

116TH CONGRESS  
1ST SESSION

# S. 1962

To prevent foreign adversaries from influencing elections by prohibiting foreign nationals from purchasing at any time a broadcast, cable, or satellite communication that mentions a clearly identified candidate for Federal office, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

JUNE 25, 2019

Ms. KLOBUCHAR (for herself, Mr. WARNER, and Mr. JONES) introduced the following bill; which was read twice and referred to the Committee on Rules and Administration

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## A BILL

To prevent foreign adversaries from influencing elections by prohibiting foreign nationals from purchasing at any time a broadcast, cable, or satellite communication that mentions a clearly identified candidate 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 “Preventing Adversaries  
5 Internationally from Disbursing Advertising Dollars Act”  
6 or “PAID AD Act”.

1 **SEC. 2. PURPOSE.**

2       The purpose of this Act is to protect the integrity  
3 of American democracy by expanding the scope of the pro-  
4 hibition on political advertising by foreign principals in  
5 order to uphold the well-established standard of the  
6 United States Supreme Court that foreign nationals may  
7 lawfully be excluded from participating in certain electoral  
8 activities.

9 **SEC. 3. SENSE OF CONGRESS.**

10       It is the sense of Congress that—

11           (1) the growing threat of malicious interference  
12 in our elections by foreign actors requires the Con-  
13 gress and the Federal Election Commission to take  
14 meaningful action to ensure that laws and regula-  
15 tions protect against influence by foreign nationals  
16 in activity fundamental to our democracy;

17           (2) the Supreme Court has long held that there  
18 is a compelling national interest in preventing for-  
19 eign influence in the United States political process  
20 and that foreign citizens lack a “constitutional right  
21 to participate in, and thus may be excluded from,  
22 activities of democratic self-government”; and

23           (3) the current prohibition on foreign nationals  
24 contributing to political campaigns and advertise-  
25 ments must be updated.

1 **SEC. 4. MODIFICATIONS TO LIMITATION ON FOREIGN NA-**  
2 **TIONALS.**

3 (a) APPLICATION TO OTHER DISBURSEMENTS.—

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

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

9 (B) by striking subparagraph (C) and in-  
10 serting the following:

11 “(C) an expenditure;

12 “(D) an independent expenditure;

13 “(E) a disbursement for an electioneering  
14 communication (within the meaning of section  
15 304(f)(3));

16 “(F) a disbursement for a paid internet or  
17 paid digital communication that refers to a  
18 clearly identified candidate for election for Fed-  
19 eral office and is disseminated within 60 days  
20 before a general, special or runoff election for  
21 the office sought by the candidate or 30 days  
22 before a primary or preference election, or a  
23 convention or caucus of a political party that  
24 has authority to nominate a candidate for the  
25 office sought by the candidate;

1           “(G) a disbursement for a broadcast, cable  
2 or satellite communication, or for a paid inter-  
3 net or paid digital communication, that pro-  
4 motes, supports, attacks or opposes the election  
5 of a clearly identified candidate for Federal,  
6 State, or local office (regardless of whether the  
7 communication contains express advocacy or the  
8 functional equivalent of express advocacy); or

9           “(H) a disbursement for a broadcast,  
10 cable, or satellite communication, or for any  
11 communication which is placed or promoted for  
12 a fee on an online platform, that discusses a  
13 national legislative issue of public importance in  
14 a year in which a regularly scheduled general  
15 election for Federal office is held, but only if  
16 the disbursement is made by—

17           “(i) a foreign principal (as defined in  
18 section 1(b) of the Foreign Agents Reg-  
19 istration Act of 1938 (22 U.S.C. 611(b))  
20 that is a government of a foreign country  
21 or a foreign political party; or

22           “(ii) a person who is acting as an  
23 agent on behalf of such a foreign prin-  
24 cipal.”.

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

4           “(c) DEFINITIONS.—As used in this section:

5                 “(1) ONLINE PLATFORM.—

6                     “(A) IN GENERAL.—The term ‘online plat-  
7 form’ means any public-facing website, web ap-  
8 plication, or digital application (including a so-  
9 cial network, ad network, or search engine)  
10 which—

11                         “(i) sells qualified political advertise-  
12 ments; and

13                         “(ii) has 50,000,000 or more unique  
14 monthly United States visitors or users for  
15 a majority of months during the preceding  
16 12 months.

17                     “(B) QUALIFIED POLITICAL ADVERTISE-  
18 MENT.—For purposes of subparagraph (A), the  
19 term ‘qualified political advertisement’ means  
20 any advertisement (including search engine  
21 marketing, display advertisements, video adver-  
22 tisements, native advertisements, and sponsor-  
23 ships) that—

24                         “(i) is made by or on behalf of a can-  
25 didate; or

1                   “(ii) communicates a message relating  
2                   to any political matter of national impor-  
3                   tance, including—

4                                 “(I) a candidate;

5                                 “(II) any election to Federal of-  
6                                 fice; or

7                                 “(III) a national legislative issue  
8                                 of public importance.

9                   “(2) PAID INTERNET OR PAID DIGITAL COMMU-  
10                   NICATION.—The term ‘paid internet or paid digital  
11                   communication’ means a communication which is  
12                   placed or promoted for a fee on any website, web ap-  
13                   plication, or digital application (including a social  
14                   network, ad network, or search engine).”.

15                   (b) CRIMINAL PENALTY.—Section 309(d)(1) of the  
16                   Federal Election Campaign Act of 1971 (52 U.S.C.  
17                   30109(d)(1)) is amended by adding at the end the fol-  
18                   lowing new subparagraph:

19                                 “(E) In the case of a knowing and willful viola-  
20                                 tion of section 321 that involves a government of a  
21                                 foreign country (or an agent of such a govern-  
22                                 ment)—

23   “(i) subparagraph (A)(i) shall apply with-  
24   out regard to the amount of the contribution or  
25   expenditure involved; and

1                   “(ii) subparagraph (A)(ii) shall not  
2                   apply.”.

3           (c) EFFECTIVE DATE.—The amendments made by  
4 this section shall apply with respect to contributions, do-  
5 nations, expenditures, and disbursements made on or after  
6 the date of the enactment of this Act.

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