

Representatives Ken Buck and Ro Khanna Introduce Legislation to Modernize FARA Filings

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On November 15, 2019, U.S. Representatives Ken Buck (R-CO) and Ro Khanna (D-CA) introduced H.R. 5122, the Foreign Agents Registration Modernization (FARM) Act of 2019. The FARM Act seeks to increase the transparency of foreign government influence activities in the United States by making filings under the Foreign Agents Registration Act (FARA) more accessible and the filing contents more searchable. The bill has been referred to the House Committee on the Judiciary, upon which Rep. Buck serves.

The FARM Act would enhance the transparency of foreign influence in the United States in two ways. First, the bill requires agents of a foreign principal to submit their FARA filings to the Department of Justice (DOJ) in an easily searchable electronic format, also known as a structured data format. Second, the legislation directs the DOJ to work with the Secretary of the Senate to create a public database for FARA filings similar to the Lobbying Disclosure Act Database, which is a searchable domestic lobbying registration database hosted on the Senate's website. In addition to greater public access, proponents of the FARM Act say the formatting requirements will enhance the DOJ's FARA enforcement efforts by making it easier to identify incomplete or delinquent filings.

Although the text of this legislation is not yet publicly available, its filing format requirements appear to align with Rep. Pramila Jayapal's (D-WA) H.R. 1566, which would likewise amend FARA to require registrants to file registration statements in a searchable digital form. Congress passed the language of H.R. 1566 within H.R. 1, the House Democrat's comprehensive government ethics,

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Practice Areas

Foreign Agents Registration Act (FARA)
International Trade

campaign finance, and voting rights legislation. Although the substance of H.R. 1566 was included in H.R. 1, Rep. Jayapal's bill has failed to gain any traction as a stand-alone bill while H.R. 1 has made no progress in the Senate.

In 2016, the DOJ Inspector General issued a report on its audit of FARA enforcement and administration. That report found that the DOJ lacked a comprehensive FARA enforcement strategy, flagged potential abuse of the FARA registration exemptions, and noted an overall decline in FARA registrations. The report spurred the present era of heightened enforcement efforts within the DOJ and significant bipartisan legislative reform efforts in Congress. The FARM Act of 2019 is a modest bill that would not fundamentally alter FARA law. Nevertheless, Reps. Buck and Khanna have introduced a bipartisan bill with two simple measures that would enhance public awareness of foreign influence and support the DOJ's enforcement work.

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