

(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.