

# An Act to Prohibit Receiving Compensation for Lobbying on Behalf of a Foreign Adversary

## Sec. 1. Definitions. In this Act:

(a) Foreign Adversary.— “Foreign adversary” means:

- (1) the People’s Republic of China, the Russian Federation, the Islamic Republic of Iran, the Democratic People’s Republic of Korea, the Republic of Cuba, the Venezuelan regime of Nicolas Maduro, or the Syrian Arab Republic;
- (2) any agency or instrumentality of such governments;
- (3) any person owned or operated in whole or in part by such foreign adversary, or subject to the control of such foreign adversary, and any subsidiary or parent of any such person; and
- (4) any person organized under the laws of a foreign adversary or having its principal place of business in a foreign adversary, and any subsidiary of any such person.

(b) ‘People’s Republic of China’ means the People’s Republic of China and all provinces and autonomous regions of the People’s Republic of China, including the Hong Kong Special Administrative Region of the People’s Republic of China, and the Macao Special Administrative Region of the People’s Republic of China; but does not include Taiwan.

(c) ‘Owned or operated in whole or in part’ means that a foreign adversary:

- (1) For a person that is a publicly traded company, has the ability to control the company, has access to any material nonpublic technical information in the possession of the company, or has any other rights or involvement in directing, dictating, controlling, or participating in the decision-making of the company beyond those available to a retail investor holding an equivalent share of ownership; and
- (2) For a person that is a privately held company, has any share of ownership of such company.

(d) “Control” means the power, direct or indirect, whether or not exercised, to determine, direct, dictate, or decide important matters affecting an entity, including but without limitation, through:

- (1) The ownership of at least 20 percent of the total outstanding voting interest in an entity;
- (2) Board representation;
- (3) The ability to appoint or discharge any board members, officers, directors, employees, or contractors;
- (4) Proxy voting, a special share, contractual arrangements, legal obligations, formal or informal arrangements to act in concert; or
- (5) Other means.

(c) ‘Foreign Political Party’ any organization or any other combination of individuals in a country other than the United States, or any unit or branch thereof, having for an aim or purpose, or which is engaged in any activity devoted in whole or in part to, the establishment, administration, control, or acquisition of administration or control, of a government of a foreign country or a subdivision thereof, or the furtherance or influencing of the political or public interests, policies, or relations of a government of a foreign country or a subdivision thereof.

(d) ‘Lobbyist’ means any person engaging in, agreeing to engage in, or attempting to engage in lobbying activity.

(e) ‘Lobbying Activity’ means any act that meets the definition of lobbying [under applicable state law].

(f) ‘Person’ means any individual, partnership, association, joint stock company, trust, corporation, organization or other combination of individuals, or government entity.

(g) 'Foreign Adversary Client' means:

(i) a current or former:

(A) official in the executive, legislative, administrative, military, or judicial branches of a foreign adversary, whether elected or not;

(B) official of a foreign political party of a foreign adversary; or

(C) executive or officer of a foreign adversary;

(ii) A corporation, business, or other entity that has been formed by, or for the benefit of, any such person; and

(iii) An immediate family member of any such person, including such person's spouse, parents, siblings, children and spouse's parents and siblings.

## **Sec. 2. Prohibition on Receiving Compensation for Lobbying on Behalf of a Foreign**

**adversary.**— No lobbyist may receive, or agree to receive, any direct or indirect compensation or other payment in any form, including intangible or in-kind, for carrying out any lobbying activity on behalf of another person, that is—

(a) a foreign adversary;

(b) a foreign political party of a foreign adversary; or

(c) a foreign adversary client.

## **Sec. 3. Action for Disgorgement, Civil Penalty, and Injunctive Relief; Pre-Suit Investigative Powers. —**

(a) A lobbyist who violates Section 2 of this Act is subject to an action for disgorgement of any compensation received as well as a civil penalty of not more than \$[X] per violation. An action may be filed by the [Attorney General] in the name of the State to obtain disgorgement, civil penalties, as well as injunctive relief requiring compliance with this Act going forward.

(b) If the [Attorney General] has reason to believe that any person is violating Section 2 of this Act or has agreed to conduct that would violate Section 2 of this Act, the [Attorney General] may issue civil investigative demands seeking documents, tangible things, and other information, as well as written responses under oath to questions or oral testimony under oath, to any person that may have knowledge or information regarding such potential violation. The [Attorney General] may also file an action to enforce or otherwise obtain the assistance of a court with respect to, any such civil investigative demand.

**Sec. 4. Severability.**— If any provision of this subchapter or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this subchapter which can be given effect without the invalid provision or application, and to this end the provisions of this chapter are severable.