

WEST VIRGINIA LEGISLATURE

2025 REGULAR SESSION

Introduced

House Bill 3114

By Delegates Ridenour, Jennings, Kimble, Phillips,
Hillenbrand, Flanigan, Holstein, Kump, Ward, Mallow,
and Maynor

[Introduced March 04, 2025; referred to the
Committee on the Judiciary]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding a new section,
2 designated §6B-3-7a, relating to prohibiting compensation for lobbying a government
3 officer or employee on behalf of a foreign adversary; providing legislative findings;
4 definitions; prohibition on receiving compensation for lobbying on behalf of a foreign
5 adversary; action for disgorgement; civil penalties; injunctive relief; and pre-suit
6 investigative powers for violation of prohibition; requirement to self-identify as an agent of a
7 foreign adversary.

Be it enacted by the Legislature of West Virginia:

ARTICLE**3.****LOBBYISTS.****§6B-3-7a. Prohibiting compensation for lobbying on behalf of a foreign adversary.**

1 (a) Legislative Findings - The Legislature of West Virginia finds that foreign adversaries
2 may be using lobbyists to promote issues in the United States and West Virginia for nefarious
3 purposes. The Legislature finds that ensuring lobbyists are fully identified as agents of foreign
4 adversaries while conducting activities in West Virginia is in the public's interest.

5 (b) Definitions .—As used in this section:

6 (1) "Foreign adversaries" means foreign governments or other foreign entities hostile to the
7 United States or the State of West Virginia, including states or entities engaging in or supporting
8 hostilities against the United States, United States citizens or armed forces, or United States'
9 allies; state sponsors of terrorism that have caused the deaths of American citizens, and states
10 that align with communist or totalitarian ideologies. Specific entities comprising the list of
11 prohibited foreign parties will be identified annually by the West Virginia Secretary of Homeland
12 Security, in consultation with the Governor, Secretary of State and Attorney General. The initial list
13 of prohibited foreign entities includes any person or entity with any association with the:

14 (A) Chinese Communist Party or the Government of the People's Republic of China, or
15 associated entities. The 'People's Republic of China' means all provinces and autonomous
16 regions of the People's Republic of China, including the Hong Kong Special Administrative Region

and the Macao Special Administrative Region; but does not include Taiwan.

(B) Government of Russia, or associated entities;

(C) Government of Belarus, or associated entities;

(D) Democratic People's Republic of Korea Government, or associated entities;

(E) Socialist Republic of Vietnam Government, or associated entities;

(F) Lao People's Democratic Republic Government, or associated entities;

(G) Republic of Cuba Government, or associated entities;

(H) Government of Syria, or associated entities;

(I) Government of Qatar, or associated entities;

(J) Islamic Republic of Iran Government, or associated entities;

(K) Government of Yemen, the Houthi movement, or associated entities;

(L) Current Government of Venezuela or the United Socialist Party of Venezuela, or associated entities;

(M) Islamic Emirate of Afghanistan or the Taliban, or associated entities;

(N) Lebanese Hizballah, or associated entities;

(O) HAMAS or the Palestinian National Authority, or associated entities;

(P) Other Foreign Terrorist Organizations (FTOs) as designated by the United States Secretary of State in accordance with section 219 of the Immigration and Nationality Act;

(Q) Any agency or instrumentality of such governments or entities;

(R) Any person owned or operated in whole or in part by such foreign adversary, or subject to the control of such foreign adversary, and any subsidiary or parent of any such person; and

(S) Any person organized under the laws of a foreign adversary or having its principal place of business in a foreign adversary, and any subsidiary of any such person.

(2) "People's Republic of China" means all provinces and autonomous regions of the People's Republic of China, including the Hong Kong Special Administrative Region, and the Macao Special Administrative Region; but does not include Taiwan.

43 (3) "Owned or operated in whole or in part" means that a foreign adversary:

44 (A) For a person that is a publicly traded company, has the ability to control the company,
45 has access to any material nonpublic technical information in the possession of the company, or
46 has any other rights or involvement in directing, dictating, controlling, or participating in the
47 decision-making of the company beyond those available to a retail investor holding an equivalent
48 share of ownership; and

49 (B) For a person that is a privately held company, has any share of ownership of such
50 company.

51 (4) "Control" means the power, direct or indirect, whether or not exercised, to determine,
52 direct, dictate, or decide important matters affecting an entity, including but without limitation,
53 through:

54 (A) The ownership of at least 20 percent of the total outstanding voting interest in an entity;

55 (B) Board representation;

56 (C) The ability to appoint or discharge any board members, officers, directors, employees,
57 or contractors;

58 (D) Proxy voting, a special share, contractual arrangements, legal obligations, formal or
59 informal arrangements to act in concert; or

60 (E) Other means.

61 (5) "Foreign Political Party" any organization or any other combination of individuals in a
62 country other than the United States, or any unit or branch thereof, having for an aim or purpose, or
63 which is engaged in any activity devoted in whole or in part to, the establishment, administration,
64 control, or acquisition of administration or control, of a government of a foreign country or a
65 subdivision thereof, or the furtherance or influencing of the political or public interests, policies, or
66 relations of a government of a foreign country or a subdivision thereof.

67 (6) "Lobbyist" means any person engaging in, agreeing to engage in, or attempting to
68 engage in lobbying activity.

(7) "Lobbying Activity" means any act that meets the definition of lobbying set forth in §6B-3-1(6) of this code.

(8) "Person" means any individual, partnership, association, joint stock company, trust, corporation, organization or other combination of individuals, or government entity.

(9) "Foreign Adversary Client" means:

(A) A current or former

(i) Official in the executive, legislative, administrative, military, or judicial branches of a foreign adversary, whether elected or not;

(ii) Official of a foreign political party of a foreign adversary; or

(iii) Executive or officer of a foreign adversary;

(iv) A corporation, business, or other entity that has been formed by, or for the benefit of, any such person; and

(v) An immediate family member of any such person, including such person's spouse, parents, siblings, children and spouse's parents and siblings.

(c) Prohibition on receiving compensation for lobbying on behalf of a foreign adversary. — No lobbyist may receive, or agree to receive, any direct or indirect compensation or other payment in any form, including intangible or in-kind, for carrying out any lobbying activity on behalf of another person, that is—

(1) A foreign adversary;

(2) A foreign political party of a foreign adversary; or

(3) A foreign adversary client.

(d) Action for disgorgement; civil penalties; injunctive relief; and pre-suit investigative powers -

(1) A lobbyist who violates subsection (c) of this section is subject to an action for disgorgement of any compensation received as well as a civil penalty of not more than two times the amount of compensation received nor less than \$5,000 per violation. An action may be filed by

95 the Attorney General in the name of the state to obtain disgorgement, civil penalties, as well as
96 injunctive relief requiring compliance with this Act going forward.

97 (2) If the Attorney General has reason to believe that any person is violating subsection (c)
98 of this section or has agreed to conduct that would violate subsection (c) of this section, the
99 Attorney General may issue civil investigative demands seeking documents, tangible things, and
100 other information, as well as written responses under oath to questions or oral testimony under
101 oath, to any person that may have knowledge or information regarding such potential violation.
102 The Attorney General may also file an action to enforce or otherwise obtain the assistance of a
103 court with respect to, any such civil investigative demand.

104 (d) Requirement to self-identify as an agent of a foreign adversary. – Any lobbyist
105 preparing to lobby on behalf of their foreign adversary masters must announce upon entering any
106 space or location in a voice sufficiently loud enough for all in the area to hear "I, (state their name),
107 am a Lobbyist for (name of the foreign adversary)."

NOTE: The purpose of this bill is to prohibit compensation for lobbying a government officer or employee on behalf of a foreign adversary and provides civil penalties for violation thereof.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.