

119TH CONGRESS
1ST SESSION

S. 1488

To amend the Foreign Agents Registration Act of 1938, as amended, to clarify the exemption relating to commercial activities, to grant the Attorney General authority to issue civil investigative demands under that Act, and to create civil penalties for failure to meet the registration requirements under that Act, and for other purposes.

IN THE SENATE OF THE UNITED STATES

APRIL 10, 2025

Mr. BLUMENTHAL introduced the following bill; which was read twice and referred to the Committee on Foreign Relations

A BILL

To amend the Foreign Agents Registration Act of 1938, as amended, to clarify the exemption relating to commercial activities, to grant the Attorney General authority to issue civil investigative demands under that Act, and to create civil penalties for failure to meet the registration requirements under that Act, 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. SHORT TITLE.**

4 This Act may be cited as the “Sovereign Wealth
5 Fund Transparency Act”.

1 **SEC. 2. CLARIFICATION OF COMMERCIAL EXEMPTION.**

2 Section 3 of the Foreign Agents Registration Act of
 3 1938, as amended (22 U.S.C. 613), is amended, in the
 4 matter preceding subsection (a), by inserting “, except
 5 that the exemptions under paragraphs (1) and (2) of sub-
 6 section (d) shall not apply to any agent of a foreign prin-
 7 cipal whose activities promote the public or political inter-
 8 ests of a government of a foreign country or a foreign po-
 9 litical party (including any and all activities undertaken
 10 on behalf of a sovereign wealth fund)” before the colon
 11 at the end.

12 **SEC. 3. AUTHORIZING THE ATTORNEY GENERAL TO ISSUE**
 13 **CIVIL INVESTIGATIVE DEMANDS TO PRO-**
 14 **MOTE ENFORCEMENT OF DISCLOSURE RE-**
 15 **QUIREMENTS FOR AGENTS OF FOREIGN**
 16 **PRINCIPALS.**

17 (a) CIVIL INVESTIGATIVE DEMANDS CONCERNING
 18 REGISTRATION OF AGENTS OF FOREIGN PRINCIPALS.—
 19 The Foreign Agents Registration Act of 1938, as amended
 20 (22 U.S.C. 611 et seq.) is amended—

21 (1) by redesignating sections 9 through 14 as
 22 sections 10 through 15; and

23 (2) by inserting after section 8 the following:

1 **“SEC. 9. CIVIL INVESTIGATIVE DEMANDS CONCERNING**
2 **REGISTRATION OF AGENTS OF FOREIGN**
3 **PRINCIPALS.**

4 “(a) AUTHORITY OF THE ATTORNEY GENERAL.—

5 “(1) AUTHORITY DESCRIBED.—Whenever the
6 Attorney General or the Attorney General’s designee
7 has reason to believe that any person may be in pos-
8 session, custody, or control of any documentary ma-
9 terial, or may have any information, relevant to an
10 investigation under this Act, the Attorney General or
11 designee may, prior to the institution of a civil or
12 criminal proceeding by the United States thereon,
13 issue in writing, and cause to be served upon such
14 person, a civil investigative demand requiring such
15 person to produce such documentary material for in-
16 spection and copying or reproduction, to answer in
17 writing written interrogatories with respect to such
18 documentary material or information, to give oral
19 testimony concerning such documentary material or
20 information, or to furnish any combination of such
21 material, answers, or testimony. Whenever a civil in-
22 vestigative demand is an express demand for any
23 product of discovery, the Attorney General or des-
24 ignee shall cause to be served, in any manner au-
25 thorized by this section, a copy of such demand upon
26 the person from whom the discovery was obtained

1 and notify the person to whom such demand is
 2 issued of the date on which such copy was served.

3 “(2) LIMITING INDIVIDUALS WHO MAY SERVE
 4 AS DESIGNEES.—The Attorney General may not des-
 5 ignate any individual other than the Assistant Attor-
 6 ney General for National Security or a Deputy At-
 7 torney General to carry out the authority provided
 8 under this section.

9 “(b) CONTENTS AND DEADLINES.—

10 “(1) IN GENERAL.—Each demand issued under
 11 subsection (a) shall—

12 “(A) state the nature of the conduct con-
 13 stituting the alleged violation of this Act that is
 14 under investigation and the provision of this
 15 Act alleged to be violated;

16 “(B) if such demand is for the production
 17 of documentary material—

18 “(i) describe each class of documen-
 19 tary material to be produced with such
 20 definiteness and certainty as to permit
 21 such material to be fairly identified;

22 “(ii) prescribe a return date for each
 23 such class that will provide a reasonable
 24 period of time within which the material so
 25 demanded may be assembled and made

1 available for inspection and copying or re-
2 production; and

3 “(iii) identify the custodian to whom
4 such material shall be made available;

5 “(C) if such demand is for answers to writ-
6 ten interrogatories—

7 “(i) set forth with specificity the writ-
8 ten interrogatories to be answered;

9 “(ii) prescribe dates at which time an-
10 swers to written interrogatories shall be
11 submitted; and

12 “(iii) identify the custodian to whom
13 such answers shall be submitted; and

14 “(D) if such demand is for the giving of
15 oral testimony—

16 “(i) prescribe a date, time, and place
17 at which oral testimony shall be com-
18 menced;

19 “(ii) identify an investigator who shall
20 conduct the examination and the custodian
21 to whom the transcript of such examina-
22 tion shall be submitted;

23 “(iii) specify that such attendance and
24 testimony are necessary to the conduct of
25 the investigation;

1 “(iv) notify the person receiving the
2 demand of the right to be accompanied by
3 an attorney and any other representative;
4 and

5 “(v) describe the general purpose for
6 which the demand is being issued and the
7 general nature of the testimony, including
8 the primary areas of inquiry, which will be
9 taken pursuant to the demand.

10 “(2) PRODUCT OF DISCOVERY.—Any civil inves-
11 tigative demand issued under this section that is an
12 express demand for any product of discovery shall
13 not be returned or returnable until 20 days after a
14 copy of such demand has been served upon the per-
15 son from whom the discovery was obtained.

16 “(3) DATE.—The date prescribed for the com-
17 mencement of oral testimony pursuant to a civil in-
18 vestigative demand issued under subsection (a) shall
19 be a date that is not less than 7 days after the date
20 on which demand is received, unless the Attorney
21 General or the Attorney General’s designee deter-
22 mines that exceptional circumstances are present
23 which warrant the commencement of such testimony
24 within a lesser period of time.

1 “(4) NOTIFICATION.—The Attorney General
2 shall not authorize the issuance under this section of
3 more than 1 civil investigative demand for oral testi-
4 mony by the same person unless the person requests
5 otherwise or unless the Attorney General, after in-
6 vestigation, notifies that person in writing that an
7 additional demand for oral testimony is necessary.

8 “(c) PROTECTED MATERIAL OR INFORMATION.—

9 “(1) IN GENERAL.—A civil investigative de-
10 mand issued under subsection (a) may not require
11 the production of any documentary material, the
12 submission of any answers to written interrogatories,
13 or the giving of any oral testimony if such material,
14 answers, or testimony would be protected from dis-
15 closure under—

16 “(A) the standards applicable to subpoenas
17 or subpoenas duces tecum issued by a court of
18 the United States in aid of a grand jury inves-
19 tigation; or

20 “(B) the standards applicable to discovery
21 requests under the Federal Rules of Civil Pro-
22 cedure, to the extent that the application of
23 such standards to any such demand is appro-
24 priate and consistent with the provisions and
25 purposes of this Act.

1 “(2) EFFECT ON OTHER ORDERS, RULES, AND
2 LAWS.—Any such demand that is an express de-
3 mand for any product of discovery supersedes any
4 inconsistent order, rule, or provision of law (other
5 than this Act) preventing or restraining disclosure of
6 such product of discovery to any person. Disclosure
7 of any product of discovery pursuant to any such ex-
8 press demand does not constitute a waiver of any
9 right or privilege, including without limitation any
10 right or privilege which may be invoked to resist dis-
11 covery of trial preparation materials, to which the
12 person making such disclosure may be entitled.

13 “(d) SERVICE; JURISDICTION.—

14 “(1) BY WHOM SERVED.—Any civil investiga-
15 tive demand issued under subsection (a) may be
16 served by an appropriate investigator, or by a
17 United States marshal or deputy marshal, at any
18 place within the territorial jurisdiction of any court
19 of the United States.

20 “(2) SERVICE IN FOREIGN NATIONS.—Any such
21 demand or petition filed under subsection (k) may
22 be served upon any person who is not to be found
23 within the territorial jurisdiction of any court of the
24 United States, in such manner as the Federal Rules
25 of Civil Procedure prescribe for service in a foreign

country. To the extent that the courts of the United States can assert jurisdiction over any such person consistent with due process, the United States District Court for the District of Columbia shall have the same jurisdiction to take any action respecting compliance with this Act by any such person that such court would have if such person were personally within the jurisdiction of such court.

“(e) SERVICE UPON LEGAL ENTITIES AND NATURAL PERSONS.—

“(1) LEGAL ENTITIES.—Service of any civil investigative demand issued under subsection (a) or of any petition filed under subsection (k) may be made upon a partnership, corporation, association, or other legal entity by—

“(A) delivering a duly executed copy of such demand or petition to any partner, executive officer, managing agent, or general agent of the partnership, corporation, association, or entity, or to any agent thereof authorized by appointment or by law to receive service of process on behalf of such partnership, corporation, association, or entity;

“(B) delivering a duly executed copy of such demand or petition to the principal office

1 or place of business of the partnership, corpora-
2 tion, association, or entity to be served; or

3 “(C) depositing an executed copy of such
4 demand or petition in the United States mails
5 by registered or certified mail, with a return re-
6 ceipt requested, duly addressed to such partner-
7 ship, corporation, association, or entity at its
8 principal office or place of business.

9 “(2) NATURAL PERSONS.—Service of any such
10 demand or petition may be made upon any natural
11 person by—

12 “(A) delivering a duly executed copy of
13 such demand or petition to the person to be
14 served; or

15 “(B) depositing an executed copy of such
16 demand or petition in the United States mails
17 by registered or certified mail, with a return re-
18 ceipt requested, duly addressed to such person
19 at the person’s residence or principal office or
20 place of business.

21 “(f) PROOF OF SERVICE.—A verified return by the
22 individual serving any civil investigative demand under
23 subsection (a) or any petition filed under subsection (k)
24 setting forth the manner of such service shall be proof of
25 such service. In the case of service by registered or cer-

1 tified mail, such return shall be accompanied by the return
2 post office receipt of delivery of such demand.

3 “(g) DOCUMENTARY MATERIAL.—

4 “(1) SWORN CERTIFICATES.—The production of
5 documentary material in response to a civil inves-
6 tigative demand served pursuant to this section shall
7 be made under a sworn certificate, in such form as
8 the demand designates, by—

9 “(A) in the case of a natural person, the
10 person to whom the demand is directed; or

11 “(B) in the case of a person other than a
12 natural person, a person having knowledge of
13 the facts and circumstances relating to such
14 production and authorized to act on behalf of
15 such person,

16 to the effect that all of the documentary material re-
17 quired by the demand and in the possession, cus-
18 tody, or control of the person to whom the demand
19 is directed has been produced and made available to
20 the custodian.

21 “(2) PRODUCTION OF MATERIALS.—Any person
22 upon whom any civil investigative demand for the
23 production of documentary material has been served
24 under this section shall make such material available
25 for inspection and copying to the investigator identi-

1 fied in such demand at the principal place of busi-
2 ness of such person, or at such other place as the
3 investigator and the person thereafter may agree
4 and prescribe in writing, or as the court may direct
5 under subsection (k)(1). Such material shall be
6 made so available on the return date specified in
7 such demand, or on such later date as the investi-
8 gator may prescribe in writing. Such person may,
9 upon written agreement between the person and the
10 investigator, substitute copies for originals of all or
11 any part of such material.

12 “(h) INTERROGATORIES.—

13 “(1) ANSWERS.—Each interrogatory in a civil
14 investigative demand served pursuant to this section
15 shall be answered separately and fully in writing
16 under oath, and it shall be submitted under a sworn
17 certificate, in such form as the demand designates,
18 by—

19 “(A) in the case of a natural person, the
20 person to whom the demand is directed; or

21 “(B) in the case of a person other than a
22 natural person, the person or persons respon-
23 sible for answering each interrogatory.

24 “(2) CONTENTS OF CERTIFICATES.—The cer-
25 tificate submitted under paragraph (1) shall state

1 that all information required by the demand and in
2 the possession, custody, control, or knowledge of the
3 person to whom the demand is directed has been
4 submitted. To the extent that any information is not
5 furnished, the information shall be identified and
6 reasons set forth with particularity regarding the
7 reasons why the information was not furnished.

8 “(3) OBJECTIONS.—If any interrogatory is ob-
9 jected to, the reasons for the objection shall be stat-
10 ed in the certificate instead of an answer.

11 “(i) ORAL EXAMINATIONS.—

12 “(1) PROCEDURES.—The examination of any
13 person pursuant to a civil investigative demand for
14 oral testimony served under this section shall be
15 taken before an officer authorized to administer
16 oaths and affirmations by the laws of the United
17 States or of the place where the examination is held.
18 The officer before whom the testimony is to be taken
19 shall put the witness on oath or affirmation and
20 shall personally, or by someone acting under the di-
21 rection of the officer and in the officer’s presence,
22 record the testimony of the witness. The testimony
23 shall be taken stenographically and transcribed.
24 When the testimony is fully transcribed, the officer
25 before whom the testimony is taken shall promptly

1 transmit a copy of the transcript of the testimony to
2 the custodian. This subsection shall not preclude the
3 taking of testimony by any means authorized by,
4 and in a manner consistent with, the Federal Rules
5 of Civil Procedure.

6 “(2) PERSONS PRESENT.—The investigator
7 conducting the examination shall exclude from the
8 place where the examination is held all persons ex-
9 cept the person giving the testimony, the attorney
10 for and any other representative of the person giving
11 the testimony, the attorney for the Government, any
12 person who may be agreed upon by the attorney for
13 the Government and the person giving the testi-
14 mony, the officer before whom the testimony is to be
15 taken, and any stenographer taking such testimony.

16 “(3) WHERE TESTIMONY TAKEN.—The oral
17 testimony of any person taken pursuant to a civil in-
18 vestigative demand served under this section shall be
19 taken in the judicial district of the United States
20 within which such person resides, is found, or trans-
21 acts business, or in such other place as may be
22 agreed upon by the investigator conducting the ex-
23 amination and such person.

24 “(4) TRANSCRIPT OF TESTIMONY.—When the
25 testimony is fully transcribed, the investigator or the

1 officer before whom the testimony is taken shall af-
2 ford the witness (who may be accompanied by coun-
3 sel) a reasonable opportunity to examine and read
4 the transcript, unless such examination and reading
5 are waived by the witness. Any changes in form or
6 substance which the witness desires to make shall be
7 entered and identified upon the transcript by the of-
8 ficer or the investigator with a statement of the rea-
9 sons given by the witness for making such changes.
10 The transcript shall then be signed by the witness,
11 unless the witness in writing waives the signing, is
12 ill, cannot be found, or refuses to sign. If the tran-
13 script is not signed by the witness within 30 days
14 after being afforded a reasonable opportunity to ex-
15 amine it, the officer or the investigator shall sign it
16 and state on the record the fact of the waiver, ill-
17 ness, absence of the witness, or the refusal to sign,
18 together with the reason, if any, given therefor.

19 “(5) CERTIFICATION AND DELIVERY TO CUSTO-
20 DIAN.—The officer before whom the testimony is
21 taken shall certify on the transcript that the witness
22 was duly sworn by the officer and that the transcript
23 is a true record of the testimony given by the wit-
24 ness, and the officer or investigator shall promptly

1 deliver it or send it by registered or certified mail to
2 the custodian.

3 “(6) FURNISHING OR INSPECTION OF TRAN-
4 SCRIPT BY WITNESS.—Upon payment of reasonable
5 charges therefor, the investigator shall furnish a
6 copy of the transcript to the witness only, except
7 that the Attorney General, or the Attorney General’s
8 designee in accordance with this Act, may for good
9 cause limit such witness to inspection of the official
10 transcript of the witness’s testimony.

11 “(7) CONDUCT OF ORAL TESTIMONY.—

12 “(A) IN GENERAL.—Any person compelled
13 to appear for oral testimony under a civil inves-
14 tigative demand issued under subsection (a)
15 may be accompanied, represented, and advised
16 by counsel. Counsel may advise such person, in
17 confidence, with respect to any question asked
18 of such person. Such person or counsel may ob-
19 ject on the record to any question, in whole or
20 in part, and shall briefly state for the record
21 the reason for the objection. An objection may
22 be made, received, and entered upon the record
23 when it is claimed that such person is entitled
24 to refuse to answer the question on the grounds
25 of any constitutional or other legal right or

1 privilege, including the privilege against self-in-
2 crimination. Such person may not otherwise ob-
3 ject to or refuse to answer any question, and
4 may not directly or through counsel otherwise
5 interrupt the oral examination. If such person
6 refuses to answer any question, a petition may
7 be filed in the district court of the United
8 States under subsection (k)(1) for an order
9 compelling such person to answer such ques-
10 tion.

11 “(B) COMPELLED TESTIMONY.—If such
12 person refuses to answer any question on the
13 grounds of the privilege against self-incrimina-
14 tion, the testimony of such person may be com-
15 pelled in accordance with the provisions of part
16 V of title 18, United States Code.

17 “(8) WITNESS FEES AND ALLOWANCES.—Any
18 person appearing for oral testimony under a civil in-
19 vestigative demand issued under subsection (a) shall
20 be entitled to the same fees and allowances which
21 are paid to witnesses in the district courts of the
22 United States.

23 “(j) CUSTODIANS OF DOCUMENTS, ANSWERS, AND
24 TRANSCRIPTS.—

1 “(1) DESIGNATION.—The Attorney General, or
2 designee in accordance with this Act, shall designate
3 an investigator to serve as custodian of documentary
4 material, answers to interrogatories, and transcripts
5 of oral testimony received under this section, and
6 shall designate such additional investigators as the
7 Attorney General determines from time to time to be
8 necessary to serve as deputies of the custodian.

9 “(2) RESPONSIBILITY FOR MATERIALS; DISCLO-
10 SURE.—

11 “(A) IN GENERAL.—An investigator who
12 receives any documentary material, answers to
13 interrogatories, or transcripts of oral testimony
14 under this section shall transmit them to the
15 custodian. The custodian shall take physical
16 possession of such material, answers, or tran-
17 scripts and shall be responsible for the use
18 made of them and for the return of documen-
19 tary material under paragraph (4).

20 “(B) PREPARATION.—The custodian may
21 cause the preparation of such copies of such
22 documentary material, answers to interroga-
23 tories, or transcripts of oral testimony as may
24 be required for official use by any investigator,
25 or other officer or employee of the Department

1 of Justice. Such material, answers, and tran-
2 scripts may be used by any such authorized in-
3 vestigator or other officer or employee in con-
4 nection with the taking of oral testimony under
5 this section.

6 “(C) NO EXAMINATION.—Except as other-
7 wise provided in this subsection, no documen-
8 tary material, answers to interrogatories, or
9 transcripts of oral testimony, or copies thereof,
10 while in the possession of the custodian, shall
11 be available for examination by any individual
12 other than an investigator or other officer or
13 employee of the Department of Justice author-
14 ized under subparagraph (B). The prohibition
15 in the preceding sentence on the availability of
16 material, answers, or transcripts shall not apply
17 if consent is given by the person who produced
18 such material, answers, or transcripts, or, in
19 the case of any product of discovery produced
20 pursuant to an express demand for such mate-
21 rial, consent is given by the person from whom
22 the discovery was obtained. Nothing in this sub-
23 paragraph is intended to prevent disclosure to
24 the Congress, including any committee or sub-
25 committee of the Congress, or to any other

1 agency of the United States for use by such
2 agency in furtherance of its statutory respon-
3 sibilities.

4 “(D) EXAMINATION BY CERTAIN PER-
5 SONS.—While in the possession of the custodian
6 and under such reasonable terms and conditions
7 as the Attorney General shall prescribe—

8 “(i) documentary material and an-
9 swers to interrogatories shall be available
10 for examination by the person who pro-
11 duced such material or answers, or by a
12 representative of that person authorized by
13 that person to examine such material and
14 answers; and

15 “(ii) transcripts of oral testimony
16 shall be available for examination by the
17 person who produced such testimony, or by
18 a representative of that person authorized
19 by that person to examine such transcripts.

20 “(3) USE OF MATERIAL, ANSWERS, OR TRAN-
21 SCRIPTS IN OTHER PROCEEDINGS.—Whenever any
22 attorney of the Department of Justice has been des-
23 ignated to appear before any court, grand jury, or
24 Federal agency in any case or proceeding, the custo-
25 dian of any documentary material, answers to inter-

1 rogatories, or transcripts of oral testimony received
2 under this section may deliver to such attorney such
3 material, answers, or transcripts for official use in
4 connection with any such case or proceeding as such
5 attorney determines to be required. Upon the com-
6 pletion of any such case or proceeding, such attorney
7 shall return to the custodian any such material, an-
8 swers, or transcripts so delivered that have not
9 passed into the control of such court, grand jury, or
10 agency through the introduction thereof into the
11 record of such case or proceeding.

12 “(4) CONDITIONS FOR RETURN OF MATE-
13 RIAL.—If any documentary material has been pro-
14 duced by any person in the course of any investiga-
15 tion pursuant to a civil investigative demand under
16 this section, and—

17 “(A) any case or proceeding before the
18 court or grand jury arising out of such inves-
19 tigation, or any proceeding before any Federal
20 agency involving such material, has been com-
21 pleted; or

22 “(B) no case or proceeding in which such
23 material may be used has been commenced
24 within a reasonable time after completion of the
25 examination and analysis of all documentary

1 material and other information assembled in
2 the course of such investigation,
3 the custodian shall, upon written request of the per-
4 son who produced such material, return to such per-
5 son any such material (other than copies furnished
6 to the investigator under subsection (g)(2) or made
7 for the Department of Justice under paragraph
8 (2)(B) of this subsection) that has not passed into
9 the control of any court, grand jury, or agency
10 through introduction into the record of such case or
11 proceeding.

12 “(5) APPOINTMENT OF SUCCESSOR
13 CUSTODIANS.—

14 “(A) IN GENERAL.—In the event of the
15 death, disability, or separation from service in
16 the Department of Justice of the custodian of
17 any documentary material, answers to interroga-
18 tories, or transcripts of oral testimony pro-
19 duced pursuant to a civil investigative demand
20 under this section, or in the event of the official
21 relief of such custodian from responsibility for
22 the custody and control of such material, an-
23 swers, or transcripts, the Attorney General or
24 the Attorney General’s designee in accordance
25 with this Act shall promptly—

1 “(i) designate another investigator to
2 serve as custodian of such material, an-
3 swers, or transcripts; and

4 “(ii) transmit in writing to the person
5 who produced such material, answers, or
6 testimony notice of the identity and ad-
7 dress of the successor so designated.

8 “(B) SUCCESSOR.—Any person who is des-
9 ignated to be a successor under this paragraph
10 shall have, with regard to such material, an-
11 swers, or transcripts, the same duties and re-
12 sponsibilities as were imposed by this section
13 upon the predecessor in office of that person,
14 except that the successor shall not be held re-
15 sponsible for any default or dereliction that oc-
16 curred before that designation.

17 “(k) JUDICIAL PROCEEDINGS.—

18 “(1) PETITION FOR ENFORCEMENT.—Whenever
19 any person fails to comply with any civil investiga-
20 tive demand issued under subsection (a), or when-
21 ever satisfactory copying or reproduction of any ma-
22 terial requested in such demand cannot be done and
23 such person refuses to surrender such material, the
24 Attorney General may file, in the district court of
25 the United States for any judicial district in which

1 such person resides, is found, or transacts business,
2 and serve upon such person a petition for an order
3 of such court for the enforcement of the civil inves-
4 tigative demand.

5 “(2) PETITION TO MODIFY OR SET ASIDE DE-
6 MAND.—

7 “(A) IN GENERAL.—Any person who has
8 received a civil investigative demand issued
9 under subsection (a) may file, in the district
10 court of the United States for the judicial dis-
11 trict in which such person resides, is found, or
12 transacts business, and serve upon the investi-
13 gator identified in such demand a petition for
14 an order of the court to modify or set aside
15 such demand. In the case of a petition ad-
16 dressed to an express demand for any product
17 of discovery, a petition to modify or set aside
18 such demand may be brought only in the dis-
19 trict court of the United States for the judicial
20 district in which the proceeding in which such
21 discovery was obtained is or was last pending.
22 Any petition under this subparagraph must be
23 filed—

24 “(i) within 20 days after the date of
25 service of the civil investigative demand, or

1 at any time before the return date speci-
2 fied in the demand, whichever date is ear-
3 lier; or

4 “(ii) within such longer period as may
5 be prescribed in writing by any investigator
6 identified in the demand.

7 “(B) GROUNDS FOR RELIEF.—The petition
8 shall specify each ground upon which the peti-
9 tioner relies in seeking relief under subpara-
10 graph (A), and may be based upon any failure
11 of the demand to comply with the provisions of
12 this section or upon any constitutional or other
13 legal right or privilege of such person. During
14 the pendency of the petition in the court, the
15 court may stay, as it deems proper, the running
16 of the time allowed for compliance with the de-
17 mand, in whole or in part, except that the per-
18 son filing the petition shall comply with any
19 portions of the demand not sought to be modi-
20 fied or set aside.

21 “(3) PETITION TO MODIFY OR SET ASIDE DE-
22 MAND FOR PRODUCT OF DISCOVERY.—

23 “(A) IN GENERAL.—In the case of any
24 civil investigative demand issued under sub-
25 section (a) that is an express demand for any

1 product of discovery, the person from whom
2 such discovery was obtained may file, in the dis-
3 trict court of the United States for the judicial
4 district in which the proceeding in which such
5 discovery was obtained is or was last pending,
6 and serve upon any investigator identified in
7 the demand and upon the recipient of the de-
8 mand, a petition for an order of such court to
9 modify or set aside those portions of the de-
10 mand requiring production of any such product
11 of discovery. Any petition under this subpara-
12 graph must be filed—

13 “(i) within 20 days after the date of
14 service of the civil investigative demand, or
15 at any time before the return date speci-
16 fied in the demand, whichever date is ear-
17 lier; or

18 “(ii) within such longer period as may
19 be prescribed in writing by any investigator
20 identified in the demand.

21 “(B) GROUNDS FOR RELIEF.—The petition
22 shall specify each ground upon which the peti-
23 tioner relies in seeking relief under subpara-
24 graph (A), and may be based upon any failure
25 of the portions of the demand from which relief

1 is sought to comply with the provisions of this
2 section, or upon any constitutional or other
3 legal right or privilege of the petitioner. During
4 the pendency of the petition, the court may
5 stay, as it deems proper, compliance with the
6 demand and the running of the time allowed for
7 compliance with the demand.

8 “(4) PETITION TO REQUIRE PERFORMANCE BY
9 CUSTODIAN OF DUTIES.—At any time during which
10 any custodian is in custody or control of any docu-
11 mentary material or answers to interrogatories pro-
12 duced, or transcripts of oral testimony given, by any
13 person in compliance with any civil investigative de-
14 mand issued under subsection (a), such person, and
15 in the case of an express demand for any product of
16 discovery, the person from whom such discovery was
17 obtained, may file, in the district court of the United
18 States for the judicial district in which the office of
19 such custodian is situated, and serve upon such cus-
20 todian, a petition for an order of such court to re-
21 quire the performance by the custodian of any duty
22 imposed upon the custodian by this section.

23 “(5) JURISDICTION.—Whenever any petition is
24 filed in any district court of the United States under
25 this subsection, such court shall have jurisdiction to

1 hear and determine the matter so presented, and to
2 enter such order or orders as may be required to
3 carry out the provisions of this section. Any final
4 order so entered shall be subject to appeal under
5 section 1291 of title 28, United States Code. Any
6 disobedience of any final order entered under this
7 section by any court shall be punished as a contempt
8 of the court.

9 “(6) APPLICABILITY OF FEDERAL RULES OF
10 CIVIL PROCEDURE.—The Federal Rules of Civil Pro-
11 cedure shall apply to any petition under this sub-
12 section, to the extent that such rules are not incon-
13 sistent with the provisions of this section.

14 “(1) DISCLOSURE EXEMPTION.—Any documentary
15 material, answers to written interrogatories, or oral testi-
16 mony provided under any civil investigative demand issued
17 under subsection (a) shall be exempt from disclosure
18 under section 552 of title 5, United States Code, as de-
19 scribed in subsection (b)(3) of such section.

20 “(m) DEFINITIONS.—In this section—

21 “(1) the term ‘custodian’ means the custodian,
22 or any deputy custodian, designated by the Attorney
23 General under subsection (j)(1);

24 “(2) the term ‘documentary material’ includes
25 the original or any copy of any book, record, report,

1 memorandum, paper, communication, tabulation,
2 chart, or other document, or data compilations
3 stored in or accessible through computer or other in-
4 formation retrieval systems, together with instruc-
5 tions and all other materials necessary to use or in-
6 terpret such data compilations, and any product of
7 discovery;

8 “(3) the term ‘investigation’ means any inquiry
9 conducted for the purpose of ascertaining whether
10 any person is or has been engaged in any violation
11 of this Act;

12 “(4) the term ‘investigator’ means any attorney
13 or investigator employed by the Department of Jus-
14 tice who is charged with the duty of enforcing or
15 carrying into effect this Act, or any officer or em-
16 ployee of the United States acting under the direc-
17 tion and supervision of such attorney or investigator
18 in connection with an investigation;

19 “(5) the term ‘official use’ means any use that
20 is consistent with the law, and the regulations and
21 policies of the Department of Justice, including use
22 in connection with internal Department of Justice
23 memoranda and reports; communications between
24 the Department of Justice and a Federal, State, or
25 local government agency, or a contractor of a Fed-

1 eral, State, or local government agency, undertaken
 2 in furtherance of a Department of Justice investiga-
 3 tion or prosecution of a case; oral examinations;
 4 depositions; preparation for and response to civil dis-
 5 covery requests; introduction into the record of a
 6 case or proceeding; applications, motions, memo-
 7 randa and briefs submitted to a court or other tri-
 8 bunal; and communications with Government inves-
 9 tigators, auditors, consultants and experts, the coun-
 10 sel of other parties, arbitrators and mediators, con-
 11 cerning an investigation, case or proceeding; and

12 “(6) the term ‘product of discovery’ includes—

13 “(A) the original or duplicate of any depo-
 14 sition, interrogatory, document, thing, result of
 15 the inspection of land or other property, exam-
 16 ination, or admission, which is obtained by any
 17 method of discovery in any judicial or adminis-
 18 trative proceeding of an adversarial nature;

19 “(B) any digest, analysis, selection, com-
 20 pilation, or derivation of any item listed in sub-
 21 paragraph (A); and

22 “(C) any index or other manner of access
 23 to any item listed in subparagraph (A).

24 “(n) SUNSET.—The authority of the Attorney Gen-
 25 eral to issue a civil investigative demand under this section

1 shall expire upon the expiration of the 5-year period that
 2 begins on the date of enactment of this section.”.

3 (b) ANNUAL REPORTS BY THE ATTORNEY GEN-
 4 ERAL.—

5 (1) DEFINITIONS.—For purposes of this sub-
 6 section:

7 (A) APPROPRIATE COMMITTEES OF CON-
 8 GRESS.—The term “appropriate committees of
 9 Congress” means—

10 (i) the Committees on the Judiciary
 11 and Foreign Relations of the Senate; and

12 (ii) the Committee on the Judiciary of
 13 the House of Representatives.

14 (B) DOCUMENTARY MATERIAL; INVESTIGA-
 15 TION.—The terms “documentary material” and
 16 “investigation” have the meanings given those
 17 terms in section 9 of the Foreign Agents Reg-
 18 istration Act of 1938, as added by subsection
 19 (a) of this section.

20 (C) FOREIGN AGENTS REGISTRATION ACT
 21 OF 1938.—The term “Foreign Agents Registra-
 22 tion Act of 1938” means the Foreign Agents
 23 Registration Act of 1938, as amended (22
 24 U.S.C. 611 et seq.).

1 (D) FOREIGN PRINCIPAL.—The term “for-
2 eign principal” has the meaning given the term
3 in section 1 of the Foreign Agents Registration
4 Act of 1938 (22 U.S.C. 611).

5 (2) REPORTS.—Not later than 1 year after the
6 date of enactment of this Act, and annually there-
7 after, the Attorney General, in consultation with the
8 Assistant Attorney General for National Security,
9 shall submit a report to the appropriate committees
10 of Congress detailing the usage, during the year pre-
11 ceding the date on which the report is submitted, of
12 the authority granted to the Attorney General to
13 issue civil investigative demands under section 9 of
14 the Foreign Agents Registration Act of 1938, as
15 added by subsection (a) of this section, including,
16 with respect to the year for which the report is sub-
17 mitted—

18 (A) the number of civil investigative de-
19 mands issued by the Attorney General;

20 (B) with respect to each civil investigative
21 demand issued by the Attorney General, a de-
22 scription of—

23 (i) the nature of the conduct consti-
24 tuting the alleged violation of the Foreign

1 Agents Registration Act of 1938 that was
2 under investigation;

3 (ii) the provision of that Act alleged
4 to have been violated;

5 (iii) the nature of any documentary
6 material, answers to interrogatories, or
7 oral testimony sought through the civil in-
8 vestigative demand; and

9 (iv) a description of the results of the
10 civil investigative demand, including wheth-
11 er, after the Attorney General issued the
12 civil investigative demand and as a result
13 of the civil investigative demand, the Attor-
14 ney General filed charges against any per-
15 son relating to an alleged violation of that
16 Act, regardless of whether the charges
17 were filed against the person to whom the
18 civil investigative demand was issued;

19 (C) with respect to petitions for orders for
20 the enforcement of civil investigative demands
21 under section 9(k)(1) of the Foreign Agents
22 Registration Act of 1938—

23 (i) the number of petitions that the
24 Attorney General filed in district courts of
25 the United States; and

1 (ii) with respect to each petition, a de-
 2 tailed description of the circumstances that
 3 led the Attorney General to file the peti-
 4 tion;

5 (D) the number of registrations filed pur-
 6 suant to the Foreign Agents Registration Act of
 7 1938 and the name of each such registrant; and

8 (E) any other information relating to the
 9 use of such authority that the Attorney General
 10 determines to be relevant.

11 (3) INTERESTS OF UNCHARGED THIRD PAR-
 12 TIES.—In preparing each report under paragraph
 13 (2), with respect to reporting information described
 14 in clauses (i) and (ii) of paragraph (2)(B), the At-
 15 torney General shall give due regard to protecting
 16 the interests of uncharged third parties.

17 **SEC. 4. FOREIGN AGENTS REGISTRATION CIVIL ENFORCE-**
 18 **MENT.**

19 Section 8 of the Foreign Agents Registration Act of
 20 1938, as amended (22 U.S.C. 618) is amended by adding
 21 at the end the following:

22 “(i) CIVIL ENFORCEMENT.—

23 “(1) CIVIL PENALTIES.—

24 “(A) REGISTRATION STATEMENTS.—

1 “(i) IN GENERAL.—Any person who is
2 required to register under this Act and
3 fails to file a timely or complete registra-
4 tion statement required under section 2(a)
5 shall be subject to a civil fine of not more
6 than \$10,000 for each violation, without
7 regard to the state of mind of the person.

8 “(ii) NO FINES PAID BY FOREIGN
9 PRINCIPALS.—If a person is subject to a
10 civil fine under clause (i), the civil fine
11 may not be paid, directly or indirectly, by
12 a foreign principal.

13 “(B) SUPPLEMENTS.—Any person who is
14 required to file a supplement to a registration
15 statement under section 2(b) and fails to file a
16 timely or complete supplement required under
17 that section shall be subject to a civil fine of
18 not more than \$1,000 for each violation, with-
19 out regard to the state of mind of the person.

20 “(C) FAILURE TO REMEDY DEFICIENT FIL-
21 INGS.—Any person who is required to file a reg-
22 istration statement under this Act, receives no-
23 tice under subsection (g) that the registration
24 statement filed by the person is deficient, and
25 knowingly fails to remedy the deficiency within

1 60 days after receiving the notice shall, upon
2 proof by a preponderance of the evidence of
3 such knowing failure to remedy the deficiency,
4 be subject to a civil fine of not more than
5 \$200,000, depending on the extent and gravity
6 of the violation.

7 “(D) OTHER VIOLATIONS.—Any person
8 who knowingly fails to comply with any other
9 provision of this Act shall, upon proof by a pre-
10 ponderance of the evidence of such knowing
11 failure to comply, be subject to a civil fine of
12 not more than \$200,000, depending on the ex-
13 tent and gravity of the violation.

14 “(2) USE OF FINES.—All fines collected under
15 this subsection shall be used to defray the cost of
16 enforcing this Act.”.

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