

116TH CONGRESS
2^D SESSION

H. R. 5733

To amend the Foreign Agents Registration Act of 1938, as amended to waive the application of the Act to agents representing foreign enterprises which are not under the control or direction of foreign governments or foreign political parties, to exclude agents who represent foreign governments which engage in a pattern of gross violations of human rights from the exemption provided under the Act for agents engaged in scholastic and certain other pursuits, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 30, 2020

Mr. MOULTON introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To amend the Foreign Agents Registration Act of 1938, as amended to waive the application of the Act to agents representing foreign enterprises which are not under the control or direction of foreign governments or foreign political parties, to exclude agents who represent foreign governments which engage in a pattern of gross violations of human rights from the exemption provided under the Act for agents engaged in scholastic and certain other pursuits, 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Foreign Influence Reg-
3 istration Modernization Act” or the “FIRM Act”.

4 **SEC. 2. WAIVING APPLICATION OF FOREIGN AGENTS REG-**
5 **ISTRATION ACT TO AGENTS REPRESENTING**
6 **FOREIGN ENTERPRISES NOT UNDER CON-**
7 **TROL OR DIRECTION OF FOREIGN GOVERN-**
8 **MENTS AND FOREIGN POLITICAL PARTIES.**

9 Section 1(b)(3) of the Foreign Agents Registration
10 Act of 1938, as amended (22 U.S.C. 611(b)(3)) is amend-
11 ed—

12 (1) by striking “a partnership” and inserting
13 “an enterprise consisting of a partnership”; and

14 (2) by striking the period at the end and insert-
15 ing the following: “, but only if the enterprise is
16 under the control or direction of a government of a
17 foreign country or a foreign political party.”:

18 **SEC. 3. EXCLUDING AGENTS REPRESENTING GOVERN-**
19 **MENTS WHICH VIOLATE HUMAN RIGHTS**
20 **FROM EXEMPTION FOR AGENTS ENGAGED IN**
21 **RELIGIOUS, SCHOLASTIC, ACADEMIC, OR SCI-**
22 **ENTIFIC PURSUITS OR FINE ARTS.**

23 Section 3(e) of the Foreign Agents Registration Act
24 of 1938, as amended (22 U.S.C. 613(e)) is amended by
25 striking the semicolon at the end and inserting the fol-
26 lowing: “, except that this subsection does not apply in

1 the case of an agent who represents a foreign principal
2 that is prohibited from receiving assistance under part I
3 of the Foreign Assistance Act of 1961 by reason of the
4 application of section 116 of such Act (22 U.S.C. 2151n)
5 or part II of such Act by reason of the application of sec-
6 tion 502B of such Act (22 U.S.C. 2304).”.

7 **SEC. 4. REQUIRING STATEMENTS TO BE FILED IN**
8 **DIGITIZED FORMAT.**

9 (a) REQUIREMENT.—Section 2(g) of the Foreign
10 Agents Registration Act of 1938, as amended (22 U.S.C.
11 612(g)) is amended by striking the period at the end and
12 inserting the following: “, in a manner which enables the
13 statements and supplements to be filed in a digitized for-
14 mat and which incorporates the statements and supple-
15 ments in a database which is fully searchable, sortable and
16 downloadable.”.

17 (b) EFFECTIVE DATE.—The amendment made by
18 subsection (a) shall apply with respect to statements and
19 supplements filed after the expiration of the 1-year period
20 which begins on the date of the enactment of this Act.

21 **SEC. 5. AVAILABILITY OF CIVIL MONEY PENALTY FOR VIO-**
22 **LATION.**

23 Section 8 of the Foreign Agents Registration Act of
24 1938, as amended (22 U.S.C. 618) is amended by insert-
25 ing after subsection (c) the following new subsection:

1 “(d) Whoever knowingly violates any provision of this
2 Act shall, upon proof of such knowing violation by a pre-
3 ponderance of the evidence, be subject to a civil money
4 penalty of not more than \$200,000, depending on the ex-
5 tent and severity of the violation.”.

6 **SEC. 6. TRANSFER OF RESPONSIBILITY FOR ADMINISTRA-**
7 **TION OF LOBBYING DISCLOSURE ACT OF 1995**
8 **TO ATTORNEY GENERAL.**

9 (a) **REQUIRING LOBBYISTS TO REGISTER WITH AT-**
10 **TORNEY GENERAL.—**

11 (1) **REGISTRATION.—**Section 4(a)(1) of the
12 Lobbying Disclosure Act of 1995 (2 U.S.C.
13 1603(a)(1)) is amended by striking “the Secretary
14 of the Senate and the Clerk of the House of Rep-
15 resentatives” and inserting “the Attorney General”.

16 (2) **NOTICE OF TERMINATION OF REGISTRA-**
17 **TION.—**Section 4(d) of such Act (2 U.S.C. 1603(d))
18 is amended by striking “the Secretary of the Senate
19 and the Clerk of the House of Representatives” and
20 inserting “the Attorney General”.

21 (b) **REQUIRING LOBBYISTS TO FILE REPORTS WITH**
22 **ATTORNEY GENERAL.—**

23 (1) **QUARTERLY REPORTS BY LOBBYISTS.—**Sec-
24 tion 5(a) of such Act (2 U.S.C. 1604(a)) is amended
25 by striking “the Secretary of the Senate and the

1 Clerk of the House of Representatives” and insert-
2 ing “the Attorney General”.

3 (2) SEMIANNUAL REPORTS ON CERTAIN CON-
4 TRIBUTIONS.—Section 5(d)(1) of such Act (2 U.S.C.
5 1604(d)(1)) is amended by striking “the Secretary
6 of the Senate and the Clerk of the House of Rep-
7 resentatives” and inserting “the Attorney General”.

8 (3) ELECTRONIC FILING.—Section 5(e) of such
9 Act (2 U.S.C. 1604(e)) is amended—

10 (A) by striking “the Secretary of the Sen-
11 ate or the Clerk of the House of Representa-
12 tives” and inserting “the Attorney General”;
13 and

14 (B) by striking the second sentence.

15 (c) DISCLOSURE AND ENFORCEMENT.—Section 6(a)
16 of such Act (2 U.S.C. 1605(a)) is amended in the matter
17 preceding paragraph (1) by striking “The Secretary of the
18 Senate and the Clerk of the House of Representatives”
19 and inserting “The Attorney General”.

20 (d) PENALTIES.—Section 7(a)(1) of such Act (2
21 U.S.C. 1606(a)(1)) is amended by striking “the Secretary
22 of the Senate or the Clerk of the House of Representa-
23 tives” and inserting “the Attorney General”.

24 (e) CONFORMING AMENDMENT RELATING TO LACK
25 OF GENERAL AUDIT OR INVESTIGATIVE AUTHORITY OF

1 SECRETARY AND CLERK.—Section 8 of such Act (2
2 U.S.C. 1607) is amended by striking subsection (c).

3 (f) PERMITTING USE OF GOOD FAITH ESTIMATES
4 BASED ON TAX RETURN INFORMATION.—Section
5 15(c)(1) of such Act (2 U.S.C. 1610(c)(1)) is amended
6 by striking “the Secretary of the Senate and the Clerk
7 of the House of Representatives” and inserting “the At-
8 torney General”.

9 (g) EFFECTIVE DATE; TRANSITION.—

10 (1) IN GENERAL.—The amendments made by
11 this section shall apply with respect to statements
12 and reports filed after the expiration of the 1-year
13 period which begins on the date of the enactment of
14 this Act.

15 (2) TRANSITION.—Not later than 1 year after
16 the date of the enactment of this Act, the Secretary
17 of the Senate and the Clerk of the House of Rep-
18 resentatives shall transfer to the Attorney General
19 information on the statements and reports filed
20 prior to the effective date described in paragraph (1)
21 with the Secretary and the Clerk under the Lob-
22 bing Disclosure Act of 1995 (2 U.S.C. 1601 et
23 seq.).

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