

ALERT

Foreign Agents Disclosure and Registration Enhancement Act Reintroduced in 118th Congress

May 1, 2023

On April 27, 2023, a bipartisan group of senators led by Senator Chuck Grassley (R-IA) reintroduced the Foreign Agents Disclosure and Registration Enhancement Act in the 118th Congress. The bill attempts to reform the Foreign Agents Registration Act (FARA) and increase oversight transparency.

First introduced in 2019, the bill would amend FARA by reinforcing the tools available to the Department of Justice (DOJ) when investigating potential FARA violations and by increasing the penalties for noncompliance. Additionally, the bill would improve advisory opinion transparency and designate oversight abilities to the Government Accountability Office (GAO). Among other things, the bill requires the GAO to study the extent to which the Lobbying Disclosure Act (LDA) exemption is being used to circumvent registration under FARA. Under FARA, foreign agents that are engaged in political activity and that are duly registered under the LDA can avail themselves of the LDA exemption to FARA registration, provided that the political activity is not being undertaken on behalf of a foreign government/foreign political party and it is not principally benefitting such entities. The LDA exemption to FARA registration has been routinely subject to criticism for being improperly used and has been the subject of several Congressional reform efforts, including the bill discussed here.

Sen. Grassley, a strong proponent of Foreign Agent Registration Act (FARA) reform, is joined in support by Senators Marco Rubio (R-FL), Todd Young (R-IN), John Cornyn (R-TX), Lindsey Graham (R-SC) and Sheldon Whitehouse (D-RI).

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Practice Areas

Election Law & Government Ethics
Foreign Agents Registration Act (FARA)
International Trade
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Wiley's FARA Handbook provides further information on FARA as well as the relationship between FARA and the LDA. Additional information on pending LDA and FARA reforms can also be found in our coverage of proposals in the 117th Congress and 2022 Review of FARA developments. Please contact the FARA attorney listed on this alert for any questions.

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Maddie Van Aken, a Legislative and Reporting Coordinator at Wiley Rein LLP, contributed to this alert.