

States that permit direct initiatives and prohibit certain foreign campaign contributions

State	Activities prohibited	Foreign nationals / Foreign persons affected
Alaska	<p>Prohibition applies to candidate elections.</p> <p>It is unclear whether it also applies to referendum elections.¹</p> <p>(a) A foreign-influenced corporation or foreign national may not, directly or indirectly, in connection with an election under this chapter, make a contribution or expenditure or make an express or implied promise to make a contribution or expenditure.</p> <p>(b) The provisions of this section prohibit a foreign-influenced corporation or foreign national from making a contribution or expenditure in connection with a state election only to the extent</p> <p>(1) federal law prohibits the foreign-influenced corporation or foreign national from making a contribution or expenditure in connection with a state election; and</p> <p>(2) permitted by federal law.</p> <p>Alaska Stat. §15.13.068(a), (b).</p>	<p>➤ The definition of “foreign national” <i>equates to federal law.</i></p> <p>Alaska Stat. §15.13.068(e)(6).</p> <p>➤ “Foreign-influenced corporation” is <i>more expansively defined:</i></p> <p>(5) “foreign-influenced corporation” means a corporation for which</p> <p>(A) a foreign national or foreign owner holds, owns, controls, or has direct or indirect beneficial ownership of equity or voting shares in an amount equal to or greater than five percent of all corporate voting shares outstanding or all corporate equity;</p> <p>(B) two or more foreign nationals or foreign owners combined hold, own, control, or have direct or indirect beneficial ownership of equity or voting shares in an amount equal to or greater than 20 percent of all corporate voting shares outstanding or all corporate equity; or</p> <p>(C) a foreign national or foreign owner participates directly or indirectly in decisions relating to covered expenditures or contributions;²</p> <p>Alaska Stat. §15.13.068(e)(5), (6).</p> <p>The expanded prohibition against contributions and expenditures by “foreign-influenced corporations” is not legally effective.³</p>

¹ The Alaska Administrative Code interprets this statute as prohibiting contributions or expenditures in support of or opposition to a ballot initiative. See 2 Alaska Admin. Code §50.352(a) (“Except for a foreign national as provided in A.S. 15.13.068, a person may make a contribution to a group that is organized for the principal purpose of . . . (2) sponsoring or circulating initiative petitions . . . , (3) supporting or opposing the efforts if any group that sponsors or circulates initiative petitions; or (4) supporting or opposing the outcome of a ballot proposition election.”) (emphasis added). Yet, because §15.13.068(b)(1) limits the scope of the statutory prohibition to situations where “federal law prohibits the foreign-influenced corporation or foreign national from making a contribution or expenditure in connection with a state election,” it is possible that the Alaska prohibition, like the federal law, only applies to *candidate* elections. See footnote 3.

² Alaska law outlines how to “determin[e] the [%] of a corporation’s shares outstanding or equity owned by two or more foreign nationals.” Alaska Stat. §15.13.068(d).

³ The Attorney General of Alaska has interpreted §15.13.068(b)(1), which limits the scope of the statutory prohibition to situations where “federal law prohibits the foreign-influenced corporation or foreign national from making a contribution or expenditure in connection with a state election,” as rendering the prohibition on contributions from “foreign-influenced corporations” ineffective. See http://law.alaska.gov/pdf/opinions/opinions_2018/18-002_JU2017200579.pdf.

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<p>California</p>	<p>Prohibition applies to referendum elections.</p> <p>(a) No foreign government or foreign principal shall make, directly or through any other person, any contribution, expenditure, or independent expenditure in connection with the qualification or support of, or opposition to, any state or local ballot measure.”</p> <p>(b) No person and no committee shall solicit or accept a contribution from a foreign government or foreign principal in connection with the qualification or support of, or opposition to, any state or local ballot measure.</p> <p>Cal. Gov't Code §85320(a), (b).</p>	<p><i>Applies to same persons/entities as federal law and:</i></p> <p>(4) A domestic subsidiary of a foreign corporation if the decision to contribute or expend funds is made by an officer, director, or management employee of the foreign corporation who is neither a citizen of the United States nor a lawfully admitted permanent resident of the United States.</p> <p>Cal. Gov't Code §85320(c), (d).</p>
<p>Colorado</p>	<p>One set of prohibitions applies to referendum elections.</p> <p>An issue committee or small-scale issue committee⁴ shall not knowingly accept contributions from [foreign persons].</p> <p>Colo. Rev. Stat. §1-45-103.7(5.3).</p> <p>A [foreign person] shall not establish, register, or maintain . . . [an] issue committee or small-scale issue committee, or make an electioneering communication . . .</p> <p>Colo. Rev. Stat. §1-45-103.7(5.5).</p> <p>Other prohibitions apply to candidate elections.</p> <p>(5)(a) No [LLC] shall make any contribution to a candidate committee or political party if one or more of the individual members of the [LLC] is (I) A corporation; (II) A labor organization; (III) A natural person who is not a citizen of the United States; (IV) A foreign government; . . . or (VI) Otherwise prohibited by law from making the contribution.</p> <p>Colo. Rev. Stat. §1-45-103.7(5).</p>	<p>➤ Foreign persons who may not contribute to referendum elections:</p> <ul style="list-style-type: none"> • Any natural person who is not a citizen of the United States; • A foreign government; or • Any foreign corporation that does not have the authority to transact business in Colorado. <p><i>See</i> Colo. Rev. Stat. §1-45-103.7(5.3, 5.5).</p> <p>➤ The prohibitions against foreign contributions to candidates and political parties apply only to LLCs with certain members—including foreign governments, non-U.S. citizens and all corporations. There does not appear to be a prohibition against foreign governments, non-citizens or foreign corporations directly (<i>i.e.</i>, not through LLCs) contributing to candidates/political parties.</p> <p>Colo. Rev. Stat. §1-45-103.7(5).</p>

⁴ In Colorado, “issue committees” and “small-scale issue committees” are groups that have a major purpose of supporting or opposing ballot issues or questions or that collect or expend > \$200 for such a purpose. [Colo. Const. art. XXVIII, §2\(10\)](#); [Colo. Rev. Stat. §1-45-103\(16.3\)](#).

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	<p>(1) Notwithstanding any other provision of law, no [foreign person] may expend moneys on an independent expenditure in connection with an election in the state, and no independent expenditure committee may knowingly accept a donation from any [such foreign person].</p> <p style="text-align: right;">Colo. Rev. Stat. § 1-45-107.5(1).</p>	<p>➤ Foreign persons who may not make independent expenditures:</p> <ul style="list-style-type: none"> • Any natural person who is not a citizen of the United States; • A foreign government; or • Any foreign corporation. <p style="text-align: right;">Colo. Rev. Stat. § 1-45-107.5(1).</p>
<p>Maryland</p>	<p>Prohibition applies to referendum elections.</p> <p>A foreign principal may not:</p> <ol style="list-style-type: none"> (1) make a contribution to a ballot issue committee; or (2) make a donation to a person that makes independent expenditures or electioneering communications relating to a ballot issue. <p style="text-align: right;">Md. Election Code Ann. §13-236.1(b).</p>	<p><i>Adopts federal definition</i> from 52 U.S.C. §30121.</p>
<p>Mississippi</p>	<p>Prohibition applies to candidate elections.</p> <p>It shall be unlawful for a foreign national, directly or through any other person, to make any contribution or any expenditure of money or other thing of value, or to promise expressly or impliedly to make any such contribution or expenditure, in connection with an election to any political office or in connection with any primary election, convention or caucus held to select candidates for any political office.</p> <p style="text-align: right;">Miss. Code Ann. §23-15-819.</p>	<p><i>Adopts federal definition</i> from 52 U.S.C. §30121.</p>
<p>Missouri</p>	<p>Prohibitions apply to candidate and referendum elections.</p> <p>(16) No campaign committee, candidate committee, continuing committee, exploratory committee, political party committee, and political party shall knowingly accept contributions from [certain foreign persons].⁵</p> <p style="text-align: right;">Mo. Const. Art. 8, §23.3(16).</p>	<p>The foreign persons who may not make contributions are:</p> <ol style="list-style-type: none"> (a) Any natural person who is not a citizen of the United States; (b) A foreign government; or (c) Any foreign corporation that does not have the authority to transact business in this state pursuant to [Missouri law]. <p style="text-align: right;">Mo. Const. Art. 8, §23.3(16).</p>

⁵ In Missouri, a “continuing committee” includes a “committee . . . whose primary or incidental purpose is to receive contributions or make expenditures to influence or attempt to influence the action of voters . . . [on] a particular ballot measure . . .” [Mo. Const. Art. 8, §23.7\(6\)\(c\).](#)

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<p>Montana</p>	<p>Prohibitions apply to candidate elections.</p> <p>(1) It is unlawful for a foreign national, directly or through an intermediary, to make a disbursement for an electioneering communication, a contribution, or an expenditure, or to make an express or implied promise to make a contribution or an expenditure, in connection with any candidate election.</p> <p>(2) It is unlawful for a person to solicit, accept or receive a contribution, expenditure, or disbursement described in subsection (1) from a foreign national.</p> <p>(3) To the extent that a potential violation of this section also violates 52 U.S.C. 30121 or 11 CFR 110.20, investigation and enforcement of the matter must be referred to the federal election commission. The commissioner or a county attorney may not bring an enforcement action regarding the portion of the matter that also violates 52 U.S.C. 30121 or 11 CFR 110.20.</p> <p style="text-align: right;">Mont. Code Ann. §13-37-502.</p>	<p>Appears to match federal definition:</p> <p>“Foreign national” means:</p> <ul style="list-style-type: none"> (a) a government of a foreign country; (b) a political party of a foreign country; (c) an entity located outside of the United States unless that entity: <ul style="list-style-type: none"> (i) is organized under or created under federal law, state law, or the law of another place subject to the jurisdiction of the United States; and (ii) has its principal place of business within the United States; (d) an entity that: <ul style="list-style-type: none"> (i) is organized under the laws of a foreign country; or (ii) has its principal place of business in a foreign country; and (e) an individual who is not lawfully admitted for the privilege of residing permanently in the United States . . . and who is not: <ul style="list-style-type: none"> (i) a citizen of the United States; or (ii) a person who . . . owes permanent allegiance to the [US]. <p style="text-align: right;">Mont. Code Ann. §13-37-501.</p>
<p>Nevada</p>	<p>Prohibitions apply to candidate <u>and</u> referendum elections.</p> <p>1. A foreign national shall not, directly or indirectly, make a contribution or a commitment to make a contribution to:</p> <ul style="list-style-type: none"> (a) A candidate; (b) A committee for political action [<i>i.e.</i>, a ballot-question PAC]; (c) A committee for the recall of a public officer; (d) A person who makes an independent expenditure; (e) A political party or committee sponsored by a political party that makes an expenditure for or against a candidate or group of candidates; (f) An organization made up of legislative members of a political party whose primary purpose is to provide support for their political efforts; (g) A personal campaign committee or the personal representative of a candidate who receives contributions or makes expenditures 	<p>Adopts federal definition from 52 U.S.C. §30121.</p>

State	Activities prohibited	Foreign nationals / Foreign persons affected
	<p>that are reported as contributions or expenditures by the candidate; or (h) A nonprofit corporation that [expends funds on campaigns].</p> <p>2. Except as otherwise provided in subsection 3, a ...committee ... described in subsection 1 shall not knowingly⁶ solicit, accept or receive a contribution or a commitment to make a contribution from a foreign national.</p> <p style="text-align: right;">Nev. Rev. Stat. §294A.325(1)-2).</p>	
<p>North Dakota</p>	<p>Prohibitions apply to candidate and referendum elections.</p> <p>1. A foreign national may not make or offer to make, directly or indirectly, a contribution or expenditure in connection with any election.</p> <p>2. A candidate, candidate committee, political party or any other person may not solicit, accept, or receive, directly or indirectly, a contribution from a foreign national.</p> <p style="text-align: right;">N.D. Cent. Code §16.1-08.1-03.15(1, 2).</p>	<p>Essentially identical to federal definition:</p> <p>‘Foreign national’ means a person that is:</p> <ol style="list-style-type: none"> a. A foreign government; b. A foreign political party; c. A foreign corporation, partnership, association, organization, or other combination of persons organized under the laws of or having its principal place of business in a foreign country; d. An individual with foreign citizenship; or e. An individual who is not a citizen or national of the United States and is not admitted lawfully to the United States for permanent residence. <p style="text-align: right;">N.D. Cent. Code §16.1-08.1-03.15(3).</p>
<p>Ohio</p>	<p>Prohibitions apply to candidate and referendum elections.</p> <p>(W) (1) No foreign national shall, directly or indirectly through any other person or entity, make a contribution, expenditure, or independent expenditure or promise, either expressly or implicitly, to make a contribution, expenditure, or independent expenditure in support of or opposition to a candidate for any elective office in this state, including an office of a political party.</p>	<p>Adopts federal definition from 52 U.S.C. §30121.</p>

⁶ The Nevada statute further enumerates the circumstances in which a committee is deemed to have or to lack knowledge that a donation came from a foreign national and authorizes committees to avoid penalties for violating this provision if: (a) it returns the contribution within 30 days of discovering the violation; (b) if sufficient money is not available but other contributions are still being accepted, it returns the contribution as soon as sufficient contributions “become available for this purpose” or (c) if insufficient funds are available and fundraising is no longer occurring, it returns as much money as is “available for this purpose.” [Nev. Rev. Stat. §294A.325\(3\) - \(5\).](#)

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	<p>(2) No candidate, campaign committee, political action committee [includes ballot question committees], political contributing entity, legislative campaign fund, state candidate fund, political party, or separate segregated fund shall solicit or accept a contribution, expenditure, or independent expenditure from a foreign national. The secretary of state may direct any candidate, committee, entity, fund, or party that accepts a contribution, expenditure, or independent expenditure in violation of this division to return the contribution, expenditure, or independent expenditure or, if it is not possible to return the contribution, expenditure, or independent expenditure, then to return instead the value of it, to the contributor.</p> <p style="text-align: right;">Ohio Rev. Code Ann. §3517.13(W)(2).</p>	
<p>South Dakota</p>	<p>Prohibitions apply to candidate <u>and</u> referendum elections.</p> <p>No candidate or political committee [includes a ballot question committee] may accept any contribution from any . . . foreign government</p> <p style="text-align: right;">S.D. Codified Laws §12-27-21.⁷</p>	<p>A foreign government.</p>

⁷ [Section 12-27-18.2](#) of the South Dakota Codified Laws further prohibits “[a]ny contribution to a statewide ballot question by a person who is not a resident of the state at the time of the contribution, a political committee that is organized outside South Dakota, or an entity that is not filed as an entity with the secretary of state for the four years preceding such contribution.” The U.S. District Court for the Northern District of South Dakota concluded that the law was unconstitutional, both on First Amendment grounds--for impermissibly discriminating against out-of-state speakers and restricting in-state person’s right to associate with others to fund political speech without a compelling government interest--and on dormant Commerce Clause grounds--for discriminating against and unduly burdening interstate commerce. *SD Voice v. Noem*, 380 F. Supp. 3d 939 (D.S.D. 2019). The District Court focused on the prohibition against contributions from out-of-state persons and entities in its decision and did not discuss the prohibition against contributions from foreign persons and entities.

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Washington	<p>Prohibitions apply to candidate <u>and</u> referendum elections.</p> <p>(1) A foreign national may not make a contribution to any candidate or political committee, make an expenditure in support of or in opposition to any candidate or ballot measure, or sponsor political advertising or an electioneering communication.</p> <p>(2) A person may not make a contribution to any candidate or political committee, make an expenditure in support of or in opposition to any candidate or ballot measure, or sponsor political advertising or an electioneering communication, if:</p> <p>(a) The contribution, expenditure, political advertising, or electioneering communication is financed in any part by a foreign national; or</p> <p>(b) Foreign nationals are involved in making decisions regarding the contribution, expenditure, political advertising, or electioneering communication in any way.</p> <p>Wash. Rev. Code Ann. §42.17A.417.</p> <p>Wash. Rev. Code Ann. §42.17A.240(5) requires each candidate and political committee to collect statements from each entity from which it has received contributions certifying that the contribution was not financed in any part by a foreign national and a foreign national was not involved in the decision to make the contribution.</p> <p>Wash. Rev. Code Ann. §42.17A.255(5)(d) requires each person who makes independent expenditures > \$100 to support or oppose a candidate or ballot question to file a statement that it not financed in any part by a foreign national and a foreign national was not involved in the decision to make the expenditure.</p>	<p><i>Essentially identical to federal definition:</i></p> <p>(24) “Foreign national” means:</p> <p>(a) An individual who is not a citizen of the United States and is not lawfully admitted for permanent residence;</p> <p>(b) A government, or subdivision, of a foreign country;</p> <p>(c) A foreign political party; and</p> <p>(d) Any entity, such as a partnership, association, corporation, organization, or other combination of persons, that is organized under the laws of or has its principal place of business in a foreign country.</p> <p>Wash. Rev. Code Ann. § 42.17A.005.</p>

Note: There are no reported cases involving challenges to the specific prohibitions on foreign contributions outlined in the chart above.

States that do not permit direct initiatives and prohibit certain foreign campaign contributions

State	Activities prohibited	Foreign nationals / Foreign persons affected
<p>Iowa</p>	<p>Prohibitions apply to candidate and referendum elections.</p> <p>A foreign national shall not make an independent expenditure [$> \\$1,000$], directly or indirectly, that advocates the nomination, election, or defeat of any candidate or the passage or defeat of any ballot issue.</p> <p style="text-align: right;">Iowa Code §68A.404(2)(c).</p>	<p>Essentially identical to federal definition:</p> <p>As used in this section, “foreign national” means a person who is not a citizen of the United States and who is not lawfully admitted for permanent residence. “Foreign national” includes a foreign principal, such as a government of a foreign country or a foreign political party, partnership, association, corporation, organization, or other combination of persons that has its primary place of business in or is organized under the laws of a foreign country. “Foreign national” does not include a person who is a citizen of the United States or who is a national of the United States.</p> <p style="text-align: right;">Iowa Code §68A.404(2)(c).</p>
<p>Louisiana</p>	<p>Prohibitions apply to candidate elections.</p> <p>(1) No foreign national shall, directly or through any other person, make any contribution of money or other thing of value, or promise expressly or impliedly, any such contribution, in connection with an election to any political office or in connection with any primary election, convention, or caucus held to select candidates for any political office; nor shall any person solicit, accept, or receive any such contribution from such foreign national.</p> <p style="text-align: right;">La. Rev. Stat. §18:1505.2(M)(1).</p>	<p>Essentially identical to federal definition:</p> <p>(2) . . . “foreign national” means:</p> <p>(a) A foreign principal such as a government of a foreign country or a foreign political party, except that “foreign national” shall not mean any individual.</p> <p>(b) A partnership, association, corporation, organization, or other combination of persons organized under the laws of or having its principal place of business in a foreign country, unless authorized and qualified to do business in Louisiana.</p> <p>(c) An individual who is not a citizen of the United States and who is not lawfully admitted for permanent residence and accorded the privilege of residing permanently in the United States as an immigrant.</p> <p style="text-align: right;">La. Rev. Stat. §18:1505.2(M)(2).</p>

State	Activities prohibited	Foreign nationals / Foreign persons affected
<p>New Hampshire</p>	<p>Prohibitions apply to candidate and referendum elections.</p> <p>No expenditure or use of a contribution, tangible or intangible, shall be made for the purpose of promoting the success or defeat of any political party, measure or candidate:</p> <p>VI. By any foreign national . . . for any purpose, including for the use of telephones, facsimile machines, vehicles, and computers, for electioneering. For the purposes of this paragraph, “electioneering” means to act in any way specifically designed to influence the vote of a voter on any question or office.</p> <p>N.H. Rev. Stat. §664:5.</p>	<p><i>Adopts federal definition</i> from 52 U.S.C. §30121.</p>
<p>New Jersey</p>	<p>Prohibitions apply to candidate and referendum elections.</p> <p>No foreign national, government, instrumentality, or agent may register as an independent expenditure committee for the purpose of making independent expenditures in any State or local election.</p> <p>The term “independent expenditure committee” means a person organized under section 527 of the federal Internal Revenue Code (26 U.S.C. s.527) or under paragraph (4) of subsection (c) of section 501 of the federal Internal Revenue Code (26 U.S.C. s.501) that does not fall within the definition of any other organization subject to the provisions of P.L.1973, c.83 (C.19:44A-1 et seq.), that engages in influencing or attempting to influence the outcome of any election or the nomination, election, or defeat of any person to any State or local elective public office, or the passage or defeat of any public question, legislation, or regulation, or in providing political information on any candidate or public question, legislation, or regulation, and raises or expends \$3,000 or more in the aggregate for any such purpose annually, but does not coordinate its activities with any candidate or political party as determined by the Election Law Enforcement Commission pursuant to the provisions of section 11 of P.L.2019, c.124 (C.19:44A-3.1).</p> <p>N.J. Stat. Ann. §19:44A-3(t) and §19:44A-8.1(e).</p>	<p>A “foreign national, government, instrumentality or agent.”</p>

State	Activities prohibited	Foreign nationals / Foreign persons affected
<p>West Virginia</p>	<p>Prohibitions apply to candidate elections.</p> <p>(a) A foreign national may not, directly or indirectly, make:</p> <p>(1) A contribution or donation, or an express or implied promise to make a contribution or donation, to a candidate’s committee, a political committee, or a political party; or</p> <p>(2) An independent expenditure or any disbursement for an electioneering communication related to a state or local election.</p> <p>(b) A person may not solicit, accept, or receive a contribution or donation described in subsection (a) of this section.</p> <p style="text-align: right;">W. Va. Code §3-8-1a and §3-8-5g</p>	<p><i>Adopts federal definition</i> from 52 U.S.C. §30121.</p>

Note: There are no reported cases involving challenges to the specific prohibitions on foreign contributions outlined in the charts above.

Municipal Ordinances

In addition to the states listed in the chart above, two municipalities: St. Petersburg, FL and Seattle, WA have enacted ordinances to prohibit political spending by foreign-influenced corporations.

St. Petersburg’s ordinance ([Sections 10-51](#) and [10-62](#)), enacted in 2017, requires business entities that make a candidate-related expenditure ≥ \$5,000 or a contribution to an outside spending group must certify that they are not a foreign-influenced business entity. “Foreign-influenced business entity” is defined as a business entity for which at least one of the following conditions is met: (1) A single foreign national holds, owns, controls, or otherwise has direct or indirect beneficial ownership of 5% or more of the total equity, outstanding voting shares, membership units, or other applicable ownership interests of the business entity; (2) Two or more foreign nationals, in aggregate, hold, own, control, or otherwise have direct or indirect beneficial ownership of 20% or more of the total equity, outstanding voting shares, membership units, or other applicable ownership interests of the business entity; or (3) A foreign national participates directly or indirectly in the entity’s decision-making process with respect to the entity’s political activities in the United States, including the business entity’s political activities with respect to a covered election for a candidate. “Foreign national” is defined as in 52 U.S.C. §30121, or as an entity for which a foreign national holds, owns, controls or otherwise has direct or indirect beneficial ownership of 50% or more of the equity, outstanding voting shares, membership units or other applicable ownership interests of the entity.

Seattle’s ordinance ([Ordinance 126035](#)), enacted in 2019, similarly to St. Petersburg’s ordinance, requires corporations making an independent expenditure or contributing to an independent expenditure committee certify that they are not a foreign influenced corporation. “Foreign-influenced corporation” means a corporation for which at least one of the following conditions is met: (1) A single foreign owner holds, owns, controls, or otherwise has direct or

indirect beneficial ownership of 1% or more of the total equity, outstanding voting shares, membership units, or other applicable ownership interests of the corporation; (2) Two or more foreign owners, in aggregate, hold, own, control, or otherwise have direct or indirect beneficial ownership of 5% or more of the total equity, outstanding voting shares, membership units, or other applicable ownership interests of the corporation; or (3) A foreign owner participates directly or indirectly in the corporation's decision-making process with respect to the corporation's political activities in the United States. "Foreign owner" means (1) a foreign investor; or (2) a corporation wherein a foreign investor holds, owns, controls, or otherwise has directly or indirectly acquired beneficial ownership of equity or voting shares in an amount that is equal to or greater than 50% of the total equity or outstanding voting shares. "Foreign investor" means a person or entity that: (1) Holds, owns, controls, or otherwise has direct or indirect beneficial ownership of equity, outstanding voting shares, membership units, or other applicable ownership interests of a corporation; and (2) Is a government of a foreign country; a foreign political party; a partnership, association, corporation, organization, or other combination of persons organized under the laws of or having its principal place of business in a foreign country; or an individual who is not a citizen of the United States or a national of the United States and who is not lawfully admitted for permanent residence.