

(3) substantiated by the inspector general of any element of the intelligence community.
(July 26, 1947, ch. 343, title V, § 511, as added Pub. L. 113-293, title III, § 323(a), Dec. 19, 2014, 128 Stat. 4003.)

CONSTRUCTION

Pub. L. 113-293, title III, § 323(e), Dec. 19, 2014, 128 Stat. 4004, provided that: “Nothing in this section [enacting this section and provisions set out as notes under this section] or the amendments made by this section shall be construed to alter any requirement existing on the date of the enactment of this Act [Dec. 19, 2014] to submit a report under any provision of law.”

INITIAL REPORT

Pub. L. 113-293, title III, § 323(b), Dec. 19, 2014, 128 Stat. 4004, provided that: “The first report required under section 511 of the National Security Act of 1947 [50 U.S.C. 3110], as added by subsection (a), shall be submitted not later than one year after the date of the enactment of this Act [Dec. 19, 2014].”

GUIDELINES

Pub. L. 113-293, title III, § 323(c), Dec. 19, 2014, 128 Stat. 4004, provided that: “Not later than 180 days after the date of the enactment of this Act [Dec. 19, 2014], the Director of National Intelligence, in consultation with the head of each element of the intelligence community, shall—

“(1) issue guidelines to carry out section 511 of the National Security Act of 1947 [50 U.S.C. 3110], as added by subsection (a); and

“(2) submit such guidelines to the congressional intelligence committees.”

[For definitions of terms used in section 323(c) of Pub. L. 113-293, set out above, see section 2 of Pub. L. 113-293, set out as a note under section 3003 of this title.]

SUBCHAPTER IV—PROTECTION OF CERTAIN NATIONAL SECURITY INFORMATION

§ 3121. 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 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 intel-

ligence 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.)

CODIFICATION

Section was formerly classified to section 421 of this title prior to editorial reclassification and renumbering as this section.

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).

§ 3122. Defenses and exceptions

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

It is a defense to a prosecution under section 3121 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 3121 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 3121 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 3121 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.)

CODIFICATION

Section was formerly classified to section 422 of this title prior to editorial reclassification and renumbering as this section.

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”.

§ 3123. Repealed. Pub. L. 112-277, title III, § 310(a)(4)(A), Jan. 14, 2013, 126 Stat. 2475

Section, act 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, required an annual report by the President to Congress on measures to protect identities of covert agents, with an exemption from disclosure.

CODIFICATION

Section was formerly classified to section 423 of this title and repealed prior to editorial reclassification and renumbering as this section.

§ 3124. Extraterritorial jurisdiction

There is jurisdiction over an offense under section 3121 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, § 603, formerly § 604, as added Pub. L. 97-200, § 2(a), June 23, 1982, 96 Stat. 123; renumbered § 603, Pub. L. 112-277, title III, § 310(a)(4)(B), Jan. 14, 2013, 126 Stat. 2475.)

CODIFICATION

Section was formerly classified to section 424 of this title prior to editorial reclassification and renumbering as this section.

PRIOR PROVISIONS

A prior section 603 of act July 26, 1947, was classified to section 423 of this title, prior to repeal by Pub. L. 112-277, title III, § 310(a)(4)(A), Jan. 14, 2013, 126 Stat. 2475, and editorial reclassification as section 3123 of this title.

§ 3125. 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, § 604, formerly § 605, as added Pub. L. 97-200, § 2(a), June 23, 1982, 96 Stat. 123; renumbered § 604, Pub. L. 112-277, title III, § 310(a)(4)(B), Jan. 14, 2013, 126 Stat. 2475.)

CODIFICATION

Section was formerly classified to section 425 of this title prior to editorial reclassification and renumbering as this section.

PRIOR PROVISIONS

A prior section 604 of act July 26, 1947, was renumbered section 603 and is classified to section 3124 of this title.

§ 3126. 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.

(2) The term “authorized”, when used with respect to access to classified information, means having authority, right, or permission pursuant to the provisions of a statute, Executive order, directive of the head of any department or agency engaged in foreign intelligence or counterintelligence activities, order of any United States court, or provisions of any Rule of the House of Representatives or resolution of the Senate which assigns responsibility within the respective House of Congress for the oversight of intelligence activities.

(3) The term “disclose” means to communicate, provide, impart, transmit, transfer, convey, publish, or otherwise make available.

(4) The term “covert agent” means—

(A) a present or retired officer or employee of an intelligence agency or a present or retired member of the Armed Forces assigned to duty with an intelligence agency—

(i) whose identity as such an officer, employee, or member is classified information, and

(ii) who is serving outside the United States or has within the last five years served outside the United States; or

(B) a United States citizen whose intelligence relationship to the United States is classified information, and—