



MODEL POLICY | China Policy Initiative

STATE FOREIGN AGENT REGISTRATION ACT

PURPOSE OF THIS ACT

Requiring representatives of foreign governments and certain foreign corporations, non-profit organizations, non-governmental organizations, and educational institutions transacting business with this state or any political subdivision of this state to register with the Secretary of State's office and file certain reports disclosing the source of their employment, any compensation received from such employment, and any actions taken on behalf of, or in furtherance of, the foreign nation, corporation, organization, or educational institution they represent.

Section 1. Definitions.

For the purpose of this act, the following definitions are established:

- A. "Foreign government" means a government other than the federal government of the United States or the government of any state, political subdivision of a state, territory, federally recognized Indian tribe, or possession of the United States.
- B. "Foreign corporation" means any for-profit, not-for-profit, charitable institution, association, or non-governmental organization domiciled outside the boundaries of the United States or incorporated by, chartered by, funded by, or controlled by individuals or entities located outside of the United States.
- C. "Foreign education or research institution" means any research or educational institution or entity located outside the boundaries of the United States.
- D. "Foreign agent" means any person, regardless of citizenship or residence status, who acts on behalf of a foreign government, foreign corporation, or foreign education institution and who:
 - i. Directly or indirectly advocates for or against public policy matters;



- ii. Directly or indirectly advocates for, or otherwise participates in, the election or non-election of a candidate for public office, nomination, or appointment to a government position; or
 - iii. Seeks to establish or sever formal relationships between any public entity in this state and a foreign government, foreign corporation, or foreign education institution.
- E. “Public policy matter” means any legislation, law, pending regulation, regulation, memorandum of understanding, settlement agreement, services agreement, request for proposal, contract, or lawsuit involving the state or a political subdivision of the state or public education institution in this state.

Section 2. Requirement to Register.

- A. Any individual present in this state who represents or transacts business on behalf of a foreign government, foreign corporation, or foreign education institution while interacting with any official or employee of the state of [INSERT NAME] or any political subdivision of this state or any public education institution located within this state, shall register with the Office of the Secretary of State as a foreign agent.
- B. The filing disclosing an individual as a foreign agent shall, at minimum, include the following information:
- i. The full legal name of the individual and any names or aliases used by the individual;
 - ii. The legal or residential address of the individual, the business address of the individual, and the address of any residence used by the individual while operating in this state if different from the individual’s legal, residential, or business address;
 - iii. Copies of all financial transactions, contracts, and agreements with the represented foreign government, foreign corporation, or foreign education institution.
 - iv. The identity of the foreign government, foreign corporation, or foreign education institution the individual represents, whether or not the individual is compensated financially for such work;
 - v. If the foreign government, foreign corporation, or foreign education institution represented by the individual is 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, or the Venezuelan regime or is headquartered or domiciled or located within one of those nations, a signed statement by the individual acknowledging that the



individual is registering as a foreign agent acting on behalf of a nation hostile to the interests of the United States.

- C. On a monthly basis, for as long as an individual is registered as a foreign agent, the individual shall file a monthly report with the Office of the Secretary of State consisting of the following information:
- i. The identity of and the number of times the individual met with any government employee, official, or elected officeholder of this state or any political subdivision or public education institution in this state;
 - ii. Any funds expended on such meetings;
 - iii. Any educational efforts on any public policy matter or advocacy efforts undertaken for or against a public policy matter;
 - iv. Any contributions to a candidate for public office or political party or efforts to oppose such candidates or political parties;
 - v. Any funds, gifts, or non-monetary compensation received by the individual while serving as a foreign agent.
- D. The Office of the Secretary of State shall make the reports filed by any foreign agent operating within this state public on its website.
- E. Registration as a foreign agent is not required in the following instances:
- i. The individual is an official of, or an employee of, a foreign government and acting on official business coordinated through an embassy or consulate of the foreign government for the purpose of diplomatic meetings.
 - ii. The scope of work is entirely confined to private business transactions to which the government of this state, any political subdivision of this state, or public education institution within this state is not a party, and the scope of work does not involve public policy matters.
 - iii. The individual represents a registered foreign agent in any civil or criminal legal matter.

Section 3. Penalties.

- A. Any individual subject to registering as a foreign agent under this statute who fails to do so within five business days shall be fined not less than \$25,000 for each violation.



Any individual who is more than 10 business days late in filing the required monthly report under this statute shall be fined not less than \$15,000 for each late or missing report.

- B. Any individual who is found to have falsified or knowingly filed incomplete or inaccurate information in any report under this statute shall be fined not less than \$100,000.
- C. The attorney general of this state and any county prosecutor in this state shall have the authority to charge and try violations of this statute.
- D. The Office of the Secretary of State shall establish a whistleblower hotline that allows individuals with information about violations of this statute to report such violations without being identified to the public or to the individual(s) about which they are reporting such violations. Any information collected from a whistleblower shall be shared with the Office of the Attorney General and the county prosecutor for the county in which the individual alleged to have violated this statute resides. The identity of the whistleblower shall be shared with the Office of the Attorney General and the relevant county prosecutor.
 - i. The attorney general may choose to charge or not charge a violation of this statute or may refer the matter to the prosecutor of the county in which the alleged violator of this statute resides.
 - ii. If a successful conviction for a violation occurs as the result of a whistleblower's actions, the whistleblower shall receive a compensation payment equal to 50 percent of the total fines resulting from the conviction.

Section 4. Effective date.

This act shall take full force and effect on July 1, 2025.

