

Sec.	
619.	Territorial applicability of subchapter.
620.	Rules and regulations.
621.	Reports to Congress.

SUBCHAPTER I—GENERALLY

§ 601. Repealed. June 25, 1948, ch. 645, § 21, 62 Stat. 862, eff. Sept. 1, 1948

Section, acts June 15, 1917, ch. 30, title VIII, § 3, 40 Stat. 226; Mar. 28, 1940, ch. 72, § 6, 54 Stat. 80, related to acting as a foreign agent without notice to Secretary of State. See section 951 of Title 18, Crimes and Criminal Procedure.

SUBCHAPTER II—REGISTRATION OF FOREIGN PROPAGANDISTS

EX. ORD. NO. 9176. TRANSFER OF REGISTRATION FUNCTIONS FROM THE SECRETARY OF STATE TO THE ATTORNEY GENERAL

Ex. Ord. No. 9176, May 29, 1942, 7 F.R. 4127, provided: By virtue of the authority vested in me by Title I of the First War Powers Act, 1941, approved December 18, 1941 (Public Law No. 354, 77th Congress [section 601 et seq. of Title 50, Appendix, War and National Defense]), and as President of the United States, it is hereby ordered as follows:

1. All functions, powers and duties of the Secretary of State under the act of June 8, 1938 (52 Stat. 631), as amended by the act of August 7, 1939 (53 Stat. 1244), requiring the registration of agents of foreign principals, are hereby transferred to and vested in the Attorney General.

2. All property, books and records heretofore maintained by the Secretary of State with respect to his administration of said act of June 8, 1938, as amended, are hereby transferred to and vested in the Attorney General.

3. The Attorney General shall furnish 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, one copy of each registration statement that is hereafter filed with the Attorney General in accordance with the provisions of this Executive order.

4. All rules, regulations and forms which have been issued by the Secretary of State pursuant to the provisions of said act of June 8, 1938, as amended, and which are in effect shall continue in effect until modified, superseded, revoked or repealed by the Attorney General.

5. This order shall become effective as of June 1, 1942.

FRANKLIN D ROOSEVELT.

§ 611. Definitions

As used in and for the purposes of this subchapter—

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

(b) The term "foreign principal" includes—

(1) a government of a foreign country and a foreign political party;

(2) 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 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) Expect¹ as provided in subsection (d) of this section, 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 United States Postal Service information in compliance with section 3611² of title 39, published in the United States, solely by virtue of any bona fide news or journalistic activities, including the solicitation or acceptance of advertisements, subscriptions, or other compensation therefor, so long as it is at least 80 per centum beneficially owned by, and its officers and 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 subsection (b) of this section, or by any agent of a foreign principal required to register under this subchapter;

(e) The term "government of a foreign country" includes any person or group of persons exercising sovereign de facto or de jure political jurisdiction over any country, other than the United States, or over any part of such country, and includes any subdivision of any such group and any group or agency to which such sovereign de facto or de jure authority or functions

¹ So in original. Probably should be "Except".

² So in original. Probably should be section "3685".

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 publication by means of advertising, books, periodicals, newspapers, lectures, broadcasts, motion pictures, or otherwise;

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

(j) Repealed. Pub. L. 104-65, §9(1)(A), Dec. 19, 1995, 109 Stat. 699.

(k) The term “registration statement” means the registration statement required to be filed with the Attorney General under section 612(a) of this title, and any supplements thereto required to be filed under section 612(b) of this title, 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, vis-

iting cards, address cards, printing proofs, engravings, photographs, pictures, drawings, plans, maps, patterns to be cut out, catalogs, prospectuses, advertisements, and printed, engraved, lithographed, or autographed notices of various kinds, and, in general, all impressions or reproductions obtained on paper or other material assimilable to paper, on parchment or on cardboard, by means of printing, engraving, lithography, autography, or any other easily recognizable mechanical process, with the exception of the copying press, stamps with movable or immovable type, and the typewriter;

(o) The term “political activities” means any activity that the person engaging in believes will, or that the person intends to, in any 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 interest, policies, or relations of a foreign country or of a foreign political party.

(June 8, 1938, ch. 327, §1, 52 Stat. 631; Aug. 7, 1939, ch. 521, §1, 53 Stat. 1244; Apr. 29, 1942, ch. 263, §1, 56 Stat. 249; Proc. No. 2695, July 4, 1946, 11 F.R. 7517, 60 Stat. 1352; Sept. 23, 1950, ch. 1024, title I, §20(a), 64 Stat. 1005; Aug. 1, 1956, ch. 849, §1, 70 Stat. 899; Pub. L. 87-366, §1, Oct. 4, 1961, 75 Stat. 784; Pub. L. 89-486, §1, July 4, 1966, 80 Stat. 244; Pub. L. 91-375, §6(k), Aug. 12, 1970, 84 Stat. 782; Pub. L. 104-65, §9(1), Dec. 19, 1995, 109 Stat. 699.)

REFERENCES IN TEXT

For definition of Canal Zone, referred to in subsec. (m), see section 3602(b) of this title.

CODIFICATION

Words “including the Philippine Islands,” omitted from definition of “United States” in subsec. (m) pursuant to Proc. No. 2695, which granted independence to the Philippines under the authority of section 1394 of this title, under which section Proc. No. 2695 is set out as a note.

AMENDMENTS

1995—Subsec. (j). Pub. L. 104-65, §9(1)(A), struck out subsec. (j) which read as follows: “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 ‘dis-

seminating' 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;".

Subsec. (o). Pub. L. 104-65, §9(1)(B), substituted "any activity that the person engaging in believes will, or that the person intends to, in any way influence" for "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".

Subsec. (p). Pub. L. 104-65, §9(1)(C), substituted a period for semicolon at end.

Subsec. (q). Pub. L. 104-65, §9(1)(D), struck out subsec. (q) which read as follows: "For the purpose of section 613(d) of this title, activities in furtherance of the bona fide commercial, industrial or financial interests of a domestic person engaged in substantial commercial, industrial or financial operations 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 (i) 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, (ii) the identity of such foreign person is disclosed to the agency or official of the United States with whom such activities are conducted, and (iii) whenever such foreign person owns or controls such domestic person, such activities are substantially in furtherance of the bona fide commercial, industrial or financial interests of such domestic person."

1970—Subsec. (d). Pub. L. 91-375 substituted "file with the United States Postal Service information in compliance with section 3611 of title 39" for "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".

1966—Subsec. (b). Pub. L. 89-486, §1(1), redesignated former pars. (3) and (4) as (2) and (3), substituted in such par. (3) "combination of persons" for "combination of individuals" and struck out from definition of "foreign principal" former pars. (2), (5), and (6) which included "(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"; "(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"; and "(6) a domestic partnership, association, corporation, or other combination of individuals, supervised, directed, controlled, or financed, in whole or in substantial part, by any foreign government or foreign political party".

Subsec. (c). Pub. L. 89-486, §1(2), amended provisions generally to redefine "agent of a foreign principal" by specifying four categories of activities creating the agency relationship where person acts as agent, employee, representative, or servant or at the order of, or under the control of, a foreign principal, by requiring a showing not only of foreign connections but also of certain activities performed by the agent for foreign interests, by making change as it relates to problem of indirect control exerted by foreign principals over their agents, by including political activities and actions as political consultant, by excluding attorneys from the relationship, by incorporating provisions of former par. (3) in par. (2) where a person assumes or purports to act as an agent of a foreign principal, and by eliminating the separate category for military or governmental officials contained in former par. (4).

Subsec. (d). Pub. L. 89-486, §1(3), struck out "clause (1), (2), or (4) of" before "subsection (b)".

Subsec. (g). Pub. L. 89-486, §1(4), inserted "public relations" before "matter pertaining to" and "of such principal" after "or relations".

Subsecs. (o) to (q). Pub. L. 89-486, §1(5), added subsecs. (o) to (q).

1961—Subsec. (b)(6). Pub. L. 87-366 added par. (6).

1956—Subsec. (c)(5). Act Aug. 1, 1956, repealed par. (5) which included within definition of "agent of a foreign principal" any person trained in foreign espionage systems with certain exceptions. See sections 851 and 852 of Title 50, War and National Defense.

1950—Subsec. (c)(5). Act Sept. 23, 1950, added par. (5).

1942—Act Apr. 29, 1942, amended section generally to redefine terms used in this subchapter.

1939—Act Aug. 7, 1939, amended section generally to redefine terms used in this subchapter.

EFFECTIVE DATE OF 1995 AMENDMENT

Amendment by Pub. L. 104-65 effective Jan. 1, 1996, except as otherwise provided, see section 24 of Pub. L. 104-65, set out as an Effective Date note under section 1601 of Title 2, The Congress.

EFFECTIVE DATE OF 1970 AMENDMENT

Amendment by Pub. L. 91-375 effective within 1 year after Aug. 12, 1970, on date established therefor by Board of Governors of United States Postal Service and published by it in Federal Register, see section 15(a) of Pub. L. 91-375, set out as an Effective Date note preceding section 101 of Title 39, Postal Service.

EFFECTIVE DATE OF 1966 AMENDMENT

Section 9 of Pub. L. 89-486 provided that: "This Act [enacting sections 219 and 613 of Title 18, Crimes and Criminal Procedure, and amending this section and sections 612 to 616 and 618 of this title] shall take effect ninety days after the date of its enactment [July 4, 1966]."

EFFECTIVE DATE OF 1942 AMENDMENT

Section 3 of act Apr. 29, 1942, provided that: "This Act [amending this subchapter] shall take effect on the sixtieth day after the date of its approval, except that prior to such sixtieth day the Attorney General may make, prescribe, amend, and rescind such rules, regulations, and forms as may be necessary to carry out the provisions of this Act [amending this subchapter]."

EFFECTIVE DATE

Section 7 of act June 8, 1938, provided that: "This Act [enacting this subchapter] shall take effect on the ninetieth day after the date of its enactment [June 8, 1938]."

SHORT TITLE

Section 14 of act June 8, 1938, as added by act Apr. 29, 1942, §1, provided that: "This Act [enacting this subchapter] may be cited as the 'Foreign Agents Registration Act of 1938, as amended'."

SEPARABILITY; EFFECT ON EXISTING LAW

Sections 12 and 13 of act June 8, 1938, as added by act Apr. 29, 1942, §1, provided that:

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

"SEC. 13. This Act [enacting this subchapter] is an addition to and not in substitution for any other existing statute."

TRANSFER OF FUNCTIONS

Section 2 of act Apr. 29, 1942, provided that: "Upon the effective date of this Act [see Effective Date of 1942 Amendment note above], all powers, duties, and functions of the Secretary of State under the Act of June 8, 1938 (52 Stat. 631), as amended [this subchapter], shall

be transferred to and become vested in the Attorney General, together with all property, books, records, and unexpended balances of appropriations used by or available to the Secretary of State for carrying out the functions devolving on him under the above-cited Act. All rules, regulations, and forms which have been issued by the Secretary of State pursuant to the provisions of said Act, and which are in effect, shall continue in effect until modified, superseded, revoked, or repealed."

POLICY AND PURPOSE OF SUBCHAPTER

Act Apr. 29, 1942, amending generally act June 8, 1938, added an opening paragraph preceding section 1 of the latter act and reading as follows: "It is hereby declared to be the policy and purpose of this Act [enacting this subchapter] 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."

§ 612. Registration statement

(a) Filing; contents

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 subsections (a) and (b) of this section or unless he is exempt from registration under the provisions of this subchapter. 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 subchapter:

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

(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; 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, 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 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 connection¹ 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 613² of title 18) 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) Supplements; filing period

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) Execution of statement under oath

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) Filing of statement not deemed full compliance nor as preclusion from prosecution

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) Incorporation of previous statement by reference

If any agent of a foreign principal, required to register under the provisions of this subchapter, has previously thereto registered with the Attorney General under the provisions of section 2386 of title 18, 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 said section.

(f) Exemption by Attorney General

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 subchapter, 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 subchapter.

(g) Electronic filing of registration statements and supplements

A registration statement or supplement required to be filed under this section shall be filed in electronic form, in addition to any other form that may be required by the Attorney General.

¹ So in original. Probably should be "connection".

² See References in Text note below.

(June 8, 1938, ch. 327, § 2, 52 Stat. 632; Apr. 29, 1942, ch. 263, § 1, 56 Stat. 251; Aug. 3, 1950, ch. 524, § 1, 64 Stat. 399; Pub. L. 89-486, § 2, July 4, 1966, 80 Stat. 245; Pub. L. 110-81, title II, § 212(a), Sept. 14, 2007, 121 Stat. 749.)

REFERENCES IN TEXT

Section 613 of title 18, referred to in subsec. (a)(8), was repealed by Pub. L. 94-283, title II, § 201(a), May 11, 1976, 90 Stat. 496.

CODIFICATION

In subsec. (e), “section 2386 of title 18” was in the original “the Act of October 17, 1940 (54 Stat. 1201)”, which had been classified to sections 14 to 17 of title 18. “Section 2386 of title 18” substituted for “sections 14 to 17 of title 18” on authority of act June 25, 1948, ch. 645, 62 Stat. 863, section 1 of which enacted Title 18, Crimes and Criminal Procedure.

PRIOR PROVISIONS

Provisions on this subject were contained in sections 612 and 613 of this title prior to general amendment of act June 8, 1938, by act Apr. 29, 1942.

AMENDMENTS

2007—Subsec. (g). Pub. L. 110-81 added subsec. (g).

1966—Subsec. (a). Pub. L. 89-486, § 2(1), struck out requirement for transmittal of registration statements by the Attorney General to the Secretary of State and provision declaring a failure of transmission not to be a bar to prosecutions, now covered in section 616(b) of this title.

Subsec. (a)(3). Pub. L. 89-486, § 2(2), struck out “, unless, and to the extent, this requirement is waived in writing by the Attorney General” after “statement of the nature of the work of each” and provided for a statement of the extent to which a foreign principal is supervised, directed, etc., by any other foreign principal.

Subsec. (a)(4), (6). Pub. L. 89-486, § 2(3), (4), inserted “, including a detailed statement of any such activity which is a political activity”.

Subsec. (a)(7). Pub. L. 89-486, § 2(5), required certain information pertaining to control and financial arrangements 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.

Subsec. (a)(8). Pub. L. 89-486, § 2(6), inserted requirement that agent report the money or other things of value spent or disposed of in connection with his becoming the agent of his foreign principal and all political contributions made during the preceding sixty days, other than contributions made on behalf of their principals, such contributions being prohibited under section 613 of title 18.

Subsec. (f). Pub. L. 89-486, § 2(7), added subsec. (f).

1950—Subsec. (a). Act Aug. 3, 1950, made failure to register a continuing offense.

1942—Act Apr. 29, 1942, amended section generally.

EFFECTIVE DATE OF 2007 AMENDMENT

Pub. L. 110-81, title II, § 212(c), Sept. 14, 2007, 121 Stat. 750, provided that: “The amendments made by this section [amending this section and section 616 of this title] shall take effect on the 90th day after the date of the enactment of this Act [Sept. 14, 2007].”

EFFECTIVE DATE OF 1966 AMENDMENT

Amendment by Pub. L. 89-486 effective ninety days after July 4, 1966, see section 9 of Pub. L. 89-486, set out as a note under section 611 of this title.

EFFECTIVE DATE OF 1942 AMENDMENT

Amendment by act Apr. 29, 1942, effective on the sixtieth day after Apr. 29, 1942, except that prior to such

sixtieth day the Attorney General may make, prescribe, amend, and rescind such rules, regulations, and forms as may be necessary to carry out act Apr. 29, 1942, see section 3 of act Apr. 29, 1942, set out as a note under section 611 of this title.

FEES FOR NECESSARY EXPENSES OF REGISTRATION UNIT

Pub. L. 102-395, title I, Oct. 6, 1992, 106 Stat. 1831, provided in part that: “In addition, notwithstanding 31 U.S.C. 3302, for fiscal year 1993 and thereafter, the Attorney General shall establish and collect fees to recover necessary expenses of the Registration Unit (to include salaries, supplies, equipment and training) pursuant to the Foreign Agents Registration Act [probably means Foreign Agents Registration Act of 1938, as amended, 22 U.S.C. 611 et seq.], and shall credit such fees to this appropriation, to remain available until expended.”

§ 613. Exemptions

The requirements of section 612(a) of this title shall not apply to the following agents of foreign principals:

(a) Diplomatic or consular officers

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) Officials of foreign government

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) Staff members of diplomatic or consular officers

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) Private and nonpolitical activities; solicitation of funds

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 subchapter II of chapter 9 of this title, and such rules and regulations as may be prescribed thereunder;

(e) Religious, scholastic, or scientific pursuits

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) Defense of foreign government vital to United States defense

Any person, or employee of such person, whose foreign principal is a government of a foreign country the defense of which the President deems vital to the defense of the United States while, (1) such person or employee engages only in activities which are in furtherance of the policies, public interest, or national defense both of such government and of the Government of the United States, and are not intended to conflict with any of the domestic or foreign policies of the Government of the United States, (2) each communication or expression by such person or employee which he intends to, or has reason to believe will, be published, disseminated, or circulated among any section of the public, or portion thereof, within the United States, is a part of such activities and is believed by such person to be truthful and accurate and the identity of such person as an agent of such foreign principal is disclosed therein, and (3) such government of a foreign country furnishes to the Secretary of State for transmittal to, and retention for the duration of this subchapter 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) Persons qualified to practice law

Any person qualified to practice law, insofar as he engages or agrees to engage in the legal representation of a disclosed foreign principal before any court of law or any agency of the Government of the United States: *Provided*, That for the purposes of this subsection legal representation does not include attempts to influence or persuade agency personnel or officials other than in the course of judicial proceedings, criminal or civil law enforcement inquiries, investigations, or proceedings, or agency proceedings required by statute or regulation to be conducted on the record.

(h) Agents of foreign principals

Any agent of a person described in section 611(b)(2) of this title or an entity described in section 611(b)(3) of this title if the agent has engaged in lobbying activities and has registered under the Lobbying Disclosure Act of 1995 [2 U.S.C. 1601 et seq.] in connection with the agent's representation of such person or entity. (June 8, 1938, ch. 327, § 3, 52 Stat. 632; Aug. 7, 1939, ch. 521, § 2, 53 Stat. 1245; Apr. 29, 1942, ch. 263, § 1,

56 Stat. 254; Pub. L. 87-366, § 2, Oct. 4, 1961, 75 Stat. 784; Pub. L. 89-486, § 3, July 4, 1966, 80 Stat. 246; Pub. L. 104-65, § 9(2), (3), Dec. 19, 1995, 109 Stat. 700; Pub. L. 105-166, § 5, Apr. 6, 1998, 112 Stat. 39.)

REFERENCES IN TEXT

The Lobbying Disclosure Act of 1995, referred to in subsec. (h), is Pub. L. 104-65, Dec. 19, 1995, 109 Stat. 691, which is classified principally to chapter 26 (§1601 et seq.) of Title 2, The Congress. For complete classification of this Act to the Code, see Short Title note set out under section 1601 of Title 2 and Tables.

PRIOR PROVISIONS

Prior to general amendment of act June 8, 1938, by act Apr. 29, 1942, section related to additional registration statements after each six months period. Provisions on that subject were incorporated in section 612 of this title by 1942 amendment.

AMENDMENTS

1998—Subsec. (h). Pub. L. 105-166 substituted “has engaged in lobbying activities and has registered” for “is required to register and does register”.

1995—Subsec. (g). Pub. L. 104-65, § 9(2), substituted “judicial proceedings, criminal or civil law enforcement inquiries, investigations, or proceedings, or agency proceedings required by statute or regulation to be conducted on the record” for “established agency proceedings, whether formal or informal”.

Subsec. (h). Pub. L. 104-65, § 9(3), added subsec. (h).

1966—Subsec. (d). Pub. L. 89-486, § 3(a), designated existing provisions as cls. (1) and (3), struck out “financial or mercantile” before “activities” in cl. (1), and inserted the cl. (2) exemption of any person engaging or agreeing to engage in other activities not serving predominantly a foreign interest.

Subsec. (g). Pub. L. 89-486, § 3(b), added subsec. (g).

1961—Subsec. (d). Pub. L. 87-366 substituted “private and nonpolitical financial or mercantile activities in furtherance” for “private, non-political, financial, mercantile, or other activities in furtherance”.

1942—Act Apr. 29, 1942, amended section generally.

1939—Act Aug. 7, 1939, amended section generally.

EFFECTIVE DATE OF 1995 AMENDMENT

Amendment by Pub. L. 104-65 effective Jan. 1, 1996, except as otherwise provided, see section 24 of Pub. L. 104-65, set out as an Effective Date note under section 1601 of Title 2, The Congress.

EFFECTIVE DATE OF 1966 AMENDMENT

Amendment by Pub. L. 89-486 effective ninety days after July 4, 1966, see section 9 of Pub. L. 89-486, set out as a note under section 611 of this title.

EFFECTIVE DATE OF 1942 AMENDMENT

Amendment by act Apr. 29, 1942, effective on the sixtieth day after Apr. 29, 1942, except that prior to such sixtieth day the Attorney General may make, prescribe, amend, and rescind such rules, regulations, and forms as may be necessary to carry out act Apr. 29, 1942, see section 3 of act Apr. 29, 1942, set out as a note under section 611 of this title.

§ 614. Filing and labeling of political propaganda

(a) Copies to Attorney General; statement as to places, times, and extent of transmission

Every person within the United States who is an agent of a foreign principal and required to register under the provisions of this subchapter 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 informational materials 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, file with the Attorney General two copies thereof.

(b) Identification statement

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 subchapter to transmit or cause to be transmitted in the United States mails or by any means or instrumentality of interstate or foreign commerce any informational materials for or in the interests of such foreign principal without placing in such informational materials a conspicuous statement that the materials are distributed by the agent on behalf of the foreign principal, and that additional information is on file with the Department of Justice, Washington, District of Columbia. The Attorney General may by rule define what constitutes a conspicuous statement for the purposes of this subsection.

(c) Public inspection

The copies of informational materials required by this subchapter to be filed with the Attorney General shall be available for public inspection under such regulations as he may prescribe.

(d) Library of Congress

For purposes of the Library of Congress, other than for public distribution, the Secretary of the Treasury and the United States Postal Service 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 1305 of title 19 and of all foreign prints excluded from the mails under authority of section 1717 of title 18.

Notwithstanding the provisions of section 1305 of title 19 and of section 1717 of title 18, the Secretary of the Treasury is authorized to permit the entry and the United States Postal Service 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) Information furnished to agency or official of United States Government

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 subchapter 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 subchapter.

(f) Appearances before Congressional committees

Whenever any agent of a foreign principal required to register under this subchapter 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.

(June 8, 1938, ch. 327, § 4, 52 Stat. 632; Aug. 7, 1939, ch. 521, § 3, 53 Stat. 1246; Apr. 29, 1942, ch. 263, § 1, 56 Stat. 255; Pub. L. 89-486, § 4, July 4, 1966, 80 Stat. 246; Pub. L. 91-375, § 4(a), Aug. 12, 1970, 84 Stat. 773; Pub. L. 104-65, § 9(4)-(6), Dec. 19, 1995, 109 Stat. 700.)

CODIFICATION

Section 1717 of title 18, referred to in subsec. (d), was in the original "section 1 of title XII of the Act of June 15, 1917 (40 Stat. 230)" which was classified to section 343 of former Title 18, Criminal Code and Criminal Procedure. "Section 1717 of title 18" substituted for "section 343 of title 18" on authority of act June 25, 1948, ch. 645, 62 Stat. 683, section 1 of which enacted Title 18, Crimes and Criminal Procedure.

PRIOR PROVISIONS

Prior to general amendment of act June 8, 1938, by act Apr. 29, 1942, section related to retention of statements as public records. Provisions on that subject were incorporated in section 616 of this title by 1942 amendment.

AMENDMENTS

1995—Subsec. (a). Pub. L. 104-65, § 9(4)(B), which directed striking out "and a statement, duly signed by or on behalf of such an agent, setting forth full information as to the places, times, and extent of such transmittal" after "Attorney General two copies thereof", was executed by striking out such language, which read in part "on behalf of such agent", to reflect the probable intent of Congress.

Pub. L. 104-65, § 9(4)(A), substituted "informational materials" for "political propaganda".

Subsec. (b). Pub. L. 104-65, § 9(5), substituted "informational materials for or" for "political propaganda for or" and substituted "without placing in such informational materials a conspicuous statement that the materials are distributed by the agent on behalf of the foreign principal, and that additional information is on file with the Department of Justice, Washington, District of Columbia. The Attorney General may by rule define what constitutes a conspicuous statement for the purposes of this subsection." for cls. (i) and (ii) and concluding provisions which made it unlawful for an agent of a foreign principal to transmit in the United States political propaganda unless the propaganda identified the agent and contained information about the registration of the agent and authorized the Attorney General to prescribe regulations relating to the information to be provided.

Subsec. (c). Pub. L. 104-65, § 9(6), substituted "informational materials" for "political propaganda".

1966—Subsec. (a). Pub. L. 89-486, § 4(1), inserted "for or in the interests of such foreign principal" after "political propaganda" and substituted "file with the Attor-

ney General two copies thereof" for "sent to the Librarian of Congress two copies thereof and file with the Attorney General one copy thereof".

Subsec. (b). Pub. L. 89-486, §4(2), inserted "for or in the interests of such foreign principal" after "political propaganda", where first appearing, and "the relationship or connection between the person transmitting the political propaganda or causing it to be transmitted and such propaganda;" after "setting forth" and substituted "such foreign principal" for each of his foreign principals".

Subsec. (c). Pub. L. 89-486, §4(3), substituted "filed with the Attorney General" for "sent to the Librarian of Congress".

Subsecs. (e), (f). Pub. L. 89-486, §4(4), added subsecs. (e) and (f).

1942—Act Apr. 29, 1942, amended section generally.

1939—Act Aug. 7, 1939, amended section generally.

EFFECTIVE DATE OF 1995 AMENDMENT

Amendment by Pub. L. 104-65 effective Jan. 1, 1996, except as otherwise provided, see section 24 of Pub. L. 104-65, set out as an Effective Date note under section 1601 of Title 2, The Congress.

EFFECTIVE DATE OF 1966 AMENDMENT

Amendment by Pub. L. 89-486 effective ninety days after July 4, 1966, see section 9 of Pub. L. 89-486, set out as a note under section 611 of this title.

EFFECTIVE DATE OF 1942 AMENDMENT

Amendment by act Apr. 29, 1942, effective on the sixtieth day after Apr. 29, 1942, except that prior to such sixtieth day the Attorney General may make, prescribe, amend, and rescind such rules, regulations, and forms as may be necessary to carry out act Apr. 29, 1942, see section 3 of act Apr. 29, 1942, set out as a note under section 611 of this title.

TRANSFER OF FUNCTIONS

In subsec. (d), "United States Postal Service" substituted for "Postmaster General" in two places pursuant to Pub. L. 91-375, §4(a), Aug. 12, 1970, 84 Stat. 773, set out as a note under section 201 of Title 39, Postal Service, which abolished office of Postmaster General of Post Office Department and transferred its functions to United States Postal Service.

§ 615. Books and records

Every agent of a foreign principal registered under this subchapter 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 subchapter, 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 subchapter 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 subchapter. 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.

(June 8, 1938, ch. 327, §5, 52 Stat. 633; Apr. 29, 1942, ch. 263, §1, 56 Stat. 256; Pub. L. 89-486, §5, July 4, 1966, 80 Stat. 247.)

PRIOR PROVISIONS

Prior to general amendment of act June 8, 1938, by act Apr. 29, 1942, section related to penalties. Provisions on that subject were incorporated in section 618 of this title by 1942 amendment.

AMENDMENTS

1966—Pub. L. 89-486 inserted "in accordance with such business and accounting practices," after "under the provisions of this subchapter,".

1942—Act Apr. 29, 1942, amended section generally.

EFFECTIVE DATE OF 1966 AMENDMENT

Amendment by Pub. L. 89-486 effective ninety days after July 4, 1966, see section 9 of Pub. L. 89-486, set out as a note under section 611 of this title.

EFFECTIVE DATE OF 1942 AMENDMENT

Amendment by act Apr. 29, 1942, effective on the sixtieth day after Apr. 29, 1942, except that prior to such sixtieth day the Attorney General may make, prescribe, amend, and rescind such rules, regulations, and forms as may be necessary to carry out act Apr. 29, 1942, see section 3 of act Apr. 29, 1942, set out as a note under section 611 of this title.

§ 616. Public examination of official records; transmittal of records and information

(a) Permanent copy of statement; inspection; withdrawal

The Attorney General shall retain in permanent form one copy of all registration statements furnished under this subchapter, 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 subchapter.

(b) Secretary of State

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 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 subchapter.

(c) Executive departments and agencies; Congressional committees

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 subchapter, including the names of registrants under this subchapter, copies of reg-

istration statements, or parts thereof, or other documents or information filed under this subchapter, as may be appropriate in the light of the purposes of this subchapter.

(d) Public database of registration statements and updates

(1) In general

The Attorney General shall maintain, and make available to the public over the Internet, without a fee or other access charge, in a searchable, sortable, and downloadable manner, to the extent technically practicable, an electronic database that—

(A) includes the information contained in registration statements and updates filed under this subchapter; and

(B) is searchable and sortable, at a minimum, by each of the categories of information described in section 612(a) of this title.

(2) Accountability

The Attorney General shall make each registration statement and update filed in electronic form pursuant to section 612(g) of this title available for public inspection over the Internet as soon as technically practicable after the registration statement or update is filed.

(June 8, 1938, ch. 327, § 6, 52 Stat. 633; Apr. 29, 1942, ch. 263, § 1, 56 Stat. 256; Pub. L. 89-486, § 6, July 4, 1966, 80 Stat. 247; Pub. L. 104-65, § 9(7), Dec. 19, 1995, 109 Stat. 700; Pub. L. 110-81, title II, § 212(b), Sept. 14, 2007, 121 Stat. 749.)

PRIOR PROVISIONS

Prior to general amendment of act June 8, 1938, by act Apr. 29, 1942, section related to rules and regulations. Provisions on that subject were incorporated in section 620 of this title by 1942 amendment.

Provisions on this subject were contained in section 614 of this title prior to general amendment of act June 8, 1938, by act Apr. 29, 1942.

AMENDMENTS

2007—Subsec. (d). Pub. L. 110-81 added subsec. (d).

1995—Subsec. (a). Pub. L. 104-65, § 9(7)(A), struck out “and all statements concerning the distribution of political propaganda” after “all registration statements”.

Subsec. (b). Pub. L. 104-65, § 9(7)(B), struck out “, and one copy of every item of political propaganda” after “supplement thereto”.

Subsec. (c). Pub. L. 104-65, § 9(7)(C), struck out “copies of political propaganda,” after “parts thereof.”

1966—Pub. L. 89-486 designated existing provisions as subsec. (a) and added subsecs. (b) and (c).

1942—Act Apr. 29, 1942, amended section generally.

EFFECTIVE DATE OF 2007 AMENDMENT

Amendment by Pub. L. 110-81 effective on the 90th day after Sept. 14, 2007, see section 212(c) of Pub. L. 110-81, set out as a note under section 612 of this title.

EFFECTIVE DATE OF 1995 AMENDMENT

Amendment by Pub. L. 104-65 effective Jan. 1, 1996, except as otherwise provided, see section 24 of Pub. L. 104-65, set out as an Effective Date note under section 1601 of Title 2, The Congress.

EFFECTIVE DATE OF 1966 AMENDMENT

Amendment by Pub. L. 89-486 effective ninety days after July 4, 1966, see section 9 of Pub. L. 89-486, set out as a note under section 611 of this title.

EFFECTIVE DATE OF 1942 AMENDMENT

Amendment by act Apr. 29, 1942, effective on the sixtieth day after Apr. 29, 1942, except that prior to such sixtieth day the Attorney General may make, prescribe, amend, and rescind such rules, regulations, and forms as may be necessary to carry out act Apr. 29, 1942, see section 3 of act Apr. 29, 1942, set out as a note under section 611 of this title.

§ 617. Liability of officers

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 subsections (a) and (b) of section 612 of this title and shall also be under obligation to cause such agent to comply with all the requirements of sections 614(a) and (b) and 615 of this title 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 subchapter, 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.

(June 8, 1938, ch. 327, § 7, 52 Stat. 633; Apr. 29, 1942, ch. 263, § 1, 56 Stat. 256; Aug. 3, 1950, ch. 524, § 2, 64 Stat. 400.)

PRIOR PROVISIONS

Section 7 of act June 8, 1938, prior to the general amendment of that act by act Apr. 29, 1942, provided for the effective date of the 1938 act. See Effective Date note set out under section 611 of this title.

AMENDMENTS

1950—Act Aug. 3, 1950, continued the obligation of officers, directors, and persons acting as such to comply with this subchapter despite the dissolution of a foreign agent.

1942—Act Apr. 29, 1942, amended section generally.

EFFECTIVE DATE OF 1942 AMENDMENT

Amendment by act Apr. 29, 1942, effective on the sixtieth day after Apr. 29, 1942, except that prior to such sixtieth day the Attorney General may make, prescribe, amend, and rescind such rules, regulations, and forms as may be necessary to carry out act Apr. 29, 1942, see section 3 of act Apr. 29, 1942, set out as a note under section 611 of this title.

§ 618. Enforcement and penalties

(a) Violations; false statements and willful omissions

Any person who—

(1) willfully violates any provision of this subchapter or any regulation thereunder, or

(2) in any registration statement or supplement thereto or in any other document filed with or furnished to the Attorney General under the provisions of this subchapter 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 614 of this title 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) Proof of identity of foreign principal

In any proceeding under this subchapter 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) Removal

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 removal pursuant to chapter 4 of title II of the Immigration and Nationality Act [8 U.S.C. 1221 et seq.].

(d) Repealed. Pub. L. 104-65, § 9(8)(B), Dec. 19, 1995, 109 Stat. 700

(e) Continuing offense

Failure to file any such registration statement or supplements thereto as is required by either section 612(a) or section 612(b) of this title 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) Injunctive remedy; jurisdiction of district court

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 subchapter, or regulations issued thereunder, or whenever any agent of a foreign principal fails to comply with any of the provisions of this subchapter or the regulations issued thereunder, or otherwise is in violation of the subchapter, the Attorney General may make application to the appropriate United States district court for an order enjoining such acts or enjoining such person from continuing to act as an agent of such foreign principal, or for an order requiring compliance with any appropriate provision of the subchapter 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.

(g) Deficient registration statement

If the Attorney General determines that a registration statement does not comply with the requirements of this subchapter or the regulations issued thereunder, he shall so notify the registrant in writing, specifying in what respects the statement is deficient. It shall be un-

lawful 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 subchapter and the regulations issued thereunder.

(h) Contingent fee arrangement

It shall be unlawful for any agent of a foreign principal required to register under this subchapter 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.

(June 8, 1938, ch. 327, § 8, as added Apr. 29, 1942, ch. 263, § 1, 56 Stat. 257; amended Sept. 23, 1950, ch. 1024, title I, § 20(b), 64 Stat. 1005; June 27, 1952, ch. 477, title IV, § 402(d), 66 Stat. 276; Aug. 1, 1956, ch. 849, § 1, 70 Stat. 899; Pub. L. 89-486, § 7, July 4, 1966, 80 Stat. 248; Pub. L. 98-620, title IV, § 402(26), Nov. 8, 1984, 98 Stat. 3359; Pub. L. 104-65, § 9(8), Dec. 19, 1995, 109 Stat. 700; Pub. L. 104-208, div. C, title III, § 308(e)(19), Sept. 30, 1996, 110 Stat. 3009-621.)

REFERENCES IN TEXT

The Immigration and Nationality Act, referred to in subsec. (c), is act June 27, 1952, ch. 477, 66 Stat. 163, as amended. Chapter 4 of title II of the Act is classified generally to part IV (§1221 et seq.) of subchapter II of chapter 12 of Title 8, Aliens and Nationality. For complete classification of this Act to the Code, see Short Title note set out under section 1101 of Title 8 and Tables.

PRIOR PROVISIONS

Provisions on this subject were contained in section 615 of this title prior to general amendment of act June 8, 1938, by act Apr. 29, 1942.

AMENDMENTS

1996—Subsec. (c). Pub. L. 104-208 substituted “removal pursuant to chapter 4 of title II of the Immigration and Nationality Act” for “deportation in the manner provided by sections 1251 to 1253 of title 8”.

1995—Subsec. (a)(2). Pub. L. 104-65, § 9(8)(A), struck out “or in any statement under section 614(a) of this title concerning the distribution of political propaganda” after “or supplement thereto”.

Subsec. (d). Pub. L. 104-65, § 9(8)(B), struck out subsec. (d) which read as follows: “The United States Postal Service may declare to be nonmailable any communication or expression falling within clause (2) of section 611(j) of this title 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 United States Postal Service 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.”

1984—Subsec. (f). Pub. L. 98-620 struck out provision that the proceedings shall be made a preferred cause and expedited in every way.

1966—Subsec. (a)(2). Pub. L. 89-486, §7(1), inserted exception provision.

Subsecs. (f) to (h). Pub. L. 89-486, §7(2), added subsecs. (f) to (h).

1956—Act Aug. 1, 1956, amended credit to section by redesignating section 20(b) of act Sept. 23, 1950, as section 20.

1952—Subsec. (c). Act June 27, 1952, substituted “sections 1251 to 1253 of title 8” for “sections 155 and 156 of title 8”.

1950—Subsec. (e). Act Sept. 23, 1950, added subsec. (e).

EFFECTIVE DATE OF 1996 AMENDMENT

Amendment by Pub. L. 104-208 effective, with certain transitional provisions, on the first day of the first month beginning more than 180 days after Sept. 30, 1996, see section 309 of Pub. L. 104-208, set out as a note under section 1101 of Title 8, Aliens and Nationality.

EFFECTIVE DATE OF 1995 AMENDMENT

Amendment by Pub. L. 104-65 effective Jan. 1, 1996, except as otherwise provided, see section 24 of Pub. L. 104-65, set out as an Effective Date note under section 1601 of Title 2, The Congress.

EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by Pub. L. 98-620 not applicable to cases pending on Nov. 8, 1984, see section 403 of Pub. L. 98-620, set out as an Effective Date note under section 1657 of Title 28, Judiciary and Judicial Procedure.

EFFECTIVE DATE OF 1966 AMENDMENT

Amendment by Pub. L. 89-486 effective ninety days after July 4, 1966, see section 9 of Pub. L. 89-486, set out as a note under section 611 of this title.

EFFECTIVE DATE

Section effective on the sixtieth day after Apr. 29, 1942, except that prior to such sixtieth day the Attorney General may make, prescribe, amend, and rescind such rules, regulations, and forms as may be necessary to carry out act Apr. 29, 1942, see section 3 of act Apr. 29, 1942, set out as an Effective Date of 1942 Amendment note under section 611 of this title.

§ 619. Territorial applicability of subchapter

This subchapter 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.

(June 8, 1938, ch. 327, §9, as added Apr. 29, 1942, ch. 263, §1, 56 Stat. 257; amended Proc. No. 2695, July 4, 1946, 11 F.R. 7517, 60 Stat. 1352.)

REFERENCES IN TEXT

For definition of Canal Zone, referred to in text, see section 3602(b) of this title.

CODIFICATION

Words “including the Philippine Islands,” omitted from section pursuant to Proc. No. 2695, which granted independence to the Philippine Islands under the authority of section 1394 of this title, under which section Proc. No. 2695 is set out as a note.

EFFECTIVE DATE

Section effective on the sixtieth day after Apr. 29, 1942, except that prior to such sixtieth day the Attorney General may make, prescribe, amend, and rescind such rules, regulations, and forms as may be necessary to carry out act Apr. 29, 1942, see section 3 of act Apr. 29, 1942, set out as an Effective Date of 1942 Amendment note under section 611 of this title.

§ 620. Rules and regulations

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 subchapter.

(June 8, 1938, ch. 327, §10, as added Apr. 29, 1942, ch. 263, §1, 56 Stat. 257.)

PRIOR PROVISIONS

Provisions on this subject were contained in section 616 of this title prior to general amendment of act June 8, 1938, by act Apr. 29, 1942.

EFFECTIVE DATE

Section effective on the sixtieth day after Apr. 29, 1942, except that prior to such sixtieth day the Attorney General may make, prescribe, amend, and rescind such rules, regulations, and forms as may be necessary to carry out act Apr. 29, 1942, see section 3 of act Apr. 29, 1942, set out as an Effective Date of 1942 Amendment note under section 611 of this title.

§ 621. Reports to Congress

The Attorney General shall every six months report to the Congress concerning administration of this subchapter, including registrations filed pursuant to the subchapter, and the nature, sources and content of political propaganda disseminated and distributed.

(June 8, 1938, ch. 327, §11, as added Apr. 29, 1942, ch. 263, §1, 56 Stat. 258; amended Pub. L. 104-65, §19, Dec. 19, 1995, 109 Stat. 704.)

AMENDMENTS

1995—Pub. L. 104-65 added text and struck out former text which read as follows: “The Attorney General shall, from time to time, make a report to the Congress concerning the administration of this subchapter, including the nature, sources, and content of political propaganda disseminated or distributed.”

EFFECTIVE DATE OF 1995 AMENDMENT

Amendment by Pub. L. 104-65 effective Jan. 1, 1996, see section 24 of Pub. L. 104-65, set out as an Effective Date note under section 1601 of Title 2, The Congress.

EFFECTIVE DATE

Section effective on the sixtieth day after Apr. 29, 1942, except that prior to such sixtieth day the Attorney General may make, prescribe, amend, and rescind such rules, regulations, and forms as may be necessary to carry out act Apr. 29, 1942, see section 3 of act Apr. 29, 1942, set out as an Effective Date of 1942 Amendment note under section 611 of this title.

CHAPTER 12—CLAIMS COMMISSIONS

§§ 661 to 672. Omitted

CODIFICATION

Sections 661 to 672, which established the American Mexican Claims Commission in 1942 for the settlement of certain claims, expired pursuant to the provisions of section 661(d), which provided that the authority of the Commission shall terminate at the expiration of four years after the date on which a majority of its members first appointed took office.

Section 661, acts Dec. 18, 1942, ch. 766, §2, 56 Stat. 1058; Apr. 3, 1945, ch. 52, §5, 59 Stat. 50; Oct. 28, 1949, ch. 782, title XI, §1106(a), 63 Stat. 972, established American Mexican Claims Commission, prescribed its composition, provided for compensation of its members, and specified its termination date. Acts Dec. 18, 1942, ch. 766, §2, 56 Stat. 1058; Apr. 3, 1945, ch. 52, §5, 59 Stat. 50,