

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.

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

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

1 (2) by inserting after subsection (i) the fol-
2 lowing:

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)—

13 (A) by inserting “, including electronic
14 mail and social media,” after “United States
15 mails”; and

16 (B) by striking “, not later than forty-
17 eight hours after the beginning of the trans-
18 mittal thereof, file with the Attorney General
19 two copies thereof” and inserting “file such ma-
20 terials with the Attorney General in conjunction
21 with, and at the same intervals as, disclosures
22 required under section 2(b).”; and

23 (2) in subsection (b)—

1 (A) by striking “It shall” and inserting
2 “(1) Except as provided in paragraph (2), it
3 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.”.

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