

115TH CONGRESS  
1ST SESSION

# S. 625

To preserve the integrity of American elections by providing the Attorney General with the investigative tools to identify and prosecute foreign agents who seek to circumvent Federal registration requirements and unlawfully influence the political process.

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IN THE SENATE OF THE UNITED STATES

MARCH 14, 2017

Mrs. SHAHEEN (for herself and Mr. YOUNG) introduced the following bill; which was read twice and referred to the Committee on Foreign Relations

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## A BILL

To preserve the integrity of American elections by providing the Attorney General with the investigative tools to identify and prosecute foreign agents who seek to circumvent Federal registration requirements and unlawfully influence the political process.

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 “Foreign Agents Reg-  
5 istration Modernization and Enforcement Act”.

1   **SEC. 2. CIVIL INVESTIGATIVE DEMAND AUTHORITY.**

2       The Foreign Agents Registration Act of 1938 (22  
3   U.S.C. 611 et seq.) is amended—

4           (1) by redesignating sections 8, 9, 10, 11, 12,  
5       13, and 14 as sections 9, 10, 11, 12, 13, 14, and  
6       15, respectively; and

7           (2) by inserting after section 7 (22 U.S.C. 617)  
8       the following:

9           “CIVIL INVESTIGATIVE DEMAND AUTHORITY

10          “SEC. 8. (a) Whenever the Attorney General has rea-  
11   son to believe that any person or enterprise may be in pos-  
12   session, custody, or control of any documentary material  
13   relevant to an investigation under this Act, the Attorney  
14   General, before initiating a civil or criminal proceeding  
15   with respect to the production of such material, may serve  
16   a written demand upon such person to produce such mate-  
17   rial for examination.

18          “(b) Each such demand under this section shall—

19           “(1) state the nature of the conduct consti-  
20   tuting the alleged violation which is under investiga-  
21   tion and the provision of law applicable to such vio-  
22   lation;

23           “(2) describe the class or classes of documen-  
24   tary material required to be produced under such  
25   demand with such definiteness and certainty as to  
26   permit such material to be fairly identified;

1               “(3) state that the demand is immediately re-  
2 turnable or prescribe a return date which will pro-  
3 vide a reasonable period within which the material  
4 may be assembled and made available for inspection  
5 and copying or reproduction; and

6               “(4) identify the custodian to whom such mate-  
7 rial shall be made available.

8       “(c) A demand under this section may not—

9               “(1) contain any requirement that would be  
10 considered unreasonable if contained in a subpoena  
11 duces tecum issued by a court of the United States  
12 in aid of grand jury investigation of such alleged vio-  
13 lation; or

14               “(2) require the production of any documentary  
15 evidence that would be privileged from disclosure if  
16 demanded by a subpoena duces tecum issued by a  
17 court of the United States in aid of a grand jury in-  
18 vestigation of such alleged violation.”.

19 **SEC. 3. INFORMATIONAL MATERIALS.**

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

23               (1) in subsection (1), by striking “Expect” and  
24 inserting “Except”; and

(2) by inserting after subsection (i) the following:

3        “(j) The term ‘informational materials’ means any  
4 oral, visual, graphic, written, or pictorial information or  
5 matter of any kind, including matter published by means  
6 of advertising, books, periodicals, newspapers, lectures,  
7 broadcasts, motion pictures, or any means or instrumen-  
8 tality of interstate or foreign commerce or otherwise.”.

9           (b) INFORMATIONAL MATERIALS.—Section 4 of the  
10 Foreign Agents Registration Act of 1938, as amended (22  
11 U.S.C. 614) is amended—

12 (1) in section (a)—

23 (2) in subsection (b)—

(A) by striking “It shall” and inserting  
“(1) Except as provided in paragraph (2), it  
shall”; and

4 (B) by inserting at the end the following:

5       “(2) Foreign agents described in paragraph (1) may  
6 omit disclosure required under that paragraph in indi-  
7 vidual messages, posts, or transmissions on social media  
8 on behalf of a foreign principal if the social media account  
9 or profile from which the information is sent includes a  
10 conspicuous statement that—

11               “(A) the account is operated by, and distributes  
12               information on behalf of, the foreign agent; and

13               “(B) additional information about the account  
14       is on file with the Department of Justice in Wash-  
15       ington, District of Columbia.

16       “(3) Informational materials disseminated by an  
17 agent of a foreign principal as part of an activity that is  
18 exempt from registration, or an activity which by itself  
19 would not require registration, need not be filed under this  
20 subsection.”.

21 SEC. 4. FEES.

22       (a) REPEAL.—The Department of Justice and Re-  
23 lated Agencies Appropriations Act, 1993 (title I of Public  
24 Law 102–395) is amended, under the heading “SALARIES  
25 AND EXPENSES, GENERAL LEGAL ACTIVITIES”, by striking

1 “In addition, notwithstanding 31 U.S.C. 3302, for fiscal  
2 year 1993 and thereafter, the Attorney General shall es-  
3 tablish and collect fees to recover necessary expenses of  
4 the Registration Unit (to include salaries, supplies, equip-  
5 ment and training) pursuant to the Foreign Agents Reg-  
6 istration Act, and shall credit such fees to this appropria-  
7 tion, to remain available until expended.”.

8 (b) REGISTRATION FEE.—The Foreign Agents Reg-  
9 istration Act of 1938, as amended (22 U.S.C. 611 et seq.),  
10 as amended by this Act, is further amended by adding  
11 at the end the following:

12 “FEES  
13 “SEC. 16. The Attorney General shall establish and  
14 collect a registration fee, as part of the initial filing re-  
15 quirement and at no other time, to help defray the ex-  
16 penses of the Registration Unit, and shall credit such fees  
17 to this appropriation, to remain available until expended.”.

18 **SEC. 5. REPORTS TO CONGRESS.**

19 Section 12 of the Foreign Agents Registration Act  
20 of 1938, as amended, as redesignated by section 3, is  
21 amended to read as follows:

22 “REPORTS TO CONGRESS  
23 “SEC. 12. The Assistant Attorney General for Na-  
24 tional Security, through the FARA Registration Unit of  
25 the Counterintelligence and Export Control Section, shall  
26 submit a semiannual report to Congress regarding the ad-

1 ministration of this Act, including, for the reporting pe-  
2 riod, the identification of—

3 “(1) registrations filed pursuant to this Act;

4 “(2) the nature, sources, and content of polit-  
5 ical propaganda disseminated and distributed by  
6 agents of foreign principal;

7 “(3) the number of investigations initiated  
8 based upon a perceived violation of section 7; and

9 “(4) the number of such investigations that  
10 were referred to the Attorney General for prosecu-  
11 tion.”.

