H. R._____

To amend the Federal Election Campaign Act of 1971 to apply the ban on contributions and expenditures by foreign nationals under such Act to foreign-controlled, foreign-influenced, and foreign-owned domestic business entities, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

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

SECTION 1. SHORT TITLE.

This Act may be cited as the “Get Foreign Money Out of U.S. Elections Act”.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,
SEC. 2. APPLICATION OF BAN ON CONTRIBUTIONS AND EXPENDITURES BY FOREIGN NATIONALS TO DOMESTIC BUSINESS ENTITIES THAT ARE FOREIGN-CONTROLLED, FOREIGN-INFLUENCED, AND FOREIGN-OWNED.

(a) Application of Ban.—Section 319(b) of the Federal Election Campaign Act of 1971 (52 U.S.C. 30121(b)) is amended—

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

(2) by striking the period at the end of paragraph (2) and inserting a semicolon; and

(3) by adding at the end the following new paragraphs:

“(3) any business entity in which a foreign national described in paragraphs (1) or (2) directly or indirectly owns or controls or otherwise holds direct or indirect beneficial ownership of 50 percent or more of the voting shares, total equity, membership units, or other applicable ownership interests of the entity; or

“(4) any business entity which is not a foreign national described in paragraph (1), and—

“(A) in which a foreign national described in paragraph (1), (2), or (3) directly or indirectly owns or controls or otherwise holds direct
or indirect beneficial ownership of 1 percent or
more of the voting shares, total equity, membership
units, or other applicable ownership units of the entity;

“(B) in which two or more foreign nationals described in paragraph (1), (2), or (3), in the aggregate, directly or indirectly own or control or otherwise hold direct or indirect beneficial ownership of 5 percent or more of the voting shares, total equity, membership units, or other applicable ownership interests of the entity;

“(C) over which one or more foreign nationals described in paragraph (1), (2), or (3) has the power to direct, dictate, or control the decisionmaking process of the entity with respect to its interests in the United States; or

“(D) over which one or more foreign nationals described in paragraph (1), (2), or (3) has the power to direct, dictate, or control the decisionmaking process of the entity with respect to activities in connection with a Federal, State, or local election, including—

“(i) the making of a contribution, donation, expenditure, independent expendi-
ture, or disbursement for an electioneering
communication (within the meaning of sec-
section 304(f)(3)); or
“(ii) the administration of a political
committee established or maintained by the
entity.”.

(b) 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
for Carrying Out Election Activity by Business
Entity.—
“(1) Certification required.—Not later
than 7 days after a business entity makes any con-
tribution, donation, expenditure, independent ex-
penditure, disbursement for an electioneering com-
munication, or any disbursement in connection with
an election for Federal, State, or local office or with
any State or local ballot measure, the chief executive
officer of the entity (or, if the entity does not have
a chief executive officer, the highest ranking official
of the entity), shall file a certification with the Com-
mission, under penalty of perjury, avowing that after
due inquiry, the entity was not a foreign national on
the date the entity made the contribution, donation,
expenditure, independent expenditure, or disbursement.

“(2) Determination of Beneficial Ownership.—A business entity shall determine beneficial ownership for purposes of this section in a manner consistent with applicable State law, except that if the entity is registered pursuant to section 12(g) of the Securities Exchange Act of 1934 (15 U.S.C. 78l), the entity shall determine beneficial ownership in accordance with section 13(d) of that Act (15 U.S.C. 78m(d)).

“(3) Provision to Recipients.—The business entity shall provide a copy of the certification filed under paragraph (1) to each political committee to which it makes a contribution, and, upon the request of the recipient, to each recipient of a contribution, donation, expenditure, independent expenditure, or disbursement with respect to which the certification under paragraph (1) is filed.”.

(e) Prevention of Circumvention.—Section 319 of such Act (52 U.S.C. 30121), as amended by subsection (b), is amended by adding at the end the following new subsection:

“(d) Prohibiting Use of Funds From Business Entities Without Certification.—
“(1) **PROHIBITION.**—Except as provided in paragraph (2), it shall be unlawful for any person that receives from a business entity a contribution, donation, expenditure, independent expenditure, or disbursement with respect to which the business entity is required to file a certification of compliance under subsection (c) to use that contribution, donation, expenditure, independent expenditure, or disbursement, directly or indirectly, to—

“(A) make such a contribution, donation, expenditure, independent expenditure, or disbursement; or

“(B) contribute, donate, transfer, or otherwise convey such a contribution, donation, expenditure, independent expenditure, or disbursement to another person for use as such a contribution, donation, expenditure, independent expenditure, or disbursement.

“(2) **EXCEPTION FOR FUNDS ACCOMPANIED BY CERTIFICATION.**—Paragraph (1) does not apply to a person that receives from a business entity a contribution, donation, expenditure, independent expenditure, or disbursement described in such paragraph if—
“(A) the person receives from the business
t entity a copy of the certification of compliance
under subsection (c) with respect to such con-
tribution, donation, expenditure, independent
expenditure, or disbursement;

“(B) the use by the person of the contribu-
tion, donation, expenditure, independent ex-
penditure, or disbursement is otherwise lawful;

and

“(C) the person separately designates,
records, and accounts for the contribution, do-
nation, expenditure, independent expenditure,
or disbursement, and ensures that disburse-
ments by the person for a contribution, dona-
tion, expenditure, independent expenditure, dis-
bursement for an electioneering communication,
or any disbursement in connection with an elec-
tion for Federal, State, or local office are only
made from funds that comply with the require-
ments of this section.

“(3) GOOD FAITH RELIANCE ON CERTIFICATION
OF COMPLIANCE.—For purposes of this subsection,
a person may rely in good faith on a certification of
compliance provided to the person under subsection
(c)(3).”.


(d) BUSINESS ENTITY DEFINED.—Section 319 of such Act (52 U.S.C. 30121), as amended by subsection (b) and subsection (c), is amended by adding at the end the following new subsection:

“(e) BUSINESS ENTITY DEFINED.—For purposes of this section, the term ‘business entity’ means a for-profit corporation, limited liability corporation, partnership, company, limited partnership, business trust, business association, or other similar for-profit entity.”.

(e) EFFECTIVE DATE.—The amendments made by this section shall take effect upon the expiration of the 180-day period which begins on the date of the 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. 3. CLARIFICATION OF APPLICATION OF FOREIGN MONEY BAN TO CERTAIN DISBURSEMENTS AND ACTIVITIES.

(a) APPLICATION TO DISBURSEMENTS IN CONNECTION WITH STATE AND LOCAL BALLOT INITIATIVES AND DISBURSEMENTS TO SUPER PACS.—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;” inserting the following: “election (including a State or local ballot initiative or referendum), including
any disbursement to a political committee which accepts
donations or contributions that do not comply with the
limitations, prohibitions, or reporting requirements of this
Act (or any disbursement to or on behalf of any account
of a political committee which is established for the pur-
pose of accepting such donations or contributions),’’.

(b) CONDITIONS UNDER WHICH CORPORATE PACS
MAY MAKE CONTRIBUTIONS AND EXPENDITURES.—Sec-
tion 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 cor-
poration may not make a contribution or expenditure dur-
ing a year unless the fund has certified to the Commission
each of the following during the year:

“(A) Each individual who manages the fund,
and who is responsible for exercising decisionmaking
authority for the fund, is a citizen of the United
States or is lawfully admitted for permanent resi-
dence in the United States.

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

“(C) The fund does not solicit or accept rec-
ommendations from any foreign national under sec-
tion 319 with respect to the contributions or expend-

itures made by the fund.

“(D) Any member of the board of directors of

the corporation who is a foreign national under sec-

tion 319 abstains from voting on matters concerning

the fund or its activities.”.