

Protecting Federal Elected Officials from False Pretense  
Communications, Proposed Legislation

By Rick Neifeld, 6/27/2022

**I. Federal Elected Officials Are Not Protected from False Pretense Communications**

The elected officials of the United States receive information from their constituents and non-constituents. That forms the basis voting decisions and content of legislation. It is important that these officials be able to determine if this information is from their constituents. However, current modes of communication with elected officials enable sources of information to falsely indicate they are a constituent of the elected official, and current law provides no penalty for doing so. Consequently, information elected officials receive may be corrupted by sources that falsely pretend to be their constituents. Current US law, specifically, the Lobbying Disclosure Act, the Foreign Agents Registration Act, are insufficient to avoid this kind of corruption. Those laws do not enable an elected official reliably determine if a particular communication is or is not from a constituent. Those laws, for example, do not cover private action by those not required to register as lobbyist or foreign agent. And those laws are largely unenforceable against extraterritorial actors.

**II. Proposed Change in Law, Protecting Federal Elected Officials from False Pretense Communications**

Include a new subsection in 18 USC 1001 "Whoever knowingly falsely represents themselves to be a constituent of an elected official, in any communication directed specifically to that official, or conspires to do so, for the purpose of influencing legislative or executive action, shall be punished as provided in subsection (b)." The legislation should also require FBI auditing and authorize FBI investigations, and require an annual public report on the results of auditing and investigations, so that the public and Congress know whether disinformation agents are improperly attempting to influence Congressional and Federal Government action.

This addresses at least one specific problem. That problems is that the current URL form pages for contacting all federal elected officials can be used by disinformation agents to mislead members of Congress and POTUS about public opinion of their constituents. Those URL form pages can be used by anyone in the world, and used under false pretenses of address and name, to mislead federal elected officials regarding the opinions of their constituents. In addition to the current URL form pages, the proposed new subsection in 18 USC 1001 would also cover conventional email to elected officials, social media "direct messages" (that is private direct communications from sender account to recipient account) to elected officials, and personal meetings in which a person falsely represents themselves as a constituent of the federal elected official with whom they are meeting.

The URL form pages that our elected officials use to receive communications from the public should be revised to include a certification option in which the submitter can optionally certify, subject to the new 18 USC 1001 subsection requested above, that the submitter believes they are a constituent of the elected official. These URL form pages normally request name, residence address, including zip code, email address, and phone number of the submitter, and this information may be used to verify identity of the submitter who certifies their constituency

status.

In connection with the new subsection in 18 USC 1001, legislation should require the FBI to monitor certified form submissions to elected officials for compliance with 18 USC, and provide an annual public report as to use of the certifications in those form submissions, false certifications in form submissions, and other reports of false certifications of identity in communications to elected officials.

Y:\Library\LAW\FirmPublicationsAndPresentationsAndLectureMaterials\RickNeifeld\articles\Protecting Federal Elected Officials.wpd