

CHAPTER 22A—REPRESENTATION OF ARMED FORCES PERSONNEL BEFORE FOREIGN JUDICIAL TRIBUNALS

§§ 751 to 755. Repealed. Pub. L. 85-861, §36A, Sept. 2, 1958, 72 Stat. 1570

Section 751, act July 24, 1956, ch. 689, §1, 70 Stat. 630, related to representation of members of the Armed Forces before foreign judicial tribunals and employment of counsel.

Section 752, act July 24, 1956, ch. 689, §2, 70 Stat. 630, provided for enactment of regulations.

Section 753, act July 24, 1956, ch. 689, §3, 70 Stat. 630, provided that sections 189 and 365 of the Revised Statutes not apply to action taken under this act.

Section 754, act July 24, 1956, ch. 689, §4, 70 Stat. 630, related to claims for reimbursement.

Section 755, act July 24, 1956, ch. 689, §5, 70 Stat. 630, related to appropriations.

CHAPTER 23—INTERNAL SECURITY

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APPLICATION TO COMMUNIST PARTY MEMBERS

Application of subchapters I and II of this chapter and other provisions of the Internal Security Act of 1950, as amended, to members of the Communist Party and other subversive organizations, see section 843 of this title, and References in Text note set out under that section.

SUBCHAPTER I—CONTROL OF SUBVERSIVE ACTIVITIES

APPLICATION TO COMMUNIST PARTY MEMBERS

Application of this subchapter to members of the Communist Party and other subversive organizations, see section 843 of this title, and References in Text note set out under that section.

§ 781. Repealed. Pub. L. 103-199, title VIII, § 803(1), Dec. 17, 1993, 107 Stat. 2329

Section, acts Sept. 23, 1950, ch. 1024, title I, §2, 64 Stat. 987; Jan. 2, 1968, Pub. L. 90-237, §1, 81 Stat. 765, related to Congressional finding of necessity to control subversive activities.

SHORT TITLE

Act Sept. 23, 1950, provided that: "This Act [enacting subchapters I to III of this chapter and section 1507 of Title 18, Crimes and Criminal Procedure, amending sections 137 to 137-8, 156, 456, 457, 704, 705, 725, 729, 733, 734, and 735 of Title 8, Aliens and Nationality, section 793 of Title 18, and sections 611 and 618 of Title 22, Foreign Relations and Intercourse, enacting provisions set out as notes under sections 781 and 811 of this title and section 792 of Title 18, and amending a provision set out as a note under section 402 of this title] may be cited as the 'Internal Security Act of 1950'."

Section 1(a) of act Sept. 23, 1950, which provided that title I of act Sept. 23, 1950, which enacted this subchapter and section 1507 of Title 18, Crimes and Criminal Procedure, amended sections 137 to 137-8, 156, 456, 457, 704, 705, 725, 729, 733, 734, and 735 of Title 8, Aliens and Nationality, section 793 of Title 18, and sections 611 and 618 of Title 22, Foreign Relations and Intercourse, and enacted provisions set out as notes under section 781 of this title and section 792 of Title 18, be cited as the "Subversive Activities Control Act of 1950", was repealed by Pub. L. 103-199, title VIII, §803(1), Dec. 17, 1993, 107 Stat. 2329.

Act Aug. 24, 1954, ch. 886, §1, 68 Stat. 775, provided: "That this Act [enacting sections 792a and subchapter IV of this chapter, amending sections 782, 784, 785, 789 to 792, and 793 of this title, and enacting a provision set out as a note under section 841 of this title] may be cited as the 'Communist Control Act of 1954'."

SEPARABILITY

Section 32 of title I of act Sept. 23, 1950, provided: "If any provision of this title [see Short Title note above] or the application thereof to any person or circumstances, is held invalid, the remaining provisions of this title, or the application of such provision to other persons or circumstances, shall not be affected thereby."

§ 782. Repealed. Pub. L. 103-199, title VIII, § 803(1), Dec. 17, 1993, 107 Stat. 2329

Section, acts Sept. 23, 1950, ch. 1024, title I, §3, 64 Stat. 989; Aug. 24, 1954, ch. 886, §7(a), (b), 68 Stat. 777; May 31, 1962, Pub. L. 87-474, §1(a), 76 Stat. 91; Jan. 2, 1968, Pub. L. 90-237, §2, 81 Stat. 765, defined terms for purposes of this subchapter.

§ 783. Offenses

(a) Communication of classified information by Government officer or employee

It shall be unlawful for any officer or employee of the United States or of any department or agency thereof, or of any corporation the stock of which is owned in whole or in major part by the United States or any department or agency thereof, to communicate in any manner or by any means, to any other person whom such officer or employee knows or has reason to

believe to be an agent or representative of any foreign government, any information of a kind which shall have been classified by the President (or by the head of any such department, agency, or corporation with the approval of the President) as affecting the security of the United States, knowing or having reason to know that such information has been so classified, unless such officer or employee shall have been specifically authorized by the President, or by the head of the department, agency, or corporation by which this officer or employee is employed, to make such disclosure of such information.

(b) Receipt of, or attempt to receive, by foreign agent or member of Communist organization, classified information

It shall be unlawful for any agent or representative of any foreign government knowingly to obtain or receive, or attempt to obtain or receive, directly or indirectly, from any officer or employee of the United States or of any department or agency thereof or of any corporation the stock of which is owned in whole or in major part by the United States or any department or agency thereof, any information of a kind which shall have been classified by the President (or by the head of any such department, agency, or corporation with the approval of the President) as affecting the security of the United States, unless special authorization for such communication shall first have been obtained from the head of the department, agency, or corporation having custody of or control over such information.

(c) Penalties for violation

Any person who violates any provision of this section shall, upon conviction thereof, be punished by a fine of not more than \$10,000, or imprisonment for not more than ten years, or by both such fine and such imprisonment, and shall, moreover, be thereafter ineligible to hold any office, or place of honor, profit, or trust created by the Constitution or laws of the United States.

(d) Limitation period

Any person may be prosecuted, tried, and punished for any violation of this section at any time within ten years after the commission of such offense, notwithstanding the provisions of any other statute of limitations: *Provided*, That if at the time of the commission of the offense such person is an officer or employee of the United States or of any department or agency thereof, or of any corporation the stock of which is owned in whole or in major part by the United States or any department or agency thereof, such person may be prosecuted, tried, and punished for any violation of this section at any time within ten years after such person has ceased to be employed as such officer or employee.

(e) Forfeiture of property

(1) Any person convicted of a violation of this section shall forfeit to the United States irrespective of any provision of State law—

(A) any property constituting, or derived from, any proceeds the person obtained, di-

rectly or indirectly, as the result of such violation; and

(B) any of the person's property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of, such violation.

(2) The court, in imposing sentence on a defendant for a conviction of a violation of this section, shall order that the defendant forfeit to the United States all property described in paragraph (1).

(3) Except as provided in paragraph (4), the provisions of subsections (b), (c), and (e) through (p) of section 853 of title 21 shall apply to—

(A) property subject to forfeiture under this subsection;

(B) any seizure or disposition of such property; and

(C) any administrative or judicial proceeding in relation to such property,

if not inconsistent with this subsection.

(4) Notwithstanding section 524(c) of title 28, there shall be deposited in the Crime Victims Fund established under section 10601 of title 42 all amounts from the forfeiture of property under this subsection remaining after the payment of expenses for forfeiture and sale authorized by law.

(5) As used in this subsection, the term "State" means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Trust Territory of the Pacific Islands, and any territory or possession of the United States.

(Sept. 23, 1950, ch. 1024, title I, § 4, 64 Stat. 991; Pub. L. 90-237, § 3, Jan. 2, 1968, 81 Stat. 765; Pub. L. 103-199, title VIII, § 803(2), Dec. 17, 1993, 107 Stat. 2329; Pub. L. 103-359, title VIII, § 804(c), Oct. 14, 1994, 108 Stat. 3440.)

AMENDMENTS

1994—Subsec. (e). Pub. L. 103-359 added subsec. (e).

1993—Subsec. (a). Pub. L. 103-199, § 803(2)(A)-(C), redesignated subsec. (b) as (a), struck out "or an officer or member of any Communist organization as defined in paragraph (5) of section 782 of this title" after "foreign government", and struck out former subsec. (a) which read as follows: "It shall be unlawful for any person knowingly to combine, conspire, or agree with any other person to perform any act which would substantially contribute to the establishment within the United States of a totalitarian dictatorship, as defined in paragraph (15) of section 782 of this title, the direction and control of which is to be vested in, or exercised by or under the domination or control of, any foreign government, foreign organization, or foreign individual: *Provided, however*, That this subsection shall not apply to the proposal of a constitutional amendment."

Subsec. (b). Pub. L. 103-199, § 803(2)(B), (D), redesignated subsec. (c) as (b) and struck out "or any officer or member of any Communist organization as defined in paragraph (5) of section 782 of this title," after "foreign government". Former subsec. (b) redesignated (a).

Subsecs. (c) to (e). Pub. L. 103-199, § 803(2)(B), redesignated subsecs. (d) and (e) as (c) and (d), respectively. Former subsec. (c) redesignated (b).

Subsec. (f). Pub. L. 103-199, § 803(2)(A), struck out subsec. (f) which read as follows: "Neither the holding of office nor membership in any Communist organization by any person shall constitute per se a violation of subsection (a) or subsection (c) of this section or of any other criminal statute."

1968—Subsec. (f). Pub. L. 90-237 struck out prohibition against receiving the fact of the registration of any person under section 787 or 788 of this title as an officer or member of any Communist organization in evidence against such person in any prosecution for any alleged violation of subsection (a) or (c) of this section or for any alleged violation of any other criminal statute.

TERMINATION OF TRUST TERRITORY OF THE PACIFIC
ISLANDS

For termination of Trust Territory of the Pacific Islands, see note set out preceding section 1681 of Title 48, Territories and Insular Possessions.

§§ 784, 785. Repealed. Pub. L. 103-199, title VIII, § 803(1), Dec. 17, 1993, 107 Stat. 2329

Section 784, acts Sept. 23, 1950, ch. 1024, title I, § 5, 64 Stat. 992; Aug. 24, 1954, ch. 886, § 6, 7(c), 68 Stat. 777, 778; May 31, 1962, Pub. L. 87-474, § 1(b), 76 Stat. 91; Jan. 2, 1968, Pub. L. 90-237, § 4, 81 Stat. 765, related to employment of members of Communist organizations.

Section 785, acts Sept. 23, 1950, ch. 1024, title I, § 6, 64 Stat. 993; Aug. 24, 1954, ch. 886, § 7(c), 68 Stat. 778, related to denial of United States passports to members of Communist organizations.

§§ 786, 787. Repealed. Pub. L. 90-237, § 5, Jan. 2, 1968, 81 Stat. 766

Section 786, acts Sept. 23, 1950, ch. 1024, title I, § 7, 64 Stat. 993; July 29, 1954, ch. 646, 68 Stat. 586, related to registration of Communist-action and Communist-front organizations with the Attorney General, the preparation and filing of a registration statement and subsequent annual reports by such organizations, duty of such organizations to keep certain specified records and accounts, duty of Attorney General to notify individuals listed in any registration statement as an officer or member of such organization that such individual is so listed, investigation and determination of denials of membership and petition for relief in cases where Attorney General declines or fails to strike name of any individual from an annual report or registration statement.

Section 787, act Sept. 23, 1950, ch. 1024, title I, § 8, 64 Stat. 995, related to registration of members of Communist-action organizations with Attorney General and preparation and filing of a registration statement by such individuals.

§§ 788 to 795. Repealed. Pub. L. 103-199, title VIII, § 803(1), Dec. 17, 1993, 107 Stat. 2329

Section 788, acts Sept. 23, 1950, ch. 1024, title I, § 9, 64 Stat. 995; Jan. 2, 1968, Pub. L. 90-237, § 6, 81 Stat. 766, related to records of final orders of Subversive Activities Control Board and to public inspection of those records.

Section 789, acts Sept. 23, 1950, ch. 1024, title I, § 10, 64 Stat. 996; Aug. 24, 1954, ch. 886, § 8(a), 68 Stat. 778; Jan. 2, 1968, Pub. L. 90-237, § 7, 81 Stat. 766, related to use of mails and instrumentalities of interstate or foreign commerce by Communist organizations.

Section 790, acts Sept. 23, 1950, ch. 1024, title I, § 11, 64 Stat. 996; Aug. 24, 1954, ch. 886, § 8(b), 68 Stat. 778; Jan. 2, 1968, Pub. L. 90-237, § 8, 81 Stat. 767; Oct. 22, 1986, Pub. L. 99-514, § 2, 100 Stat. 2095, related to denial of tax deductions and exemptions for contributions to Communist organizations.

Section 791, acts Sept. 23, 1950, ch. 1024, title I, § 12, 64 Stat. 977; July 12, 1952, ch. 697, 66 Stat. 590; Aug. 24, 1954, ch. 886, § 9(a), 68 Stat. 778; Aug. 5, 1955, ch. 580, § 1, 69 Stat. 539; Jan. 2, 1968, Pub. L. 90-237, § 9, 81 Stat. 767, established the Subversive Activities Control Board and provided for its Chairman, membership, filling of vacancies, duties, appointment and compensation of personnel, reports to Congress and President, appropriations, and termination of the Board on June 30, 1969, unless in the period beginning Jan. 2, 1968 and ending Dec. 31, 1968, a proceeding was instituted.

Section 792, acts Sept. 23, 1950, ch. 1024, title I, § 13, 64 Stat. 998; Aug. 24, 1954, ch. 886, § 9(b), 68 Stat. 778; Jan. 2, 1968, Pub. L. 90-237, § 10, 81 Stat. 768; Oct. 15, 1970, Pub. L. 91-452, title II, § 247, 84 Stat. 931, related to Board proceedings with respect to Communist action and Communist front organizations and provided for petition by Attorney General to Board for determination of Communist action or Communist front organizations, petition for review, not more than once every calendar year, for redetermination by Board, public hearings, criteria to be considered in making determinations, written report of findings to be served on Attorney General, and publication of final orders in the Federal Register.

Section 792a, acts Sept. 23, 1950, ch. 1024, title I, § 13A, as added Aug. 24, 1954, ch. 886, § 10, 68 Stat. 778; amended July 26, 1955, ch. 381, 69 Stat. 375; Jan. 2, 1968, Pub. L. 90-237, § 11, 81 Stat. 771; Nov. 8, 1984, Pub. L. 98-620, title IV, § 402(53), 98 Stat. 3361, related to labor organizations determined by Board to be Communist.

Section 793, acts Sept. 23, 1950, ch. 1024, title I, § 14, 64 Stat. 1001; Aug. 24, 1954, ch. 886, § 11, 68 Stat. 780; Aug. 28, 1958, Pub. L. 85-791, § 29, 72 Stat. 950; Jan. 2, 1968, Pub. L. 90-237, § 12, 81 Stat. 771, provided for judicial review of orders of Board to United States Court of Appeals for the District of Columbia if petition was filed within sixty days from date of service of such order and specified time of finality of the Board's orders.

Section 794, acts Sept. 23, 1950, ch. 1024, title I, § 15, 64 Stat. 1002; Jan. 2, 1968, Pub. L. 90-237, § 13, 81 Stat. 771, provided for penalties for violation of former sections 784 and 789 of this title.

Section 795, act Sept. 23, 1950, ch. 1024, title I, § 16, 64 Stat. 1003, related to applicability of administrative procedure provisions to Board.

§ 796. Effect of subchapter on other criminal laws

The foregoing provisions of this subchapter shall be construed as being in addition to and not in modification of existing criminal statutes.

(Sept. 23, 1950, ch. 1024, title I, § 17, 64 Stat. 1003.)

REFERENCES IN TEXT

This subchapter, referred to in text, was in the original "this title", meaning title I of act Sept. 23, 1950, ch. 1024, 64 Stat. 987, as amended, known as the Subversive Activities Control Act of 1950, which is classified principally to this subchapter. For complete classification of title I of such act to the Code, see Short Title note set out under section 781 of this title and Tables.

§ 797. Penalty for violation of security regulations and orders

(a) Misdemeanor violation of defense property security regulations

(1) Misdemeanor

Whoever willfully violates any defense property security regulation shall be fined under title 18 or imprisoned not more than one year, or both.

(2) Defense property security regulation described

For purposes of paragraph (1), a defense property security regulation is a property security regulation that, pursuant to lawful authority—

(A) shall be or has been promulgated or approved by the Secretary of Defense (or by a military commander designated by the Secretary of Defense or by a military officer, or a civilian officer or employee of the Department of Defense, holding a senior Depart-

ment of Defense director position designated by the Secretary of Defense) for the protection or security of Department of Defense property; or

(B) shall be or has been promulgated or approved by the Administrator of the National Aeronautics and Space Administration for the protection or security of NASA property.

(3) Property security regulation described

For purposes of paragraph (2), a property security regulation, with respect to any property, is a regulation—

(A) relating to fire hazards, fire protection, lighting, machinery, guard service, disrepair, disuse, or other unsatisfactory conditions on such property, or the ingress there-to or egress or removal of persons therefrom; or

(B) otherwise providing for safeguarding such property against destruction, loss, or injury by accident or by enemy action, sabotage, or other subversive actions.

(4) Definitions

In this subsection:

(A) Department of Defense property

The term “Department of Defense property” means covered property subject to the jurisdiction, administration, or in the custody of the Department of Defense, any Department or agency of which that Department consists, or any officer or employee of that Department or agency.

(B) NASA property

The term “NASA property” means covered property subject to the jurisdiction, administration, or in the custody of the National Aeronautics and Space Administration or any officer or employee thereof.

(C) Covered property

The term “covered property” means aircraft, airports, airport facilities, vessels, harbors, ports, piers, water-front facilities, bases, forts, posts, laboratories, stations, vehicles, equipment, explosives, or other property or places.

(D) Regulation as including order

The term “regulation” includes an order.

(b) Posting

Any regulation or order covered by subsection (a) of this section shall be posted in conspicuous and appropriate places.

(Sept. 23, 1950, ch. 1024, title I, §21, 64 Stat. 1005; Pub. L. 109-163, div. A, title X, §1053, Jan. 6, 2006, 119 Stat. 3435.)

AMENDMENTS

2006—Pub. L. 109-163 amended section generally. Prior to amendment, section related to security regulations and orders and penalties for violations.

§ 798. Repealed. Pub. L. 103-199, title VIII, § 803(1), Dec. 17, 1993, 107 Stat. 2329

Section, act Sept. 23, 1950, ch. 1024, title I, §1(b), 64 Stat. 987, provided that the Internal Security Act of 1950 not be construed to authorize, require, or establish military or civilian censorship or in any way to limit

or infringe upon freedom of press or of speech as guaranteed by Constitution.

SUBCHAPTER II—EMERGENCY DETENTION OF SUSPECTED SECURITY RISKS

§§ 811 to 826. Repealed. Pub. L. 92-128, §2(a), Sept. 25, 1971, 85 Stat. 348

Section 811, act Sept. 23, 1950, ch. 1024, title II, §101, 64 Stat. 1019, related to Congressional finding of necessity.

Section 812, act Sept. 23, 1950, ch. 1024, title II, §102, 64 Stat. 1021, related to declaration of “internal security emergency” by the President, events warranting the declaration, and period of existence.

Section 813, act Sept. 23, 1950, ch. 1024, title II, §103, 64 Stat. 1021, related to detention during emergency and to release.

Section 814, act Sept. 23, 1950, ch. 1024, title II, §104, 64 Stat. 1022, related to procedure for apprehension and detention, providing in subsecs. (a) to (h), respectively, for warrants and applications; service of warrants and apprehension, and copies for persons apprehended; places of confinement, provision for transportation, food, shelter, etc., and supervision; preliminary hearing, rights of detainee, evidence, orders and reports of hearing officer, and appointment of preliminary hearing officers; receipt of additional information upon request of detainee, and revocation or modification of detention order; presentation of evidence in case of Board or court review and right to withhold certain information; regulations by Attorney General and exclusion of forced labor and confinement with criminals; and bi-monthly reports to President and Congress during emergency.

Section 815, act Sept. 23, 1950, ch. 1024, title II, §105, 64 Stat. 1023, related to the Detention Review Board, providing in subsecs. (a) to (d), respectively, for creation of Board, membership, terms, designation of Chairman, and removal; Board divisions, vacancies, powers of remaining members, quorums, official seal, and judicial notice thereof; reports to Congress and its contents; and dissolution upon termination of emergency, release of detainees, conclusion of proceedings, and subsequent establishment.

Section 816, act Sept. 23, 1950, ch. 1024, title II, §106, 64 Stat. 1024, related to salaries of Board members, other personnel, use of agencies and services, expenses, and appropriations.

Section 817, act Sept. 23, 1950, ch. 1024, title II, §107, 64 Stat. 1024, specified the District of Columbia as Board headquarters and related to meetings and hearings outside the District.

Section 818, act Sept. 23, 1950, ch. 1024, title II, §108, 64 Stat. 1024, related to rules and regulations by the Board and applicability of the Administrative Procedure Act.

Section 819, act Sept. 23, 1950, ch. 1024, title II, §109, 64 Stat. 1025, related to powers and duties of Board, providing in subsecs. (a) to (j), respectively, for review of, and action on, orders and claims, and determination of security risks; time for hearing on petition for review, the notice and place; information which may be given to detainee in review cases; subpoenas, oaths, affirmations, witnesses, evidence, aid of courts, and contempt; service of papers, fees and mileage, and information from other Government agencies; rights of detainee at hearing; consideration of confidential evidence, reduction of evidence to writing, and additional testimony, and argument; evidentiary matters considered in deciding questions as to security risks; necessity for reasonable ground for belief, and claims for indemnity and receipt of evidence having probative value.

Section 820, acts Sept. 23, 1950, ch. 1024, title II, §110, 64 Stat. 1027; Aug. 28, 1958, Pub. L. 85-791, §30(a), 72 Stat. 950, related to orders of Board, providing in subsecs. (a) to (e), respectively, for revocation of detention order; orders sustaining or denying indemnity claims; dismissal of petition and confirmation of detention

order; report and recommended order of hearing examiner, and effectiveness after expiration of time period; and modification or setting aside by Board of its own findings or orders prior to court review.

Section 821, acts Sept. 23, 1950, ch. 1024, title II, §111, 64 Stat. 1028; Aug. 28, 1958, Pub. L. 85-791, §30(b), (c), 72 Stat. 950, 951, related to judicial review, providing in subsecs. (a) to (g), respectively, for rights of petitioner; orders granting indemnity and right of Attorney General; courts of appeals, place, petition, time, service, record, statement, powers of court, and conclusiveness of Board's finding; additional evidence, modification of, or new, findings by Board, recommendations, exclusiveness of court jurisdiction, finality of judgment, and review by Supreme Court; commencement of review proceeding as stay of Board's order; time of finality of Board's order; and applicability of Administrative Procedure Act.

Section 822, act Sept. 23, 1950, ch. 1024, title II, §112, 64 Stat. 1029, related to resisting, disregarding, or evading apprehension, escape or attempts at escape, conspiracy, and to penalties.

Section 823, act Sept. 23, 1950, ch. 1024, title II, §113, 64 Stat. 1030, related to aiding evasion of apprehension or escape, concealment, conspiracy, and to penalties.

Section 824, act Sept. 23, 1950, ch. 1024, title II, §114, 64 Stat. 1030, related to resistance of, or interference with, Board members or agents and to penalties.

Section 825, act Sept. 23, 1950, ch. 1024, title II, §115, 64 Stat. 1030, related to definitions.

Section 826, act Sept. 23, 1950, ch. 1024, title II, §116, 64 Stat. 1030, related to preservation of privilege of habeas corpus.

SUBCHAPTER III—PERSONNEL SECURITY PROCEDURES IN NATIONAL SECURITY AGENCY

§ 831. Regulations for employment security

Subject to the provisions of this subchapter, the Secretary of Defense (hereafter in this subchapter referred to as the "Secretary") shall prescribe such regulations relating to continuing security procedures as he considers necessary to assure—

(1) that no person shall be employed in, or detailed or assigned to, the National Security Agency (hereafter in this subchapter referred to as the "Agency"), or continue to be so employed, detailed, or assigned; and

(2) that no person so employed, detailed, or assigned shall have access to any classified information;

unless such employment, detail, assignment, or access to classified information is clearly consistent with the national security.

(Sept. 23, 1950, ch. 1024, title III, §301, as added Pub. L. 88-290, Mar. 26, 1964, 78 Stat. 168.)

§ 832. Full field investigation and appraisal

(a) Conditional employment; other current security clearance; circumstances authorizing employment on temporary basis

No person shall be employed in, or detailed or assigned to, the Agency unless he has been the subject of a full field investigation in connection with such employment, detail, or assignment, and is cleared for access to classified information in accordance with the provisions of this subchapter; excepting that conditional employment without access to sensitive cryptologic information or material may be tendered any applicant, under such regulations as the

Secretary may prescribe, pending the completion of such full field investigation: *And provided further*, That such full field investigation at the discretion of the Secretary need not be required in the case of persons assigned or detailed to the Agency who have a current security clearance for access to sensitive cryptologic information under equivalent standards of investigation and clearance. During any period of war declared by the Congress, or during any period when the Secretary determines that a national disaster exists, or in exceptional cases in which the Secretary (or his designee for such purpose) makes a determination in writing that his action is necessary or advisable in the national interest, he may authorize the employment of any person in, or the detail or assignment of any person to, the Agency, and may grant to any such person access to classified information, on a temporary basis, pending the completion of the full field investigation and the clearance for access to classified information required by this subsection, if the Secretary determines that such action is clearly consistent with the national security.

(b) Boards of appraisal; establishment; membership; appointment; appraisal in doubtful cases; report and recommendation; qualifications of members; Secretary's clearance contrary to board's recommendation

To assist the Secretary and the Director of the Agency in carrying out their personnel security responsibilities, one or more boards of appraisal of three members each, to be appointed by the Director of the Agency, shall be established in the Agency. Such a board shall appraise the loyalty and suitability of persons for access to classified information, in those cases in which the Director of the Agency determines that there is a doubt whether their access to that information would be clearly consistent with the national security, and shall submit a report and recommendation on each such a case. However, appraisal by such a board is not required before action may be taken under sections 7512 and 7532 of title 5, or any other similar provision of law. Each member of such a board shall be specially qualified and trained for his duties as such a member, shall have been the subject of a full field investigation in connection with his appointment as such a member, and shall have been cleared by the Director for access to classified information at the time of his appointment as such a member. No person shall be cleared for access to classified information, contrary to the recommendations of any such board, unless the Secretary (or his designee for such purpose) shall make a determination in writing that such employment, detail, assignment, or access to classified information is in the national interest.

(Sept. 23, 1950, ch. 1024, title III, §302, as added Pub. L. 88-290, Mar. 26, 1964, 78 Stat. 168.)

CODIFICATION

In subsec. (b), "sections 7512 and 7532 of title 5" substituted for "section 14 of the Act of June 27, 1944, chapter 287, as amended (5 U.S.C. 863), section 1 of the Act of August 26, 1950, chapter 803, as amended (5 U.S.C. 22-1)" on authority of Pub. L. 89-554, §7(b), Sept. 6, 1966, 80 Stat. 631, the first section of which enacted Title 5, Government Organization and Employees. Sections 7511

and 7512 (which related to adverse actions against preference eligible employees and comprised subchapter II of chapter 75) were repealed by Pub. L. 95-454 and replaced by a new subchapter II (§§ 7511-7514) of chapter 75 (relating to removal, suspension for more than 14 days, reduction in grade or pay, or furlough for 30 days or less).

§ 833. Repealed. Pub. L. 104-201, div. A, title XVI, § 1633(b)(2), Sept. 23, 1996, 110 Stat. 2751

Section, act Sept. 23, 1950, ch. 1024, title III, § 303, as added Mar. 26, 1964, Pub. L. 88-290, 78 Stat. 169; amended Oct. 27, 1972, Pub. L. 92-596, § 7, 86 Stat. 1318; Oct. 21, 1977, Pub. L. 95-140, § 3(c), 91 Stat. 1173; 1978 Reorg. Plan No. 2, § 102, eff. Jan. 1, 1979, 43 F.R. 36037, 92 Stat. 3783; Oct. 1, 1986, Pub. L. 99-433, title I, § 110(h)(3), 100 Stat. 1004, related to termination of employment.

EFFECTIVE DATE OF REPEAL

Repeal effective Oct. 1, 1996, see section 1635 of Pub. L. 104-201, set out as an Effective Date of 1996 Amendment note under section 1593 of Title 10, Armed Forces.

§ 834. “Classified information” defined

For the purposes of this section, the term “classified information” means information which, for reasons of national security, is specifically designated by a United States Government agency for limited or restricted dissemination or distribution.

(Sept. 23, 1950, ch. 1024, title III, § 304, as added Pub. L. 88-290, Mar. 26, 1964, 78 Stat. 170.)

§ 835. Nonapplicability of administrative procedure provisions

Subchapter II of chapter 5, and chapter 7, of title 5, shall not apply to the use or exercise of any authority granted by this subchapter.

(Sept. 23, 1950, ch. 1024, title III, § 305, as added Pub. L. 88-290, Mar. 26, 1964, 78 Stat. 170.)

CODIFICATION

“Subchapter II of chapter 5, and chapter 7, of title 5” substituted in text for “the Administrative Procedure Act, as amended” on authority of Pub. L. 89-554, § 7(b), Sept. 6, 1966, 80 Stat. 631, the first section of which enacted Title 5, Government Organization and Employees.

SUBCHAPTER IV—COMMUNIST CONTROL

§ 841. Findings and declarations of fact

The Congress finds and declares that the Communist Party of the United States, although purportedly a political party, is in fact an instrumentality of a conspiracy to overthrow the Government of the United States. It constitutes an authoritarian dictatorship within a republic, demanding for itself the rights and privileges accorded to political parties, but denying to all others the liberties guaranteed by the Constitution. Unlike political parties, which evolve their policies and programs through public means, by the reconciliation of a wide variety of individual views, and submit those policies and programs to the electorate at large for approval or disapproval, the policies and programs of the Communist Party are secretly prescribed for it by the foreign leaders of the world Communist movement. Its members have no part in determining its goals, and are not permitted to voice

dissent to party objectives. Unlike members of political parties, members of the Communist Party are recruited for indoctrination with respect to its objectives and methods, and are organized, instructed, and disciplined to carry into action slavishly the assignments given them by their hierarchical chieftains. Unlike political parties, the Communist Party acknowledges no constitutional or statutory limitations upon its conduct or upon that of its members. The Communist Party is relatively small numerically, and gives scant indication of capacity ever to attain its ends by lawful political means. The peril inherent in its operation arises not from its numbers, but from its failure to acknowledge any limitation as to the nature of its activities, and its dedication to the proposition that the present constitutional Government of the United States ultimately must be brought to ruin by any available means, including resort to force and violence. Holding that doctrine, its role as the agency of a hostile foreign power renders its existence a clear present and continuing danger to the security of the United States. It is the means whereby individuals are seduced into the service of the world Communist movement, trained to do its bidding, and directed and controlled in the conspiratorial performance of their revolutionary services. Therefore, the Communist Party should be outlawed.

(Aug. 24, 1954, ch. 886, § 2, 68 Stat. 775.)

CODIFICATION

Section was enacted as part of the Communist Control Act of 1954, and not as part of the Internal Security Act of 1950 which comprises subchapters I to III of this chapter.

SHORT TITLE

For short title of this subchapter as the “Communist Control Act of 1954”, see section 1 of act Aug. 24, 1954, set out as a note under section 781 of this title.

SEPARABILITY

Section 12 of act Aug. 24, 1954, provided: “If any provision of this title [see Short Title note above] or the application thereof to any person or circumstances is held invalid, the remainder of the title and the application of such provisions to other persons or circumstances, shall not be affected thereby.”

The use of the word “Act”, in place of the word “title” as used in section 12 of act of Aug. 24, 1954, quoted above, was probably intended, since that act is not divided into titles.

§ 842. Proscription of Communist Party, its successors, and subsidiary organizations

The Communist Party of the United States, or any successors of such party regardless of the assumed name, whose object or purpose is to overthrow the Government of the United States, or the government of any State, Territory, District, or possession thereof, or the government of any political subdivision therein by force and violence, are not entitled to any of the rights, privileges, and immunities attendant upon legal bodies created under the jurisdiction of the laws of the United States or any political subdivision thereof; and whatever rights, privileges, and immunities which have heretofore been granted to said party or any subsidiary organization by reason of the laws of the United States or any

political subdivision thereof, are terminated: *Provided, however*, That nothing in this section shall be construed as amending the Internal Security Act of 1950, as amended [50 U.S.C. 781 et seq.]

(Aug. 24, 1954, ch. 886, § 3, 68 Stat. 776.)

REFERENCES IN TEXT

The Internal Security Act of 1950, as amended, referred to in text, is act Sept. 23, 1950, ch. 1024, 64 Stat. 987, as amended, which is classified principally to subchapters I to III of this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 781 of this title and Tables.

CODIFICATION

Section was enacted as part of the Communist Control Act of 1954, and not as part of the Internal Security Act of 1950 which comprises subchapters I to III of this chapter.

§ 843. Application of Internal Security Act of 1950 to members of Communist Party and other subversive organizations; "Communist Party" defined

(a) Whoever knowingly and willfully becomes or remains a member of (1) the Communist Party, or (2) any other organization having for one of its purposes or objectives the establishment, control, conduct, seizure, or overthrow of the Government of the United States, or the government of any State or political subdivision thereof, by the use of force or violence, with knowledge of the purpose or objective of such organization shall be subject to all the provisions and penalties of the Internal Security Act of 1950, as amended [50 U.S.C. 781 et seq.], as a member of a "Communist-action" organization.

(b) For the purposes of this section, the term "Communist Party" means the organization now known as the Communist Party of the United States of America, the Communist Party of any State or subdivision thereof, and any unit or subdivision of any such organization, whether or not any change is hereafter made in the name thereof.

(Aug. 24, 1954, ch. 886, § 4, 68 Stat. 776.)

REFERENCES IN TEXT

The Internal Security Act of 1950, as amended, referred to in subsec. (a), is act Sept. 23, 1950, ch. 1024, 64 Stat. 987, as amended, which is classified principally to subchapters I to III of this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 781 of this title and Tables.

CODIFICATION

Section was enacted as part of the Communist Control Act of 1954, and not as part of the Internal Security Act of 1950 which comprises subchapters I to III of this chapter.

§ 844. Determination by jury of membership in Communist Party, participation, or knowledge of purpose

In determining membership or participation in the Communist Party or any other organization defined in this Act, or knowledge of the purpose or objective of such party or organization, the jury, under instructions from the court, shall consider evidence, if presented, as to whether the accused person:

(1) Has been listed to his knowledge as a member in any book or any of the lists, records, correspondence, or any other document of the organization;

(2) Has made financial contribution to the organization in dues, assessments, loans, or in any other form;

(3) Has made himself subject to the discipline of the organization in any form whatsoever;

(4) Has executed orders, plans, or directives of any kind of the organization;

(5) Has acted as an agent, courier, messenger, correspondent, organizer, or in any other capacity in behalf of the organization;

(6) Has conferred with officers or other members of the organization in behalf of any plan or enterprise of the organization;

(7) Has been accepted to his knowledge as an officer or member of the organization or as one to be called upon for services by other officers or members of the organization;

(8) Has written, spoken or in any other way communicated by signal, semaphore, sign, or in any other form of communication orders, directives, or plans of the organization;

(9) Has prepared documents, pamphlets, leaflets, books, or any other type of publication in behalf of the objectives and purposes of the organization;

(10) Has mailed, shipped, circulated, distributed, delivered, or in any other way sent or delivered to others material or propaganda of any kind in behalf of the organization;

(11) Has advised, counseled or in any other way imparted information, suggestions, recommendations to officers or members of the organization or to anyone else in behalf of the objectives of the organization;

(12) Has indicated by word, action, conduct, writing or in any other way a willingness to carry out in any manner and to any degree the plans, designs, objectives, or purposes of the organization;

(13) Has in any other way participated in the activities, planning, actions, objectives, or purposes of the organization;

(14) The enumeration of the above subjects of evidence on membership or participation in the Communist Party or any other organization as above defined, shall not limit the inquiry into and consideration of any other subject of evidence on membership and participation as herein stated.

(Aug. 24, 1954, ch. 886, § 5, 68 Stat. 776.)

REFERENCES IN TEXT

This Act, referred to in the provision preceding par. (1), is act Aug. 24, 1954, ch. 886, 68 Stat. 775, known as the Communist Control Act of 1954, which is classified principally to this subchapter. For complete classification of this Act to the Code, see Short Title note set out under section 781 of this title and Tables.

CODIFICATION

Section was enacted as part of the Communist Control Act of 1954, and not as part of the Internal Security Act of 1950 which comprises subchapters I to III of this chapter.

SUBCHAPTER V—REGISTRATION OF CERTAIN PERSONS TRAINED IN FOREIGN ESPIONAGE SYSTEMS

§ 851. Registration of certain persons; filing statement; regulations

Except as provided in section 852 of this title, every person who has knowledge of, or has received instruction or assignment in, the espionage, counter-espionage, or sabotage service or tactics of a government of a foreign country or of a foreign political party, shall register with the Attorney General by filing with the Attorney General a registration statement in duplicate, under oath, prepared and filed in such manner and form, and containing such statements, information, or documents pertinent to the purposes and objectives of this subchapter as the Attorney General, having due regard for the national security and the public interest, by regulations prescribes.

(Aug. 1, 1956, ch. 849, § 2, 70 Stat. 899.)

CODIFICATION

Section was not enacted as part of the Internal Security Act of 1950 which comprises subchapters I to III of this chapter.

SEPARABILITY

Section 9 of act Aug. 1, 1956, provided: "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, is not affected thereby."

§ 852. Exemption from registration

The registration requirements of section 851 of this title do not apply to any person—

(a) who has obtained knowledge of or received instruction or assignment in the espionage, counter-espionage, or sabotage service or tactics of a foreign government or foreign political party by reason of civilian, military, or police service or employment with the United States Government, the governments of the several States, their political subdivisions, the District of Columbia, the Territories, or the Canal Zone;

(b) who has obtained such knowledge solely by reason of academic or personal interest not under the supervision of or in preparation for service with the government of a foreign country or a foreign political party;

(c) who has made full disclosure of such knowledge, instruction, or assignment to officials within an agency of the United States Government having responsibilities in the field of intelligence, which disclosure has been made a matter of record in the files of such agency, and concerning whom a written determination has been made by the Attorney General or the Director of Central Intelligence that registration would not be in the interest of national security;

(d) whose knowledge of, or receipt of instruction or assignment in, the espionage, counter-espionage, or sabotage service or tactics of a government of a foreign country or of a foreign political party, is a matter of record in the files of an agency of the United States

Government having responsibilities in the field of intelligence and concerning whom a written determination is made by the Attorney General or the Director of Central Intelligence, based on all information available, that registration would not be in the interest of national security;

(e) who is a duly accredited diplomatic or consular officer of a foreign government, who is so recognized by the Department of State, while he is engaged exclusively in activities which are recognized by the Department of State as being within the scope of the functions of such officer, and any member of his immediate family who resides with him;

(f) who is an official of a foreign government recognized by the United States, whose name and status and the character of whose duties as such official are of record in the Department of State, and while he is engaged exclusively in activities which are recognized by the Department of State as being within the scope of the functions of such official, and any member of his immediate family who resides with him;

(g) who is a member of the staff of or employed by a duly accredited diplomatic or consular officer of a foreign government who is so recognized by the Department of State, and whose name and status and the character of whose duties as such member or employee are a matter of record in the Department of State, while he is engaged exclusively in the performance of activities recognized by the Department of State as being within the scope of the functions of such member or employee;

(h) Who¹ is an officially acknowledged and sponsored representative of a foreign government and is in the United States on an official mission for the purpose of conferring or otherwise cooperating with United States intelligence or security personnel;

(i) who is a civilian or one of the military personnel of a foreign armed service coming to the United States pursuant to arrangements made under a mutual defense treaty or agreement, or who has been invited to the United States at the request of an agency of the United States Government; or

(j) who is a person designated by a foreign government to serve as its representative in or to an international organization in which the United States participates or is an officer or employee of such an organization or who is a member of the immediate family of, and resides with, such a representative, officer, or employee.

(Aug. 1, 1956, ch. 849, § 3, 70 Stat. 899.)

CODIFICATION

Section was not enacted as part of the Internal Security Act of 1950 which comprises subchapters I to III of this chapter.

CHANGE OF NAME

Reference to the Director of Central Intelligence or the Director of the Central Intelligence Agency in the Director's capacity as the head of the intelligence community deemed to be a reference to the Director of Na-

¹ So in original. Probably should not be capitalized.

tional Intelligence. Reference to the Director of Central Intelligence or the Director of the Central Intelligence Agency in the Director's capacity as the head of the Central Intelligence Agency deemed to be a reference to the Director of the Central Intelligence Agency. See section 1081(a), (b) of Pub. L. 108-458, set out as a note under section 401 of this title.

§ 853. Retention of registration statements; public examination; withdrawal

The Attorney General shall retain in permanent form one copy of all registration statements filed under this subchapter. They shall be public records and open to public examination at such reasonable hours and under such regulations as the Attorney General prescribes, except that the Attorney General, having due regard for the national security and public interest, may withdraw any registration statement from public examination.

(Aug. 1, 1956, ch. 849, § 4, 70 Stat. 900.)

CODIFICATION

Section was not enacted as part of the Internal Security Act of 1950 which comprises subchapters I to III of this chapter.

§ 854. Rules, regulations, and forms

The Attorney General may at any time, make, prescribe, amend, and rescind such rules, regulations and forms as he deems necessary to carry out the provisions of this subchapter.

(Aug. 1, 1956, ch. 849, § 5, 70 Stat. 900.)

CODIFICATION

Section was not enacted as part of the Internal Security Act of 1950 which comprises subchapters I to III of this chapter.

§ 855. Violations; penalties; deportation

(a) Whoever willfully violates any provision of this subchapter or any regulation thereunder, or in any registration statement willfully make¹ a false statement of a material fact or willfully omits any material fact, shall be fined not more than \$10,000 or imprisoned for not more than five years, or both.

(b) Any alien convicted of a violation of this subchapter or any regulation thereunder is subject to deportation in the manner provided by chapter 4 of title II of the Immigration and Nationality Act [8 U.S.C. 1221 et seq.].

(Aug. 1, 1956, ch. 849, § 6, 70 Stat. 900; Pub. L. 104-208, div. C, title III, § 308(g)(9)(B), Sept. 30, 1996, 110 Stat. 3009-624.)

REFERENCES IN TEXT

The Immigration and Nationality Act, referred to in subsec. (b), 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.

CODIFICATION

Section was not enacted as part of the Internal Security Act of 1950 which comprises subchapters I to III of this chapter.

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

AMENDMENTS

1996—Subsec. (b). Pub. L. 104-208 substituted "chapter 4 of title II of the Immigration and Nationality Act" for "chapter 5, title II, of the Immigration and Nationality Act (66 Stat. 163)".

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.

§ 856. Continuing offense

Failure to file a registration statement as required by this subchapter is a continuing offense for as long as such failure exists, notwithstanding any statute of limitation or other statute to the contrary.

(Aug. 1, 1956, ch. 849, § 7, 70 Stat. 900.)

CODIFICATION

Section was not enacted as part of the Internal Security Act of 1950 which comprises subchapters I to III of this chapter.

§ 857. Compliance with other registration statutes

Compliance with the registration provisions of this subchapter does not relieve any person from compliance with any other applicable registration statute.

(Aug. 1, 1956, ch. 849, § 8, 70 Stat. 900.)

CODIFICATION

Section was not enacted as part of the Internal Security Act of 1950 which comprises subchapters I to III of this chapter.

§ 858. Applicability to Canal Zone

This subchapter applies to and within the Canal Zone.

(Aug. 1, 1956, ch. 849, § 10, as added Pub. L. 87-845, § 13, Oct. 18, 1962, 76A Stat. 700.)

REFERENCES IN TEXT

For definition of Canal Zone, referred to in text, see section 3602(b) of Title 22, Foreign Relations and Inter-course.

CODIFICATION

Section was not enacted as part of the Internal Security Act of 1950 which comprises subchapters I to III of this chapter.

EFFECTIVE DATE

Section effective Jan. 2, 1963, see section 25 of Pub. L. 87-845, set out as an Effective Date of 1962 Amendment note under section 414 of Title 28, Judiciary and Judicial Procedure.

CHAPTER 24—NATIONAL DEFENSE FACILITIES

§§ 881 to 887. Repealed. Aug. 10, 1956, ch. 1041, § 53, 70A Stat. 641

Section 881, act Sept. 11, 1950, ch. 945, § 2, 64 Stat. 829, stated purpose of this chapter, which provided for national defense facilities. See section 18231 of Title 10, Armed Forces.

Section 882, acts Sept. 11, 1950, ch. 945, § 3, 64 Stat. 830; Aug. 9, 1955, ch. 662, § 1(a), (b), 69 Stat. 593; Aug. 3, 1956,