

AMENDMENT TO H.R. _____
OFFERED BY M____. _____

Insert at the appropriate place the following:

1 **SEC. _____ . RESTRICTIONS ON EXCHANGE OF CAMPAIGN**
2 **INFORMATION BETWEEN CANDIDATES AND**
3 **FOREIGN POWERS.**

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

7 “(c) RESTRICTIONS ON EXCHANGE OF INFORMATION
8 BETWEEN CANDIDATES AND FOREIGN POWERS.—

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

1 be considered for purposes of this section to have so-
2 licited a contribution or donation described in sub-
3 section (a)(1)(A) from a foreign national.

4 “(2) COVERED FOREIGN NATIONAL DEFINED.—

5 “(A) IN GENERAL.—In this subsection, the
6 term ‘covered foreign national’ means—

7 “(i) a foreign principal (as defined in
8 section 1(b) of the Foreign Agents Reg-
9 istration Act of 1938 (22 U.S.C. 611(b)))
10 that is a government of a foreign country
11 or a foreign political party;

12 “(ii) any person who acts as an agent,
13 representative, employee, or servant, or
14 any person who acts in any other capacity
15 at the order, request, or under the direc-
16 tion or control, of a foreign principal de-
17 scribed in clause (i) or of a person any of
18 whose activities are directly or indirectly
19 supervised, directed, controlled, financed,
20 or subsidized in whole or in major part by
21 a foreign principal described in clause (i);
22 or

23 “(iii) any person included in the list of
24 specially designated nationals and blocked
25 persons maintained by the Office of For-

1 eign Assets Control of the Department of
2 the Treasury pursuant to authorities relat-
3 ing to the imposition of sanctions relating
4 to the conduct of a foreign principal de-
5 scribed in clause (i).

6 “(B) CLARIFICATION REGARDING APPLICA-
7 TION TO CITIZENS OF THE UNITED STATES.—
8 In the case of a citizen of the United States,
9 clause (ii) of subparagraph (A) applies only to
10 the extent that the person involved acts within
11 the scope of that person’s status as the agent
12 of a foreign principal described in clause (i) of
13 subparagraph (A).

14 “(3) OTHER DEFINITIONS.—In this subsection,
15 the following definitions apply:

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

19 “(B) The term ‘individual affiliated with a
20 campaign’ means, with respect to a candidate,
21 an employee of any organization legally author-
22 ized under Federal, State, or local law to sup-
23 port the candidate’s campaign for nomination
24 for, or election to, any Federal, State, or local
25 public office, as well as any independent con-

1 tractor of such an organization and any indi-
2 vidual who performs services on behalf of the
3 organization, whether paid or unpaid.

4 “(C) The term ‘individual affiliated with a
5 political committee’ means, with respect to a
6 political committee, an employee of the com-
7 mittee as well as any independent contractor of
8 the committee and any individual who performs
9 services on behalf of the committee, whether
10 paid or unpaid.

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

