in paragraph (10) of section 2(a) of such Act (as added by subsection (a)(1)) which occurred at any time during which the registrant was an agent of the foreign principal involved, shall file with the Attorney General a supplement to such statement under oath, on a form prescribed by the Attorney General, containing a detailed statement describing each such transaction.

SEC. 3106. ENSURING ONLINE ACCESS TO REGISTRATION STATEMENTS.

1) Requiring Statements Filed by Registrations to be in Digitized Format. — Section 2(g) of the Foreign Agents Registration Act of 1938, as amended (22 U.S.C. 612(g)) is amended by striking "in electronic form" and inserting "in a digitized format which will enable to

Attorney General to meet the requirements of section 6(d)(1) (relating to public access to an electronic database of statements and updates)".

2) Requirements for Electronic Database of Registration Statements and Updates. — Section 6(d)(1) of such Act (22 U.S.C. 616(d)(1)) is amended —
   a) In the matter preceding subparagraph (A), by striking "to the extent technically practicable,"; and
   b) In subparagraph (A), by striking "includes the information" and inserting "includes in a digitized format the information".
3) Effective Date. — The amendments made by this section shall apply with respect to the statements filed on or after January 1, 2023.

Written by Senator Daniel Sullivan (R-OL) for Congress' use