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(Original Signature of Member)

115TH CONGRESS
2D SESSION

H. R. _____

To require candidates for election for public office to notify the Federal Bureau of Investigation upon receiving unsolicited information about other candidates in the election from a foreign power or an agent of a foreign power, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. SWALWELL of California introduced the following bill; which was referred to the Committee on _____

A BILL

To require candidates for election for public office to notify the Federal Bureau of Investigation upon receiving unsolicited information about other candidates in the election from a foreign power or an agent of a foreign power, 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 “Duty to Report Act
5 of 2018”.

1 **SEC. 2. REQUIRING CANDIDATES RECEIVING INFORMA-**
2 **TION ON OPPONENTS FROM FOREIGN POW-**
3 **ERS TO NOTIFY FBI.**

4 (a) NOTIFICATION REQUIREMENT.—If a candidate,
5 an individual who is an immediate family member of a
6 candidate, or any individual affiliated with a campaign of
7 a candidate knowingly receives or is offered unsolicited in-
8 formation about any of the other candidates for election
9 for that office which is from a source the candidate or
10 individual knows is a foreign power or an agent of a for-
11 eign power (or if the candidate or individual recklessly dis-
12 regards the fact that the source is a foreign power or an
13 agent of a foreign power), or receives an unsolicited notifi-
14 cation that a foreign power or an agent of a foreign power
15 has such information in its possession, the candidate or
16 individual shall notify the Federal Bureau of Investigation
17 of the receipt or offer of the information or the notification
18 (as the case may be).

19 (b) EXCEPTIONS.—Subsection (a) does not apply
20 with respect to—

21 (1) information which a candidate or individual
22 knows or may reasonably believe is in the public do-
23 main; or

24 (2) information which no person would reason-
25 ably believe could be used to the advantage of the
26 campaign of the candidate who receives the informa-

1 tion or to whom the information is offered (or whose
2 immediate family member or individual affiliated
3 with the campaign receives or is offered the informa-
4 tion).

5 (c) PENALTY.—Whoever fails to comply with sub-
6 section (a) shall be fined under title 18, United States
7 Code, or imprisoned not more than 2 years, or both.

8 **SEC. 3. DEFINITIONS.**

9 In this Act, the following definitions apply:

10 (1) The term “agent of a foreign power” and
11 the term “foreign power” each has the meaning
12 given such term in section 101 of the Foreign Intel-
13 ligence Surveillance Act of 1978 (50 U.S.C. 1801).

14 (2) The term “candidate” means an individual
15 who seeks nomination for, or election to, any Fed-
16 eral, State, or local public office.

17 (3) The term “immediate family member”
18 means, with respect to a candidate, a parent, parent-
19 in law, spouse, child, or sibling.

20 (4) The term “individual affiliated with a cam-
21 paign” means, with respect to a candidate, an em-
22 ployee of any organization legally authorized under
23 Federal, State, or local law to support the can-
24 didate’s campaign for nomination for, or election to,
25 any Federal, State, or local public office, as well as

1 any independent contractor of such an organization
2 and any individual who performs services for the or-
3 ganization on an unpaid basis (including an intern
4 or volunteer).