

(B) any information required to be submitted by the head of such element under this Act before the date of the submission of such certification has been properly submitted; or

(2) if the head of such element is unable to submit a certification under paragraph (1), a statement—

(A) of the reasons the head of such element is unable to submit such a certification;

(B) describing any information required to be submitted by the head of such element under this Act before the date of the submission of such statement that has not been properly submitted; and

(C) that the head of such element will submit such information as soon as possible after the submission of such statement.

(July 26, 1947, ch. 343, title V, § 508, as added Pub. L. 111-259, title III, § 332(a), Oct. 7, 2010, 124 Stat. 2686.)

#### REFERENCES IN TEXT

This Act, referred to in pars. (1)(B) and (2)(B), means act July 26, 1947, ch. 343, 61 Stat. 495, known as the National Security Act of 1947. For complete classification of this Act to the Code, see Short Title note set out under section 401 of this title and Tables.

#### APPLICABILITY DATE

Pub. L. 111-259, title III, § 332(b), Oct. 7, 2010, 124 Stat. 2687, provided that: “The first certification or statement required to be submitted by the head of each element of the intelligence community under section 508 of the National Security Act of 1947 [50 U.S.C. 415d], as added by subsection (a), shall be submitted not later than 90 days after the date of the enactment of this Act [Oct. 7, 2010].”

[For definition of “intelligence community” as used in section 332(b) of Pub. L. 111-259, set out above, see section 2 of Pub. L. 111-259, set out as a note under section 401a of this title.]

### SUBCHAPTER IV—PROTECTION OF CERTAIN NATIONAL SECURITY INFORMATION

#### § 421. Protection of identities of certain United States undercover intelligence officers, agents, informants, and sources

##### (a) Disclosure of information by persons having or having had access to classified information that identifies covert agent

Whoever, having or having had authorized access to classified information that identifies a covert agent, intentionally discloses any information identifying such covert agent to any individual not authorized to receive classified information, knowing that the information disclosed so identifies such covert agent and that the United States is taking affirmative measures to conceal such covert agent’s intelligence relationship to the United States, shall be fined under title 18 or imprisoned not more than 15 years, or both.

##### (b) Disclosure of information by persons who learn identity of covert agents as result of having access to classified information

Whoever, as a result of having authorized access to classified information, learns the identity of a covert agent and intentionally discloses any information identifying such covert agent to any individual not authorized to receive clas-

sified information, knowing that the information disclosed so identifies such covert agent and that the United States is taking affirmative measures to conceal such covert agent’s intelligence relationship to the United States, shall be fined under title 18 or imprisoned not more than 10 years, or both.

##### (c) Disclosure of information by persons in course of pattern of activities intended to identify and expose covert agents

Whoever, in the course of a pattern of activities intended to identify and expose covert agents and with reason to believe that such activities would impair or impede the foreign intelligence activities of the United States, discloses any information that identifies an individual as a covert agent to any individual not authorized to receive classified information, knowing that the information disclosed so identifies such individual and that the United States is taking affirmative measures to conceal such individual’s classified intelligence relationship to the United States, shall be fined under title 18 or imprisoned not more than three years, or both.

##### (d) Imposition of consecutive sentences

A term of imprisonment imposed under this section shall be consecutive to any other sentence of imprisonment.

(July 26, 1947, ch. 343, title VI, § 601, as added Pub. L. 97-200, § 2(a), June 23, 1982, 96 Stat. 122; amended Pub. L. 106-120, title III, § 304(b), Dec. 3, 1999, 113 Stat. 1611; Pub. L. 111-259, title III, § 363(a), Oct. 7, 2010, 124 Stat. 2701.)

#### AMENDMENTS

2010—Subsec. (a). Pub. L. 111-259, § 363(a)(1), substituted “15 years” for “ten years”.

Subsec. (b). Pub. L. 111-259, § 363(a)(2), substituted “10 years” for “five years”.

1999—Subsec. (a). Pub. L. 106-120, § 304(b)(2)(A), substituted “shall be fined under title 18” for “shall be fined not more than \$50,000”.

Subsec. (b). Pub. L. 106-120, § 304(b)(2)(B), substituted “shall be fined under title 18” for “shall be fined not more than \$25,000”.

Subsec. (c). Pub. L. 106-120, § 304(b)(2)(C), substituted “shall be fined under title 18” for “shall be fined not more than \$15,000”.

Subsec. (d). Pub. L. 106-120, § 304(b)(1), added subsec. (d).

#### SHORT TITLE

For short title of this subchapter as the “Intelligence Identities Protection Act of 1982”, see section 1 of Pub. L. 97-200, set out as a Short Title of 1982 Amendment note under section 401 of this title.

#### § 422. Defenses and exceptions

##### (a) Disclosure by United States of identity of covert agent

It is a defense to a prosecution under section 421 of this title that before the commission of the offense with which the defendant is charged, the United States had publicly acknowledged or revealed the intelligence relationship to the United States of the individual the disclosure of whose intelligence relationship to the United States is the basis for the prosecution.

**(b) Conspiracy, misprision of felony, aiding and abetting, etc.**

(1) Subject to paragraph (2), no person other than a person committing an offense under section 421 of this title shall be subject to prosecution under such section by virtue of section 2 or 4 of title 18 or shall be subject to prosecution for conspiracy to commit an offense under such section.

(2) Paragraph (1) shall not apply (A) in the case of a person who acted in the course of a pattern of activities intended to identify and expose covert agents and with reason to believe that such activities would impair or impede the foreign intelligence activities of the United States, or (B) in the case of a person who has authorized access to classified information.

**(c) Disclosure to select Congressional committees on intelligence**

It shall not be an offense under section 421 of this title to transmit information described in such section directly to either congressional intelligence committee.

**(d) Disclosure by agent of own identity**

It shall not be an offense under section 421 of this title for an individual to disclose information that solely identifies himself as a covert agent.

(July 26, 1947, ch. 343, title VI, § 602, as added Pub. L. 97-200, § 2(a), June 23, 1982, 96 Stat. 122; amended Pub. L. 107-306, title III, § 353(b)(9), Nov. 27, 2002, 116 Stat. 2402.)

AMENDMENTS

2002—Subsec. (c). Pub. L. 107-306 substituted “either congressional intelligence committee” for “the Select Committee on Intelligence of the Senate or to the Permanent Select Committee on Intelligence of the House of Representatives”.

**§ 423. Report**

**(a) Annual report by President to Congress on measures to protect identities of covert agents**

The President, after receiving information from the Director of National Intelligence, shall submit to the congressional intelligence committees an annual report on measures to protect the identities of covert agents, including an assessment of the need, if any, for modification of this subchapter for the purpose of improving legal protections for covert agents, and on any other matter relevant to the protection of the identities of covert agents. The date for the submittal of the report shall be the date provided in section 415b of this title.

**(b) Exemption from disclosure**

The report described in subsection (a) of this section shall be exempt from any requirement for publication or disclosure.

(July 26, 1947, ch. 343, title VI, § 603, as added Pub. L. 97-200, § 2(a), June 23, 1982, 96 Stat. 123; amended Pub. L. 107-306, title III, § 353(b)(1)(B), title VIII, § 811(b)(1)(E), Nov. 27, 2002, 116 Stat. 2402, 2422; Pub. L. 108-458, title I, § 1071(a)(1)(CC), Dec. 17, 2004, 118 Stat. 3689; Pub. L. 111-259, title III, § 363(b), Oct. 7, 2010, 124 Stat. 2702.)

AMENDMENTS

2010—Subsec. (a). Pub. L. 111-259 inserted “including an assessment of the need, if any, for modification of this subchapter for the purpose of improving legal protections for covert agents,” after “measures to protect the identities of covert agents.”

2004—Subsec. (a). Pub. L. 108-458 substituted “Director of National Intelligence” for “Director of Central Intelligence”.

2002—Subsec. (a). Pub. L. 107-306, § 811(b)(1)(E)(i), inserted at end “The date for the submittal of the report shall be the date provided in section 415b of this title.”

Pub. L. 107-306, § 353(b)(1)(B), substituted “congressional intelligence committees” for “Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives”.

Subsec. (b). Pub. L. 107-306, § 811(b)(1)(E)(ii), struck out at end “The first such report shall be submitted no later than February 1, 1983.”

EFFECTIVE DATE OF 2004 AMENDMENT

For Determination by President that amendment by Pub. L. 108-458 take effect on Apr. 21, 2005, see Memorandum of President of the United States, Apr. 21, 2005, 70 F.R. 23925, set out as a note under section 401 of this title.

Amendment by Pub. L. 108-458 effective not later than six months after Dec. 17, 2004, except as otherwise expressly provided, see section 1097(a) of Pub. L. 108-458, set out in an Effective Date of 2004 Amendment; Transition Provisions note under section 401 of this title.

TERMINATION OF REPORTING REQUIREMENTS

For termination, effective May 15, 2000, of provisions of law requiring submittal to Congress of any annual, semiannual, or other regular periodic report listed in House Document No. 103-7 (in which the 8th item on page 156 identifies a reporting provision which, as subsequently amended, is contained in subsec. (a) of this section), see section 3003 of Pub. L. 104-66, as amended, set out as a note under section 1113 of Title 31, Money and Finance.

**§ 424. Extraterritorial jurisdiction**

There is jurisdiction over an offense under section 421 of this title committed outside the United States if the individual committing the offense is a citizen of the United States or an alien lawfully admitted to the United States for permanent residence (as defined in section 1101(a)(20) of title 8).

(July 26, 1947, ch. 343, title VI, § 604, as added Pub. L. 97-200, § 2(a), June 23, 1982, 96 Stat. 123.)

**§ 425. Providing information to Congress**

Nothing in this subchapter may be construed as authority to withhold information from the Congress or from a committee of either House of Congress.

(July 26, 1947, ch. 343, title VI, § 605, as added Pub. L. 97-200, § 2(a), June 23, 1982, 96 Stat. 123.)

**§ 426. Definitions**

For the purposes of this subchapter:

(1) The term “classified information” means information or material designated and clearly marked or clearly represented, pursuant to the provisions of a statute or Executive order (or a regulation or order issued pursuant to a statute or Executive order), as requiring a specific degree of protection against unauthorized disclosure for reasons of national security.