

HOUSE BILL NO. 3128

103RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE KEATHLEY.

6848H.011

JOSEPH ENGLER, Chief Clerk

AN ACT

To amend chapter 105, RSMo, by adding thereto one new section relating to prohibiting foreign influence on lobbying activities, with penalty provisions.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Chapter 105, RSMo, is amended by adding thereto one new section, to be
2 known as section 105.471, to read as follows:

105.471. 1. For purposes of this section, the following terms mean:

2 **(1) "Control", the power, direct or indirect, whether or not exercised, to**
3 **determine, direct, dictate, or decide important matters affecting an entity, including but**
4 **without limitation, through:**

5 **(a) The ownership of at least twenty percent of the total outstanding voting**
6 **interest in an entity;**

7 **(b) Board representation;**

8 **(c) The ability to appoint or discharge any board members, officers, directors,**
9 **employees, or contractors;**

10 **(d) Proxy voting, a special share, contractual arrangements, legal obligations, or**
11 **formal or informal arrangements to act in concert; or**

12 **(e) Any other means;**

13 **(2) "Foreign adversary", any nation listed as a foreign adversary in 15 C.F.R.**
14 **Section 791.4;**

15 **(3) "Foreign adversary client", any of the following:**

16 **(a) A current or former:**

EXPLANATION — Matter enclosed in bold-faced brackets ~~thus~~ in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

- 17 **a. Official in the executive, legislative, administrative, military, or judicial**
18 **branches of a foreign adversary, whether elected;**
- 19 **b. Official of a foreign political party of a foreign adversary; or**
- 20 **c. Executive or officer of a foreign adversary;**
- 21 **(b) A corporation, business, or other entity that has been formed by, or for the**
22 **benefit of, any person described in paragraph (a) of this subdivision; and**
- 23 **(c) An immediate family member of any person described in paragraph (a) of**
24 **this subdivision, including such person's spouse, parents, siblings, children, and spouse's**
25 **parents and siblings;**
- 26 **(4) "Foreign political party", any organization or any other combination of**
27 **individuals in a country other than the United States, or any unit or branch thereof,**
28 **having for an aim or purpose, or which is engaged in any activity devoted in whole or in**
29 **part to, the establishment, administration, control, or acquisition of administration or**
30 **control, of a government of a foreign country or a subdivision thereof, or the**
31 **furtherance or influencing of the political or public interests, policies, or relations of a**
32 **government of a foreign country or a subdivision thereof;**
- 33 **(5) "Lobbyist", the same meaning as in section 105.470;**
- 34 **(6) "Owned or operated in whole or in part":**
- 35 **(a) In the case of a publicly traded company, that a foreign adversary has the**
36 **ability to control the company, has access to any material nonpublic technical**
37 **information in the possession of the company, or has any other rights or involvement in**
38 **directing, dictating, controlling, or participating in the decision-making of the company**
39 **beyond those available to a retail investor holding an equivalent share of ownership;**
40 **and**
- 41 **(b) In the case of a privately held company, that a foreign adversary has any**
42 **share of ownership of such company;**
- 43 **(7) "Person", any individual, partnership, association, joint stock company,**
44 **trust, corporation, organization or other combination of individuals, or government**
45 **entity.**
- 46 **2. A lobbyist shall not receive, or agree to receive, any direct or indirect**
47 **compensation or other payment in any form, including intangible or in-kind, for**
48 **carrying out any lobbying activity on behalf of another person that is any of the**
49 **following:**
- 50 **(1) A foreign adversary;**
- 51 **(2) A foreign political party of a foreign adversary; or**
- 52 **(3) A foreign adversary client.**

53 **3. A lobbyist who violates this section shall be subject to an action for**
54 **disgorgement of any compensation received as well as a civil penalty of not more than**
55 **one thousand dollars per violation. An action may be filed by the attorney general in the**
56 **name of the state to obtain disgorgement, civil penalties, as well as injunctive relief**
57 **requiring compliance with this section.**

58 **4. If the attorney general has reason to believe that any person is violating this**
59 **section, or has agreed to conduct that would violate this section, the attorney general**
60 **may subpoena documents, tangible things, and other information, as well as written**
61 **responses under oath to questions or oral testimony under oath, to any person that may**
62 **have knowledge or information regarding such potential violation. The attorney**
63 **general may also file a civil action to enforce or otherwise obtain the assistance of a**
64 **court with respect to any such subpoena.**

65 **5. The provisions of sections 105.955 to 105.981 shall not apply to this section.**

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