

117TH CONGRESS
1ST SESSION

S. 319

To amend the Foreign Agents Registration Act of 1938, as amended, to strengthen the conspicuous statement required on certain informational materials, and for other purposes.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 12, 2021

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

A BILL

To amend the Foreign Agents Registration Act of 1938, as amended, to strengthen the conspicuous statement required on certain informational materials, and for other purposes.

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 “Democracy Dies in
5 Darkness Act”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

1 (1) On February 18, 2020, the Department of
2 State designated the China Daily as a foreign mis-
3 sion for the purposes of the Foreign Missions Act
4 (22 U.S.C. 4301 et seq.).

5 (2) Under its most recent registration state-
6 ment required under section 2 of the Foreign Agents
7 Registration Act of 1938, as amended, the China
8 Daily reported receiving \$4,775,792.81 from its for-
9 eign principal between November 1, 2019, and April
10 30, 2020, for the purpose of disseminating informa-
11 tional materials.

12 (3) Between November 2016 and October 2020,
13 the Washington Post received more than
14 \$4,600,000, and the Wall Street Journal received
15 more than \$6,000,000, for services, including adver-
16 tising and printing, as disclosed to the Department
17 of Justice.

18 (4) Beijing's Global Megaphone, a special re-
19 port by Freedom House, states that "Beijing is
20 gaining influence over crucial parts of some coun-
21 tries' information infrastructure, as Chinese tech-
22 nology firms with close ties to the CCP build or ac-
23 quire content-dissemination platforms used by tens
24 of millions of foreign news consumers."

1 (5) On January 15, 2020, the Washington Post
 2 noted, “Aware that the audience for the China Daily
 3 might be limited, Beijing has adopted a practice it
 4 calls ‘borrowing the boat to reach the sea’ to place
 5 its content in advertorial China Watch supplements
 6 in respected newspapers . . .”.

7 (6) A 2019 report published by the School of
 8 Advanced International Studies at Johns Hopkins
 9 University details how China uses information cam-
 10 paigns to communicate its capabilities, undermine
 11 the credibility of foreign political systems, and cor-
 12 rect “misperceptions” by addressing negative report-
 13 ing.

14 (7) The 2018 annual report of the U.S.-China
 15 Economic and Security Review Commission rec-
 16 ommends that Congress direct the Department of
 17 Justice to clarify labels required by the Foreign
 18 Agents Registration Act of 1938, as amended, on in-
 19 formational materials disseminated on behalf of for-
 20 eign principals, such as the China Daily, so that
 21 those labels must appear prominently at the top of
 22 the first page of such materials.

23 **SEC. 3. SENSE OF CONGRESS.**

24 It is the sense of Congress that—

1 (1) foreign governments abuse paid supple-
2 ments, including paid supplements in the form of
3 newspaper inserts, to propagate disinformation to
4 audiences in the United States through the informa-
5 tion infrastructure of the United States;

6 (2) the conspicuous statement required under
7 section 4(b) of the Foreign Agents Registration Act
8 of 1938, as amended (22 U.S.C. 614(b)), plays an
9 important role in upholding the freedom of speech
10 by—

11 (A) clearly distinguishing the author of in-
12 formational material for its readers; and

13 (B) making the readers of certain informa-
14 tional materials aware that the informational
15 material is paid content; and

16 (3) regulations in existence on the date of en-
17 actment of this Act allow foreign principals to place
18 the conspicuous statement required under section
19 4(b) of the Foreign Agents Registration Act of
20 1938, as amended in an area that is less likely to
21 be viewed by readers, thereby defeating the purpose
22 of the conspicuous statement.

1 **SEC. 4. MODIFICATION OF FARA DISCLOSURE REQUIRE-**
2 **MENTS.**

3 (a) DEFINITIONS.—Section 1 of the Foreign Agents
4 Registration Act of 1938, as amended (22 U.S.C. 611)
5 is amended—

6 (1) in subsection (p), by striking the period at
7 the end and inserting a semi-colon; and

8 (2) by adding at the end the following:

9 “(q) The term ‘paid publication supplement’ means
10 any informational material for which an agent of a foreign
11 principal pays to be included as a part of, inserted within,
12 or attached to, a covered publication based in the United
13 States.

14 “(r) The term ‘covered publication’—

15 “(1) means a print or digital—

16 “(A) news publication;

17 “(B) magazine;

18 “(C) journal; and

19 “(D) informational publication; and

20 “(2) includes a blog or social media website
21 that runs advertisements.”.

22 (b) CONSPICUOUS STATEMENT.—Section 4 of the
23 Foreign Agents Registration Act of 1938, as amended (22
24 U.S.C. 614) is amended—

25 (1) by inserting “(1)” after “(b)”;

1 (2) in paragraph (1), as so designated, by strik-
2 ing “The Attorney General” and inserting “Subject
3 to paragraphs (2) through (4), the Attorney Gen-
4 eral”; and

5 (3) by adding at the end the following:

6 “(2) A conspicuous statement required to be placed
7 in an informational material under paragraph (1) shall—

8 “(A) be clearly readable;

9 “(B) have a font color that contrasts with the
10 background color; and

11 “(C) be placed at the top of the first page of
12 the informational material.

13 “(3) An informational material that is a paid publica-
14 tion supplement shall include the following disclosure as
15 a part of the conspicuous statement required under para-
16 graph (1): ‘This supplement was paid for and prepared
17 on behalf of [name of agent of foreign principal], an offi-
18 cial publication of [name of foreign principal].’.

19 “(4) If a covered publication in which an informa-
20 tional material that is a paid publication supplement is
21 published is not involved in the creation of the paid publi-
22 cation supplement, the disclosure required under para-
23 graph (3) shall include the following statement: ‘[Name

1 of covered publication] was not involved in the creation
 2 of this supplement.’”.

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