

**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 8721
OFFERED BY MR. STEIL OF WISCONSIN**

Strike all after the enacting clause and insert the following:

1 SECTION 1. SHORT TITLE.

2 This Act may be cited as the “Preventing Foreign
3 Interference in American Elections Act”.

4 SEC. 2. MODIFICATIONS TO FOREIGN MONEY BAN.

5 (a) ADDITIONAL RESTRICTIONS.—

6 (1) IN GENERAL.—Section 319(a)(1) of the
7 Federal Election Campaign Act of 1971 (52 U.S.C.
8 30121(a)(1)) is amended—

9 (A) by striking “or” at the end of subpara-
10 graph (B); and

11 (B) by adding at the end the following new
12 subparagraph:

13 “(D) a donation for the purpose of—

14 “(i) voter registration activity;

15 “(ii) ballot collection;

16 “(iii) voter identification;

17 “(iv) get-out-the-vote activity;

1 “(v) any public communication that
2 refers to a clearly identified Federal, State,
3 or local political party; or

4 “(vi) the administration of a Federal,
5 State, or local election; or”.

6 (2) CONFORMING AMENDMENT.—Section
7 319(a)(2) of such Act (52 U.S.C. 30121(a)(2)) is
8 amended by striking “subparagraph (A) or (B) of
9 paragraph (1)” and inserting “subparagraph (A),
10 (B), or (D) of paragraph (1)”.

11 (b) PROHIBITION ON AIDING OR FACILITATING VIO-
12 LATIONS.—Section 319(a) of the Federal Election Cam-
13 paign Act of 1971 (52 U.S.C. 30121(a)), as amended by
14 subsection (a), is amended—

15 (1) in paragraph (1)(D), by striking “or” at the
16 end;

17 (2) in paragraph (2), by striking the period at
18 the end and inserting “; or”; and

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

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

23 (c) INDIRECT CONTRIBUTIONS.—Section 319 of the
24 Federal Election Campaign Act of 1971 (52 U.S.C.

1 30121) is amended by adding at the end the following new
2 subsection:

3 “(c) INDIRECT CONTRIBUTIONS.—For purposes of
4 this section, a person shall be treated as having indirectly
5 made a contribution, donation, expenditure, or disburse-
6 ment described in subparagraphs (A), (B), (C), or (D) of
7 subsection (a)(1) if such person has made a contribution
8 or donation to a person with a designation, instruction,
9 or encumbrance (whether direct or indirect, express or im-
10 plied, oral or written, or involving intermediaries or con-
11 duits) which results in any part of such contribution, do-
12 nation, expenditure, or disbursement being used for an ac-
13 tivity described in subparagraphs (A), (B), (C), or (D) of
14 subsection (a)(1).”.

15 (d) ENFORCEMENT PROVISIONS.—Section 319 of the
16 Federal Election Campaign Act of 1971 (52 U.S.C.
17 30121), as amended by subsection (c), is amended by add-
18 ing at the end the following new subsection:

19 “(d) ENFORCEMENT.—

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

21 “(A) IN GENERAL.—In the case of any al-
22 legation that a person has violated subsection
23 (a), any person alleged in the complaint may, in
24 connection with a response to such allegation
25 under section 309(a)(1), submit, under penalty

1 of perjury, a certification that no such violation
2 has occurred.

3 “(B) EFFECT OF SUBMISSION.—The Com-
4 mission shall take into consideration any certifi-
5 cation submitted under subparagraph (A) in
6 making a determination under section
7 309(a)(2) whether there is reason to believe
8 such violation has occurred.

9 “(2) LIMITATION ON INVESTIGATIONS.—

10 “(A) IN GENERAL.—If the Commission
11 makes a determination under section 309(a)(2)
12 that there is reason to believe a violation of
13 subsection (a) has occurred or is about to
14 occur, any investigation of such alleged viola-
15 tion shall be limited in scope to the factual mat-
16 ter necessary to determine whether such alleged
17 violation occurred.

18 “(B) PETITION TO QUASH SUBPOENA OR
19 ORDER ON BASIS NOT LIMITED IN SCOPE TO
20 NECESSARY FACTUAL MATTER.—

21 “(i) IN GENERAL.—A person subject
22 to an investigation by the Commission fol-
23 lowing a determination of the Commission
24 that there is reason to believe a violation
25 of subsection (a) has occurred or is about

1 to occur may file a petition in any United
2 States district court with jurisdiction to
3 quash any subpoena or order of the Com-
4 mission issued under paragraph (3) or (4),
5 respectively, of section 307(a) on the basis
6 that the subpoena or order is not limited
7 in scope to the factual matter necessary to
8 determine whether such alleged violation
9 occurred as required under subparagraph
10 (A).

11 “(ii) CLARIFICATION.—Nothing in
12 clause (i) shall be construed to alter the
13 right of any person to otherwise challenge
14 the power of the Commission to issue a
15 subpoena under section 307(a)(3) or an
16 order under section 307(a)(4).”.

17 (e) REPORTING.—

18 (1) CONTRIBUTIONS AND EXPENDITURES OF
19 POLITICAL COMMITTEES AND POLITICAL PARTIES.—
20 Section 304(b) of the Federal Election Campaign
21 Act of 1971 (52 U.S.C. 30104(b)) is amended—

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

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

1 (C) by adding at the end the following new
2 paragraph:

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

6 (2) INDEPENDENT EXPENDITURES.—

7 (A) COMMITTEE REPORTS.—Section
8 304(b)(6)(B)(iii) of such Act (52 U.S.C.
9 30104(b)(6)(B)(iii)) is amended—

10 (i) by striking “and a certification”
11 and inserting “a certification”; and

12 (ii) by inserting “, and a certification,
13 under penalty of perjury, that the inde-
14 pendent expenditure does not violate sec-
15 tion 319(a)” before the semicolon at the
16 end.

17 (B) OTHER PERSONS.—Section 304(c)(2)
18 of such Act (52 U.S.C. 30104(c)(2)) is amend-
19 ed—

20 (i) by striking “and” at the end of
21 subparagraph (B);

22 (ii) by redesignating subparagraph
23 (C) as subparagraph (D); and

24 (iii) by inserting after subparagraph
25 (B) the following new subparagraph:

1 “(C) under penalty of perjury, a certification
2 that the independent expenditure does not violate
3 section 319(a); and”.

4 (3) ELECTIONEERING COMMUNICATIONS.—Sec-
5 tion 304(f)(2) of such Act (52 U.S.C. 30104(f)(2))
6 is amended by adding at the end the following new
7 subparagraph:

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

11 **SEC. 3. PROTECTING PRIVACY OF DONORS TO TAX-EXEMPT**
12 **ORGANIZATIONS.**

13 (a) RESTRICTIONS ON COLLECTION OF DONOR IN-
14 FORMATION.—

15 (1) RESTRICTIONS.—An entity of the Federal
16 Government may not collect or require the submis-
17 sion of information on the identification of any
18 donor to a tax-exempt organization.

19 (2) EXCEPTIONS.—Paragraph (1) does not
20 apply to the following:

21 (A) The Internal Revenue Service, acting
22 lawfully pursuant to section 6033 of the Inter-
23 nal Revenue Code of 1986 or any successor pro-
24 vision.

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

5 (C) The Federal Election Commission, act-
6 ing lawfully pursuant to—

7 (i) section 510 of title 36, United
8 States Code; or

9 (ii) any provision of title III of the
10 Federal Election Campaign Act of 1971
11 (52 U.S.C. 30101 et seq.).

12 (D) An entity acting pursuant to a lawful
13 order of a court or administrative body which
14 has the authority under law to direct the entity
15 to collect or require the submission of the infor-
16 mation, but only to the extent permitted by the
17 lawful order of such court or administrative
18 body.

19 (b) RESTRICTIONS ON RELEASE OF DONOR INFOR-
20 MATION.—

21 (1) RESTRICTIONS.—An entity of the Federal
22 Government may not disclose to the public informa-
23 tion revealing the identification of any donor to a
24 tax-exempt organization.

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

3 (A) The Internal Revenue Service, acting
4 lawfully pursuant to section 6104 of the Inter-
5 nal Revenue Code of 1986 or any successor pro-
6 vision.

7 (B) The Secretary of the Senate and the
8 Clerk of the House of Representatives, acting
9 lawfully pursuant to section 3 of the Lobbying
10 Disclosure Act of 1995 (2 U.S.C. 1604).

11 (C) The Federal Election Commission, act-
12 ing lawfully pursuant to—

13 (i) section 510 of title 36, United
14 States Code; or

15 (ii) any provision of title III of the
16 Federal Election Campaign Act of 1971
17 (52 U.S.C. 30101 et seq.).

18 (D) An entity acting pursuant to a lawful
19 order of a court or administrative body which
20 has the authority under law to direct the entity
21 to disclose the information, but only to the ex-
22 tent permitted by the lawful order of such court
23 or administrative body.

24 (E) An entity which discloses the informa-
25 tion as authorized by the organization.

1 (c) TAX-EXEMPT ORGANIZATION DEFINED.—In this
2 section, a “tax-exempt organization” means an organiza-
3 tion which is described in section 501(c) of the Internal
4 Revenue Code of 1986 and is exempt from taxation under
5 section 501(a) of such Code. Nothing in this section may
6 be construed to treat a political organization under section
7 527 of such Code as a tax-exempt organization for pur-
8 poses of this section.

9 (d) PENALTIES.—It shall be unlawful for any officer
10 or employee of the United States, or any former officer
11 or employee, willfully to disclose to any person, except as
12 authorized in this section, any information revealing the
13 identification of any donor to a tax-exempt organization.
14 Any violation of this section shall be a felony punishable
15 upon conviction by a fine in any amount not exceeding
16 \$250,000, or imprisonment of not more than 5 years, or
17 both, together with the costs of prosecution, and if such
18 offense is committed by any officer or employee of the
19 United States, he shall, in addition to any other punish-
20 ment, be dismissed from office or discharged from employ-
21 ment upon conviction for such offense.

22 **SEC. 4. EFFECTIVE DATE.**

23 (a) MODIFICATIONS TO FOREIGN MONEY BAN.—

24 (1) IN GENERAL.—Except as provided in para-
25 graph (2), section 2 and the amendments made by

1 section 2 shall apply with respect to donations or
2 other amounts provided on or after the date of the
3 enactment of this Act.

4 (2) REPORTING REQUIREMENTS.—Subsection
5 (e) of section 2 and the amendments made by such
6 subsection shall apply with respect to reports filed
7 under the Federal Election Campaign Act of 1971
8 on or after the date of the enactment of this Act.

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

