

Sec.

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

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

851. Registration of certain persons; filing statement; regulations.  
 852. Exemption from registration.  
 853. Retention of registration statements; public examination; withdrawal.  
 854. Rules, regulations, and forms.  
 855. Violations; penalties; deportation.  
 856. Continuing offense.  
 857. Compliance with other registration statutes.  
 858. Applicability to Canal Zone.

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 Repealed.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

**SHORT TITLE**

Act Sept. 23, 1950, ch. 1024, 64 Stat. 987, 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'."

Act Sept. 23, 1950, ch. 1024, title I, § 1(a), 64 Stat. 987, 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**

Act Sept. 23, 1950, ch. 1024, title I, § 32, 64 Stat. 1019, 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, directly 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.