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AMENDING THE ACT REQUIRING REGISTRATION OF FOREIGN AGENTS

DECEMBER 18, 1941.—Ordered to be printed

Mr. McLAUGHLIN, from the Committee on the Judiciary submitted
the following

REPORT

[To accompany H. R. 6269]

The Committee on the Judiciary, to whom was referred the bill H. R. 6269, to amend the act entitled "An act to require the registration of certain persons employed by agencies to disseminate propaganda in the United States, and for other purposes," approved June 8, 1938, as amended, after hearings on the original bill (H. R. 6045) and after consideration, report the bill favorably to the House with the recommendation that it do pass.

GENERAL STATEMENT

The purpose of this bill is to amend the act of 1938, as amended, (generally known as the McCormack Act,) the principal existing Federal statute for controlling foreign agent activity in the theater of political propaganda and in kindred fields of activity. The act was introduced by Congressman McCormack in the first session of the Seventy-fifth Congress as a result of the recommendations of the special committee appointed in the Seventy-third Congress to investigate un-American activities in the United States. It was enacted into law on June 8, 1938, and in 1939, because of certain ambiguities requiring minor changes, it was amended to its present form.

There have been some successful prosecutions under the existing statute, and it has been found a fairly successful medium of control. It is believed, however, that the act can be made even more effective

and valuable in the regulation of the important activities which it covers by amending it in these respects:

1. By requiring those foreign agents who are subject to registration to label all political propaganda disseminated by them so recipients may know who is primarily concerned in its distribution.

2. By transferring administration of the act from the Department of State to the Department of Justice and requiring registrants to file copies of all political propaganda distributed by them with the Department of Justice and the Library of Congress.

These provisions are in line with recommendations made by the Secretary of State, the Postmaster General, and the Attorney General and meet with their full approval.

3. By extending application of the statute to include foreign agents using the United States as a base for propaganda activities in Central and South America. This provision would put into effect recommendations approved by the United States and 20 other American republics at the Pan-American Conference held in Habana, Cuba, in 1940.

4. Strengthening and clarifying enforcement provisions of the act through various technical changes in language.

EXPLANATION OF PROVISIONS

It cannot be emphasized too strongly that these amendments do not change the fundamental approach of the statute, which is one not of suppression or of censorship, but of publicity and disclosure; nor do they alter its scheme of administration; nor are they designed substantially to broaden its coverage to include classes of persons who are not now required to register, nor do they greatly increase the size of the existing act and its regulations.

As in the present statute, section 1 is reserved for definitions, and this section comprises one-third of the bill's length. Particular effort was made to insure that none of these definitions could be so interpreted as to include within their compass and the purview of the bill, activities which the Congress did not intend to regulate under its original enactment. As a matter of fact, there is little essentially new matter in this section. That which is new is made necessary by the insertion of new provisions, particularly those referring to the filing and labeling of political propaganda, possible nonavailability of political propaganda directed to Central and South America, and the spelling out of concepts which are already implicit in the present act in its definition of "agent of a foreign principal." Particulars in which this definition has been made more specific but not more inclusive are the exclusion of news or press services or associations and newspapers, periodicals, etc., and the inclusion of the term "information service employee." Several of the definitions herein contained, specifically, "government of a foreign country," "foreign political party," "public-relations counsel," "publicity agent," and "registration statement," have been carried over from the present regulations with little or no substantial change in order to make the scope of the act more certain and definite for those who may be exposed to its requirements.

What may appear to be enlargements of the present definitions of "foreign principal" and "agent of a foreign principal" are in reality

(except in one or possibly two instances) only attempts to render these definitions more precise by expressing what is now implicit in them. In the definition of "foreign principal" a new concept is added by section 1 (b) (2) which refers to an individual associated with or controlled by a government of a foreign country or a foreign political party. This appears to be a desirable extension because it will make the employees of such an individual, who is an agent of a foreign government or foreign political party, themselves agents subject to registration, if they participate in unexempted political activities for such individual or otherwise. By virtue of section 1 (b) (3) a shift of the difficult burden of proof respecting domicile, which is now present in the existing act, is provided for.

With respect to the term "agent of a foreign principal" as defined in section 1 (c), it is believed that clause 2 thereof merely expresses what is already implicit in the statute, although it possibly goes further in the phrase relating to the soliciting or accepting of contributions or loans directly or indirectly from a foreign principal. Clause 3 thereof, which holds that for an individual to assume or purport to act as an agent of a foreign principal suffices to constitute him such an agent, is probably implicit in the present act. Clause 4 thereof, in its reference to active or reserve military association with a foreign government or foreign political party, expresses what is already probably inherent in the present definition which states that "the term 'agent of a foreign principal' * * * shall include any person * * * under the direction of a foreign principal." As a result of actual experience and difficulties encountered in specific cases under the present act, it was felt that it would be wiser to alter the present general terminology of the agency concept so as to set out expressly the specific types of activity it was intended to cover.

The definition of political propaganda found in section 1 (j) is necessitated by the addition of the filing and labeling provisions. While fairly broad, this definition is not open to attack on that score, since the dissemination of propaganda alone is not sufficient to constitute a person an agent of a foreign principal subject to registration under the act.

Section 2 proposes two vital changes in the present statute.

In contrast to the present provisions requiring the filing of a registration statement and supplements thereto, the amendment makes it unlawful for an agent of a foreign principal to act without filing a required registration statement and supplements thereto. Thus it eliminates any doubt that may exist as to more than one possible venue of action under the present statute. Prosecution will now be possible in any district wherein an agent of a foreign principal acts without having filed with the Attorney General a required registration statement or supplement thereto. The clarity and possible additional venues which this change adds to the act seem amply to justify it. This justification becomes more apparent when it is understood that such a change effects only a theoretical enlargement of the existing statute because under such requirement and the requirement of registration in the present act, proof of violation thereof is practically identical.

The existing law is also believed to have been bolstered by explicit enlargement of the registration provisions so as to render them more efficacious for disclosure and investigative purposes. These provisions now require information about the nature of the registrant's business,

name of registrant's principals, contracts with such principals, compensation received, and a statement containing such details of the registrant's activities as the Secretary of State shall fix. The amendment, merely declaratory of these requirements as found in sections 2 and 3 of the act, specifically seeks further information concerning registrant's status; data about partners, directors, and officers of the registrant, and lists of registrant's employees; information about all foreign principals' businesses, their ownership and control by a foreign government or foreign political party; and additional statements concerning the activities of the registrant which have required his registration. All of these additions have been prompted by experience in cases under the present act.

The section also provides coordination with the State Department by providing that it shall receive a copy of each registration statement for examination from the point of view of the foreign relations of the United States. Registration statements are no longer to be filed with the Department of State, since, under section 2 of the bill, administration of the act is transferred from the Department of State to the Department of Justice. This transfer is dictated by several considerations. The administration of this act more appropriately fits in with the functions of the Department of Justice, where it will result in unified governmental supervision of the activities of aliens, agents of foreign principals, and certain organizational activity, which last is provided for in the so-called Voorhis Act. This act and the Voorhis Act parallel each other closely in seeking to secure disclosure by registration from those who, under foreign control, act to influence the public. The administration and enforcement of the latter act have already been assigned to the Department of Justice. Therefore, there is considerable advantage in placing in the same hands the administration of both acts. Moreover, this transfer of administration of the Foreign Agents Registration Act meets with the approval of the interested departments and is in line with their recommendations.

No substantial change in the present exemption provisions is made by the bill.

The basic theory of the act; namely, that complete disclosure by agents of foreign principals subject to registration who are engaged in propaganda and kindred enterprises within the United States is the most effective method of combating such activity is substantially embodied in sections 2 and 4. The effect of section 4 is to compel all persons within the United States, who are required to register under this act, to label all political propaganda which they distribute through the mails or in interstate commerce and which is designed for distribution to two or more persons. By this means the recipients will be informed that the distributor is registered under the act as an agent of a foreign principal. They will be informed of the identity of each such principal. They will be informed that such registration statement is available for inspection, and that copies of such political propaganda have been filed with the Department of Justice, but that registration of such agent does not indicate approval by the United States Government of the contents of his political propaganda. With all this information at their disposal, recipients of such propaganda can properly appraise its worth. The labeling may also have to contain other identifying information. In addition, a statement setting forth the places, times, and extent of the dis-

tribution of such political propaganda must be filed within 48 hours thereafter with the Attorney General. While the definition of political propaganda is fairly broad, as has already been pointed out, it is to be noted that the filing and labeling provisions of the bill only apply to persons who are required to register as agents of foreign principals and that the distribution of political propaganda of itself does not compel such registration.

The section also authorizes the Postmaster General to forward propaganda material excluded by him from the mails to the Library of Congress for purposes other than public distribution.

Additional means of disclosure and control are provided for by section 5, section 6, and section 7. Section 5 requires registered agents of foreign principals to keep books and records concerning such of their activities as have compelled their registration. Public examination of registration statements and other statements concerning the distribution of political propaganda, in accordance with present practices, is provided for in section 6. Section 7 establishes the liability of officers and directors, or those performing similar functions, of an agent of a foreign principal which is other than an individual, for failure of such agent to comply with any requirement of the act.

The penalty provisions have been completely set out in section 8 and the original penalties for violations of the act increased from a maximum fine of \$1,000 or imprisonment for not more than 2 years, or both, to a maximum fine of \$10,000 or imprisonment for not more than 5 years, or both. However, the new penalties are comparable to those fixed under the Voorhis Act for violations thereof other than for false or incomplete registration statements. Section 8 also provides the additional penalty of deportation for any alien convicted of a violation of the act.

In a prosecution under the act the proof on the part of the Government of the existence of an agent-of-a-foreign-principal relationship has been somewhat facilitated by section 8 (b) which makes permissible but not necessary, the proof of the specific identity of a foreign principal. Even without proving such identity the Government has a substantial burden of proving both that the defendant engaged in certain transactions covered by the act with a "foreign principal" as defined, and that the transactions are of such a character as to make the defendant an agent with respect to such foreign principal. Requiring proof of additional specific facts (such as, for example, the nationality or sex of the foreign principal, or that the name used refers to a real individual and is not an alias for an organization or corporation of individuals) would add a burden which experience has shown the Government often cannot meet and at the same time would not confer any appreciable benefit on the defendant, since the issue already tendered him is very specific.

Provision is made in section 8 (d) to integrate the bill with commitments entered into at the Habana Convention of July 1940, whereby each signatory undertook to attempt to protect the others against the effects of subversive activities originating within its borders. To this end, the Postmaster General is authorized to prevent transmittal of political propaganda attempted to be sent through the United States mails to any other American republic, when he is informed by the Secretary of State that the representative of such American republic has made written representation to the Department of State that the

admission or circulation of such propaganda in such American republic is prohibited, and has requested that its transmittal thereto be stopped.

By virtue of section 10 the Attorney General is authorized to make, amend, and rescind rules, regulations, and forms in order to carry out the provisions of the act. By section 11 the disclosure principle is put into further operation by direction to the Attorney General to make periodical reports to the Congress on the nature, source, and content of propaganda distributed.

RECOMMENDATIONS

The bill has received the approval of the Department of Justice, State Department, and the Post Office Department and the transfer of the administration of the act from the Department of State to the Department of Justice has received the approval of both of the Departments concerned.

RAMSEYER RULE

In compliance with clause 2a of rule XIII existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, and existing law in which no change is proposed is shown in roman:

"POLICY AND PURPOSE

"It is hereby declared to be the policy and purpose of this Act to protect the national defense, internal security, and foreign relations of the United States by requiring public disclosure by persons engaging in propaganda activities and other activities for or on behalf of foreign governments, foreign political parties, and other foreign principals so that the Government and the people of the United States may be informed of the identity of such persons and may appraise their statements and actions in the light of their associations and activities.

"DEFINITIONS

"SECTION 1. [That] As used in and for the purposes of this Act—

"(a) The term 'person' [means] includes an individual, partnership, association, [or] corporation, organization, or any other combination of individuals;

"[(c)] (b) The term 'foreign principal' includes—

"(1) [the] a government of a foreign country [a political party of a foreign country] and a foreign political party;

"(2) an individual affiliated or associated with, or supervised, directed, controlled, financed, or subsidized, in whole or in part, by any foreign principal defined in clause (1) of this section 1 (b);

"(3) a person [domiciled abroad] outside of the United States, unless it is established that such person is an individual and is a citizen of and domiciled within the United States or that such person is not an individual, is organized under or created by the laws of the United States or of any State or other place subject to the jurisdiction of the United States and has its principal place of business within the United States. Nothing in this clause (3) shall limit the operation of clause (5) of this section 1 (b);

"(4) [any foreign business, partnership, association, corporation or other political organization, or] a partnership, association, corporation organization, or other combination of individuals organized under the laws of, or having its principal place of business in, a foreign country;

"(5) a domestic partnership, association, corporation, organization, or other combination of individuals, subsidized directly or indirectly, in whole or in part, by any [of the entities described herein;] foreign principal defined in clause (1), (3), or (4) of this section 1 (b);

"(c) Except as provided in section 1 (d) hereof, [(d)] the term 'agent of a foreign principal' [means] includes—

"(1) any person who acts [or engages] or agrees to act, within the United States, as, or who is or holds himself out to be, whether or not pursuant to contractual relationship, [as] a public-relations counsel, publicity agent, in-

formation-service employee, [or as agent, servant] servant, agent, representative, or attorney for a foreign principal; [and shall include any person who receives compensation from or is under the direction of a foreign principal: Provided, however, That such term shall not include—]

(NOTE: Present law sets out at this point matter hereinafter shown under "Exemptions".)

"(2) any person who within the United States collects information for or reports information to a foreign principal; who within the United States solicits or accepts compensation, contributions or loans, directly or indirectly, from a foreign principal; who within the United States solicits, disburses, dispenses, or collects compensation, contributions, loans, money, or anything of value, directly or indirectly, for a foreign principal; who within the United States acts at the order, request, or under the direction, of a foreign principal;

"(3) any person who assumes or purports to act within the United States as an agent of a foreign principal in any of the respects set forth in clauses (1) and (2) of this section 1 (c); and

"(4) any person who is an officer or member of the active or reserve military, naval, or other armed forces of any foreign principal defined in clause (1) of section 1 (b) hereof, or who is an officer of or employed by any such foreign principal; and proof of any affiliation or employment, specified in this clause (4), of any person within a period of five years previous to the effective date of this Act shall create a rebuttable presumption that such person is an agent of a foreign principal;

"(d) The term 'agent of a foreign principal' does not include any news or press service or association organized under the laws of the United States or of any State or other place subject to the jurisdiction of the United States, or any newspaper, magazine, periodical, or other publication for which there is on file with the Postmaster General a sworn statement in compliance with section 2 of the Act of August 24, 1912 (37 Stat. 553), as amended, published in the United States, solely by virtue of any bona fide news or journalistic activities, including the solicitation or acceptance of advertisements, subscriptions, or other compensation therefor, so long as it is at least 80 per centum beneficially owned by, and its officers and its directors, if any, are citizens of the United States, and such news or press service or association, newspaper, magazine, periodical, or other publication is not owned, directed, supervised, controlled, subsidized, or financed, and none of its policies are determined by any foreign principal defined in clause (1), (2), or (4) of section 1 (b) hereof, or by any agent of a foreign principal required to register under this Act;

"(e) The term 'government of a foreign country' includes any person or group of persons exercising sovereign de facto or de jure political jurisdiction over any country, other than the United States, or over any part of such country, and includes any subdivision of any such group and any group or agency to which such sovereign de facto or de jure authority or functions are directly or indirectly delegated. Such term shall include any faction or body of insurgents within a country assuming to exercise governmental authority whether such faction or body of insurgents has or has not been recognized by the United States;

"(e) The term 'Secretary' means the Secretary of State of the United States.]

"(f) The term 'foreign political party' includes any organization or any other combination of individuals in a country other than the United States, or any unit or branch thereof, having for an aim or purpose, or which is engaged in any activity devoted in whole or in part to, the establishment, administration, control, or acquisition of administration or control, of a government of a foreign country or a subdivision thereof, or the furtherance or influencing of the political or public interests, policies, or relations of a government of a foreign country or a subdivision thereof;

"(g) The term 'public-relations counsel' includes any person who engages directly or indirectly in informing, advising, or in any way representing a principal in any matter pertaining to political or public interests, policies, or relations;

"(h) The term 'publicity agent' includes any person who engages directly or indirectly in the publication or dissemination of oral, visual, graphic, written, or pictorial information or matter of any kind, including publication by means of advertising, books, periodicals, newspapers, lectures, broadcasts, motion pictures, or otherwise;

"(i) The term 'information-service employee' includes any person who is engaged in furnishing, disseminating, or publishing accounts, descriptions, information, or data with respect to the political, industrial, employment, economic, social, cultural, or other benefits, advantages, facts, or conditions of any country other than the United States or of any government of a foreign country or of a foreign political party or of a partnership, association, corporation, organization, or other combination of individuals organized under the laws of, or having its principal place of business in, a foreign country;

"(j) The term 'political propaganda' includes any oral, visual, graphic, written, pictorial, or other communication or expression by any person (1) which is reasonably adapted to, or which the person disseminating the same believes will, or which he intends to, prevail upon, indoctrinate, convert, induce, or in any other way influence a recipient or any section of the public within the United States with reference to the political or public interests, policies, or relations of a government of a foreign country or a foreign political party, or with reference to the foreign policies of the United States or promote in the United States racial, religious, or social dissension, or (2) which advocates, advises, instigates, or promotes any racial, social, political, or religious disorder, civil riot, or other conflict involving the use of force or violence in any other American republic or the overthrow of any government or political subdivision of any other American republic by any means involving the use of force or violence. As used in this section 1 (j) the term 'disseminating' includes transmitting, or causing to be transmitted in the United States mails or by any means or instrumentality of interstate or foreign commerce or offering or causing to be offered in the United States mails;

"(k) The term 'registration statement' means the registration statement required to be filed with the Attorney General under section 2 (a) hereof, and any supplements thereto required to be filed under section 2 (b) hereof, and includes all documents and papers required to be filed therewith or amendatory thereof or supplemental thereto, whether attached thereto or incorporated therein by reference;

"(l) The term 'American republic' includes any of the states which were signatory to the Final Act of the Second Meeting of the Ministers of Foreign Affairs of the American Republics at Habana, Cuba, July 30, 1940;

"(m) [(b)] The term 'United States', when used in a geographical sense, includes [the United States and any place subject to the jurisdiction thereof] the several States, the District of Columbia, the Territories, the Canal Zone, the insular possessions, including the Philippine Islands, and all other places now or hereafter subject to the civil or military jurisdiction of the United States.

"(n). The term 'prints' means newspapers and periodicals, books, pamphlets, sheet music, visiting cards, address cards, printing proofs, engravings, photographs, pictures, drawings, plans, maps, patterns to be cut out, catalogs, prospectuses, advertisements, and printed, engraved, lithographed, or autographed notices of various kinds, and, in general, all impressions or reproductions obtained on paper or other material assimilable to paper, on parchment or on cardboard, by means of printing, engraving, lithography, autography, or any other easily recognizable mechanical process, with the exception of the copying press, stamps with movable or immovable type, and the typewriter.

"REGISTRATION

"SEC. 2. [Every person who is now an agent of a foreign principal shall, within thirty days after this Act takes effect, and every person who shall hereafter become an agent of a foreign principal shall forthwith file with the Secretary a registration statement, under oath, on a form prescribed by the Secretary which shall set forth—] (a) No person shall act as an agent of a foreign principal unless he has filed with the Attorney General a true and complete registration statement and supplements thereto as required by this section 2 (a) and section 2 (b) hereof or unless he is exempt from registration under the provisions of this Act. Except as hereinafter provided, every person who is an agent of a foreign principal on the effective date of this Act shall, within ten days thereafter, and every person who becomes an agent of a foreign principal after the effective date of this Act shall, within ten days thereafter, file with the Attorney General, in duplicate, a registration statement, under oath, on a form prescribed by the Attorney General, of which one copy shall be transmitted promptly by the Attorney General to the Secretary of State for such comment, if any, as the Secretary of State may desire to make from the point of view of the foreign relations of the United States. Failure of the Attorney General so to transmit such copy shall not be a bar to prosecution under this Act. The registration statement shall include the following, which shall be regarded as material for the purposes of this Act:—[(a) The name, business address, and residence address of the registrant;]

"(1) Registrant's name, principal business address, and all other business addresses in the United States or elsewhere, and all residence addresses, if any;

[(g) If the registrant be a partnership, association, or corporation, a true and complete copy of its charter, articles of incorporation, copartnership, association, constitution, and bylaws, and any other instrument or instruments relating to its organization, powers, and purposes.]

"(2) Status of the registrant; if an individual, nationality; if a partnership, name, residence addresses, and nationality of each partner and a true and com-

plete copy of its articles of copartnership; if an association, corporation, organization, or any other combination of individuals, the name, residence addresses, and nationality of each director and officer and of each person performing the functions of a director or officer and a true and complete copy of its charter, articles of incorporation; association, constitution, and bylaws, and amendments thereto; a copy of every other instrument or document and a statement of the terms and conditions of every oral agreement relating to its organization, powers, and purposes; and a statement of its ownership and control;

["(b) The name of the foreign principal or other person or organization for which such person is acting as agent;]

"(3) A comprehensive statement of the nature of registrant's business; a complete list of registrant's employees and a statement of the nature of the work of each, unless, and to the extent, this requirement is waived in writing by the Attorney General; the name and address of every foreign principal for whom the registrant is acting, assuming or purporting to act or has agreed to act; the character of the business or other activities of every such foreign principal, and, if any such foreign principal be other than a natural person, a statement of the ownership and control of each; and the extent, if any, to which each such foreign principal is supervised, directed, owned, controlled, financed, or subsidized, in whole or in part, by any government of a foreign country or foreign political party;

["(c) a copy of all contracts of employment under which such person acts or agrees to act as such agent, if written, or a full statement of the terms and conditions thereof, if oral;

"(d) the date when each such contract was made, the date of commencement of activity thereunder, and the period during which such contract is to be in effect;]

"(4) Copies of each written agreement and the terms and conditions of each oral agreement, including all modifications of such agreements, or, where no contract exists, a full statement of all the circumstances, by reason of which the registrant is an agent of a foreign principal; a comprehensive statement of the nature and method of performance of each such contract, and of the existing and proposed activity or activities engaged in or to be engaged in by the registrant as agent of a foreign principal for each such foreign principal;

["(e) the compensation to be paid, if any, and the form and time of payment, under such contract;

"(f) the name of every foreign principal, or other person or organization which has contributed or which has promised to contribute to the compensation provided in such contract; and]

"(5) the nature and amount of contributions, income, money, or thing of value, if any, that the registrant has received within the preceding sixty days from each such foreign principal, either as compensation or for disbursement or otherwise, and the form and time of each such payment and from whom received;

"(6) A detailed statement of every activity which the registrant is performing or is assuming or purporting or has agreed to perform for himself or any other person other than a foreign principal and which requires his registration hereunder;

"(7) The name, business, and residence addresses, and, if an individual, the nationality, of any person who has within the preceding sixty days contributed or paid money or anything of value to the registrant in connection with any of the activities referred to in clause (6) of this section 2 (a) and the amount or value of the same;

"(8) A detailed statement of the money and other things of value spent or disposed of by the registrant during the preceding sixty days in furtherance of or in any way in connection with activities which require his registration hereunder and which have been undertaken by him either as an agent of a foreign principal or for himself or any other person;

"(9) Copies of each written agreement and the terms and conditions of each oral agreement, including all modifications of such agreements, or, where no contract exists, a full statement of all the circumstances, by reason of which the registrant is performing or assuming or purporting or has agreed to perform for himself or for a foreign principal or for any person other than a foreign principal any activities which require his registration hereunder;

"(10) Such other statements, information, or documents pertinent to the purposes of this Act as the Attorney General, having due regard for the national security and the public interest, may from time to time require;

"(11) Such further statements and such further copies of documents as are necessary to make the statements made in the registration statement and supplements thereto, and the copies of documents furnished therewith, not misleading.

"(b) [SEC. 3.] Every [person] agent of a foreign principal who has filed a registration statement required by section 2 (a) hereof shall, within thirty days after the expiration of each period of six months succeeding [the first] such filing, file with the [Secretary] Attorney General a [statement] supplement thereto under oath, on a form prescribed by the [Secretary] Attorney General, which shall set forth with respect to such preceding six months' period [(a)] such facts as the Attorney General, having due regard for the national security and the public interest, may [be] deem necessary to make the information required under section 2 hereof accurate, complete, and current with respect to such period [(b) the amount and form of compensation received by such person for acting as agent for a foreign principal which has been received during such six months' period either directly or indirectly from any foreign principal; and (c) a statement containing such details required under this Act as the Secretary shall fix, of the activities of such person as agent of a foreign principal during such six months' period]. In connection with the information furnished under clauses (3), (4), (6), and (9) of section 2 (a) hereof, the registrant shall give notice to the Attorney General of any changes therein within ten days after such changes occur. If the Attorney General, having due regard for the national security and the public interest, determines that it is necessary to carry out the purposes of this Act, he may, in any particular case, require supplements to the registration statement to be filed at more frequent intervals in respect to all or particular items of information to be furnished.

(c) The registration statement and supplements thereto shall be executed under oath as follows: If the registrant is an individual, by him; if the registrant is a partnership, by a majority of the members thereof; if the registrant is a person other than an individual or a partnership, by a majority of the officers thereof or persons performing the functions of officers or by a majority of the board of directors thereof or persons performing the functions of directors, if any.

"(d) The fact that a registration statement or supplement thereto has been filed shall not necessarily be deemed a full compliance with this Act and the regulations thereunder on the part of the registrant; nor shall it indicate that the Attorney General has in any way passed upon the merits of such registration statement or supplement thereto; nor shall it preclude prosecution, as provided for in this Act, for willful failure to file a registration statement or supplement thereto when due or for a willful false statement of a material fact therein or the willful omission of a material fact required to be stated therein or the willful omission of a material fact or copy of a material document necessary to make the statements made in a registration statement and supplements thereto, and the copies of documents furnished therewith, not misleading.

"(e) If any agent of a foreign principal, required to register under the provisions of this Act, has previously thereto registered with the Attorney General under the provisions of the Act of October 17, 1940 (54 Stat. 1201), the Attorney General, in order to eliminate inappropriate duplication, may permit the incorporation by reference in the registration statement or supplements thereto filed hereunder of any information or documents previously filed by such agent of a foreign principal under the provisions of the Act of October 17, 1940 (54 Stat. 1201).

EXEMPTIONS

"Sec. 5. The requirements of section 2 (a) hereof shall not apply to the following agents of foreign principals:

"(a) [(1)] A duly accredited diplomatic or consular officer of a foreign government who is so recognized by the Department of State, [of the United States; nor (2)] while said officer is engaged exclusively in activities which are recognized by the Department of State as being within the scope of the functions of such officer;

"(b) Any official of a foreign government, if such government is recognized by the United States, [as a government other than] who is not a public-relations counsel, [or] publicity agent, information-service employee, or a citizen of the United States, whose name and status and the character of whose duties as such official are of public record in the Department of State, [of the United States; nor (3)] while said official is engaged exclusively in activities which are recognized by the Department of State as being within the scope of the functions of such official;

"(c) Any member of the staff of, or any person employed by, a duly accredited diplomatic or consular officer of a foreign government who is so recognized by the Department of State, [of the United States] other than a public-relations counsel, [or] publicity agent, or information-service employee, whose name and status and the character of whose duties as such member or employee are of

public record in the Department of State, [of the United States; nor (4)] while said member or employee is engaged exclusively in the performance of activities which are recognized by the Department of State as being within the scope of the functions of such member or employee;

"(d) Any person [performing] engaging or agreeing to engage only in private, nonpolitical, financial, mercantile, or other activities in furtherance of the bona fide trade or commerce of such foreign principal [nor (5)] or in the soliciting or collecting of funds and contributions within the United States to be used only for medical aid and assistance, or for food and clothing to relieve human suffering, if such solicitation or collection of funds and contributions is in accordance with and subject to the provisions of the Act of November 4, 1939, as amended (54 Stat. 48) and such rules and regulations as may be prescribed thereunder;

"(e) Any person [engaged] engaging or agreeing to engage only in activities in furtherance of bona fide religious, scholastic, academic, or scientific pursuits or of the fine arts.

"FILING AND LABELING OF POLITICAL PROPAGANDA

"SEC. 4. (a) Every person within the United States who is an agent of a foreign principal and required to register under the provisions of this Act and who transmits or causes to be transmitted in the United States mails or by any means or instrumentality of interstate or foreign commerce any political propaganda (i) in the form of prints, or (ii) in any other form which is reasonably adapted to being, or which he believes will be, or which he intends to be, disseminated or circulated among two or more persons shall, not later than forty-eight hours after the beginning of the transmittal thereof, send to the Librarian of Congress two copies thereof and file with the Attorney General one copy thereof and a statement, duly signed by or on behalf of such agent, setting forth full information as to the places, times and extent of such transmittal.

"(b) It shall be unlawful for any person within the United States who is an agent of a foreign principal and required to register under the provisions of this Act to transmit or cause to be transmitted in the United States mails or by any means or instrumentality of interstate or foreign commerce any political propaganda (i) in the form of prints, or (ii) in any other form which is reasonably adapted to being, or which he believes will be, or which he intends to be, disseminated or circulated among two or more persons, unless such political propaganda is conspicuously marked at its beginning with, or prefaced or accompanied by, a true and accurate statement, in the language or languages used in such political propaganda, setting forth that the person transmitting such political propaganda or causing it to be transmitted is registered under this Act with the Department of Justice, Washington, District of Columbia, as an agent of a foreign principal, together with the name and address of such agent of a foreign principal and of each of his foreign principals; that, as required by this Act, his registration statement is available for inspection at and copies of such political propaganda are being filed with the Department of Justice; and that registration of agents of foreign principals required by the Act does not indicate approval by the United States Government of the contents of their political propaganda. The Attorney General, having due regard for the national security and the public interest, may by rule or regulation prescribe the language or languages and the manner and form in which such statement shall be made and require the inclusion of such other information contained in the registration statement identifying such agent of a foreign principal and such political propaganda and its sources as may be appropriate.

"(c) The copies of political propaganda required by this Act to be sent to the Librarian of Congress shall be available for public inspection under such regulations as he may prescribe.

"(d) For purposes of the Library of Congress, other than for public distribution, the Secretary of the Treasury and the Postmaster General are authorized, upon the request of the Librarian of Congress, to forward to the Library of Congress fifty copies, or as many fewer thereof as are available, of all foreign prints determined to be prohibited entry under the provisions of section 305 of title III of the Act of June 17, 1930 (46 Stat. 688), and of all foreign prints excluded from the mails under authority of section 1 of title XII of the Act of June 15, 1917 (40 Stat. 230).

"Notwithstanding the provisions of section 305 of title III of the Act of June 17, 1930 (46 Stat. 688), and of section 1 of title XII of the Act of June 15, 1917 (40 Stat. 230), the Secretary of the Treasury is authorized to permit the entry and the Postmaster General is authorized to permit the transmittal in the mails of foreign prints imported for governmental purposes by authority or for the use of the United States or for the use of the Library of Congress.

"BOOKS AND RECORDS

"SEC. 5. Every agent of a foreign principal registered under this Act shall keep and preserve while he is an agent of a foreign principal such books of account and other records with respect to all his activities, the disclosure of which is required under the provisions of this Act, as the Attorney General, having due regard for the national security and the public interest, may by regulation prescribe as necessary or appropriate for the enforcement of the provisions of this Act and shall preserve the same for a period of three years following the termination of such status. Until regulations are in effect under this section, every agent of a foreign principal shall keep books of account and shall preserve all written records with respect to his activities. Such books and records shall be open at all reasonable times to the inspection of any official charged with the enforcement of this Act. It shall be unlawful for any person willfully to conceal, destroy, obliterate, mutilate, or falsify, or to attempt to conceal, destroy, obliterate, mutilate, or falsify, or to cause to be concealed, destroyed, obliterated, mutilated, or falsified, any books or records required to be kept under the provisions of this section.

"PUBLIC EXAMINATION OF OFFICIAL RECORDS

"[SEC. 4.] SEC. 6. The [Secretary] Attorney General shall retain in permanent form one copy of all registration statements and all statements concerning the distribution of political propaganda [filed] furnished under this Act, and [such statements] the same shall be public records and open to public examination and inspection at [all] such reasonable hours, under such regulations, as the [Secretary] Attorney General may prescribe and copies of the same shall be furnished to every applicant at such reasonable fee as the Attorney General may prescribe. [Provided, That] The [Secretary] Attorney General may [is hereby authorized to] withdraw from [the] public [records] examination the registration statement and other statements of any [person] agent of a foreign principal whose activities have ceased to be of a character which require registration under the [terms] provisions of this Act.

"LIABILITY OF OFFICERS

"SEC. 7. Each officer, or person performing the functions of an officer, and each director, or person performing the functions of a director, of an agent of a foreign principal which is not an individual shall be under obligation to cause such agent to execute and file a registration statement and supplements thereto as and when such filing is required under sections 2 (a) and 2 (b) hereof and shall also be under obligation to cause such agent to comply with all the requirements of sections 4 (a), 4 (b), and 5 and all other requirements of this Act. In case of failure of any such agent of a foreign principal to comply with any of the requirements of this Act, each of its officers, or persons performing the functions of officers, and each of its directors, or persons performing the functions of directors, shall be subject to prosecution therefor.

"ENFORCEMENT AND PENALTIES

"SEC. 8. (a) [SEC. 5.] Any person who— [willfully fails to file any statement required to be filed under this Act, or in complying with the provisions of this Act, makes a false statement of a material fact, or willfully omits to state any material fact required to be stated therein]

"(1) willfully violates any provision of this Act or any regulation thereunder; or

"(2) in any registration statement or supplement thereto or in any statement under section 4 (a) hereof concerning the distribution of political propaganda or in any other document filed with or furnished to the Attorney General under the provisions of this Act willfully makes a false statement of a material fact or willfully omits any material fact required to be stated therein or willfully omits a material fact or a copy of a material document necessary to make the statements therein and the copies of documents furnished therewith not misleading, shall, [on] upon conviction thereof, be punished by a fine of not more than [\$1,000] \$10,000 or by imprisonment for not more than [two] five years, or both.

"(b) In any proceeding under this Act, in which it is charged that a person is an agent of a foreign principal with respect to a foreign principal outside of the United States, proof of the specific identity of the foreign principal shall be permissible but not necessary.

"(c) Any alien who shall be convicted of a violation of, or a conspiracy to violate any provision of this Act or any regulation thereunder shall be subject to deportation

in the manner provided by sections 19 and 20 of the Immigration Act of 1917 (39 Stat. 889, 890), as amended.

"(d) The Postmaster General may declare to be nonmailable any communication or expression falling within clause (2) of section 1 (j) hereof in the form of prints or in any other form reasonably adapted to, or reasonably appearing to be intended for, dissemination or circulation among two or more persons, which is offered or caused to be offered for transmittal in the United States mails to any person or persons in any other American republic by any agent of a foreign principal, if the Postmaster General is informed in writing by the Secretary of State that the duly accredited diplomatic representative of such American republic has made written representation to the Department of State that the admission or circulation of such communication or expression in such American republic is prohibited by the laws thereof and has requested in writing that its transmittal thereto be stopped.

"APPLICABILITY OF ACT

"SEC. 9. This Act shall be applicable in the several States, the District of Columbia, the Territories, the Canal Zone, the insular possessions, including the Philippine Islands, and all other places now or hereafter subject to the civil or military jurisdiction of the United States.

"RULES AND REGULATIONS

"[SEC. 6.] SEC. 10. The [Secretary is authorized and directed to] Attorney General may at any time make, prescribe, amend, and rescind such rules, regulations, and forms as he may [be] deem necessary to carry out the provisions of this Act.

"REPORTS TO THE CONGRESS

"SEC. 11. The Attorney General shall, from time to time, make a report to the Congress concerning the administration of this Act, including the nature, sources, and content of political propaganda disseminated or distributed.

"SEPARABILITY OF PROVISIONS

"SEC. 12. If any provision of this Act, or the application thereof to any person or circumstances, is held invalid, the remainder of the Act, and the application of such provisions to other persons or circumstances, shall not be affected thereby.

"SEC. 13. This Act is in addition to and not in substitution for any other existing statute.

"SHORT TITLE

"SEC. 14. This Act may be cited as the 'Foreign Agents Registration Act of 1938, as amended'."

TRANSFER OF ADMINISTRATION

SEC. 2. Upon the effective date of this Act, all powers, duties, and functions of the Secretary of State under the Act of June 8, 1938 (52 Stat. 631), as amended, shall be transferred to and become vested in the Attorney General, together with all property, books, records, and unexpended balances of appropriations used by or available to the Secretary of State for carrying out the functions devolving on him under the above-cited Act. All rules, regulations, and forms which have been issued by the Secretary of State pursuant to the provisions of said Act, and which are in effect, shall continue in effect until modified, superseded, revoked, or repealed.

EFFECTIVE DATE

[SEC. 7.] SEC. 3. This Act shall take effect on the [ninetieth] sixtieth day after the date of its [enactment] approval, except that prior to such sixtieth day the Attorney General may make, prescribe, amend, and rescind such rules, regulations, and forms as may be necessary to carry out the provisions of this Act.

Caplin & Drysdale, Chartered