

115TH CONGRESS
2D SESSION

H. R. 6494

To expose and deter unlawful and subversive foreign interference in elections
for Federal office, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 24, 2018

Mr. ENGEL (for himself and Mr. CONNOLLY) introduced the following bill;
which was referred to the Committee on Foreign Affairs, and in addition
to the Committees on the Judiciary, Financial Services, and Rules, for
a period to be subsequently determined by the Speaker, in each case for
consideration of such provisions as fall within the jurisdiction of the com-
mittee concerned

A BILL

To expose and deter unlawful and subversive foreign inter-
ference in elections for Federal office, and for other
purposes.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Safeguard our Elec-
5 tions and Combat Unlawful Interference in Our Democ-
6 racy Act” or the “SECURE Our Democracy Act”.

7 **SEC. 2. DEFINITIONS.**

8 In this Act:

1 (1) ADMITTED; ALIEN.—The terms “admitted”
2 and “alien” have the meanings given such terms in
3 section 101 of the Immigration and Nationality Act
4 (8 U.S.C. 1101).

5 (2) APPROPRIATE CONGRESSIONAL COMMIT-
6 TEES.—The term “appropriate congressional com-
7 mittees” means—

8 (A) in the House of Representatives—

9 (i) the Committee on Foreign Affairs;

10 (ii) the Committee on Homeland Se-
11 curity;

12 (iii) the Committee on Financial Serv-
13 ices;

14 (iv) the Committee on the Judiciary;
15 and

16 (v) the Permanent Select Committee
17 on Intelligence; and

18 (B) in the Senate—

19 (i) the Committee on Foreign Rela-
20 tions;

21 (ii) the Committee on Homeland Se-
22 curity and Governmental Affairs;

23 (iii) the Committee on Banking,
24 Housing, and Urban Affairs;

- 1 (iv) the Committee on the Judiciary;
2 and
3 (v) the Select Committee on Intel-
4 ligence.

5 (3) FINANCIAL INSTITUTION.—The term “fi-
6 nancial institution” has the meaning given such
7 term in section 5312 of title 31, United States Code.

8 (4) FOREIGN PERSON.—The term “foreign per-
9 son” means—

10 (A) a natural person who is not a United
11 States person under paragraph (5)(A); or

12 (B) a foreign entity or foreign government.

13 (5) UNITED STATES PERSON.—The term
14 “United States person” means—

15 (A) a United States citizen or an alien law-
16 fully admitted for permanent residence to the
17 United States; or

18 (B) an entity organized under the laws of
19 the United States or of any jurisdiction within
20 the United States, including a foreign branch of
21 such an entity.

1 **SEC. 3. IDENTIFICATION OF FOREIGN PERSONS RESPON-**
2 **SIBLE FOR ACTIONS TO UNLAWFULLY AC-**
3 **CESS, DISRUPT, INFLUENCE, OR IN ANY WAY**
4 **ALTER INFORMATION OR INFORMATION SYS-**
5 **TEMS RELATED TO UNITED STATES POLIT-**
6 **ICAL PARTIES OR ELECTIONS FOR FEDERAL**
7 **OFFICE.**

8 (a) IN GENERAL.—Not later than 120 days after the
9 date of the enactment of this Act, the Secretary of State
10 shall submit to the appropriate congressional committees
11 a list of each foreign person that the Secretary, in con-
12 sultation with the heads of other relevant Federal agen-
13 cies, determines—

14 (1) was, at any time since January 1, 2015, in-
15 volved in actions to unlawfully access, disrupt, mis-
16 appropriate, influence, or in any way alter informa-
17 tion or information systems related to United States
18 political parties, candidates in elections for Federal
19 office, or the administration of elections for Federal
20 office; or

21 (2) worked or acted as an agent or instrumen-
22 tality of or on behalf of or was otherwise associated
23 with such a foreign person in a matter relating to
24 an action described in paragraph (1).

25 (b) UPDATES.—The Secretary of State shall submit
26 to the appropriate congressional committees an update of

1 the list required under subsection (a) as new information
2 becomes available.

3 (c) FORM.—

4 (1) IN GENERAL.—Except as provided in para-
5 graph (2), the list required under subsection (a)
6 shall be submitted in unclassified form.

7 (2) EXCEPTION.—The name of a foreign person
8 to be included in the list required under subsection
9 (a) may be submitted in a classified annex only if
10 the Secretary of State—

11 (A) determines that it is in the national se-
12 curity interests of the United States to do so;
13 and

14 (B) 15 days prior to submitting any such
15 name in such a classified annex, provides to the
16 appropriate congressional committees notice of,
17 and a justification for, including or continuing
18 to include any such foreign person in any such
19 classified annex despite any publicly available
20 information indicating that such foreign person
21 is described in paragraph (1) or (2) of such
22 subsection.

23 (3) PUBLIC AVAILABILITY; NONAPPLICABILITY
24 OF CONFIDENTIALITY REQUIREMENT WITH RESPECT
25 TO VISA RECORDS.—The unclassified portion of the

1 list required under subsection (a) shall be made
2 available to the public and published in the Federal
3 Register, without regard to the requirements of sec-
4 tion 222(f) of the Immigration and Nationality Act
5 (8 U.S.C. 1202(f)) with respect to confidentiality of
6 records pertaining to the issuance or refusal of visas
7 or permits to enter the United States.

8 **SEC. 4. INADMISSIBILITY OF CERTAIN ALIENS.**

9 (a) INELIGIBILITY FOR VISAS.—An alien is ineligible
10 to receive a visa to enter the United States and ineligible
11 to be admitted to the United States if such alien is a for-
12 eign person on the list required under section 3(a).

13 (b) CURRENT VISAS REVOKED.—The Secretary of
14 State shall revoke, in accordance with section 221(i) of
15 the Immigration and Nationality Act (8 U.S.C. 1201(i)),
16 the visa or other documentation of any alien who is a for-
17 eign person on the list required under section 3(a) and
18 who would therefore be ineligible to receive such a visa
19 or documentation under subsection (a) of this section.

20 (c) APPLICABILITY TO FOREIGN ENTITIES AND FOR-
21 EIGN GOVERNMENTS.—Subsections (a) and (b) of this
22 section shall apply to aliens who are officials of, agents
23 or instrumentalities of, working or acting on behalf of, or
24 otherwise associated with a foreign entity or foreign gov-
25 ernment that is a foreign person included on the list re-

1 quired under section 3(a) if such aliens are determined
2 by the Secretary of State to have knowingly authorized,
3 conspired to commit, been responsible for, engaged in, or
4 otherwise assisted or facilitated the actions described in
5 such section 3(a).

6 (d) WAIVER FOR NATIONAL SECURITY INTERESTS.—

7 (1) IN GENERAL.—The Secretary of State may
8 waive the application of subsection (a) or (b) in the
9 case of an alien if—

10 (A) the Secretary determines that such a
11 waiver—

12 (i) is necessary to permit the United
13 States to comply with the Agreement be-
14 tween the United Nations and the United
15 States of America regarding the Head-
16 quarters of the United Nations, signed
17 June 26, 1947, and entered into force No-
18 vember 21, 1947, or other applicable inter-
19 national obligations of the United States;
20 or

21 (ii) is in the vital national security in-
22 terests of the United States; and

23 (B) prior to granting such a waiver, the
24 Secretary provides to the appropriate congres-
25 sional committees notice of, and a justification

1 for, such waiver, in accordance with paragraph
2 (2).

3 (2) COMPLIANCE.—A waiver under this sub-
4 section shall—

5 (A) be treated as an action under sub-
6 section (a)(2) of section 216 of the Countering
7 America’s Adversaries Through Sanctions Act
8 (22 U.S.C. 9511); and

9 (B) be subject to the requirements of sub-
10 section (b) of such section (relating to reporting
11 requirements and congressional oversight).

12 (e) REGULATORY AUTHORITY.—The Secretary of
13 State shall prescribe such regulations as are necessary to
14 carry out this section.

15 **SEC. 5. FINANCIAL MEASURES.**

16 (a) FREEZING OF ASSETS.—

17 (1) IN GENERAL.—The President, acting
18 through the Secretary of the Treasury, shall exercise
19 all powers granted by the International Emergency
20 Economic Powers Act (50 U.S.C. 1701 et seq.) (ex-
21 cept that the requirements of section 202 of such
22 Act (50 U.S.C. 1701) shall not apply) to the extent
23 necessary to freeze and prohibit all transactions in
24 all property and interests in property of a foreign
25 person that is on the list required under section 3(a)

1 of this Act if such property or interests in property
2 are in the United States, are or come within the
3 United States, or are or come within the possession
4 or control of a United States person.

5 (2) APPLICABILITY TO FOREIGN ENTITIES AND
6 FOREIGN GOVERNMENTS.—Paragraph (1) shall
7 apply to aliens who are officials of, agents or instru-
8 mentalities of, working or acting on behalf of, or
9 otherwise associated with a foreign entity or foreign
10 government that is a foreign person included on the
11 list required under section 3(a) if such aliens are de-
12 termined by the President, acting through the Sec-
13 retary of the Treasury, to have knowingly author-
14 ized, conspired to commit, been responsible for, en-
15 gaged in, or otherwise assisted or facilitated the ac-
16 tions described in such section 3(a).

17 (b) WAIVER FOR NATIONAL SECURITY INTERESTS.—

18 (1) IN GENERAL.—The Secretary of the Treas-
19 ury may waive the application of subsection (a) if
20 the Secretary determines that such a waiver is in the
21 vital national security interests of the United States
22 and prior to granting such a waiver, the Secretary
23 provides to the appropriate congressional committees
24 notice of, and a justification for, such waiver, in ac-
25 cordance with paragraph (2).

1 (2) COMPLIANCE.—A waiver under this sub-
2 section shall—

3 (A) be treated as an action under sub-
4 section (a)(2) of section 216 of the Countering
5 America’s Adversaries Through Sanctions Act
6 (22 U.S.C. 9511); and

7 (B) be subject to the requirements of sub-
8 section (b) of such section (relating to reporting
9 requirements and congressional oversight).

10 (c) ENFORCEMENT.—

11 (1) PENALTIES.—A foreign person that vio-
12 lates, attempts to violate, conspires to violate, or
13 causes a violation of this section or any regulation,
14 license, or order issued to carry out this section shall
15 be subject to the penalties specified in subsections
16 (b) and (c) of section 206 of the International
17 Emergency Economic Powers Act (50 U.S.C. 1705)
18 to the same extent as a person that commits an un-
19 lawful act described in subsection (a) of such sec-
20 tion.

21 (2) APPLICABILITY TO FOREIGN ENTITIES AND
22 FOREIGN GOVERNMENTS.—Paragraph (1) shall
23 apply to aliens who are officials of, agents or instru-
24 mentalities of, working or acting on behalf of, or
25 otherwise associated with a foreign entity or foreign

1 government that is a foreign person included on the
2 list required under section 3(a) if such aliens are de-
3 termined by the President, acting through the Sec-
4 retary of the Treasury, to have knowingly author-
5 ized, conspired to commit, been responsible for, en-
6 gaged in, or otherwise assisted or facilitated the ac-
7 tions described in such section 3(a).

8 (3) REQUIREMENTS FOR FINANCIAL INSTITU-
9 TIONS.—Not later than 120 days after the date of
10 the enactment of this Act, the President, acting
11 through the Secretary of the Treasury, shall pre-
12 scribe or amend regulations as needed to require
13 each financial institution that is a United States
14 person and has within its possession or control as-
15 sets that are property or interests in property of a
16 foreign person that is on the list required under sec-
17 tion 3(a) if such property or interests in property
18 are in the United States, are or come within the
19 United States, or are or come within the possession
20 or control of a United States person to certify to the
21 Secretary that, to the best of the knowledge of such
22 financial institution, such financial institution has
23 frozen all assets within the possession or control of
24 such financial institution that are required to be fro-
25 zen pursuant to subsection (a).

1 (d) REGULATORY AUTHORITY.—The President, act-
2 ing through the Secretary of the Treasury, shall issue such
3 regulations, licenses, and orders as are necessary to carry
4 out this section.

5 **SEC. 6. REPORTS TO CONGRESS.**

6 (a) IN GENERAL.—The Secretary of State, in con-
7 sultation with the heads of other relevant Federal agen-
8 cies, shall submit to the appropriate congressional commit-
9 tees a report on the actions taken to carry out this Act,
10 including—

11 (1) a description of each foreign person on the
12 list required under section 3(a);

13 (2) the dates on which such foreign persons
14 were added to such list; and

15 (3) a description of the actions described in
16 such section that were undertaken by each such for-
17 eign person.

18 (b) TIMING.—The Secretary of State shall submit the
19 first report required under this section not later than one
20 year after the date of the enactment of this Act. The Sec-
21 retary shall submit subsequent reports under this section
22 not later than 60 days after the date of each regularly
23 scheduled general election for Federal office, beginning
24 with the election held in 2018.

1 (c) FORM.—Each report required under subsection
2 (a) shall be submitted in unclassified form, but may in-
3 clude a classified annex if such is in the national security
4 interests of the United States. If a classified annex is in-
5 cluded in any such report, the Secretary of State shall in-
6 clude in such report a specific national security justifica-
7 tion for such classified annex.

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