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(Original Signature of Member)

108TH CONGRESS
1ST SESSION

H. R. _____

To enhance Federal Trade Commission enforcement against cross-border
fraud and deception.

IN THE HOUSE OF REPRESENTATIVES

Mr. STEARNS (for himself and Ms. SCHAKOWSKY) introduced the following
bill; which was referred to the Committee on

A BILL

To enhance Federal Trade Commission enforcement against
cross-border fraud and deception.

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 referred to as the “International
5 Consumer Protection Act of 2003”.



1 **SEC. 2. FOREIGN LAW ENFORCEMENT AGENCY DEFINED.**

2 Section 4 of the Federal Trade Commission Act (15
3 U.S.C. 44) is amended by adding at the end the following
4 new paragraph:

5 “ ‘Foreign law enforcement agency’ means—

6 “(A) any agency or judicial authority of a for-
7 eign government, including a foreign state, a polit-
8 ical subdivision of a foreign state, or a multinational
9 organization constituted by and comprised of foreign
10 states, that is vested with law enforcement or inves-
11 tigative authority in civil, criminal, or administrative
12 matters; or

13 “(B) any multinational or multiagency organi-
14 zation to the extent that it is acting on behalf of an
15 entity described in subparagraph (A).”.

16 **SEC. 3. AVAILABILITY OF REMEDIES.**

17 Section 5(a) of the Federal Trade Commission Act
18 (15 U.S.C. 45(a)) is amended by adding at the end the
19 following new paragraph:

20 “(4)(A) Unfair or deceptive acts or practices for pur-
21 poses of this subsection shall include such acts or practices
22 involving foreign commerce that—

23 “(i) cause or are likely to cause reasonably fore-
24 seeable injury within the United States; or

25 “(ii) involve material conduct occurring within
26 the United States.



1 “(B) All remedies available to the Commission with
2 respect to unfair and deceptive acts or practices shall be
3 available for acts and practices described in this para-
4 graph, including restitution to domestic or foreign vic-
5 tims.”.

6 **SEC. 4. POWERS OF THE COMMISSION.**

7 (a) PUBLICATION OF INFORMATION; REPORTS.—Sec-
8 tion 6(f) of the Federal Trade Commission Act (15 U.S.C.
9 46(f)) is amended—

10 (1) by inserting “(1)” after “such information”
11 the first place it appears; and

12 (2) by striking “purposes.” and inserting “pur-
13 poses, and (2) to any officer or employee of any for-
14 eign law enforcement agency under the same cir-
15 cumstances that making material available to foreign
16 law enforcement agencies is permitted under section
17 21(b)(6).”.

18 (b) OTHER POWERS OF THE COMMISSION.—Section
19 6 of the Federal Trade Commission Act (15 U.S.C. 46)
20 is further amended by inserting after subsection (i) the
21 following new subsections:

22 “(j) INVESTIGATIVE ASSISTANCE FOR FOREIGN LAW
23 ENFORCEMENT AGENCIES.—

24 “(1) IN GENERAL.—Upon a written request
25 from a foreign law enforcement agency to provide



1 assistance in accordance with this subsection, if the
2 requesting agency states that it is investigating, or
3 engaging in enforcement proceedings against, pos-
4 sible violations of laws prohibiting fraudulent or de-
5 ceptive commercial practices, or other practices sub-
6 stantially similar to practices prohibited by any pro-
7 vision of the laws administered by the Commission,
8 other than Federal antitrust laws (as defined in sec-
9 tion 12(5) of the International Antitrust Enforce-
10 ment Assistance Act of 1994 (15 U.S.C. 6211(5))),
11 the Commission may provide the assistance de-
12 scribed in paragraph (2) without requiring that the
13 conduct identified in the request constitute a viola-
14 tion of the laws of the United States.

15 “(2) TYPE OF ASSISTANCE.—In providing as-
16 sistance to a foreign law enforcement agency under
17 this subsection, the Commission may—

18 “(A) conduct such investigation as the
19 Commission deems necessary to collect informa-
20 tion and evidence pertinent to the request for
21 assistance, using all investigative powers au-
22 thorized by this Act; and

23 “(B) when the request is from an agency
24 acting to investigate or pursue the enforcement
25 of civil laws, or when the Attorney General re-



1 fers a request to the Commission from an agen-
2 cy acting to investigate or pursue the enforce-
3 ment of criminal laws, seek and accept appoint-
4 ment by a United States district court of Com-
5 mission attorneys to provide assistance to for-
6 eign and international tribunals and to litigants
7 before such tribunals on behalf of a foreign law
8 enforcement agency pursuant to section 1782 of
9 title 28, United States Code.

10 “(3) CRITERIA FOR DETERMINATION.—In de-
11 ciding whether to provide such assistance, the Com-
12 mission shall consider all relevant factors,
13 including—

14 “(A) whether the requesting agency has
15 agreed to provide or will provide reciprocal as-
16 sistance to the Commission;

17 “(B) whether compliance with the request
18 would prejudice the interest of consumers in the
19 United States; and

20 “(C) whether the requesting agency’s in-
21 vestigation or enforcement proceeding concerns
22 acts or practices that cause or are likely to
23 cause injury to a significant number of persons.

24 “(4) INTERNATIONAL AGREEMENTS.—If a for-
25 eign law enforcement agency has set forth a legal



1 basis for requiring execution of an international
2 agreement as a condition for reciprocal assistance,
3 or as a condition for provision of materials or infor-
4 mation to the Commission, the Commission, after
5 consultation with the Secretary of State, may nego-
6 tiate and conclude an international agreement, in
7 the name of either the United States or the Commis-
8 sion, and with final approval of the agreement by
9 the Secretary of State, for the purpose of obtaining
10 such assistance, materials, or information. The Com-
11 mission may undertake in such an international
12 agreement to—

13 “(A) provide assistance using the powers
14 set forth in this subsection;

15 “(B) disclose materials and information in
16 accordance with subsection (f) and section
17 21(b)(6); and

18 “(C) engage in further cooperation, and
19 protect materials and information received from
20 disclosure, as authorized by this Act.

21 “(5) The authority in this subsection is in addi-
22 tion to, and not in lieu of, any other authority vested
23 in the Commission or any other officer of the United
24 States.



1 “(k) REFERRAL OF EVIDENCE FOR CRIMINAL PRO-
2 CEEDINGS.—

3 “(1) IN GENERAL.—Whenever the Commission
4 obtains evidence that any person, partnership, or
5 corporation, either domestic or foreign, has engaged
6 in conduct that may constitute a violation of Federal
7 criminal law, the Commission may transmit such
8 evidence to the Attorney General, who may institute
9 criminal proceedings under appropriate statutes.
10 Nothing in this paragraph affects any other author-
11 ity of the Commission to disclose information.

12 “(2) INTERNATIONAL INFORMATION.—The
13 Commission shall endeavor to ensure, with respect to
14 memoranda of understanding and international
15 agreements it may conclude, that material it has ob-
16 tained from foreign law enforcement agencies acting
17 to investigate or pursue the enforcement of foreign
18 criminal laws may be used for the purpose of inves-
19 tigation, prosecution, or prevention of violations of
20 United States criminal laws.

21 “(l) EXPENDITURES FOR COOPERATIVE ARRANGE-
22 MENTS.—The Commission may expend appropriated
23 funds for—

24 “(1) operating expenses and other costs of bi-
25 lateral and multilateral cooperative law enforcement



1 groups conducting activities of interest to the Com-
2 mission and in which the Commission participates;
3 and

4 “(2) expenses for consultations and meetings
5 hosted by the Commission with foreign government
6 agency officials, members of their delegations, ap-
7 propriate representatives and staff to exchange views
8 concerning developments relating to the Commis-
9 sion’s mission, development and implementation of
10 cooperation agreements, and provision of technical
11 assistance for the development of foreign consumer
12 protection or competition regimes, such expenses to
13 include necessary administrative and logistic ex-
14 penses and the expenses of Commission staff and
15 foreign invitees in attendance at such consultations
16 and meetings including—

17 “(A) such incidental expenses as meals
18 taken in the course of such attendance;

19 “(B) any travel and transportation to or
20 from such meetings; and

21 “(C) any other related lodging or subsist-
22 ence.”.

23 (c) AUTHORIZATION OF APPROPRIATIONS.—The
24 Federal Trade Commission is authorized to expend appro-
25 priated funds not to exceed \$100,000 per fiscal year for



1 purposes of section 6(l) of the Federal Trade Commission
2 Act (15 U.S.C. 46(l)) (as amended by this Act), including
3 operating expenses and other costs of the following bilat-
4 eral and multilateral cooperative law enforcement agencies
5 and organizations:

6 (1) The International Consumer Protection and
7 Enforcement Network.

8 (2) The International Competition Network.

9 (3) The Mexico–U.S.–Canada Health Fraud
10 Task Force.

11 (4) Project Emptor.

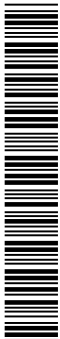
12 (5) The Toronto Strategic Partnership and
13 other regional partnerships with a nexus in a Cana-
14 dian province.

15 **SEC. 5. REPRESENTATION IN FOREIGN LITIGATION.**

16 Section 16 of the Federal Trade Commission Act (15
17 U.S.C. 56) is amended by adding at the end the following
18 subsection:

19 “(c) FOREIGN LITIGATION.—

20 “(1) COMMISSION ATTORNEYS.—The Commis-
21 sion may designate Commission attorneys to assist
22 the Attorney General in connection with litigation in
23 foreign courts in which the Commission has an in-
24 terest, pursuant to the terms of a memorandum of
25 understanding to be negotiated by the Commission



1 and the Attorney General. The preceding sentence is
2 in addition to, and not in lieu of any other authority
3 vested in the Commission

4 “(2) FOREIGN COUNSEL.—The Commission is
5 authorized to expend appropriated funds for the re-
6 tention of foreign counsel for consultation and for
7 litigation in foreign courts, and for expenses related
8 to consultation and litigation in foreign courts in
9 which the Commission has an interest.

10 “(3) PAYMENT OF CLAIMS.—Nothing in this
11 section authorizes the payment of claims or judg-
12 ments from any source other than the permanent
13 and indefinite appropriation authorized by section
14 1304 of title 31, United States Code.”.

15 **SEC. 6. SHARING INFORMATION WITH FOREIGN LAW EN-**
16 **FORCEMENT AGENCIES.**

17 (a) MATERIAL OBTAINED PURSUANT TO COMPUL-
18 SORY PROCESS.—Section 21(b)(6) of the Federal Trade
19 Commission Act (15 U.S.C. 57b-2(b)(6)) is amended by
20 adding at the end the following: “The custodian may make
21 such material available to any foreign law enforcement
22 agency upon the prior certification of an appropriate offi-
23 cial of any such foreign law enforcement agency, either
24 by a prior agreement or memorandum of understanding
25 with the Commission or by other written certification, that



1 such material will be maintained in confidence and will
2 be used only for official law enforcement purposes, if—

3 “(1) the foreign law enforcement agency has set
4 forth a bona fide legal basis for its authority to
5 maintain the material in confidence; and

6 “(2) the materials are to be used for purposes
7 of investigating, or engaging in enforcement pro-
8 ceedings related to, possible violations of—

9 “(A) foreign laws prohibiting fraudulent or
10 deceptive commercial practices or other prac-
11 tices substantially similar to practices prohib-
12 ited by any law administered by the Commis-
13 sion;

14 “(B) a law administered by the Commis-
15 sion, if disclosure of the material would further
16 a Commission investigation or enforcement pro-
17 ceeding; or

18 “(C) with the approval of the Attorney
19 General, other foreign criminal laws, if such
20 foreign criminal laws are offenses defined in or
21 covered by a criminal mutual legal assistance
22 treaty in force between the government of the
23 United States and the foreign law enforcement
24 authority’s government.



1 Nothing in the preceding sentence authorizes the
2 disclosure of material obtained in connection with
3 the administration of the Federal antitrust laws or
4 foreign antitrust laws (as defined in paragraphs (5)
5 and (7), respectively, of section 12 of the Inter-
6 national Antitrust Enforcement Assistance Act of
7 1994 (15 U.S.C. 6211)) to any officer or employee
8 of a foreign law enforcement agency.”.

9 (b) INFORMATION SUPPLIED BY AND ABOUT FOR-
10 EIGN SOURCES.—Section 21(f) of the Federal Trade Com-
11 mission Act (15 U.S.C. 57b-2(f)) is amended to read as
12 follows—

13 “(f) EXEMPTION FROM DISCLOSURE.—

14 “(1) IN GENERAL.—Any material which is re-
15 ceived by the Commission in any investigation, a
16 purpose of which is to determine whether any person
17 may have violated any provision of the laws adminis-
18 tered by the Commission, and which is provided pur-
19 suant to any compulsory process under this Act or
20 which is provided voluntarily in place of such com-
21 pulsory process shall be exempt from disclosure
22 under section 552 of title 5, United States Code.

23 “(2) MATERIAL OBTAINED FROM A FOREIGN
24 SOURCE.—



1 “(A) Except as provided in subparagraph
2 (C) of this paragraph, the Commission shall not
3 be compelled to disclose—

4 “(i) material obtained from a foreign
5 law enforcement agency or other foreign
6 government agency, if the foreign law en-
7 forcement agency or other foreign govern-
8 ment agency has requested confidential
9 treatment, or has precluded such disclosure
10 under other use limitations, as a condition
11 of providing the material;

12 “(ii) material reflecting consumer
13 complaints obtained from any other foreign
14 source, if that foreign source supplying the
15 material has requested confidential treat-
16 ment as a condition of providing the mate-
17 rial; or

18 “(iii) material reflecting a consumer
19 complaint submitted to a Commission re-
20 porting mechanism sponsored in part by
21 foreign law enforcement agencies or other
22 foreign government agencies.

23 “(B) For purposes of section 552 of title 5,
24 United States Code, this subsection shall be consid-



1 ered a statute described in subsection (b)(3)(B) of
2 such section.

3 “(C) Nothing in this subsection shall authorize
4 the Commission to withhold information from the
5 Congress or prevent the Commission from complying
6 with an order of a court of the United States in an
7 action commenced by the United States or the Com-
8 mission.”.

9 **SEC. 7. CONFIDENTIALITY, DELAYED NOTICE OF PROCESS.**

10 (a) CONFIDENTIALITY, DELAYED NOTICE OF COM-
11 PULSORY PROCESS.—The Federal Trade Commission Act
12 (15 U.S.C. 41 et seq.) is amended by inserting after sec-
13 tion 21 the following new section:

14 **“SEC. 21A. CONFIDENTIALITY AND DELAYED NOTICE OF**
15 **COMPULSORY PROCESS FOR CERTAIN THIRD**
16 **PARTIES.**

17 “(a) INTERSECTION WITH OTHER STATUTES.—The
18 Right to Financial Privacy Act (12 U.S.C. 3401 et seq.)
19 and the Electronic Communications Privacy Act (18
20 U.S.C. 2701 et seq.) shall apply with respect to the Com-
21 mission, except as otherwise provided in this section.

22 “(b) IN GENERAL.—The procedures for delay or pro-
23 hibition of notice under the Right to Financial Privacy Act
24 (12 U.S.C. 3401 et seq.) and the Electronic Communica-



1 tions Privacy Act (18 U.S.C. 2701 et seq.) shall be avail-
2 able to the Commission—

3 “(1) where notification is delayed pursuant to
4 section 1109(a) of the Right to Financial Privacy
5 Act (12 U.S.C. 3409(a)) pursuant to an ex parte ap-
6 plication by the Commission that there is reason to
7 believe that notification may cause an adverse result;
8 or

9 “(2) where notification is delayed pursuant to
10 section 2705(a)(1)(B) of title 18, upon a finding by
11 the Commission that there is reason to believe that
12 notification may cause an adverse result.

13 “(c) EX PARTE APPLICATION BY COMMISSION.—If
14 the procedures for delay or prohibition of notice described
15 in subsection (b) do not apply, the Commission may apply
16 ex parte to a presiding judge or magistrate judge for an
17 order commanding the recipient of compulsory process
18 issued by the Commission not to notify any other person
19 of the existence of the process, notwithstanding any law
20 or regulation of the United States, or under the constitu-
21 tion, or any law or regulation, of any State, political sub-
22 division of a State, territory of the United States, or the
23 District of Columbia. The presiding judge or magistrate
24 judge may enter such an order granting the requested
25 delay for a period not to exceed 60 days if there is reason



1 to believe that notification may cause an adverse result.
2 The presiding judge or magistrate judge may grant exten-
3 sions of this delay of notice of up to 30 days each in ac-
4 cordance with this subsection, provided that in no event
5 shall notice be delayed for more than a total of 9 months.

6 “(d) NO LIABILITY FOR FAILURE TO NOTIFY.—The
7 recipient of compulsory process issued by the Commission
8 under this Act shall not be liable under any law or regula-
9 tion of the United States, or under the constitution, or
10 any law or regulation, of any State, political subdivision
11 of a State, territory of the United States, or the District
12 of Columbia, or under any contract or other legally en-
13 forceable agreement, for failure to provide notice that such
14 process has been issued or that the recipient has provided
15 information in response to such process. The preceding
16 sentence does not provide any exemption from liability
17 for—

18 “(1) the underlying conduct reported;

19 “(2) noncompliance with the record retention
20 requirements under section 1104(c) of the Right to
21 Financial Privacy Act (12 U.S.C. 3404), where ap-
22 plicable; or

23 “(3) noncompliance with any requirement of a
24 Federal agency to disclose information to that agen-
25 cy.



1 “(e) VENUE AND PROCEDURE.—

2 “(1) IN GENERAL.—All judicial proceedings ini-
3 tiated by the Commission under the Right to Finan-
4 cial Privacy Act (12 U.S.C. 3401 et seq.), the Elec-
5 tronic Communications Privacy Act (18 U.S.C. 2701
6 et seq.), or this section may be brought in the
7 United States District Court for the District of Co-
8 lumbia or any other appropriate United States Dis-
9 trict Court. All ex parte applications by the Commis-
10 sion under this section related to a single investiga-
11 tion may be brought in a single proceeding.

12 “(2) IN CAMERA PROCEEDINGS.—Upon applica-
13 tion by the Commission, all judicial proceedings pur-
14 suant to this section shall be held in camera and the
15 records thereof sealed until expiration of the period
16 of delay or such other date as the presiding judge
17 or magistrate judge may permit.

18 “(f) SECTION NOT TO APPLY TO ANTITRUST INVES-
19 TIGATIONS OR PROCEEDINGS.—This section shall not
20 apply to an investigation or proceeding related to the ad-
21 ministration of Federal antitrust laws or foreign antitrust
22 laws (within the meaning of section 6211 of this title).

23 “(g) ADVERSE RESULT DEFINED.—For purposes of
24 this section the term ‘adverse result’ means—



1 “(1) the transfer outside the territorial limits of
2 the United States of assets or records related to
3 fraudulent or deceptive commercial practices or re-
4 lated to persons involved in such practices;

5 “(2) impeding the ability of the Commission to
6 identify persons involved in fraudulent or deceptive
7 commercial practices, or to trace the source or dis-
8 position of funds related to such practices;

9 “(3) endangering the life or physical safety of
10 an individual;

11 “(4) flight from prosecution;

12 “(5) the destruction of, or tampering with, evi-
13 dence;

14 “(6) the intimidation of potential witnesses;

15 “(7) the dissipation, fraudulent transfer, or
16 concealment of assets subject to recovery by the
17 Commission; or

18 “(8) otherwise seriously jeopardizing an inves-
19 tigation or proceeding related to fraudulent or de-
20 ceptive commercial practices or persons involved in
21 such practices, or unduly delaying a trial related to
22 such practices or persons involved in such prac-
23 tices.”.



1 (b) CONFORMING AMENDMENT.—Section 16(a)(2) of
2 the Federal Trade Commission Act (15 U.S.C. 56(a)(2))
3 is amended—

4 (1) in subparagraph (C) by striking “; or” and
5 inserting a semicolon;

6 (2) in subparagraph (D) by inserting “and”
7 after the semicolon; and

8 (3) by inserting after subparagraph (D) the fol-
9 lowing new subparagraph:

10 “(E) under section 21A of this Act;”.

11 **SEC. 8. PROTECTION FOR VOLUNTARY PROVISION OF IN-**
12 **FORMATION.**

13 The Federal Trade Commission Act (15 U.S.C. 41
14 et seq.) is further amended by adding after section 21A
15 (as added by section 8 of this Act) the following new sec-
16 tion:

17 **“SEC. 21B. PROTECTION FOR VOLUNTARY PROVISION OF**
18 **INFORMATION.**

19 “(a) IN GENERAL.—An entity described in para-
20 graphs (2) or (3) of subsection (d) that voluntarily pro-
21 vides material to the Commission that such entity reason-
22 ably believes is relevant to—

23 “(1) a possible unfair or deceptive act or prac-
24 tice, as defined in section 5(a) of this Act; or



1 “(2) assets subject to recovery by the Commis-
2 sion, including assets located in foreign jurisdictions;
3 shall not be liable to any person under any law or regula-
4 tion of the United States, or under the Constitution, or
5 any law or regulation of any State, political subdivision
6 of a State, territory of the United States, or the District
7 of Columbia, for such provision of material or for any fail-
8 ure to provide notice of such provision of material. Noth-
9 ing in this subsection shall be construed to provide any
10 exemption from liability for the underlying conduct re-
11 ported.

12 “(b) CERTAIN FINANCIAL INSTITUTIONS.—An entity
13 described in subsection (d)(1) that voluntarily provides to
14 the Commission material relevant to the subjects described
15 in paragraphs (1) or (2) of subsection (a) shall be exempt
16 from liability in accordance with the provisions of section
17 5318(g)(3) of title 31, United States Code.

18 “(c) CONSUMER COMPLAINTS.—Any entity described
19 in subsection (d) that voluntarily provides consumer com-
20 plaints sent to it, or information contained therein, to the
21 Commission shall not be liable to any person under any
22 law or regulation of the United States, or under the con-
23 stitution, or any law or regulation, of any State, political
24 subdivision of a State, territory of the United States, or
25 the District of Columbia, for such provision of material



1 or for any failure to provide notice of such provision of
2 material. The preceding sentence does not provide any ex-
3 emption from liability for the underlying conduct.

4 “(d) APPLICATION.—This section applies to the fol-
5 lowing entities, whether foreign or domestic:

6 “(1) A financial institution as defined in section
7 5312 of title 31, United States Code.

8 “(2) To the extent no included in paragraph (1)
9 a bank or thrift institution, a commercial bank or
10 trust company, an investment company, a credit
11 card issuer, an operator of a credit card system, and
12 an issuer, redeemer, or cashier of travelers’ checks,
13 money orders, or similar instruments.

14 “(3) A courier service, a commercial mail re-
15 ceiving agency, an industry membership organiza-
16 tion, a payment system provider, a consumer report-
17 ing agency, a domain name registrar or registry, and
18 a provider of alternative dispute resolution services.

19 “(4) An Internet service provider or provider of
20 telephone services.”.

21 **SEC. 9. STAFF EXCHANGES.**

22 The Federal Trade Commission Act (15 U.S.C. 41
23 et seq.) is amended by adding after section 25 the fol-
24 lowing new section:



1 **“SEC. 25A. STAFF EXCHANGES.**

2 “(a) IN GENERAL.—The Commission may—

3 “(1) retain or employ officers or employees of
4 foreign government agencies on a temporary basis
5 pursuant to section 2 of this Act, section 3109 of
6 title 5, or section 202 of title 18, United States
7 Code; and

8 “(2) detail officers or employees of the Commis-
9 sion to work on a temporary basis for appropriate
10 foreign government agencies.

11 “(b) RECIPROCITY AND REIMBURSEMENT.—The
12 staff arrangements described in subsections (a) need not
13 be reciprocal. The Commission may accept payment or re-
14 imbursement, in cash or in kind, from a foreign govern-
15 ment agency to which this section is applicable, or pay-
16 ment or reimbursement made on behalf of such agency,
17 for expenses incurred by the Commission, its members,
18 and employees in carrying out such arrangements.”.

19 **SEC. 10. INFORMATION SHARING WITH FINANCIAL REGU-**
20 **LATORS.**

21 Section 1112(e) of the Right to Financial Privacy Act
22 (12 U.S.C. 3412(e)) is amended by adding “the Federal
23 Trade Commission,” after “the Securities and Exchange
24 Commission,”.



1 **SEC. 11. REPORT.**

2 Not later than 3 years after the date of enactment
3 of this Act, the Federal Trade Commission shall transmit
4 to Congress a report describing its use of and experience
5 with the authority granted by this Act, along with any rec-
6 ommendations for additional legislation. The report shall
7 include—

8 (1) the number of cross-border complaints re-
9 ceived by the Commission;

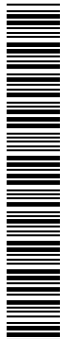
10 (2) identification of the foreign agencies to
11 which the Commission has provided nonpublic inves-
12 tigative information under this Act;

13 (3) the number of times the Commission has
14 used compulsory process on behalf of foreign law en-
15 forcement agencies pursuant to section 5 of this Act;

16 (4) a list of international agreements and
17 memoranda of understanding executed by the Com-
18 mission that relate to this Act;

19 (5) the number of times the Commission has
20 sought delay of notice pursuant pursuant to section
21 8 of this Act;

22 (6) a description of the types of information
23 private entities have provided voluntarily pursuant to
24 section 9 of this Act;



1 (7) a description of the results of cooperation
2 with foreign law enforcement agencies under this
3 Act; and

4 (8) an analysis of whether the lack of an ex-
5 emption from the disclosure requirements of section
6 552 of title 5, United States Code, with regard to
7 information or material voluntarily provided relevant
8 to possible unfair or deceptive acts or practices, has
9 hindered the Commission in investigating or engag-
10 ing in enforcement proceedings against such prac-
11 tices.

