

116TH CONGRESS
2D SESSION

S. 4843

To amend the Foreign Agents Registration Act of 1938 to repeal the exemption from registration under such Act for persons providing private and nonpolitical representation of trade and commercial interests, and the exemption from registration under such Act for persons filing disclosure reports under the Lobbying Disclosure Act of 1995, in connection with the representation of business organizations organized under the laws of or having their principal place of business in the People's Republic of China, and for other purposes.

IN THE SENATE OF THE UNITED STATES

OCTOBER 22 (legislative day, OCTOBER 19), 2020

Mr. COTTON introduced the following bill; which was read twice and referred to the Committee on Foreign Relations

A BILL

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1 *Be it enacted by the Senate and House of Representa-*
 2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Chinese Communist
 5 Party Influence Transparency Act”.

6 **SEC. 2. REPEALING CERTAIN EXEMPTIONS FROM REG-**
 7 **ISTRATION UNDER FOREIGN AGENTS REG-**
 8 **ISTRATION ACT OF 1938 BY AGENTS REP-**
 9 **RESENTING CHINESE BUSINESS ORGANIZA-**
 10 **TIONS.**

11 (a) IN GENERAL.—The Foreign Agents Registration
 12 Act of 1938, as amended (22 U.S.C. 611 et seq.) is
 13 amended by inserting after section 3 the following:

14 **“SEC. 3A. SPECIAL RULES FOR AGENTS REPRESENTING**
 15 **CHINESE BUSINESS ORGANIZATIONS.**

16 “(a) REPEAL OF EXEMPTION FROM REGISTRATION
 17 FOR PERSONS PROVIDING PRIVATE AND NONPOLITICAL
 18 REPRESENTATION OF BONA FIDE TRADE OR COMMER-
 19 CIAL INTERESTS.—Section 3(d)(1) shall not apply to an
 20 agent of a covered Chinese business organization.

21 “(b) REPEAL OF EXEMPTION FROM REGISTRATION
 22 FOR PERSONS FILING DISCLOSURE REPORTS UNDER
 23 LOBBYING DISCLOSURE ACT OF 1995.—

24 “(1) REPEAL.—Section 3(h) shall not apply to
 25 an agent of a covered Chinese business organization.

1 “(2) TIMING FOR FILING OF REGISTRATION
2 STATEMENTS.—In the case of an agent of a covered
3 Chinese business organization who has registered
4 under the Lobbying Disclosure Act of 1995 (2
5 U.S.C. 1601 et seq.), after the agent files the first
6 registration required under section 2(a) in connec-
7 tion with the agent’s representation of the covered
8 Chinese business organization, the agent shall file all
9 subsequent statements, information, or documents
10 required under section 2 at the same time, and in
11 the same frequency, as the reports filed with the
12 Clerk of the House of Representatives or the Sec-
13 retary of the Senate (as the case may be) under sec-
14 tion 5 of the Lobbying Disclosure Act of 1995 (2
15 U.S.C. 1604) in connection with the agent’s rep-
16 resentation of the covered Chinese business organi-
17 zation.

18 “(c) COVERED CHINESE BUSINESS ORGANIZATION
19 DEFINED.—In this section, the term ‘covered Chinese
20 business organization’ means—

21 “(1) an entity described in section 1(b)(3)
22 which is organized under the laws of, or has its prin-
23 cipal place of business in, the People’s Republic of
24 China (including any subsidiary or affiliate of such
25 an entity), except that such term does not include a

1 subsidiary or affiliate of an entity which is organized
 2 under the laws of, and has its principal place of
 3 business in, a country other than the People's Re-
 4 public of China; or

5 “(2) an entity designated by the Attorney Gen-
 6 eral as subject to the extrajudicial direction of the
 7 Chinese Communist Party.”.

8 (b) CONFORMING AMENDMENTS.—

9 (1) REPEAL OF EXEMPTION.—Section 3 of such
 10 Act (22 U.S.C. 613) is amended—

11 (A) in subsection (d)(1), by striking “in
 12 private” and inserting “except as provided in
 13 section 3A(a), in private”; and

14 (B) in subsection (h), by striking “Any
 15 agent” and inserting “Except as provided in
 16 section 3A(b), any agent”.

17 (2) TIMING OF FILING OF REGISTRATION
 18 STATEMENTS.—Section 2(b) of such Act (22 U.S.C.
 19 612(b)) is amended in the first sentence by striking
 20 “six months succeeding such filing” and inserting
 21 “six months succeeding such filing (except as pro-
 22 vided in section 3A(b)(2))”.

1 (c) EFFECTIVE DATE.—The amendments made by
2 this Act shall take effect 180 days after the date of enact-
3 ment of this Act.

