

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 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.)

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 Per-