§ 951. Agents of foreign governments

(a) Whoever, other than a diplomatic or consular officer or attaché, acts in the United States as an agent of a foreign government without prior notification to the Attorney General if required in subsection (b), shall be fined under this title or imprisoned not more than ten years, or both.

(b) The Attorney General shall promulgate rules and regulations establishing requirements for notification.

(c) The Attorney General shall, upon receipt, promptly transmit one copy of each notification statement filed under this section 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 to do so shall not be a bar to prosecution under this section.

(d) For purposes of this section, the term "agent of a foreign government" means an individual who agrees to operate within the United States subject to the direction or control of a foreign government or official, except that such term does not include—

(1) a duly accredited diplomatic or consular officer of a foreign government, who is so recognized by the Department of State;

(2) any officially and publicly acknowledged and sponsored official or representative of a foreign government;

(3) any officially and publicly acknowledged and sponsored member of the staff of, or employee of, an officer, official, or representative described in paragraph (1) or (2), who is not a United States citizen; or

(4) any person engaged in a legal commercial transaction.

(e) Notwithstanding paragraph (d)(4), any person engaged in a legal commercial transaction shall be considered to be an agent of a foreign government for purposes of this section if—

(1) such person agrees to operate within the United States subject to the direction or control of a foreign government or official; and

(2) such person—

(A) is an agent of Cuba or any other country that the President determines (and so reports to the Congress) poses a threat to the national security interest of the United States for purposes of this section for "the Soviet Union, the German Democratic Republic, Hungary, Czechoslovakia, Poland, Bulgaria, Romania, or Cuba.";


(1984—Pub. L. 98–473 designated existing provisions as subsec. (a), substituted "Attorney General if required in subsection (b)" for "Secretary of State", and added subsec. (b) to (d).

1983—Pub. L. 97–462 increased limitation on fines to $75,000 from $5,000.

§ 952. Diplomatic codes and correspondence

Whoever, by virtue of his employment by the United States, obtains from another or has or has had custody of or access to, any official diplomatic code or any matter prepared in any such code, or which purports to have been prepared in any such code, and without authorization or competent authority, willfully publishes or furnishes to another any such code or matter, or any matter which was obtained while in the process of transmission between any foreign government and its diplomatic mission in the United States, shall be fined under this title or imprisoned not more than ten years, or both.


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1983—Pub. L. 97–462 increased limitation on fines to $75,000 from $5,000.

Effective Date of 1983 Amendment


§ 952. Diplomatic codes and correspondence

Whoever, by virtue of his employment by the United States, obtains from another or has or has had custody of or access to, any official diplomatic code or any matter prepared in any such code, or which purports to have been prepared in any such code, and without authorization or competent authority, willfully publishes or furnishes to another any such code or matter, or any matter which was obtained while in the process of transmission between any foreign government and its diplomatic mission in the United States, shall be fined under this title or imprisoned not more than ten years, or both.

§ 953. Private correspondence with foreign governments

Any citizen of the United States, wherever he may be, who, without authority of the United States, directly or indirectly commences or carries on any correspondence or intercourse with any foreign government or any officer or agent thereof, with intent to influence the measures or conduct of any foreign government or of any officer or agent thereof, in relation to any disputes or controversies with the United States, or to defeat the measures of the United States, shall be fined under this title or imprisoned not more than three years, or both.

This section shall not abridge the right of a citizen to apply, himself or his agent, to any foreign government or the agents thereof for redress of any injury which he may have sustained from such government or any of its agents or subjects.


HISTORICAL AND REVISION NOTES

Based on title 18, U.S.C., 1940 ed., §5 (Mar. 4, 1909, ch. 321, §§5, 35 Stat. 1068; Apr. 22, 1912, ch. 126, 47 Stat. 192). The reference to any citizen or resident within the jurisdiction of the United States not duly authorized ‘‘who counsels, advises or assists in such correspondence with such intent’’ was omitted as unnecessary in view of definition of principal in section 2.

Mandatory punishment provision was rephrased in the alternative.

Minor changes of arrangement and in phraseology were made.

AMENDMENTS

1994—Pub. L. 103–322 substituted ‘‘fined under this title’’ for ‘‘fined not more than $5,000’’.

§ 954. False statements influencing foreign government

Whoever, in relation to any dispute or controversy between a foreign government and the United States, willfully and knowingly makes any untrue statement, either orally or in writing, under oath before any person authorized and empowered to administer oaths, which the affiant has knowledge or reason to believe will, or may be used to influence the measures or conduct of any foreign government, or of any officer or agent of any foreign government, to the injury of the United States, or with a view or intent to influence any measure of or action by the United States or any department or agency thereof, to the injury of the United States, shall be fined under this title or imprisoned not more than ten years, or both.


HISTORICAL AND REVISION NOTES

Based on section 804a of title 31, U.S.C., 1940 ed., Money and Finance (Apr. 13, 1934, ch. 112, §§1, 2, 48 Stat. 574). Words ‘‘within the United States’’ were substituted for ‘‘within the jurisdiction’’ etc., in view of the definition of United States in section 5 of this title.

Words ‘‘upon conviction thereof’’ were omitted from first paragraph as surplusage since punishment cannot be imposed until a conviction is secured.

Minor changes were made in phraseology.

SENATE REVISION AMENDMENT

An additional paragraph was added to the text of this section by Senate amendment, which was taken from section 804b of Title 31, U.S.C., Money and Finance. Therefore, as finally enacted, such section 804b and the Acts from which it was derived (Act Apr. 13, 1934, ch. 112, §3, as added July 31, 1945, ch. 339, §9, 59 Stat. 516), were an additional source of this section. See Senate Report No. 1620, amendment No. 9, 80th Cong.

AMENDMENTS

1994—Pub. L. 103–322 substituted ‘‘fined under this title’’ for ‘‘fined not more than $10,000’’ in first par.

APPLICABILITY OF SECTION

Pub. L. 102–511, title IX, §902, Oct. 24, 1992, 106 Stat. 3555, provided that: ‘‘Section 955 of title 18, United States Code (and the corresponding provisions of title 15, United States Code) are applicable to any national bank and any member of a Federal Reserve System, as those terms are defined in title 12, United States Code, and to any financial institution that is insured by the Federal Deposit Insurance Corporation, as those terms are defined in title 12, United States Code, except as otherwise provided in this section. This section shall apply to the sale of any financial instrument of a foreign government, political subdivision, agency, or instrumentality of a foreign government or political subdivision, except a renewal or amendment of any such financial instrument, or any part thereof, to the United States, if the sale of such financial instrument or part thereof would be in violation of any law of the United States or any department or agency thereof, and except as otherwise provided in this section.’’