

116TH CONGRESS  
1ST SESSION

# H. R. 4325

To amend the Commodity Exchange Act to clarify treatment of privileged information after disclosure to the Commodity Futures Trading Commission, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 12, 2019

Mr. VAN DREW introduced the following bill; which was referred to the Committee on Agriculture

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## A BILL

To amend the Commodity Exchange Act to clarify treatment of privileged information after disclosure to the Commodity Futures Trading Commission, 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. PRIVILEGE RETENTION.**

4       Section 8 of the Commodity Exchange Act (7 U.S.C.  
5       12) is amended—

6               (1) by redesignating subsections (h) and (i) as  
7       subsections (i) and (j), respectively; and

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

3           “(h) SHARING PRIVILEGED INFORMATION WITH  
4 OTHER AUTHORITIES.—

5           “(1) DEFINITIONS.—In this subsection:

6           “(A) FOREIGN LAW ENFORCEMENT AU-  
7 THORITY.—The term ‘foreign law enforcement  
8 authority’ means any foreign authority that is  
9 empowered under foreign law to detect, inves-  
10 tigate, or prosecute potential violations of law.

11           “(B) PRIVILEGE.—The term ‘privilege’ in-  
12 cludes any applicable work-product privilege, at-  
13 torney-client privilege, governmental privilege,  
14 or other privilege recognized under Federal,  
15 State, or foreign law.

16           “(2) PRIVILEGED INFORMATION PROVIDED BY  
17 THE COMMISSION.—The Commission shall not be  
18 considered to have waived any privilege by transfer-  
19 ring information to or permitting that information  
20 to be used in accordance with subsection (e).

21           “(3) NONDISCLOSURE OF PRIVILEGED INFOR-  
22 MATION PROVIDED TO THE COMMISSION.—The Com-  
23 mission shall not be compelled to disclose privileged  
24 information obtained from any foreign futures au-  
25 thority, or foreign law enforcement authority, if the

1 authority has in good faith determined and rep-  
2 resented to the Commission that the information is  
3 privileged.

4 “(4) NONWAIVER OF PRIVILEGED INFORMATION  
5 PROVIDED TO THE COMMISSION.—The entities listed  
6 in subsection (e) shall not be considered to have  
7 waived any privilege by transferring information to  
8 or permitting information to be used by the Commis-  
9 sion.”.

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