

FOREIGN AGENTS REGISTRATION ACT AMENDMENTS

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MAY 3, 1966.—Committed to the Committee of the Whole House on the State  
of the Union and ordered to be printed

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

R E P O R T

[To accompany S. 693]

The Committee on the Judiciary, to whom was referred the bill (S. 693) to amend the Foreign Agents Registration Act of 1938, as amended, having considered the same, report favorably thereon with amendments and recommend that the bill do pass.

The amendments are as follows:

1. On page 4, at the end of line 15, substitute a semicolon for the period, strike out the quotation marks, and add the following:

(q) For the purpose of section 3(d) hereof, activities in furtherance of the bona fide commercial, industrial or financial interests of a domestic person engaged in substantial commercial, industrial or financial activities in the United States shall not be deemed to serve predominantly a foreign interest because such activities also benefit the interests of a foreign person engaged in bona fide trade or commerce which is owned or controlled by, or which owns or controls, such domestic person, provided that such foreign person is not, and such activities are not directly or indirectly supervised, directed, controlled, financed or subsidized in whole or in substantial part by, a government of a foreign country or a foreign political party, and provided further that the identity of such foreign person is disclosed to the agency or official of the United States with whom such activities are conducted.

2. On page 8, strike out lines 15 through 19 and insert in lieu thereof the following:

(g) Any person qualified to practice law, insofar as he engages or agrees to engage in the legal representation of a

foreign principal before any court of law or any agency or official of the Government of the United States (other than a Member or committee of either House of Congress), provided that in representing the interests of such foreign principal before any such agency or official the fact of such representation and the identity of such foreign principal shall be disclosed to the agency or official concerned.

#### PURPOSE OF AMENDMENTS

Amendment No. 1 makes clear certain conditions under which legitimate representatives of U.S. concerns which own or control or are owned or controlled by foreign affiliates are nevertheless exempt from registration under the act.

Amendment No. 2 exempts attorneys at law from the obligation to register insofar as they engage or agree to engage in legal representation of foreign principals whose identity they disclose.

#### PURPOSE OF S. 693

The proposed amendments to the Foreign Agents Registration Act of 1938 are designed to strengthen the basic purposes of the original act.

The act is intended to protect the interests of the United States by requiring complete public disclosure by persons acting for or in the interests of foreign principals where their activities are political in nature or border on the political. Such public disclosures as required by the act will permit the Government and the people of the United States to be informed as to the identities and activities of such persons and so be better able to appraise them and the purposes for which they act.

#### WHAT THE BILL PROVIDES

The following are the major provisions of the amended bill:

1. The new terms "political activities" and "political consultant" have been added and defined and definitions have been revised for the terms "foreign principal" and "agent of a foreign principal"—all of which are aimed at better focusing the act on those individuals attempting to influence Government policies through political activities.

2. Requirements for disclosure of political activities and expenditures as part of regular reports to the Department of Justice are made more strict.

3. The commercial exemption has been broadened to exempt all private and nonpolitical activities with a bona fide commercial purpose and other activities not serving predominantly a foreign interest, even though they may be political in nature. Committee amendment No. 1 clarifies the meaning of "activities not serving predominantly a foreign interest." Committee amendment No. 2 makes clear that attorneys at law are not required to register because they engage in legal representation of foreign principals whose identity they disclose.

4. When contacting Members or committees of the Congress or Government officials on policy matters in behalf of their foreign

principal, registered foreign agents will be required to disclose their status as agents and identify their principal.

5. A foreign agent appearing for or in the interest of his foreign principal before a congressional committee will be required to file his latest registration statement as a part of his testimony.

6. The Secretary of State will be provided copies of the registration statements and political propaganda filed with the Department of Justice under the requirements of the act.

7. An injunctive remedy is authorized for the Attorney General in addition to the criminal sanctions already in the act, where compliance with either the act or the regulations issued under the act is considered inadequate.

8. Contingent fee contracts between agents and foreign principals based upon success in political activities to be undertaken by the agent are banned.

9. Campaign contributions for or in behalf of a foreign principal are prohibited in connection with any election to public office or in connection with any primary election or convention to select candidates for office.

10. Officers and employees of the U.S. Government are prohibited from acting as agents of foreign principals. Contract or part-time employees of the Federal Government may act as agents of foreign principals if the head of the employing agency certifies that such employment is in the national interest and a copy of the certification is placed in the public file of the agent maintained by the Department of Justice.

#### BACKGROUND OF THE BILL

In the 1st session of the 88th Congress, Senator Fulbright, for himself and Senator Hickenlooper, introduced S. 2136, a bill to amend the Foreign Agents Registration Act of 1938, as amended, and for other purposes, following an extended inquiry by the Senate Committee on Foreign Relations into the activities of nondiplomatic agents of foreign governments, and related subjects. A similar measure (H.R. 9212) was introduced by Chairman Celler in the House. After hearings, S. 2136 was favorably reported to the Senate with amendments on February 21, 1964, and was passed by the Senate with a further amendment on July 6, 1964. The legislation did not achieve chamber consideration by the House. S. 693, as introduced in the present Congress, was identical with S. 2136, 88th Congress, as it passed the Senate. A companion measure, H.R. 290, was again introduced by House Judiciary Committee Chairman Celler.

On February 16, 1965, a further Senate committee hearing was held on S. 693, which passed the Senate on April 5, 1965. Subcommittee No. 3 of the House Committee on the Judiciary held hearings on S. 693 and H.R. 290 on July 28 and August 2, 1965. Assistant Attorney General J. Walter Yeagley testified in favor of enactment of S. 693 as it passed the Senate. Other witnesses approved the purpose of the legislation but requested amendments to clarify exemptive provisions of the measure. After study, the subcommittee recommended enactment of S. 693 with amendments substantially as adopted and herein reported by the Committee.

SECTION-BY-SECTION ANALYSIS OF THE PROPOSED AMENDMENTS TO  
THE FOREIGN AGENTS REGISTRATION ACT OF 1938, AS AMENDED

The following section-by-section analysis of the bill as herein reported substantially adopts the analysis appearing in Senate Report No. 143, 89th Congress, 1st session, to accompany S. 693, except to the extent that changes are dictated by adoption of the committee's amendments.

*Definitions*

*Section 1(1)* would amend section 1(b) of the act which contains the definition of the term "foreign principal" by dropping from that definition as it now reads certain domestic persons whose connection with a foreign country arises solely from the fact that they agree to employ an agent in this country on behalf of a foreign interest. Under existing law, all the agents of such domestic intermediaries are confronted with the technical requirement of registration, however unrelated the activities of these agents may be to the purposes of any foreign interest. However, section 1(2) of the proposed bill would, at the same time, redefine the phrase "agent of a foreign principal" to insure that that phrase covers persons who are either directly or indirectly subject to the direction or control of a foreign principal.

The proposed change would also substitute the phrase "combinations of persons" for the phrase "combinations of individuals," in order to extend the types of foreign associated entities covered by the definition of the term "foreign principal." Under section 1(a) of the act "the term 'person' includes an individual, partnership, association, corporation, organization, or any other combination of individuals."

*Section 1(2)* would amend section 1(c) of the act which contains the definition of the term "agent of a foreign principal." The section as amended would specify four categories of activities any of which would be a vital factor in creating the agency relationship. The extreme breadth of the existing definition appears to have been dictated by the prewar circumstances surrounding enactment of the law.

The proposed amendment would take into account the changed circumstances of the present day by requiring a showing not only of foreign connections but also of certain activities performed by the agent for foreign interests which are either political in nature or which are carried on in peculiarly sensitive areas in which the line between political and nonpolitical action is difficult to define.

Some of these activities are already covered in the existing law while some are not. The proposed amendment repeats the list of various types of relationships included in the definition of "agent of a foreign principal" under existing law, except that it excludes the word "attorney" as saying more about a particular agent's field of endeavor than about his relationship to his principal. The committee has approved an amendment suggested by the Department of Justice which will have the effect of establishing an agency relationship when a person engages in one of the enumerated activities and comes within either of these two categories: (1) is an agent, employee, representative, or servant of the foreign principal, or (2) acts at the order of, or is under the control of, a foreign principal. The definition, as originally drafted, could have created difficult enforcement problems not present under existing law, according to the Department, and the committee agreed that the change was desirable.

The proposed amendment would also make a number of changes in the definition of the term "agent of a foreign principal" as it relates to the problem of indirect control exerted by foreign principals over their agents. It would cover the possibility of more than one intermediate link in the chain, providing for cases where the relationship between the foreign principal and his intermediary is itself indirect. In situations where subsidies are used as a means of control over an agent, the proposed amendment would provide that a major portion of the funds of a given undertaking would have to be traceable to the foreign principal in order for the agent of the recipient to be required to register, unless he was exempt. The proposed amendment would make it clear that mere receipt of a bona fide subsidy not subjecting the recipient to the direction or control of the donor does not require the recipient of the subsidy to register as an agent of the donor. However, the amendment would insure, in order to curtail the use of subsidies as a means of avoiding the act's requirements, that where the foreign principal subsidizes a domestic person to the extent that the subsidy involves, as outlined above, direction and control of the activities subsidized, then the domestic person or group as well as any agents employed to carry out the functions subsidized will be treated as acting for the foreign principal.

Another change contemplated by the proposed amendment is the elimination from the definition of the term "agent of a foreign principal," of the separate category for military or governmental officials of foreign countries (sec. 1(c)(4) of existing law). Where such officials engage within the United States in the activities enumerated in the proposed bill, they would still be required to register under the general definition of the term "agent of a foreign principal" contained in the proposed amendments. Where such officials do not engage in such activities but are merely subject to the jurisdiction of the United States, no purpose appears to be served by requiring them to register with the Department of Justice.

Finally, the proposed amendment would continue the provision of existing law that an agency relationship be found to exist where a person has merely agreed to become an agent without entering upon his functions, or where the agent acts other than pursuant to contractual arrangements, or merely holds himself out as an agent of a foreign principal.

It should be noted at this point that neither the present act nor the proposed amendments require a person to register with the Attorney General merely because his efforts for his foreign principal bring him within the meaning of the definition "agent of a foreign principal." A person may be an agent, according to the definition, but exempt from registration under the provisions of section 3 of the act. For example, the activities of a "political consultant" on behalf of his foreign principal could be nonpolitical in nature and he would be exempt from registering. The nature of the activity performed for his principal is the determining factor as to whether an agent must register.

To summarize, the proposed amendment would not change existing law significantly, with respect to the definition of the terms "foreign principal" and "agent of a foreign principal." The proposed amendment would, however, make clear that the Justice Department must establish as a first step in requiring registration that an agency relation-

ship exists. Under existing law it is possible because of the broad scope of the definitions contained in section 1(c) to find an agency relationship (and thus the possibility of registration) of persons who are not, in fact, agents of foreign principals but whose acts may incidentally be of benefit to foreign interests, even though such acts are part of the normal exercise of those persons' own rights of free speech, petition, or assembly. This may have been desirable under conditions which existed when the Foreign Agents Registration Act was amended in 1942, but does not appear warranted in present circumstances.

*Section 1(4)* would amend section 1(g) of the act to confine the definition of the term "public relations counsel" to public relations activities pertaining to policy matters of concern to a foreign principal. It is the committee's view that under existing law the definition of the term "public relations counsel" is too broad. Other activities relating to such policy matters would be covered under the bill by the proposed definition of the term "political consultant" contained in section 1(5) of the proposed bill.

*Section 1(5)* would amend section 1 of the act by adding three new definitional subsections. The first and second of these subsections (proposed subsections 1(o) and 1(p) of the act) define the terms "political activities" and "political consultant," respectively, as those terms are used in the proposed amendments. Under the bill, persons engaging in political activities as agents of foreign principals would be required to register with the Department of Justice.

The definition of "political activities" in the bill as reported has been revised to make it more precise as an expression of the committee's intent concerning the types of activities which will require an agent of a foreign principal to register. The basic point of reference in determining whether an agent's efforts for his principal fall within the intent and meaning of the definition is the end objective of his activities. If the agent disseminates political propaganda or engages in any activity with the objective of influencing a Government agency or official, or any portion of the public with reference to—

(1) formulating, adopting, or changing the foreign or domestic policies of our Government, or

(2) the political or public interests, policies or relations of a foreign government or a foreign political party,

the agent is engaged in political activities and must register with the Department of Justice.

Both "political propaganda" and "dissemination" as used in the definition of political activities are already defined in section 1(j) of the act. The committee intends and understands that the word "agency," as it relates to divisions of the Government, refers to every unit in the legislative and executive branches of the Government, including congressional committees, and that the word "official" includes Members and officers of both Houses of Congress as well as officials in the executive branch. The term "formulating, adopting, or changing" is intended to include maintenance of the status quo as well as initiation of changes in existing policy.

The committee recognizes that the word "policies" as it is applied to operation of and contacts with the multilevel governmental decisionmaking process is susceptible to a number of interpretations. The committee's use of the word is intended to refer to matters within the purview of the legislative and executive branches of Gov-

ernment and not the judiciary, since the courts do not make "policy" as the term is used here but only interpret and apply existing policy as embodied in laws and regulations. "Policies" as used in this definition relates to existing and proposed legislation, or legislative action generally; treaties; executive agreements, proclamations, and orders; decisions relating to or affecting departmental policy, and the like. Measures of this nature all require decisionmaking at a level of government above those levels charged with the day-to-day administration of existing policies, consequently the use of the word "policies" would not include routine contacts by an agent of a foreign principal with a Government employee or official for the purpose of inquiring about current policies, or to seek administrative action on a matter where the basic policy is not in question.

The definition of the term "political consultant" would apply to persons engaged in advising their foreign principals with respect to political matters. However, a "political consultant" would not be required to register as an agent unless he engaged in political activities, as defined, for his foreign principal. A lawyer who advised his foreign client concerning the construction or application of an existing statute or regulation would be a "political consultant" under the definition, but unless the purpose of the advice was to effect a change in U.S. policy he would not be engaged in "political activities" and would be exempt from registering with the Department of Justice.

The phrase "political or public interests, policies, or relations," relating to activities on behalf of a foreign government or foreign political party, has been carried over from existing law. It is the committee's understanding that the phrase refers to matters which on the domestic governmental level would be called a policy matter, in the international context may be called questions concerning a country's foreign relations, and in the context of party politics may be termed matters involving the national interest. All of these facets of national policy, whether called policy matters, foreign relations, or matters of national interest, are to be distinguished from questions calling for decision at the level of government or of a political organization charged with the administration of existing laws, regulations, and other policies.

The third new definitional subsection added by section 1(5) (proposed subsection 1(q) of the act) embodies committee's amendment No. 1 to the Senate bill. This amendment clarifies the meaning of "activities not serving predominantly a foreign interest" as used in section 3(a) of the bill (proposed new sec. 3(d)(2) of the act). It exempts from registration persons engaging in activities in furtherance of the bona fide commercial activities of a domestic person engaged in substantial business here even though a foreign affiliate were also benefited, but only if three conditions are met: (1) the foreign affiliate must not be a foreign government or a foreign political party, (2) the activities must not be directed or subsidized in substantial part by a foreign government or a foreign political party, and (3) the identity of the foreign affiliate must be disclosed. It is believed that persons to whose activities objection was made in the Senate hearings would not be able to meet these requirements. Furthermore, persons acting under this exemption would still be agents of foreign principals and would still be prohibited from making political contri-

butions. This amendment is further discussed under "Exemptions" below.

### *Registration*

*Section 2(1)* would amend section 2(a) of the act by removing to section 6 of the act material relating to the transmittal of registration statements by the Attorney General to the Secretary of State; and by clarifying certain ambiguities in the present act as to the time when the obligation to file registration statements commences and terminates.

*Section 2(2)* would amend section 2(a)(3) of the act by requiring that agents reveal in their registration statements not only the extent to which their principal is controlled by a foreign government or foreign political party, as under existing law, but also whether their principal is controlled by another foreign principal and the identity of the ultimately controlling principal. Where the agent is unable to obtain this information from his principal, it is the committee's intent that the agent not be permitted to operate for an undisclosed principal.

*Sections 2(3) and 2(4)* would amend sections 2(a)(4) and 2(a)(6), respectively, by requiring that a separate, detailed statement be made by the agent as to political activities carried on by him. The detail would include, among other things, a statement of the foreign relations, interests, or policies to be influenced by the agent and a statement of the means to be employed in advancing this influence. Existing law does not clearly require a separate statement by an agent of those of his activities which are political in nature.

*Section 2(5)* would amend section 2(a) (7) to require certain information with respect to those persons, not themselves foreign principals, who are so related to a foreign principal that their agents when engaged in political activities in the interests of the principal are required to register under the act. For example, where a person is indirectly employed by a foreign principal this section would require him to disclose the nature of his relations with the intermediate employer.

The information required is basically the same as that required with respect to the identity, control, and financial arrangements entered into by a foreign principal who has employed an agent without the use of an intermediate employer.

*Section 2(6)* would amend section 2(a)(8) of the act, first, by requiring that the agent report the money or other things of value exchanged or disposed of in connection with his becoming the agent of his foreign principal as, for example, in the form of "kickbacks." Second, the amendment would require agents to report all political contributions made during a period from 60 days prior to their becoming an agent until the termination of their agency, other than contributions made on behalf of their principals; such contributions would be prohibited under section 8 of the bill.

The Senate Committee on Foreign Relations reported a practice among some agents of giving away valuable films, photographs, articles, exclusive interviews, etc., to the mass media and distributors for the purpose of inducing the recipient to distribute them further. This problem has not been dealt with by amendment to the act because it is the committee's belief that under existing law the disposition of such "things of value \* \* \* disposed of by the registrant" must be

reported in detail. The phrase "a detailed statement," as used in this subsection (as well as in a number of others in sec. 2) is intended by the committee to require that degree of specificity necessary to permit meaningful public evaluation of each of the significant steps taken to achieve the purposes of the agency. Where, for example, free trips are given to or arranged for newsmen or others by an agent interested in securing favorable news reports or impressions concerning his foreign principal, a detailed statement would require mention of the names of such travelers, along with the value, time, and object of the trip, so that readers, listeners, or film viewers would have available a source of information which could equip them to judge for themselves the objectivity of any resulting reports. But the committee again emphasizes that the basic responsibility for policing and preventing corruption of the mass media rests with media executives.

*Section 2(7)* would amend section 2 by adding a new subsection codifying what in some respects is existing practice in the administration of the act.

The Attorney General would be given specific authority to exempt (1) agents of foreign principals from being required to provide unnecessary information, and (2) wholly or partially from the registration requirements the partners, officers, or employees of a registered agent. The Attorney General will not have the authority to exempt a foreign agent from registering.

This provision is included to insure that agents and subagents are not required to provide information which serves no useful purpose in their particular case, which will keep the burden of registration at a minimum, consistent with carrying out the basic purposes of the act. It will also relieve the Department of what could be a heavy and unnecessary administrative burden from processing statements of subagents and studying detailed information from statements of agents when the material does not serve a useful public purpose.

#### *Exemptions*

*Section 3* would amend section 3(d) of the act to exempt from registration foreign agents engaging in private and nonpolitical activities with a bona fide commercial purpose, or in political activities when the activities do not serve predominantly a foreign interest. This subsection has been redrafted from the bill as introduced to make it more readable.

The existing provision, as modified by Congress in 1961, is too narrow to encompass all legitimate commercial activities of agents for their foreign principals.

The Department of Justice has interpreted the phrase "trade or commerce" as including services and the committee approves of that interpretation of the Congress' intent. The committee intends that the exemption as modified by this bill cover the normal professional activities of attorneys, engineers, architects, and other professional people with foreign clients, including foreign governments, so long as those activities do not constitute "political activities" as the term is used in the bill. A specific exemption for attorneys for representation of foreign clients in the courts and before administrative agencies is contained in a subsequent provision, but the day-to-day, routine activities of attorneys in advising and counseling with foreign clients will continue to be exempt under this section. When advice is given

or assistance is rendered with the intent to influence Government policy, the agent is engaged in a political activity and the exemption will not apply.

The committee has considered the desirability of eliminating the word "private" from the exemption. Language used by the Supreme Court last year in the decision of *Rabinowitz v. Kennedy* caused some uncertainty as to whether a foreign government could ever act in a private capacity within the meaning of the commercial exemption. The Department of Justice, as it was brought out in the hearings, recognizes that a foreign government can act in a private capacity for purposes of this act. The committee agrees with that view and has decided against eliminating the word because of possible difficulties that it might create in enforcing the act in situations where a commercial activity of a foreign agent promotes the political and public interests of the foreign governmental principal. Foreign governments engage in private activities of a commercial nature which may, or may not, involve political or policy matters, such as in the case of whole or partial ownership of shipping lines, airlines, and the like. In some cases where the interests of a foreign government are so closely related to a commercial enterprise or to one or two products, such as coffee or sugar, that there is obviously some direction or control from the foreign government, the agent's activities would of necessity promote the political and public interests of the foreign country. The commercial agents in this country for governments with state trading companies will also present administrative problems. Obviously, all commercial arrangements with state-owned enterprises will not come within the purview of the act and there will no doubt be an increase in agency relationships which qualify for the exemption in the event trade between the United States and Eastern Europe expands. Applicability of the exemption will have to be judged on the facts of each case, including the terms of the agency contract and the significance of the trade to the foreign country. It is expected that the Department of Justice will, by regulation, establish criteria to provide guidance to agents involved in commercial activities which are of direct or indirect interest to a foreign government.

The committee has retained the amendment adopted by the Senate that would exempt persons engaged or agreeing to engage only in "activities not serving predominantly a foreign interest," but has clarified the scope of the exemption. As stated in the Senate committee report, Senator Fulbright, in discussing the bill in the Senate, made clear the Senate committee's intent that the act's coverage of normal commercial activities of the international corporations, would not be extended by any of the proposed changes. However, a number of witnesses appearing before Subcommittee No. 3 complained that various definitions in S. 693, as passed by the Senate, are so broad that they could require attorneys and others, including representatives of international business firms, to register as foreign agents in order to contact Government officials concerning matters of normal commercial interest to their companies.

While there has been general agreement that registration of such persons is not and should not be the purpose of the Foreign Agents Registration Act, the problem has been to develop appropriate amendments to the pending legislation which would exempt bona fide, legitimate business representation without at the same time exempting the kinds of improper activities by representatives of foreign interests

which were highlighted in hearings before the Senate Foreign Relations Committee.

Committee Amendment No. 1, which would become section 1(q) of the act, would accomplish these purposes. It would meet the problems which S. 693 now poses for legitimate representatives of U.S. companies with international operations while continuing to require registration by the sugar lobbyists and others singled out in the Senate inquiry.

Section 3(d) of the act, as amended by the Senate bill, exempts from registration (1) any person engaged in private and nonpolitical activities in furtherance of bona fide trade or commerce of a foreign principal, and (2) any person engaged in other activities (i.e., political activities, as broadly defined in the bill) provided these activities do not serve predominantly a foreign interest.

As witnesses pointed out in their testimony, a large proportion of business contacts with Government officials may encompass "political activities" as that term is broadly defined in the bill; and under these circumstances, representatives of international business firms would frequently be hard put to determine with any degree of certainty whether the "predominant interest" in their discussions rests with a domestic company or with its foreign affiliate. This is particularly true because the term "predominant interest" is not defined in the Senate bill. As a practical matter, any time a U.S. company undertakes discussion of its international operations, there is certain to be a commingling of the interests of the U.S. firm and its foreign affiliate.

Committee Amendment No. 1 clarifies what is meant by the term "other (i.e., political) activities not serving predominantly a foreign interest," as contained in S. 693 as it passed the Senate. It states, in effect, that such activities will be exempt from registration provided they advance the commercial, industrial or financial interests of a domestic person engaged in substantial business in the United States. If the activities do serve the interests of such a domestic firm, however, the amendment clarifies the intent that the exemption shall not be lost merely because the activities also assist a foreign subsidiary or a foreign parent of the U.S. company.

Under the amendment registration would still be required if the foreign principal is a foreign government or foreign political party or if the activities in question are directly or indirectly supervised, directed, controlled, financed or subsidized in whole or in substantial part by a foreign government or foreign political party.

Because the exemption is available only for activities in furtherance of domestic persons engaged in substantial business activities in the United States, it would not exempt the foreign sugar lobbyists or others whose conduct was criticized as a result of the Senate hearings from the obligation to register with the Justice Department. This is because such foreign sugar companies and others were not engaged in substantial business activities in this country; their operations were almost entirely foreign and their interest in the United States was solely as a market for their products.

Furthermore, the committee believes that a substantial proportion of the foreign sugar lobbyists and other witnesses involved in the Senate inquiry would not qualify for the exemption because the foreign firms involved were, or the activities in their interest were "directly or indirectly supervised, directed, controlled, financed or subsidized in

whole or in substantial part by," a foreign government or a foreign political party. Thus the committee believes that most of the foreign lobbyists who were the objective of this legislation would fail to qualify for exemption under the amendment on two grounds—and that all would fail on at least one ground.

But even if some unethical foreign representative happened to fit within the exemption from registration, it is important to understand that he would still be subject to certain provisions of the bill, including one of the most important restrictions imposed by the Senate. A key provision of the act is the prohibition it imposes on political contributions by foreign agents on behalf of their foreign principals. This provision (sec. 613 to be added to title 18, United States Code) is not contingent upon registration; it applies to all who fall within the definition of "agent of a foreign principal" and would in no way be affected by the proposed amendment.

In short, the amendment would provide an exemption only from registration and would be available solely for activities which further the bona fide business interests of domestic persons engaged in substantial commercial, industrial, or financial activity in this country. The distinction between such activities and those undertaken on behalf of persons who have no substantial U.S. commercial operations seems a legitimate and workable distinction to be drawn in an act of this kind.

Finally, it should be emphasized that the exemption is not absolute, but is conditioned upon disclosure to the agency or official with whom the activities are conducted of the identity of the foreign person whose interests the activities benefit.

Section 3(g) of the act as proposed to be amended by the Senate bill, would read as follows:

(g) Any attorney whose activities are confined to openly representing, as an attorney of record, the interests of a disclosed foreign principal before any court or administrative agency of the United States, or of any State or political subdivision thereof.

Witnesses before the subcommittee, though basically in agreement with section 3(g) of the act as proposed by S. 693, objected to the following language in the Senate committee report:

This exemption is not intended to be applicable to appearances before Government agencies generally but only to appearances before agencies where decisions are made on the basis of established formal legal proceedings, such as the Federal Trade Commission, or where disclosure is required as a matter of course in the representation, such as the processing of a registration statement with the Securities and Exchange Commission. It is not intended to cover matters coming before the regular departments involving a policy decision as, for example, in the case of sugar import quotas in the Department of Agriculture.

The committee finds merit in the objection, intending that the exemption accorded attorneys at law should be broad enough to cover legal representation even when the proceedings or the activities involved are informal. Committee Amendment No. 2 effectuates this intent. The test of the exemption would be legal

representation. An attorney would still be precluded from using the case or proceeding as a vehicle for generating propaganda for his principal. If the attorney's activities outside the courtroom or hearing room go beyond the bounds of normal legal representation of his client's case and amount to efforts to influence public opinion, his activities become political activities and the exemption does not apply. What is more, the exemption would be conditioned on disclosure to the agency or official concerned of the fact of representation and the identity of the foreign principal.

#### *Labeling of propaganda*

*Section 4(1)* would amend section 4(a) of the act, first, to require the filing of political propaganda disseminated by the agent only when the propaganda is for or in the interests of the agent's foreign principal. As presently written, the act requires both the filing and labeling of all propaganda disseminated by a person who is an agent of a foreign principal whether or not the propaganda is for or in the interests of the foreign principal. Second, the amendment would eliminate the need for filing the propaganda with both the Department of Justice and the Librarian of Congress. The requirement to file propaganda with the Department of Justice would be continued.

*Section 4(2)* would amend section 4(b) of the act, first, to require the labeling of political propaganda only when the propaganda is for or in the interests of the foreign principal. Second, the proposed amendment would require the agent to indicate on the label used with the propaganda the connection or relationship between himself and the propaganda.

*Section 4(3)* would amend section 4(c) of the act by providing that arrangements for public inspection of propaganda filed by agents be placed in the hands of the Department of Justice thereby making it possible for the Department to arrange for public inspection of both the registration statements and propaganda of agents at the same time and place. Under existing law, the Librarian of Congress has the responsibility for making available for public inspection propaganda filed by foreign agents.

*Section 4(4)* would amend section 4 by adding two new subsections requiring registered agents to disclose their identity in dealings with officials and agencies of the Government.

The first new subsection would require disclosure of the capacity of an agent and the identity of his principal in any case in which the agent either transmits political propaganda to, or requests information on a policy matter from, any agency or official of the Government. The new subsection would not make it a prerequisite of such disclosure that the request or propaganda be carried by the mails or in interstate commerce as required for the labeling of propaganda under section 4(b) of the act.

The second new subsection would require an agent to furnish a copy of his most recently filed registration statement or supplement thereto together with amendments to any congressional committee before which the agent appears, whether or not pursuant to the request of the committee, for the purpose of giving testimony for or in the interests of his foreign principal. The statement would then be required to be made a part of the agent's testimony as a witness before the committee.

*Accounting methods*

*Section 5* would amend section 5 of the act by conferring on the Attorney General authority to prescribe by regulations accounting and other business practices for agents of foreign principals which will facilitate these agents' compliance with the requirements of detailed and comprehensive disclosure required by section 2 of the act. The adoption of cost accounting principles or other accounting principles, for example, might well facilitate compliance with the requirements of a detailed statement of disbursements.

*Use of statements and propaganda filed*

*Section 6* would amend section 6 of the act by adding two new subsections relating to the dissemination by the Attorney General of statements and propaganda filed with him by agents of foreign principals.

The first new subsection would require the Attorney General to transmit to the Secretary of State not only the initial registration statement, as under existing law, but, in addition, supplemental and amendatory statements and propaganda filed with him by agents. The Secretary of State would be authorized to comment on these statements and to make such use of them and the related material as seems appropriate from the standpoint of the Nation's foreign relations. This, for example, would enable the Secretary of State to make American embassies and other missions more fully informed of the activities of agents of foreign principals.

The second new subsection would authorize the Attorney General to forward copies of statements and propaganda received by him to other branches, agencies, and officials of the Government, as appropriate. It would, for example, be appropriate in light of the purposes of the act for such statements and propaganda to be forwarded to specific agencies named in the statements as the object of the agent's political activities or to congressional committees concerned with legislation which, according to the material filed by the agent, is the subject of his interest.

*Penalties*

*Section 7(1)* would amend section 8(1) of the act by making failures by an agent to disclose his identity in the course of his political activities as required by the act a misdemeanor instead of a felony as under existing law. It would also be only a misdemeanor for a person to continue to act as an agent 10 days after notification by the Attorney General that his registration statement was deficient. The lesser punishment would also apply when an agent was a party to a contract with his foreign principal when the fee was contingent on success of the agent's political activities. Willful violation of the remaining provisions of the act and the implementing regulations would continue to constitute a felony as under existing law.

*Injunctive remedy*

*Section 7(2)* would amend section 8 of the act by adding three new subsections.

The first new subsection would provide the Department of Justice with an injunctive remedy as a means of securing enforcement of the act in addition to the present criminal sanctions.

The second new subsection would make it a misdemeanor to act as an agent 10 days after having been notified by the Attorney General

that a registration statement (as that term is defined in the act) is deficient unless an amendatory statement is filed correcting the deficiency.

The third new subsection would make it unlawful for an agent to be a party to any contingent free arrangement with respect to political activities of the agent for or in the interests of his principal.

#### *Political contributions*

*Section 8(a)* would amend chapter 29 of United States Code, title 18, by adding a new section relating to political contributions by agents of foreign principals.

The new section would prohibit such agents from making or promising to make in their capacity as agents contributions in connection with any election to any political office or in connection with any primary election, convention, or caucus to select candidates.

It would likewise prohibit the solicitation, acceptance, or receipt of such contributions and would make both offenses felonies.

The new section would specifically define the term "foreign principal" to have the same meaning as that given in the Foreign Agents Registration Act of 1938, as amended, except that it would not include U.S. citizens domiciled abroad.

The term "agent of a foreign principal" as used in this section would include any person acting under the direction or control of a foreign principal, or as an agent, representative, employee, servant, or at the order or request of a foreign principal whether or not engaged in the activities specified in the Foreign Agents Registration Act of 1938, as amended, as prerequisite to registration under that act.

#### *Conflict of interest*

*Section 8(b)* would amend chapter 11 of the United States Code, title 18, by adding a new section relating to conflicts of interest involving foreign agents.

The new section would make it a felony for any agent of a foreign principal required to register under the Foreign Agents Registration Act of 1938 to act as an officer or employee of the U.S. Government or any agency thereof.

The section would except from its prohibition any agent whose employment was certified as required in the national interest by the head of the employing agency. Any such certificate would be made a part of the public records relating to the agent on file with the Department of Justice.

#### *Effective date*

*Section 9* would provide that the effective date of the proposed amendments would follow by 90 days the enactment of the proposed bill.

#### DEPARTMENTAL REPORTS

Attached hereto and made part of this report are departmental reports on the subject legislation received from the Department of State, the Department of the Navy on behalf of the Department of Defense, the Department of Justice, the Department of Commerce, and the Agency for International Development.

DEPARTMENT OF STATE,  
Washington, February 24, 1965.

HON. EMANUEL CELLER,  
*Chairman, Committee on the Judiciary,*  
*House of Representatives.*

DEAR MR. CHAIRMAN: This is in response to your request for the comments of the Department of State on H.R. 290. This bill would amend the Foreign Agents Registration Act of 1938, as amended, in a number of significant respects.

First, it would substantially revise the definitions employed in the act (sec. 1). Second, it would provide several additional registration requirements (sec. 2). Third, it would broaden the labeling requirements and make the Department of Justice rather than the Library of Congress the recipient of copies of propaganda filed under the act (sec. 4). Fourth, it would require the Department of Justice to send to the Department of State every registration statement, supplement, amendment, and piece of political propaganda submitted by an agent of a foreign principal (sec. 6). Fifth, the penalties for violations of the act would be reduced in certain cases (sec. 7(1)). Sixth, it would empower the Attorney General to seek, and a court to grant, an injunction of restraining order in certain cases (sec. 7(2)). Seventh, it would make unlawful contingent fee contracts between a foreign principal and his agent which are dependent upon the success of political activities (sec. 7(2)). Eighth, it would make unlawful political contributions by agents of certain foreign principals in behalf of such principals (18 U.S.C. 613). Finally, it would make unlawful the representation of a foreign principal by an employee of the U.S. Government unless the head of the employing agency certifies that such employment is required in the national interest (18 U.S.C. 219). Sections 3 and 5 of the Foreign Agents Registration Act would also be amended in minor respects.

The Department supports this bill in its entirety.

The Bureau of the Budget advises that from the standpoint of the administration's program, there is no objection to the submission of this report.

Sincerely yours,

ROBERT E. LEE,  
*Acting Assistant Secretary for Congressional Relations.*

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DEPARTMENT OF THE NAVY,  
OFFICE OF LEGISLATIVE AFFAIRS,  
Washington, D.C., February 3, 1966.

HON. EMANUEL CELLER,  
*Chairman, Committee on the Judiciary,*  
*House of Representatives, Washington, D.C.*

MY DEAR MR. CHAIRMAN: Your request for comment on S. 693, an act, and H.R. 290, a bill "To amend the Foreign Agents Registration Act of 1938, as amended," has been assigned to this Department by the Secretary of Defense for the preparation of a report thereon expressing the views of the Department of Defense. Hereafter, use of the term "bill" embraces both subject documents.

The main purpose of this bill is to require complete public disclosure by persons acting for or in the interests of foreign principals

when their activities are political in nature or border on the political. To this end, the bill would bring political activities and political consultants within the coverage of the Foreign Agents Registration Act of 1938, as amended (22 U.S.C. 611-621).

The amendments proposed by subject bill are generally perfective in nature and relate to further definition of the terms "foreign principal," "political activities," and "political consultant."

Also changed and delineated are the duties of an agent of a foreign principal with respect to the filing of registration statements, the labeling of political propaganda and the exemption from registration of certain agents of foreign principals when the Attorney General determines, with due regard for national security and the public interest, that the nature of the activities of such a person do not require compliance with the act.

Another change makes it unlawful to transmit, convey, or otherwise furnish to or request from, any agency or official of the Government, any information or advice, of a nature therein described, unless the propaganda or request is clearly labeled as emanating from an agent of a foreign principal registered under the act. In this connection also, the bill requires, as a condition precedent to appearance before any committee of Congress in the interests of a foreign principal, that an agent furnish to the committee for inclusion in the record, a copy of his most recent registration statement filed with the Department of Justice.

This bill requires that the Attorney General furnish the Secretary of State, for such use as he determines to be appropriate in view of the foreign relations of the United States, one copy of each registration statement, each change or amendment thereto and each item of political propaganda submitted to the former under the act.

The Attorney General is further authorized to furnish to departments or agencies of the executive branch and committees of Congress, such information obtained by him in the administration of the act as may be appropriate in the light of its intended purposes.

A provision is added which would provide for a lesser penalty for willful violations of certain sections added to the act by this bill. An additional amendment sets forth the procedures which enable the Attorney General to use, when in his judgment a violation of the act occurs or is about to occur, an appropriate U.S. district court to obtain an injunction or restraining order enjoining any agent from continuing to act for a foreign principal, or to require any agent to comply with an appropriate provision of the act. District courts so applied to are stated to have the necessary authority to act and such applications by the Attorney General shall be made preferred causes.

Subject bill makes it unlawful for an agent of a foreign principal, in receipt of notification by the Attorney General of a deficiency in such agent's statement, to act without filing, within 10 days, a proper amendment to such statement. It is also unlawful for an agent of a foreign principal to act if remuneration is contingent in any manner upon the success of the political actions of such agent.

This bill also adds a new section to chapter 29 of 18 U.S.C. The amendment makes it a crime for an agent of a foreign principal to make any contribution with respect to election proceedings. The criminal sanctions apply equally to the recipient as well as the contributor.

Additional amendments to this section are perfective in nature, defining the terms "agent of a foreign principal" and "foreign principal."

Section 8 of the bill would add to chapter 11 of title 18, United States Code, a new section providing in part:

"§ 219. Officers and employees acting as agents of foreign principals

"Whoever, *being an officer or employee of the United States* in the executive, legislative, or judicial branch of the Government or in any agency of the United States, including the District of Columbia, is or acts as an agent of a foreign principal required to register under the Foreign Agents Registration Act of 1938, as amended, shall be fined not more than \$10,000 or imprisoned for not more than two years, or both \* \* \*." [Emphasis supplied.]

Agents of foreign principals required to register with the Attorney General under the Foreign Agents Registration Act of 1938 (22 U.S.C. 611-621), as amended by S. 693 and H.R. 290, would include persons acting in the interests of foreign governments, foreign political parties, foreign associations, and, in general, persons outside the United States, in political activities, fund collecting or dispensing, public relations or political counseling, and representation before agencies or officials of the United States.

A retired regular officer of the Armed Forces generally has been held to hold an office under the United States and to be an officer of the United States (*Morgenthau v. Barrett*, App. D.C. 1939, 108 F. 2d 481, 71 App. D.C. 148, cert. denied 60 S. Ct. 615, 309 U.S. 672, 84 L. Ed. 1017; 29 Op. Atty. Gen. 397 (1912)). For some purposes, Congress has provided that a Reserve officer not serving on active duty is not considered to be an officer of the United States (5 U.S.C. 30r(d)); however, it is not certain how far that exclusion may go. It appears that retired Reserve officers are subject to the constitutional restriction upon a person who holds an office under the United States (U.S. Const. art. 1, sec. 9, cl. 8) with respect to acceptance of emoluments from a foreign state (41 Comp. Gen. 715). Although retired enlisted members are not generally regarded as being officers or as holding an office, they are so regarded for some purposes (e.g., 31 U.S.C. 82a-1; 31 U.S.C. 95a; Comp. Gen. Dec. B-154213 of September 11, 1964; id. B-155038 of October 23, 1964). It cannot safely be concluded that any retired member of the uniformed services could successfully claim a status placing him outside the terms of proposed new 18 U.S.C. 219.

It is conceivable, for example, that a retired Navy law specialist who represents a foreign corporation or individual in judicial or administrative proceedings, or otherwise as described in S. 693 or H.R. 290, would be held to come within the purview of the penal statute. In fact, the threat of criminal prosecution would hang over any retired member who accepted employment with a "foreign principal." The law would make the employment itself illegal though the relationship and work done might be completely innocent of any conflicts of interests.

The purpose of the proposed new 18 U.S.C. 219 seems clear—to prevent a person holding a Federal office from using the influence of that office to gain favorable results for a foreign principal. The proposal would not prohibit a former officer or employee from acting as agent for a foreign principal, provided the agent registered as such. It seems, therefore, that the bill is not aimed at activities of retired

personnel of the uniformed services. If this be correct, it is recommended that the following sentence be added at the end of proposed new section 219 of title 18, United States Code:

For the purpose of this section, a retired member of a uniformed service of the United States, while not on active duty, shall not be considered an "officer or employee of the United States" solely by reason of his status as a retired member.

Subject to the foregoing, the Department of the Navy, on behalf of the Department of Defense, has no objection to the enactment of S. 693 and H.R. 290.

This report has been coordinated within the Department of Defense in accordance with procedures prescribed by the Secretary of Defense.

The Bureau of the Budget advises that, from the standpoint of the administration's program, there is no objection to the presentation of this report on S. 693 and H.R. 290 for the consideration of the committee.

For the Secretary of the Navy.

Sincerely yours,

M. K. DISNEY,  
*Captain, U.S. Navy, Director, Legislative Division.*

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DEPARTMENT OF JUSTICE,  
OFFICE OF THE DEPUTY ATTORNEY GENERAL,  
*Washington, D.C., September 1, 1964.*

HON. EMANUEL CELLER,  
*Chairman, Committee on the Judiciary,  
House of Representatives,  
Washington, D.C.*

DEAR MR. CHAIRMAN: This is in response to your request for the views of the Department of Justice on the bill (S. 2136) to amend the Foreign Agents Registration Act of 1938, as amended.

As indicated in the report of the Senate Judiciary Committee (S. Rept. 875, 88th Cong.) the principal purpose of this legislation is to strengthen the Foreign Agents Registration Act of 1938 so as better to effectuate its basic purposes. The Senate report, together with the debate on the floor of the Senate immediately prior to the passage of the bill on July 6 (Congressional Record, July 6, 1964, pp. 15485-15495, 15498-15499) set forth the major provisions of the bill.

As I advised the Senate Committee on Foreign Relations in my report of November 18, 1963, it is the view of the Department of Justice that this bill will strengthen the administration and enforcement of the Foreign Agents Registration Act. However, in the same report I called the attention of that committee to certain reservations which the Department of Justice had to the proposed amendments to parts of the definition section of the act (secs. 1(b) and (c)), and its filing and labeling provisions (secs. 4(a) and (b)). I call these reservations to your attention.

Under existing law the Government is required to submit proof of an agent's relationship to his foreign principal and to his activities; it is not required to prove that such activities are being conducted "at the order, request, or under the direction or control of" the foreign

principal. To require this, as does S. 2136, weakens the act by placing an unreasonable burden upon the Government. The effect of the change is illustrated by the following hypothetical case. Under the existing law, if a person within the United States solicits funds for Communist China he is an "agent of a foreign principal" and would be required to register and to file and label any political propaganda he disseminates; as proposed to be amended, to establish agency the Government would be required to prove not only the solicitation for Communist China but the fact that such solicitation was being done "at the order, request, or under the direction or control" of the foreign principal.

In its present form, section 4 of the act requires the filing and labeling of "any" political propaganda disseminated by an agent of a foreign principal. As proposed to be amended, the agent would be required to file and label only upon a showing that the dissemination was "for or in the interests of such foreign principal." Such a change provides a loophole for an agent to avoid the filing and labeling provisions of the act under the claim that the dissemination was done in his own interests rather than in the interest of the foreign principal. The exchange of correspondence between Mr. Harold Riegelman, a New York attorney, and the Department of Justice, printed on page 139 of part 1 of the hearings conducted by the Senate Committee on Foreign Relations in 1963, and the statement by Dr. Martin Camacho, chairman of the Portuguese-American Committee, on page 980 of part 8 of the same hearings, highlight the problem to which we refer.

As reported by the Senate Committee on Foreign Relations, the words "financial or mercantile" would be deleted from section 3(d) of the act. When the bill was before the Senate a further amendment to section 3(d), which inserted after the words "foreign principal" the words "or other activities not serving predominantly a foreign interest" was adopted. Although the Department of Justice has no objection to the purpose of the amendment, to eliminate any ambiguity as to its effect it is suggested that the words "private and nonpolitical" be inserted immediately after "other". The pertinent part of section 3(d) would then read:

Any person engaging or agreeing to engage only in private and nonpolitical activities in furtherance of the bona fide trade or commerce of such foreign principal or other private and nonpolitical activities not serving predominantly a foreign interest \* \* \*.

In summary, although the Department of Justice recommends the enactment of this bill, consideration of the above observations and recommendation is urged upon this committee.

The Bureau of the Budget has advised that there is no objection to the submission of this report from the standpoint of the administration's program.

Sincerely,

NICHOLAS DEB. KATZENBACH,  
*Deputy Attorney General.*

GENERAL COUNSEL OF THE DEPARTMENT OF COMMERCE,  
*Washington, D.C., September 1, 1965.*

HON. EMANUEL CELLER,  
*Chairman, Committee on the Judiciary,  
 House of Representatives, Washington, D.C.*

DEAR MR. CHAIRMAN: This is in further reply to your request for the views of this Department concerning H.R. 290, a bill to amend the Foreign Agents Registration Act of 1938, as amended.

H.R. 290 would make a number of changes in the Foreign Agents Registration Act as applied to political and semipolitical activities of agents of foreign principals.

The bill would not abridge the present exemption for certain business-oriented activities of agents of foreign principals. Section 3 of H.R. 290 appears to solve certain problems which have arisen concerning legal services, and it also extends the present exemption to "other activities not serving predominantly a foreign interest."

In view of the above, this Department expresses no opinion on H.R. 290.

We have been advised by the Bureau of the Budget that there would be no objection to the submission of our report from the standpoint of the administration's program.

Sincerely,

ROBERT E. GILES, *General Counsel.*

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DEPARTMENT OF STATE,  
 AGENCY FOR INTERNATIONAL DEVELOPMENT,  
*Washington, D.C., March 12, 1965.*

HON. EMANUEL CELLER,  
*Chairman, Committee on the Judiciary,  
 House of Representatives,  
 Washington, D.C.*

DEAR MR. CHAIRMAN: Thank you for giving the Agency for International Development an opportunity to comment on H.R. 290, a bill to amend the Foreign Agents Registration Act of 1938, as amended.

This Agency concurs with the purposes of H.R. 290 and has no objection to the specific provisions of the bill.

The Bureau of the Budget has advised that it has no objection to the submission of this response.

Sincerely yours,

WILLIAM C. GIBBONS,  
*Director, Congressional Liaison.*

## CHANGES IN EXISTING LAW

In compliance with clause 3 of rule XIII of the House of Representatives, there is printed below in roman existing law in which no change is proposed by the bill as here reported, with matter proposed to be stricken by the bill as here reported enclosed in black brackets; new language proposed by the bill as here reported is printed in italic:

**The Foreign Agents Registration Act of 1938, as amended**

AN ACT To require the registration of certain persons employed by agencies to disseminate propaganda in the United States and for other purposes

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That 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

SEC. 1. As used in and for the purposes of this Act—

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

[(b) The term "foreign principal" includes—

[(5) a government 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 subsection;

[(3) a person outside of the United States, unless it is established that such person is an individual and 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 shall limit the operation of clause (5) of this subsection;

[(4) 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 foreign principal defined in clause (1), (3), or (4) of this subsection;

[(6) a domestic partnership, association, corporation, organization, or other combination of individuals, supervised, directed, controlled, or financed, in whole or in substantial part, by any foreign government or foreign political party;.]

(b) The term "foreign principal" includes—

- (1) a government of a foreign country and a foreign political party;
- (2) a person outside the United States, unless it is established that such person is an individual and a citizen of and domiciled within the United States, or that such person is not an individual and 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; and
- (3) a partnership, association, corporation, organization, or other combination of persons organized under the laws of or having its principal place of business in a foreign country.

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

[(1) any person who acts 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, a public-relations counsel, publicity agent, information-service employee, servant, agent, representative, or attorney for a foreign principal;

[(2) any person who within the United States collects information for or reports information to a foreign principal; who with 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 subsection;

[(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 subsection (b) of this section, or who is an officer of or employed by any such foreign principal; and proof of any affiliation or employment, specified in this clause, of any person within a period of five years previous to the effective date of this Act shall create a rebuttal presumption that such person is an agent of a foreign principal.]

(c) Except as provided in subsection (d) hereof, the term "agent of a foreign principal" means—

(1) any person who acts as an agent, representative, employee, or servant, or any person who acts in any other capacity at the order, request, or under the direction or control, of a foreign principal or of a person any of whose activities are directly or indirectly supervised, directed, controlled, financed, or subsidized in whole or in major part by a foreign principal, and who directly or through any other person—

(i) engages within the United States in political activities for or in the interests of such foreign principal;

(ii) acts within the United States as a public relations counsel, publicity agent, information-service employee or political consultant for or in the interests of such foreign principal;

(iii) within the United States solicits, collects, disburses, or dispenses contributions, loans, money, or other things of value for or in the interest of such foreign principal; or

(iv) *within the United States represents the interests of such foreign principal before any agency or official of the Government of the United States; and*

(2) *any person who agrees, consents, assumes or purports to act as, or who is or holds himself out to be, whether or not pursuant to contractual relationship, an agent of a foreign principal as defined in clause (1) of this subsection.*

(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 activity, 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 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 groups 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;

(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 *public relations* matter pertaining to political or public interests, policies, or relations *of such principal*;

(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 publications 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, indus-

trial, 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 dissensions, 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 subsection 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) The term "United States", when used in a geographical sense, includes the several States, the District of Columbia, the Territories, the Canal Zone, the insular possessions, 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 type-writer;

(o) *The term "political activities" means the dissemination of political propaganda and any other activity which the person engaging therein believes will, or which he intends to, prevail upon, indoctrinate, convert, induce, persuade, or in any other way influence any agency or official of*

the Government of the United States or any section of the public within the United States with reference to formulating, adopting, or changing the domestic or foreign policies of the United States or with reference to the political or public interests, policies, or relations of a government of a foreign country or a foreign political party;

(p) The term "political consultant" means any person who engages in informing or advising any other person with reference to the domestic or foreign policies of the United States or the political or public interests, policies, or relations of a foreign country or of a foreign political party;

(q) For the purpose of section 3(d) hereof, activities in furtherance of the bona fide commercial, industrial, or financial interests of a domestic person engaged in substantial commercial, industrial, or financial activities in the United States shall not be deemed to serve predominantly a foreign interest because such activities also benefit the interests of a foreign person engaged in bona fide trade or commerce which is owned or controlled by, or which owns or controls, such domestic person: Provided, That such foreign person is not, and such activities are not directly or indirectly supervised, directed, controlled, financed, or subsidized in whole or in substantial part by, a government of a foreign country or a foreign political party: And provided further, That the identity of such foreign person is disclosed to the agency or official of the United States with whom such activities are conducted.

#### REGISTRATION STATEMENT; FILING; CONTENTS

SEC. 2. (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 sections 2(a) and 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 subchapter 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 subchapter. The obligation of an agent of a foreign principal to file a registration statement shall, after the tenth day of his becoming or acting as such agent, continue from day to day, and discontinuance of such activity shall not relieve such agent from his obligation to file a registration statement for the period during which he acted within the United States as an agent of a foreign principal.] *Except as hereinafter provided, every person who becomes an agent of a foreign principal 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. The obligation of an agent of a foreign principal to file a registration statement shall, after the tenth day of his becoming such agent, continue from day to day, and termination of such status shall not relieve such agent from his obligation to file a registration statement for the period during which he was an agent of a foreign principal. The registration statement shall*

include the following, which shall be regarded as material for the purposes of this Act:

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

(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 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;

(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 [ ]; or by any other foreign principal;

(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 [ ]; including a detailed statement of any such activity which is a political activity;

(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 [ ]; including a detailed statement of any such activity which is a political activity;

[(7) The name, business, and residence addresses, and, if an individual, the nationality, or 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 the subsection and the amount or value of the same;】

(7) *The name, business, and residence addresses, and if an individual, the nationality, of any person other than a foreign principal for whom the registrant is acting, assuming or purporting to act or has agreed to act under such circumstances as require his registration hereunder; the extent to which each such person is supervised, directed, owned, controlled, financed, or subsidized, in whole or in part, by any government of a foreign country or foreign political party or by any other foreign principal; and the nature and amount of contributions, income, money, or thing of value, if any, that the registrant has received during the preceding sixty days from each such person in connection with any of the activities referred to in clause (6) of this subsection, either as compensation or for disbursement or otherwise, and the form and time of each such payment and from whom received;*

【(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;】

(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 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 or in connection with any activities relating to his becoming an agent of such principal, and a detailed statement of any contributions of money or other things of value made by him during the preceding sixty days (other than contributions the making of which is prohibited under the terms of section 613 of title 18, United States Code) in connection with an election to any political office or in connection with any primary election, convention, or caucus held to select candidates for any political office;*

(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 subchapter 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) Every agent of a foreign principal who has filed a registration statement required by subsection (a) of this section shall, within thirty days after the expiration of each period of six months succeeding such filing, file with the Attorney General a supplement thereto under oath, on a form prescribed by the Attorney General, which shall set forth with respect to such preceding six months' period such facts as the Attorney General, having due regard for the national security

and the public interest, may deem necessary to make the information required under this section accurate, complete, and current with respect to such period. In connection with the information furnished under clauses (3), (4), (6), and (9) of subsection (a) of this section, 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 subchapter, 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 the 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 subchapter 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 subchapter, 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, had 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).

(f) *The Attorney General may, by regulation, provide for the exemption—*

*(1) from registration, or from the requirement of furnishing any of the information required by this section, of any person who is listed as a partner, officer, director, or employee in the registration statement filed by an agent of a foreign principal under this Act, and*

*(2) from the requirement of furnishing any of the information required by this section of any agent of a foreign principal, where by reason of the nature of the functions or activities of such person the Attorney General, having due regard for the national security and the public interest, determines that such registration, or the furnishing of such information, as the case may be, is not necessary to carry out the purposes of this Act.*

## EXEMPTIONS

SEC. 3. The requirements of section 2(a) hereof shall not apply to the following agents of foreign principals:

(a) A duly accredited diplomatic or consular officer of a foreign government who is so recognized by the Department of State, 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, who is not a public-relations counsel, 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, 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, other than a public-relations counsel, 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, 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 engaging or agreeing to engage only in private and nonpolitical financial or mercantile activities in furtherance of the bona fide trade or commerce of such foreign principal 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 the 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;]

*(d) Any person engaging or agreeing to engage only (1) in private and nonpolitical activities in furtherance of the bona fide trade or commerce of such foreign principal; or (2) in other activities not serving predominantly a foreign interest; or (3) 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. 4), and such rules and regulations as may be prescribed thereunder;*

(e) Any person 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 Govern-

ment 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;

(g) *Any person qualified to practice law, insofar as he engages or agrees to engage in the legal representation of a foreign principal before any court of law or any agency or official of the Government of the United States (other than a Member or committee of either House of Congress): Provided, That in representing the interests of such foreign principal before any such agency or official the fact of such representation and the identity of such foreign principal shall be disclosed to the agency or official concerned.*

#### 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 *for or in the interests of such foreign principal* (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] *file with the Attorney General two copies 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 *for or in the interests of such foreign principal* (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 *the relationship or connection between the person transmitting the political propaganda or causing it to*

*be transmitted and such propaganda; that the person transmitting such political propaganda or causing it to be transmitted is registered under this subchapter 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] such foreign principal; 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 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 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] filed with the Attorney General 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 3 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 12 of the Act of June 15, 1917 (40 Stat. 230).*

*Notwithstanding the provisions of section 305 of Title 3 of the Act of June 17, 1930 (46 Stat. 688), and of section 1 of Title 12 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.*

(e) *It shall be unlawful for any person within the United States who is an agent of a foreign principal required to register under the provisions of this Act to transmit, convey, or otherwise furnish to any agency or official of the Government (including a Member or committee of either House of Congress) for or in the interests of such foreign principal any political propaganda or to request from any such agency or official for or in the interests of such foreign principal any information or advice with respect to any matter pertaining to the political or public interests, policies or relations of a foreign country or of a political party or pertaining to the foreign or domestic policies of the United States unless the propaganda or the request is prefaced or accompanied by a true and accurate statement to the effect that such person is registered as an agent of such foreign principal under this Act.*

(f) *Whenever any agent of a foreign principal required to register under this Act appears before any committee of Congress to testify for or in the interests of such foreign principal, he shall, at the time of such appearance, furnish the committee with a copy of his most recent registration statement filed with the Department of Justice as an agent of such*

*foreign principal for inclusion in the records of the committee as part of his testimony.*

## 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, *in accordance with such business and accounting practices*, 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. 6. (a) The Attorney General shall retain in permanent form one copy of all registration statements and all statements concerning the distribution of political propaganda furnished under this Act, and the same shall be public records and open to public examination and inspection at such reasonable hours, under such regulations, as the 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. The Attorney General may withdraw from public examination the registration statement and other statements of any agent of a foreign principal whose activities have ceased to be of a character which requires registration under the provisions of this Act.

(b) *The Attorney General shall, promptly upon receipt, transmit one copy of every registration statement filed hereunder and one copy of every amendment or supplement thereto, and one copy of every item of political propaganda filed hereunder, to the Secretary of State for such comment and use as the Secretary of State may determine to be appropriate 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.*

(c) *The Attorney General is authorized to furnish to departments and agencies in the executive branch and committees of the Congress such information obtained by him in the administration of this Act, including the names of registrants under this Act, copies of registration statements, or parts thereof, copies of political propaganda, or other documents or information filed under this Act, as may be appropriate in the light of the purposes 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 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 subchapter. Dissolution of any organization acting as an agent of a foreign principal shall not relieve any officer, or person performing the functions of an officer, or any director, or person performing the functions of a director, from complying with the provisions of this section. 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) Any person who—

(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, upon conviction thereof be punished by a fine of not more than \$10,000 or by imprisonment for not more than five years, or both, *except that in the case of a violation of subsection (b), (e), or (f) of section 4 or of subsection (g) or (h) of this section the punishment shall be a fine of not more than \$5,000 or imprisonment for not more than six months, 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 subchapter or any regulation thereunder shall be subject to deportation in the manner provided by sections 241, 242, and 243 of the Immigration and Nationality Act.

(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.

(e) Failure to file any such registration statement or supplements thereto as is required by either sections 2(a) or 2(b) shall be considered a continuing offense for as long as such failure exists, notwithstanding any statute of limitation or other statute to the contrary.

(f) *Whenever in the judgment of the Attorney General any person is engaged in or about to engage in any acts which constitute or will constitute a violation of any provision of this Act, or regulations issued thereunder, or whenever any agent of a foreign principal fails to comply with any of the provisions of this Act or the regulations issued thereunder, or otherwise is in violation of the Act, the Attorney General may make application to the appropriate United States district court for an order enjoining such acts or enjoining such persons from continuing to act as an agent of such foreign principal, or for an order requiring compliance with any appropriate provision of the Act or regulation thereunder. The district court shall have jurisdiction and authority to issue a temporary or permanent injunction, restraining order or such other order which it may deem proper. The proceedings shall be made a preferred cause and shall be expedited in every way.*

(g) *If the Attorney General determines that a registration statement does not comply with the requirements of this Act or the regulations issued thereunder, he shall so notify the registrant in writing, specifying in what respects the statement is deficient. It shall be unlawful for any person to act as an agent of a foreign principal at any time ten days or more after receipt of such notification without filing an amended registration statement in full compliance with the requirements of this Act and the regulations issued thereunder.*

(h) *It shall be unlawful for any agent of a foreign principal required to register under this Act to be a party to any contract, agreement, or understanding, either express or implied, with such foreign principal pursuant to which the amount or payment of the compensation, fee, or other remuneration of such agent is contingent in whole or in part upon the success of any political activities carried on by such agent.*

#### 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, and all other places now or hereafter subject to the civil or military jurisdiction of the United States.

#### RULES AND REGULATIONS

SEC. 10. The Attorney General may at any time make, prescribe, amend, and rescind such rules, regulations, and forms as he may 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.

RELATION TO OTHER STATUTES

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".

Title 18, United States Code

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CHAPTER 11—BRIBERY, GRAFT, AND CONFLICTS OF INTEREST

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219. *Officers and employees acting as agents of foreign principals*

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§ 219. *Officers and employees acting as agents of foreign principals*

Whoever, being an officer or employee of the United States in the executive, legislative, or judicial branch of the Government or in any agency of the United States, including the District of Columbia, is or acts as an agent of a foreign principal required to register under the Foreign Agents Registration Act of 1938, as amended, shall be fined not more than \$10,000 or imprisoned for not more than two years or both.

Nothing in this section shall apply to the employment of any agent of a foreign principal as a special Government employee in any case in which the head of the employing agency certifies that such employment is required in the national interest. A copy of any certification under this paragraph shall be forwarded by the head of such agency to the Attorney General who shall cause the same to be filed with the registration statement and other documents filed by such agent and made available for public inspection in accordance with section 6 of the Foreign Agents Registration Act of 1938, as amended.

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## CHAPTER 29—ELECTIONS AND POLITICAL ACTIVITIES

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## 613. Contributions by agents of foreign principals

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## § 613. Contributions by agents of foreign principals

Whoever, being an agent of a foreign principal, directly or through any other person, either for or on behalf of such foreign principal or otherwise in his capacity as agent of such foreign principal, knowingly makes any contribution of money or other thing of value, or promises expressly or impliedly to make any such contribution, in connection with an election to any political office or in connection with any primary election, convention, or caucus held to select candidates for any political office, or

Whoever knowingly solicits, accepts, or receives any such contribution from any such agent of a foreign principal or from such foreign principal—

Shall be fined not more than \$5,000 or imprisoned not more than five years or both.

As used in this section—

(1) The term "foreign principal" has the same meaning as when used in the Foreign Agents Registration Act of 1938, as amended, except that such term does not include any person who is a citizen of the United States.

(2) The term "agent of a foreign principal" means any person who acts as an agent, representative, employee, servant, or in any other capacity at the order, request, or under the direction or control of a foreign principal or of a person any substantial portion of whose activities are directly or indirectly supervised, directed, or controlled by a foreign principal.

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