

AMENDMENT TO RULES COMMITTEE PRINT

117-31

OFFERED BY MR. HILL OF ARKANSAS

Add at the end of division I the following:

1 **TITLE IV—OTHER MATTERS**

2 **SEC. 80401. REGISTRATION OF AGENT.**

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

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

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

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

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

17 “(3) is owned by individuals or other entities
18 who reside or are headquartered outside of the
19 United States and the majority of business earnings

1 of the covered entity are derived from commerce out-
2 side of the United States.

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

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

7 “(2) the departure of the previously registered
8 agent from employment or contract with the covered
9 entity.

10 “(c) PURPOSE OF REGISTERED AGENT.—

11 “(1) AVAILABILITY.—A covered entity shall en-
12 sure that not less than one registered agent on
13 whom process may be served is available at the busi-
14 ness address of the registered agent each day from
15 9 a.m. to 5 p.m. in the time zone of the business ad-
16 dress, excluding Saturdays, Sundays, and Federal
17 holidays.

18 “(2) COMMUNICATION.—The registered agent
19 shall be required to be available to accept service of
20 process on behalf of the covered entity under which
21 the agent is registered by the means of any commu-
22 nication included in the registration submitted to the
23 Department of Commerce.

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

4 “(e) REQUIRED INFORMATION.—The registration
5 submitted to the Department of Commerce shall include
6 the following information:

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

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

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

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

16 “(5) The business address of the individual who
17 is being registered as the agent for the service of
18 process.

19 “(6) Contact information, including an email
20 address and phone number for the individual who is
21 being registered as the agent for the service of proc-
22 ess.

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

1 “(f) WEBSITE.—The information submitted to the
2 Department of Commerce pursuant to this section shall
3 be made available on a publicly accessible database on the
4 website of the Department of Commerce.

5 “(g) PERSONAL JURISDICTION.—A covered entity
6 that registers an agent under this section thereby consents
7 to the personal jurisdiction of the State or Federal courts
8 of the State in which the registered agent is located for
9 the purpose of any regulatory proceeding or civil action
10 relating to such covered entity.

11 “(h) DEFINITIONS.—In this section:

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

14 “(A) a corporation, partnership, associa-
15 tion, organization, or other combination of per-
16 sons established for the purpose of commercial
17 activities; or

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

20 “(2) DEPARTMENT OF COMMERCE.—The term
21 ‘Department of Commerce’ means the United States
22 Department of Commerce.”.

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

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

