

115TH CONGRESS
2D SESSION

H. R. 5331

To amend the Communications Act of 1934 to provide for additional disclosure requirements with respect to content from registered foreign agents.

IN THE HOUSE OF REPRESENTATIVES

MARCH 19, 2018

Ms. ESHOO introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To amend the Communications Act of 1934 to provide for additional disclosure requirements with respect to content from registered foreign agents.

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 “Foreign Entities Re-
5 form Act of 2018”.

1 **SEC. 2. DISCLOSURE REQUIREMENTS WITH RESPECT TO**
2 **CONTENT FROM REGISTERED FOREIGN**
3 **AGENTS.**

4 (a) IN GENERAL.—Title VII of the Communications
5 Act of 1934 (47 U.S.C. 601 et seq.) is amended by adding
6 at the end the following:

7 **“SEC. 722. DISCLOSURE REQUIREMENTS WITH RESPECT TO**
8 **CONTENT FROM REGISTERED FOREIGN**
9 **AGENTS.**

10 “(a) RECORD OF REQUESTS FOR COVERED TIME
11 FROM REGISTERED FOREIGN AGENTS.—

12 “(1) IN GENERAL.—A covered provider shall
13 maintain a complete record of a request for covered
14 time that is made by or on behalf of a registered for-
15 eign agent.

16 “(2) CONTENTS OF RECORD.—A record main-
17 tained under paragraph (1) shall contain informa-
18 tion regarding—

19 “(A) whether the request for covered time
20 is accepted or rejected by the provider;

21 “(B) the rate (if any) charged for the cov-
22 ered time;

23 “(C) the date and time (if any) on which
24 the communication is broadcast or otherwise
25 transmitted by the provider;

26 “(D) the class of time that is requested;

1 “(E) the name, address, and phone num-
2 ber of a contact person for the registered for-
3 eign agent (and of any person requesting the
4 covered time on behalf of the agent), and a list
5 of the chief executive officers or members of the
6 executive committee or of the board of directors
7 of the agent (and of any person requesting the
8 covered time on behalf of the agent); and

9 “(F) the name of the foreign principal of
10 the registered foreign agent.

11 “(3) LOCATION; TIME TO RETAIN.—The infor-
12 mation required under this subsection shall be
13 placed in the online public inspection file hosted by
14 the Commission as soon as possible and shall be re-
15 tained in such file for a period of not less than 2
16 years. For purposes of the preceding sentence, the
17 term ‘as soon as possible’ means immediately absent
18 unusual circumstances.

19 “(b) SPONSORSHIP IDENTIFICATION REQUIRE-
20 MENTS.—

21 “(1) APPLICABILITY TO COVERED CONTENT.—

22 “(A) ANNOUNCEMENT BY STATION.—For
23 purposes of section 317, any covered content
24 broadcast by a broadcast station, if such station
25 knew or should have known that the content

1 was covered content, shall be treated as matter
2 for which money, service, or other valuable con-
3 sideration was paid for broadcasting, regardless
4 of whether any such consideration was paid.

5 “(B) DISCLOSURES BY STATION EMPLOY-
6 EES, PROGRAM PRODUCERS, AND OTHERS.—
7 For purposes of section 507—

8 “(i) any agreement for the broadcast
9 of covered content, between an employee of
10 a broadcast station and any registered for-
11 eign agent who developed, produced, dis-
12 seminated, or funded the covered content,
13 shall be treated as acceptance by the em-
14 ployee and payment by the agent of money,
15 service, or other valuable consideration for
16 the broadcast of such content, regardless
17 of whether any such consideration was
18 paid; and

19 “(ii) any agreement for the inclusion
20 of covered content as part of a program or
21 program matter that is intended for broad-
22 casting over a broadcast station, between
23 any person in connection with the produc-
24 tion or preparation of such program or
25 program matter and any registered foreign

1 agent who developed, produced, dissemi-
2 nated, or funded the covered content, shall
3 be treated as acceptance by such person
4 and payment by such agent of money,
5 service, or other valuable consideration for
6 such inclusion, regardless of whether any
7 such consideration was paid.

8 “(2) STATEMENT REQUIRED.—

9 “(A) IN ANNOUNCEMENT BY STATION.—In
10 the case of any announcement required by sec-
11 tion 317 (including as the application of such
12 section is modified by this subsection) with re-
13 spect to covered content, such announcement
14 shall—

15 “(i) contain, with respect to each reg-
16 istered foreign agent who developed, pro-
17 duced, disseminated, or funded the covered
18 content—

19 “(I) the same statement as the
20 statement required by section 4(b) of
21 the Foreign Agents Registration Act
22 of 1938 (22 U.S.C. 614(b)); or

23 “(II) for any such agent for
24 whom no statement is required under
25 such section with respect to the cov-

1 ered content, a similar statement that
2 such agent developed, produced, dis-
3 seminated, or funded (as the case may
4 be) the covered content on behalf of
5 the foreign principal; and

6 “(ii) be made at regular and periodic
7 intervals throughout the broadcast of the
8 covered content.

9 “(B) IN DISCLOSURES BY STATION EM-
10 PLOYEES, PROGRAM PRODUCERS, AND OTH-
11 ERS.—In the case of any disclosure required by
12 section 507 (including as the application of
13 such section is modified by this subsection) with
14 respect to covered content, such disclosure shall
15 contain the same information as the informa-
16 tion described in subparagraph (A)(i).

17 “(3) APPLICABILITY TO CABLE OPERATORS
18 AND SATELLITE PROVIDERS.—Not later than 180
19 days after the date of the enactment of this section,
20 the Commission shall promulgate regulations that
21 contain—

22 “(A) requirements for cable operators,
23 DBS providers, and SDARS licensees with re-
24 spect to the transmission of covered content
25 that are comparable to the requirements for

1 broadcast stations under section 317 (including
2 as the application of such section is modified by
3 this subsection) with respect to the broadcast of
4 covered content;

5 “(B) requirements for employees of cable
6 operators, DBS providers, and SDARS licens-
7 ees with respect to the transmission of covered
8 content that are comparable to the require-
9 ments for employees of broadcast stations
10 under section 507(a) (including as the applica-
11 tion of such section is modified by this sub-
12 section) with respect to the broadcast of covered
13 content;

14 “(C) requirements with respect to the in-
15 clusion of covered content in any program or
16 program matter that is intended for trans-
17 mission by any cable operator, DBS provider,
18 or SDARS licensee that are comparable to the
19 requirements with respect to the inclusion of
20 covered content in any program or program
21 matter that is intended for broadcasting over a
22 broadcast station under section 507(b) (includ-
23 ing as the application of such section is modi-
24 fied by this subsection); and

1 “(D) requirements with respect to the sup-
2 plying of any program or program matter that
3 is intended for transmission by any cable oper-
4 ator, DBS provider, or SDARS licensee, in any
5 case in which covered content is included as a
6 part of the program or program matter being
7 supplied, that are comparable to the require-
8 ments with respect to the supplying of any pro-
9 gram or program matter that is intended for
10 broadcasting over a broadcast station, in any
11 case in which covered content is included as a
12 part of the program or program matter being
13 supplied, under section 507(c) (including as the
14 application of such section is modified by this
15 subsection).

16 “(c) QUARTERLY REPORTS.—

17 “(1) IN GENERAL.—Not later than 14 days
18 after the end of a calendar quarter during which a
19 covered provider receives a request for which a
20 record is required to be maintained under subsection
21 (a), or broadcasts or otherwise transmits covered
22 content for which an announcement is required by
23 section 317 (including as the application of such sec-
24 tion is modified by subsection (b)) or by the regula-
25 tions of the Commission issued under paragraph (3)

1 of such subsection, such provider shall submit to the
2 Commission, the Attorney General, and the Sec-
3 retary of State a report that summarizes any such
4 requests received, and any such covered content
5 broadcast or otherwise transmitted, by such provider
6 during such quarter.

7 “(2) FORM AND CONTENTS.—The Commission
8 may issue regulations prescribing the form and con-
9 tents of the reports required by paragraph (1).

10 “(3) PUBLIC AVAILABILITY.—The Commission,
11 the Attorney General, and the Secretary of State
12 shall make the reports submitted under paragraph
13 (1) publicly available on their internet websites.

14 “(d) DEFINITIONS.—In this section:

15 “(1) AGENT OF A FOREIGN PRINCIPAL.—The
16 term ‘agent of a foreign principal’ has the meaning
17 given such term in section 1 of the Foreign Agents
18 Registration Act of 1938 (22 U.S.C. 611).

19 “(2) BROADCAST TIME.—The term ‘broadcast
20 time’ means broadcast time, as such term is used in
21 section 315(e).

22 “(3) CABLECAST TIME.—The term ‘cablecast
23 time’ means cablecast time, as such term is used in
24 section 76.1701 of title 47, Code of Federal Regula-
25 tions.

1 “(4) CABLE OPERATOR.—The term ‘cable oper-
2 ator’ has the meaning given such term in section
3 602.

4 “(5) COVERED CONTENT.—The term ‘covered
5 content’ means any program or other matter that—

6 “(A) is broadcast or otherwise transmitted
7 or intended for broadcast or other transmission
8 by a covered provider; and

9 “(B) is developed, produced, disseminated,
10 or funded by a registered foreign agent.

11 “(6) COVERED PROVIDER.—The term ‘covered
12 provider’ means a broadcast station licensee, cable
13 operator, DBS provider, or SDARS licensee.

14 “(7) COVERED TIME.—The term ‘covered time’
15 means—

16 “(A) with respect to a broadcast station li-
17 censee, broadcast time;

18 “(B) with respect to a cable operator, ca-
19 blecast time;

20 “(C) with respect to a DBS provider, DBS
21 origination time; and

22 “(D) with respect to an SDARS licensee,
23 SDARS origination time.

24 “(8) DBS ORIGINATION TIME.—The term ‘DBS
25 origination time’ means DBS origination time, as

1 such term is used in section 25.701(d) of title 47,
2 Code of Federal Regulations.

3 “(9) DBS PROVIDER.—The term ‘DBS pro-
4 vider’ has the meaning given such term in section
5 25.701(a) of title 47, Code of Federal Regulations.

6 “(10) FOREIGN PRINCIPAL.—The term ‘foreign
7 principal’ has the meaning given such term in sec-
8 tion 1 of the Foreign Agents Registration Act of
9 1938 (22 U.S.C. 611).

10 “(11) REGISTERED FOREIGN AGENT.—The
11 term ‘registered foreign agent’ means an agent of a
12 foreign principal registered under section 2 of the
13 Foreign Agents Registration Act of 1938 (22 U.S.C.
14 612).

15 “(12) SDARS LICENSEE.—The term ‘SDARS
16 licensee’ means a licensee in the Satellite Digital
17 Audio Radio Service, as defined in section 25.103 of
18 title 47, Code of Federal Regulations.

19 “(13) SDARS ORIGINATION TIME.—The term
20 ‘SDARS origination time’ means SDARS origination
21 time, as such term is used in section 25.702(b) of
22 title 47, Code of Federal Regulations.”.

23 (b) EFFECTIVE DATES.—

24 (1) RECORD OF REQUESTS FOR COVERED TIME
25 FROM REGISTERED FOREIGN AGENTS.—Subsection

1 (a) of section 722 of the Communications Act of
2 1934, as added by subsection (a) of this section,
3 shall apply with respect to a request for covered time
4 made by a registered foreign agent after the date
5 that is 90 days after the date of the enactment of
6 this Act.

7 (2) SPONSORSHIP IDENTIFICATION REQUIRE-
8 MENTS.—Subsection (b) of section 722 of the Com-
9 munications Act of 1934, as added by subsection (a)
10 of this section, and the regulations promulgated
11 under paragraph (3) of such subsection (b), shall
12 apply—

13 (A) in the case of an announcement by a
14 covered provider under section 317 of the Com-
15 munications Act of 1934 (47 U.S.C. 317) (in-
16 cluding as the application of such section is
17 modified by such subsection (b)) or under such
18 regulations, only if the broadcast or other
19 transmission of covered content occurs after the
20 date that is 90 days after the Commission pro-
21 mulgates such regulations; and

22 (B) in the case of a disclosure under sec-
23 tion 507 of the Communications Act of 1934
24 (47 U.S.C. 507) (including as the application of
25 such section is modified by such subsection (b))

1 or under such regulations, only if the accept-
2 ance or agreement to accept or payment or
3 agreement to pay money, service, or other valu-
4 able consideration (or the agreement in the ab-
5 sence of any such consideration that is treated
6 as such acceptance and payment as provided in
7 such subsection (b) or such regulations) was
8 made (in the case of a payment) or entered into
9 (in the case of an agreement) after the date
10 that is 90 days after the Commission promul-
11 gates such regulations.

12 (3) DEFINITIONS.—In this subsection, the
13 terms defined in subsection (d) of section 722 of the
14 Communications Act of 1934, as added by sub-
15 section (a) of this section, shall have the meanings
16 given such terms in such subsection (d).

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