

ment 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 Department 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) 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