

ployed by the defendant's business that supervises defendant's activity. If that defendant has no supervisor, prior written certification is acceptable from any other employee of the business.

(Added Pub. L. 107-273, div. C, title I, § 11009(e)(2)(A), Nov. 2, 2002, 116 Stat. 1821.)

CHAPTER 45—FOREIGN RELATIONS

Sec.	
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[968, 969.]	Repealed.]
970.	Protection of property occupied by foreign governments.

AMENDMENTS

1996—Pub. L. 104-132, title VII, § 704(b), Apr. 24, 1996, 110 Stat. 1295, substituted "Conspiracy to kill, kidnap, maim, or injure persons or damage property in a foreign country" for "Conspiracy to injure property of foreign government" in item 956.

1990—Pub. L. 101-647, title XII, § 1207(a), title XXXV, § 3530, Nov. 29, 1990, 104 Stat. 4832, 4924, struck out item 968 "Exportation of war materials to certain countries" and item 969 "Exportation of arms, liquors and narcotics to Pacific Islands".

1972—Pub. L. 92-539, title IV, § 402, Oct. 24, 1972, 86 Stat. 1073, added item 970.

§ 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, unless the Attorney General, after consultation with the Secretary of State, determines and so reports to the Congress that the national security or foreign policy interests of the United States require that the provisions of this section do not apply in specific circumstances to agents of such country; or

(B) has been convicted of, or has entered a plea of nolo contendere with respect to, any offense under section 792 through 799, 831, or 2381 of this title or under section 11¹ of the Export Administration Act of 1979, except that the provisions of this subsection shall not apply to a person described in this clause for a period of more than five years beginning on the date of the conviction or the date of entry of the plea of nolo contendere, as the case may be.

(June 25, 1948, ch. 645, 62 Stat. 743; Pub. L. 97-462, § 6, Jan. 12, 1983, 96 Stat. 2530; Pub. L. 98-473, title II, § 1209, Oct. 12, 1984, 98 Stat. 2164; Pub. L. 99-569, title VII, § 703, Oct. 27, 1986, 100 Stat. 3205; Pub. L. 103-199, title II, § 202, Dec. 17, 1993, 107 Stat. 2321; Pub. L. 103-322, title XXXIII, § 330016(1)(R), Sept. 13, 1994, 108 Stat. 2148.)

HISTORICAL AND REVISION NOTES

Based on section 601 of title 22, U.S.C., 1940 ed., Foreign Relations and Intercourse (June 15, 1917, ch. 30, title VIII, § 3, 40 Stat. 226; Mar. 28, 1940, ch. 72, § 6, 54 Stat. 80).

Mandatory punishment provision was rephrased in the alternative.

Minor changes in phraseology were made.

REFERENCES IN TEXT

Section 11 of the Export Administration Act of 1979, referred to in subsec. (e)(2)(B), was classified to section

¹ See References in Text note below.