

September 20, 2018

The Honorable Caroline C. Hunter, Chair
Federal Election Commission
1050 First Street, NE
Washington, DC 20463

Dear Chair Hunter:

Common Cause respectfully writes to request that you share with the public the report you were directed to provide to the Committees on Appropriations of the House and Senate on the Federal Election Commission's role in enforcing prohibitions on foreign campaign contributions and expenditures.

As you know, your report was due to the Committees yesterday (September 19, 2018). Specifically, [Division E](#) of the explanatory statement accompanying the Consolidated Appropriations Act, 2018 (Public Law No. 115-141) stated, per the Federal Election Commission:

Preserving the integrity of elections, and protecting them from undue foreign influence, is an important function of government at all levels. Federal law, for example, prohibits foreign campaign contributions and expenditures. With that in mind, the Chairman is directed to report to the Committees on Appropriations of the House and Senate no later than 180 days after the enactment of this Act on the Commission's role in enforcing this prohibition, including how it identifies foreign contributions to elections, and what it plans to do in the future to continue these efforts.¹

President Trump signed the Act into law on March 23, 2018. *The Hill* [reported](#) in March that you were looking forward to writing the report.²

Our national intelligence community has warned of continued efforts of foreign governments to interfere in our elections. Vice Chair Weintraub has made numerous [efforts](#) to raise this issue with the Commission and to take action, writing that "the American public is justifiably alarmed by the reports of foreign attempts to influence the 2016 U.S. presidential election," and that "they want action from

¹ <https://docs.house.gov/billsthisweek/20180319/DIV%20E%20FSGG%20SOM%20FY18%20OMNI.OCR.pdf>.

² Megan R. Wilson, "Congress to Require FEC Report on Foreign Money in Elections," Mar. 22, 2018, *The Hill*, <https://thehill.com/homenews/campaign/379762-congress-to-require-fec-report-on-foreign-money-in-elections>.

their federal government – including the Federal Election Commission. It is this Commission’s duty to respond, and to respond forcefully” because “this is an all-hands-on-deck moment for our democracy.”³ Commissioner Walther [supported](#) directing the Office of General Counsel to draft a notice of proposed rulemaking “that would allow the Commission to consider all options for reducing the potential for foreign spending in our elections,” and voted in favor of Vice Chair Weintraub’s [motions](#) earlier this year to proceed with notices of proposed rulemaking on these issues.⁴

Just two years ago this week, the Commission [agreed](#) to prioritize expedited treatment of complaints regarding foreign national contributions, although it is not clear what progress has been made in this regard since then.⁵

As the Chair of a Commission whose purpose and mission includes protecting the integrity of our campaign finance system, and by extension, our democracy, we hope you will share with the public the report that you were directed to share with Congress.

Sincerely,



Karen Hobert Flynn
President
Common Cause

cc: The Honorable Ellen Weintraub, Vice Chair
The Honorable Steven Walther, Commissioner
The Honorable Matthew Petersen, Commissioner
The Honorable Richard Shelby, Chairman, U.S. Senate Committee on Appropriations
The Honorable Patrick Leahy, Vice Chairman, U.S. Senate Committee on Appropriations

³ Memorandum from Ellen L. Weintraub, Commissioner, to the Commission, June 21, 2017, “Discussion of Commission’s Response to Alleged Foreign Interference in American Elections,”

https://www.fec.gov/resources/about-fec/commissioners/weintraub/statements/2017-06-21_FLW_Memo_on_Commissions_Response_to_Foreign_Election_Interference.pdf.

⁴ Memorandum from Steven T. Walther, Vice Chairman, to the Commission, Sept. 15, 2016, “Statement of Vice Chairman Steven T. Walther Regarding Proposal to Rescind Advisory Opinion 2006-15 (TransCanada) and to Open a Rulemaking to Ensure that U.S. Political Spending is Free from Foreign Influence,”

https://www.fec.gov/resources/updates/agendas/2016/mtgdoc_16-44-a.pdf; Federal Election Commission, Minutes of an Open Meeting, May 24, 2018, https://www.fec.gov/resources/cms-content/documents/May_24_2018_Open_Meeting.pdf.

⁵ Press Release, Federal Election Commission, Sept. 15, 2016, <https://www.fec.gov/updates/fec-approves-two-notices-availability-seek-public-comment/>.

The Honorable Rodney Frelinghuysen, Chairman, U.S. House of Representatives Committee on Appropriations

The Honorable Nita Lowey, Ranking Member, U.S. House of Representatives Committee on Appropriations

The Honorable Derek Kilmer, Vice Ranking Member, U.S. House of Representatives Committee on Appropriations

The Honorable Roy Blunt, Chairman, U.S. Senate Committee on Rules and Administration

The Honorable Amy Klobuchar, Ranking Member, U.S. Senate Committee on Rules and Administration

The Honorable Gregg Harper, Chairman, U.S. House of Representatives Committee on House Administration

The Honorable Robert Brady, Ranking Member, U.S. House of Representatives Committee on House Administration

