

AMENDING THE ACT REQUIRING REGISTRATION OF
FOREIGN AGENTS

APRIL 20, 1942.—Committed to the Committee of the Whole House on the state
of the Union and ordered to be printed

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

REPORT

[To accompany S. 2399]

The Committee on the Judiciary, to whom was referred the bill (S. 2399) 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 consideration, report the bill favorably to the House with the recommendation that it do pass.

Except for the addition of section 3 (f), which is new, the language of this bill is exactly the same as the language of H. R. 6269, which passed the Congress on January 28, 1942, but which was returned by the President on February 9, 1942, without his signature.

The following is the text of the President's message:

THE WHITE HOUSE,
February 9, 1942:

To the House of Representatives:

I return herewith, without my approval, 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.

This bill was drafted in peacetime to protect a nation at peace. It was properly designed to force the disclosure of the activities of foreign agents who may abuse the hospitality of our country or weaken our national unity by fostering discord and distrust.

The bill, however, obviously was not drafted with a view to the situation created by the Axis assault upon our country and our entry into the war in fighting partnership with 25 united nations and in active cooperation with other nations whose defense we deem vital to our own defense.

To achieve victory we must be certain that there is a minimum of interference with the strengthening and perfecting of joint action. Active collaboration of a military or economic nature with friendly countries requires the fullest and most constant exchange of representatives between us.

Just as we are anxious to see nothing interfere with the functioning of our representatives in friendly countries, so we must do everything we can to facilitate their functioning with us in the common cause. It is far from clear that the requirements of this legislation would not in many instances be unnecessary, inappropriate, and onerous in respect to the representatives of friendly nations who are constantly coming to and from the United States to cooperate with us.

I recommend that this bill be adjusted to meet these changed conditions resulting from our entry into the war. Such adjustment might be achieved by granting broad discretionary powers to the Attorney General during the emergency, to enable him to administer the bill so as to meet these new conditions.

FRANKLIN D. ROOSEVELT.

The additional provision in section 3 (f) has been drafted in order to make the necessary adjustment in the bill in accordance with the President's suggestion.

Although the provision is in the form of a limited exemption, it, in effect, but substitutes an alternative and less onerous type of registration and disclosure of certain officially designated representatives of the governments of those countries whose defense is vital to our own, while these persons are working with us in the common cause. The limitation contained in this provision requires that the foreign government which such agent represents must furnish information concerning the identity and activities of the agent. The limitation also requires that each communication or expression which such an agent believes will be circulated among the public in the United States be properly identified and be believed to be truthful. In addition, the Attorney General is given the power to terminate this limited exemption as to any such person with the approval of the Secretary of State.

It is believed that these limitations furnish adequate safeguards against any possible abuse and assure that the fundamental purposes of the act are not altered or weakened, while at the same time carrying out the President's suggestion.

The purpose and effect of this additional provision, as well as its limitations and safeguards, are explained in detail in the following letter from the Attorney General, addressed to the chairman of the Committee on the Judiciary, which is hereby made a part of this report:

OFFICE OF THE ATTORNEY GENERAL,
Washington, D. C., March 19, 1942.

HON. HATTON W. SUMNERS,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

MY DEAR MR. CONGRESSMAN: In accordance with your request, I am transmitting herewith a suggestion as to the form of an amendment to section 3 of the amending portion of 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. This bill was returned by the President to the House of Representatives on February 9, 1942, without his approval, and with the suggestion that it be adjusted to meet certain changed conditions resulting from our entry in the war.

As the President's message pointed out, we are now in fighting partnership with 25 United Nations and in active cooperation with a number of other nations whose defense is vital to our own. As a result, we are constantly sending our representatives to, as well as receiving representatives from, countries with which we are collaborating, and, in the interests of the war effort, there should be the minimum of interference with this exchange.

Accordingly, the suggested amendment has been designed to afford different treatment to official representatives of these countries than is accorded under the present bill to all other types of foreign agents. Thus, instead of requiring the detailed public registration and labeling, an alternative and less onerous type of

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registration and labeling has been provided, which it is believed will not alter or weaken the fundamental purposes of the act.

The class involved includes such persons as members of military and economic missions from those countries, persons in the armed forces of such countries, and persons engaged in supplying information to the extent that their activities are in furtherance of the joint interests and defense of both their country and ours and are not intended to conflict with the policies of our Government. It is thus limited to those persons who are officially designated agents of governments whose defense the President deems vital to our own and who are engaged in working actively and closely with us in the successful prosecution of the war.

With the shortness of time available and the strenuous demands upon individual efforts, it is neither practical nor desirable to require these representatives of friendly governments, frequently arriving and departing, to take time out to fill in detailed registration forms. Nor is it wise in many instances to disclose such information to our enemies. It is also important to realize that the United States is likewise sending representatives to many other countries, and it would be unwise to subject them to the risk of the imposition of similar requirements in the prosecution of their difficult tasks.

Although the proposed amendment is in the form of a limited exemption, it is believed that it also affords the necessary safeguards against possible abuse or violation of the fundamental purposes of the act. In effect, there is provided a less onerous alternative form of registration and disclosure. Thus, each government is required to furnish to the Attorney General such information as to the identity and activities of any persons coming within the exemption as the Attorney General may from time to time require. Whenever it is deemed in the public interest and not harmful to our war effort, the Attorney General can cause such information to be made a matter of public record.

Moreover, if any persons subject to this section make any public statements, they must, in addition, identify themselves as agents of a foreign government, must tell the truth, and such communications or expressions must be part of the activities permitted by the amendment. Thus, it is believed an opportunity is provided for an adequate appraisal of the statements and activities of such persons.

Finally, in case any abuse should occur, the Attorney General, with the approval of the Secretary of State, is empowered at any time to terminate the application of the section to any person covered thereby and thus render such person subject to all the provisions of the act. While this power has been given to the Attorney General in accordance with the suggestion of the President, it could be placed solely in the hands of the Secretary of State if it is desired to do so. In any event, the application of the section to the representatives of any particular country will be terminated whenever the President no longer finds its defense vital to our own.

The proposed amendment has been worked out after careful consultation with representatives of the Department of State, the Lend-Lease Administration, the Office of the Coordinator of Information and other interested agencies and has received their approval. It is believed the proposed amendment will serve the twofold purpose intended: Agents of friendly governments engaged in the war effort will be freed from unnecessary requirements of registration and at times inadvisable disclosure and our agents abroad are likely to be afforded similar treatment; at the same time our Government as well as the public will be kept informed and protected against possible abuse.

I am informed by the Director of the Bureau of the Budget that the amendment is in accord with the program of the President.

Respectfully submitted.

FRANCIS BIDDLE,
Attorney General.

The remainder of this bill is identical in language with H. R. 6269 which received the full consideration of this body and on which the Committee on the Judiciary submitted a report on December 18, 1941 (Rept. No. 1547). That report is referred to for a detailed discussion of the provisions of the bill. The bill strengthens the original act:

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

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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.

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-

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formation-service employec, [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. 555), 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;

"[(c) 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 employec' 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

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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 complete 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;

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"(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. 3. 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 a diplomatic or consular corps of the Department of State, [or] any public official, [or] any public record of said member or of such member.

"(d) Any person engaged in nonpolitical, financial, trade or commercial, or medical aid or solicitation or to the provision of rules and regulations.

"(e) Any person engaged in the furtherance of the fine arts.

"(f) Any person engaged in the management of a foreign corporation of the United States, who are in furtherance of the government activities with any of the (2) each country or has reason to believe that the section of the activities and of such person, and retention as to the identity of the General may agent or to a public interest and shall, at exemption he

"SEC. 4. Any principal or agent of a foreign principal or agent of a foreign principal causes to be transmitted or instrument of interstate (ii) in any country or which he not later than Librarian of thereof and information.

"(b) If a foreign principal or agent of a foreign principal transmits or instrument of interstate form of public relations which he begins or mor language of transmittin under this an agent of foreign pri his registr

"(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.

"(f) Any person, or employee of such person, whose foreign principal is a government of a foreign country the defense of which the President deems vital to the defense of the United States while, (1) such person or employee engages only in activities which are in furtherance of the policies, public interest, or national defense both of such government and of the Government of the United States, and are not intended to conflict with any of the domestic or foreign policies of the Government of the United States, (2) each communication or expression by such person or employee which he intends to, or has reason to believe will, be published, disseminated, or circulated among any section of the public, or portion thereof, within the United States, is a part of such activities and is believed by such person to be truthful and accurate and the identity of such person as an agent of such foreign principal is disclosed therein, and (3) such government of a foreign country furnishes to the Secretary of State for transmittal to, and retention for the duration of this Act by, the Attorney General such information as to the identity and activities of such person or employee at such times as the Attorney General may require. Upon notice to the Government of which such person is an agent or to such person or employee, the Attorney General, having due regard for the public interest and national defense, may, with the approval of the Secretary of State, and shall, at the request of the Secretary of State, terminate in whole or in part the exemption herein of any such person or employee.

"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

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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 officers, or persons persons performing

"Sec. 8. (a) [S] required to be filed Act, makes a false material fact requ

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"Sec. 9. This A the Territories, the Islands, and all oth of the United State.

"[Sec. 6.] SEC General may at any and forms as he w

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"Sec. 12. If an or circumstances, such provisions to

"Sec. 13. This statute.

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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 (59 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.

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"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