

**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 4170
OFFERED BY MR. CICILLINE OF RHODE ISLAND**

Strike all after the enacting clause and insert the following:

1 SECTION 1. SHORT TITLE.

2 This Act may be cited as the “Foreign Agents Reg-
3 istration Modernization and Enforcement Act”.

4 SEC. 2. CIVIL INVESTIGATIVE DEMAND AUTHORITY.

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

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

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

12 “CIVIL INVESTIGATIVE DEMAND AUTHORITY

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

1 a written demand upon such person to produce such mate-
2 rial for examination.

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

4 “(1) state the nature of the conduct consti-
5 tuting the alleged violation which is under investiga-
6 tion and the provision of law applicable to such vio-
7 lation;

8 “(2) describe the class or classes of documen-
9 tary material required to be produced under such
10 demand with such definiteness and certainty as to
11 permit such material to be fairly identified;

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

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

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

20 “(1) contain any requirement that would be
21 considered unreasonable if contained in a subpoena
22 duces tecum issued by a court of the United States
23 in aid of grand jury investigation of such alleged vio-
24 lation; or

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

6 **SEC. 3. INFORMATIONAL MATERIALS.**

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

10 (1) in subsection (c), by striking “Expect” and
11 inserting “Except”; and

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

14 “(j) The term ‘informational materials’ means any
15 oral, visual, graphic, written, or pictorial information or
16 matter of any kind, including matter published by means
17 of advertising, books, periodicals, newspapers, lectures,
18 broadcasts, motion pictures, or any means or instrumen-
19 tality of interstate or foreign commerce or otherwise.”.

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

23 (1) in section (a)—

1 (A) by inserting “, including electronic
2 mail and social media,” after “United States
3 mails”; and

4 (B) by striking “, not later than forty-
5 eight hours after the beginning of the trans-
6 mittal thereof, file with the Attorney General
7 two copies thereof” and inserting “file such ma-
8 terials with the Attorney General in conjunction
9 with, and at the same intervals as, disclosures
10 required under section 2(b).”; and

11 (2) in subsection (b)—

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

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

16 “(2) Foreign agents described in paragraph (1) may
17 omit disclosure required under that paragraph in indi-
18 vidual messages, posts, or transmissions on social media
19 on behalf of a foreign principal if the social media account
20 or profile from which the information is sent includes a
21 conspicuous statement that—

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

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

4 “(3) Informational materials disseminated by an
5 agent of a foreign principal as part of an activity that is
6 exempt from registration, or an activity which by itself
7 would not require registration, need not be filed under this
8 subsection.”.

9 **SEC. 4. FEES.**

10 (a) REPEAL.—The Department of Justice and Re-
11 lated Agencies Appropriations Act, 1993 (title I of Public
12 Law 102–395) is amended, under the heading “SALARIES
13 AND EXPENSES, GENERAL LEGAL ACTIVITIES”, by striking
14 “In addition, notwithstanding section 3302 of title 31,
15 United States Code, for fiscal year 1993 and thereafter,
16 the Attorney General shall establish and collect fees to re-
17 cover necessary expenses of the Registration Unit (to in-
18 clude salaries, supplies, equipment and training) pursuant
19 to the Foreign Agents Registration Act, and shall credit
20 such fees to this appropriation, to remain available until
21 expended.”.

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

1 “FEES

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

7 **SEC. 5. REPORTS TO CONGRESS.**

8 Section 12 of the Foreign Agents Registration Act
9 of 1938, as amended, as redesignated by section 3, is
10 amended to read as follows:

11 “REPORTS TO CONGRESS

12 “SEC. 12. The Assistant Attorney General for Na-
13 tional Security, through the FARA Registration Unit of
14 the Counterintelligence and Export Control Section, shall
15 submit a semiannual report to Congress regarding the ad-
16 ministration of this Act, including, for the reporting pe-
17 riod, the identification of—

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

19 “(2) the nature, sources, and content of polit-
20 ical propaganda disseminated and distributed by
21 agents of foreign principal;

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

1 “(4) the number of such investigations that
2 were referred to the Attorney General for prosecu-
3 tion.”.

