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(Original Signature of Member)

117TH CONGRESS
2D SESSION

H. R. _____

To amend chapter 190 of title 28, United States Code, to require businesses with a principal place of business in a foreign country to register an agent for the service of process in the United States, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. HILL introduced the following bill; which was referred to the Committee
on _____

A BILL

To amend chapter 190 of title 28, United States Code, to require businesses with a principal place of business in a foreign country to register an agent for the service of process in the United States, 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 “Protecting American
5 Business from Foreign Adversaries Act of 2022”.

1 **SEC. 2. REGISTRATION OF AGENT.**

2 (a) IN GENERAL.—Chapter 190 of title 28, United
3 States Code, is amended by adding at the end the fol-
4 lowing new section:

5 **“§ 5002. Registration of an agent for the service of**
6 **process on covered entities**

7 “(a) IN GENERAL.—A covered entity conducting
8 business in the United States shall register with the De-
9 partment of Commerce not less than one agent residing
10 in the United States if the covered entity—

11 “(1) is organized under the laws of, or has its
12 principal place of business in, a foreign country;

13 “(2) is traded in shares and such shares are
14 held in majority by any individual or group of indi-
15 viduals reside in a foreign country; or

16 “(3) is owned by individuals or other entities
17 who reside or are headquartered outside of the
18 United States and the majority of business earnings
19 of the covered entity are derived from commerce out-
20 side of the United States.

21 “(b) FILING.—A registration required under sub-
22 section (a) shall be filed with the Department of Com-
23 merce not later than 30 days after—

24 “(1) the date of enactment of this Act; or

1 “(2) the departure of the previously registered
2 agent from employment or contract with the covered
3 entity.

4 “(c) PURPOSE OF REGISTERED AGENT.—

5 “(1) AVAILABILITY.—A covered entity shall en-
6 sure that not less than one registered agent on
7 whom process may be served is available at the busi-
8 ness address of the registered agent each day from
9 9 a.m. to 5 p.m. in the time zone of the business ad-
10 dress, excluding Saturdays, Sundays, and Federal
11 holidays.

12 “(2) COMMUNICATION.—The registered agent
13 shall be required to be available to accept service of
14 process on behalf of the covered entity under which
15 the agent is registered by the means of any commu-
16 nication included in the registration submitted to the
17 Department of Commerce.

18 “(d) COOPERATION.—A registered agent shall co-
19 operate in good faith with the United States Government
20 and representatives of other individuals and entities.

21 “(e) REQUIRED INFORMATION.—The registration
22 submitted to the Department of Commerce shall include
23 the following information:

24 “(1) The name of the covered entity registering
25 an agent under this section.

1 “(2) The name of the Chief Executive Officer,
2 President, Partner, Chairman, or other controlling
3 individual of the covered entity.

4 “(3) The name of the individual who is being
5 registered as the agent for the service of process.

6 “(4) The business address of the covered entity
7 registering an agent under this section.

8 “(5) The business address of the individual who
9 is being registered as the agent for the service of
10 process.

11 “(6) Contact information, including an email
12 address and phone number for the individual who is
13 being registered as the agent for the service of proc-
14 ess.

15 “(7) The date on which the agent shall begin
16 to accept service of process under this section.

17 “(f) WEBSITE.—The information submitted to the
18 Department of Commerce pursuant to this section shall
19 be made available on a publicly accessible database on the
20 website of the Department of Commerce.

21 “(g) PERSONAL JURISDICTION.—A covered entity
22 that registers an agent under this section thereby consents
23 to the personal jurisdiction of the State or Federal courts
24 of the State in which the registered agent is located for

1 the purpose of any regulatory proceeding or civil action
2 relating to such covered entity.

3 “(h) DEFINITIONS.—In this section:

4 “(1) COVERED ENTITY.—The term ‘covered en-
5 tity’ means—

6 “(A) a corporation, partnership, associa-
7 tion, organization, or other combination of per-
8 sons established for the purpose of commercial
9 activities; or

10 “(B) a trust or a fund established for the
11 purpose of commercial activities.

12 “(2) DEPARTMENT OF COMMERCE.—The term
13 ‘Department of Commerce’ means the United States
14 Department of Commerce.”.

15 (b) CLERICAL AMENDMENT.—The table of sections
16 for chapter 190 of title 28, United States Code, is amend-
17 ed by adding at the end the following:

“5002. Registration of an agent for the service of process on covered entities.”.