

HB 1351 -- FOREIGN AGENTS REGISTRATION ACT

SPONSOR: Byrnes

This bill establishes the "Foreign Agents Registration Act", with penalty provisions.

The bill defines terms related to political involvement of individuals and groups not from the United States in U.S. politics and government, including, but not limited to, "agent of a foreign principle", "adversary nation", "foreign terrorist organization", and "registration statement".

This bill makes it illegal for any person to act as an agent of a foreign principal from an adversary nation or foreign terrorist organization, unless he or she has filed a true and complete registration statement with the attorney general.

The bill establishes requirements for registration statements, to include:

- 1) The registrant's name, business addresses, and residential addresses, including addresses outside the United States.
- 2) The status of the registrant. This includes the nationality of an individual or the nationalities of each partner, director, or officer of a partnership, association, corporation or other grouping of individuals. Such groups must also submit their charter or articles of incorporation and all other documents, including a statement of the terms and conditions of every oral agreement relating to its organization, powers, and purposes and a statement of its ownership and control.
- 3) A comprehensive statement of the nature of the registrant's business, including a list of all employees and the nature of their work and the foreign influences supervising, directing, owning, controlling, financing, or subsidizing them.
- 4) Copies of all contracts and descriptions of all oral agreements or circumstances by which the person is an agent of a foreign principal from an adversary nation or foreign terrorist organization.
- 5) A comprehensive statement of all compensation and transfers of value to be disbursed or otherwise received from foreign principals from adversary nations or foreign terrorist organizations.
- 6) A detailed explanation of all activities performed by the registrant not at the behest of a foreign principal from an

adversary nation or foreign terrorist organization which requires registration.

7) Identifying information of any person other than a foreign principal from an adversary nation or foreign terrorist organization on behalf of whom the registrant is acting. Information regarding that person's foreign employer's and payments to that person.

8) A detailed statement of all payments and expenditures made by the registrant that are not protected by law from reporting requirements.

9) Copies of each written agreement under which the registrant is acting on behalf of a foreign principal from an adversary nation or foreign terrorist organization or any other principal requiring registration under this section. Where no contract exists, the conditions of oral agreements or a full description of all circumstances explaining why the registrant is acting on behalf of that foreign principal.

10) Other statements, information, or documents as the attorney general deems necessary.

This bill requires further, supplemental registration statements to be filed every six months, or more often at the Attorney General's discretion.

Any person who acted as an agent of a foreign principal from an adversary nation or foreign terrorist organization since January 1, 2019, will file a registration statement.

Exceptions to the requirement for a registration statement include:

1) Diplomatic or consular officers of foreign governments, as recognized by the United States Department of State, acting in the scope of their office.

2) An official of a foreign government recognized by the United States, excluding public-relations counsel, publicity agents, information-service employees, and citizens of the United States. The duties of the official must be of public record in the United States Department of State, and this exception applies only while the official is engaged in activities within the scope of their office.

3) Employees and staff of either exception above whose name and status are of public record, while engaged in activities within the scope of their employment.

4) Any person qualified to practice law in the State of Missouri while engaged in legal representation of a disclosed foreign principal from an adversary nation or foreign terrorist organization. This exemption applies in judicial proceedings, criminal or civil law enforcement inquiries, investigations, or proceedings, or agency proceedings.

Any individual required to register under this bill must provide a copy of all materials transmitted for or in the interest of a foreign principal from an adversary nation or foreign terrorist organization by means of United States mail, digital communication, or any means of interstate or foreign commerce to the Attorney General within 48 hours of transmitting that material. The Attorney General will make their copies of the material available for public inspection. This will apply any time two or more people are sent the material. Such materials must carry a conspicuous statement that the materials are being distributed on behalf of the foreign principal from an adversary nation or foreign terrorist organization and that additional information is on file with the Attorney General.

Any propaganda or communication designed to request or supply any information or advice with respect to any foreign or domestic U.S. policy, political or public interest, or relations of a foreign adversary nation or foreign terrorist organization or political party therefrom must be clearly marked to the effect that the registrant is registered as an agent of such foreign principal.

Any registrant who appears before a committee of the General Assembly or a local government will provide a copy of their most recent registration to be kept as part of the record.

Registrants will keep all records necessary under this bill for three years after their status ceases to require registration.

The Attorney General will keep one permanent copy of all registration statements under this bill and communicate one to the United States Secretary of State. The Attorney General will submit a report to the General Assembly every six months concerning the administration of this program.

Each officer of a foreign principal from an adversary nation or foreign terrorist organization will be required to cause their agents to register under this act. Failure to do so will subject the officer to prosecution.

A fine of up to one hundred thousand dollars will be levied against any person who willfully violates this section or willfully makes false statements or omits material facts or a material document from a registration statement. Students and employees of the University of Missouri who make such a willful violation, false statement, or omission, will be expelled or dismissed from the university and subsequently prohibited from entering any campus in the State.

Any alien who is convicted of a violation of, or a conspiracy to violate, any provision of this section will be subject to referral to the United States Department of Justice for removal under 8 U.S.C. Section 1221.

The Attorney General can make applications for injunctions to prevent or stop violations of this section. State courts will have jurisdiction and authority to issue a temporary or permanent injunction, restraining order, or other order that it deems proper.

If the Attorney General determines that a registration statement does not comply with the requirements of this section, they will provide a written response detailing its deficiencies. A registrant must file a fully amended registration statement in less than 10 days from receiving the response.

Payment to a registrant by their foreign principals can not be contingent on the success of political activities in the United States.

The Attorney General will have the power to issue civil investigative demands to persons and entities suspected of being agents of foreign principals or from adversary nations or foreign terrorist organizations.

Institutions of higher learning will develop systems for students who are being harassed by an agent of a foreign principal to file a report with the institution of higher education describing the harassment.

The Attorney General can create rules necessary to administer the section.