

“section 625(h)(2) of the Fair Credit Reporting Act”, to reflect the probable intent of Congress and the renumbering of section 624 as 625 by section 358(g)(1)(A) of Pub. L. 107–56.

AMENDMENTS

2003—Subsec. (a)(1)(A). Pub. L. 108–177, § 361(l)(1)(A)(i), (ii), redesignated subpar. (B) as (A) and struck out former subpar. (A) which read as follows: “The annual evaluation of the performance and responsiveness of certain elements of the intelligence community required by section 403–5(d) of this title.”

Subsec. (a)(1)(B). Pub. L. 108–177, § 361(l)(1)(A)(iii), added subpar. (B). Former subpar. (B) redesignated (A).

Subsec. (a)(1)(C). Pub. L. 108–177, § 361(l)(1)(A)(i), (ii), redesignated subpar. (D) as (C) and struck out former subpar. (C) which read as follows: “The annual report on intelligence community cooperation with Federal law enforcement agencies required by section 404i(a)(2) of this title.”

Subsec. (a)(1)(D). Pub. L. 108–177, § 361(l)(1)(A)(ii), redesignated subpar. (E) as (D). Former subpar. (D) redesignated (C).

Subsec. (a)(1)(E). Pub. L. 108–177, § 361(l)(1)(A)(iv), added subpar. (E). Former subpar. (E) redesignated (D).

Subsec. (a)(1)(G). Pub. L. 108–177, § 361(l)(1)(A)(i), (ii), redesignated subpar. (H) as (G) and struck out former subpar. (G) which read as follows: “The annual report on expenditures for postemployment assistance for terminated intelligence employees required by section 1611(e)(2) of title 10.”

Subsec. (a)(1)(H). Pub. L. 108–177, § 361(l)(1)(A)(ii), redesignated subpar. (K) as (H). Former subpar. (H) redesignated (G).

Subsec. (a)(1)(I). Pub. L. 108–177, § 361(l)(1)(A)(i), (ii), redesignated subpar. (M) as (I) and struck out former subpar. (I) which read as follows: “The annual report on coordination of counterintelligence matters with the Federal Bureau of Investigation required by section 402a(c)(6) of this title.”

Subsec. (a)(1)(J). Pub. L. 108–177, § 361(l)(1)(A)(i), struck out subpar. (J) which read as follows: “The annual report on foreign companies involved in the proliferation of weapons of mass destruction that raise funds in the United States capital markets required by section 404n–3 of this title.”

Subsec. (a)(1)(K). Pub. L. 108–177, § 361(l)(1)(A)(ii), redesignated subpar. (K) as (H).

Subsec. (a)(1)(L). Pub. L. 108–177, § 361(l)(1)(A)(i), struck out subpar. (L) which read as follows: “The annual report on exceptions to consumer disclosure requirements for national security investigations under section 1681b(b)(4)(E) of title 15.”

Subsec. (a)(1)(M). Pub. L. 108–177, § 361(l)(1)(A)(ii), redesignated subpar. (M) as (I).

Subsec. (a)(1)(N). Pub. L. 108–177, § 361(l)(1)(A)(ii), which directed that subpar. (N) be redesignated, could not be executed because there was no corresponding subpar. provided for such redesignation.

Subsec. (a)(2). Pub. L. 108–177, § 361(l)(1)(B)(iii), (iv), redesignated subpars. (D) and (G) as (C) and (D), respectively, and struck out subpars. (C), (E), and (F) which read as follows:

“(C) The annual report on covert leases required by section 404i(e) of this title.

“(E) The annual report on activities of personnel of the Federal Bureau of Investigation outside the United States required by section 540C(c)(2) of title 28.

“(F) The annual report on intelligence activities of the People’s Republic of China required by section 308(c) of the Intelligence Authorization Act for Fiscal Year 1998 (Public Law 105–107; 50 U.S.C. 402a note).”

Subsec. (a)(2)(A). Pub. L. 108–177, § 361(l)(1)(B)(i), substituted “section 404i(a)” for “section 404i(b)”.

Subsec. (a)(2)(B). Pub. L. 108–177, § 361(l)(1)(B)(ii), substituted “section 404i(c)” for “section 404i(d)”.

Subsec. (b). Pub. L. 108–177, § 361(l)(2), redesignated pars. (2), (3), (5), (6), (7), and (8) as (1), (2), (3), (4), (5), and (6), respectively, and struck out former pars. (1) and (4) which read as follows:

“(1) The periodic reports on intelligence provided to the United Nations required by section 404g(b) of this title.

“(4) The semiannual reports on the acquisition of technology relating to weapons of mass destruction and advanced conventional munitions required by section 2366(b) of this title.”

EFFECTIVE DATE OF 2003 AMENDMENT

Amendment by Pub. L. 108–177 effective Dec. 31, 2003, see section 361(n) of Pub. L. 108–177, set out as a note under section 1611 of Title 10, Armed Forces.

PREPARATION AND SUBMITTAL OF REPORTS, REVIEWS, STUDIES, AND PLANS RELATING TO INTELLIGENCE ACTIVITIES OF DEPARTMENT OF DEFENSE OR DEPARTMENT OF ENERGY

Pub. L. 108–487, title I, § 107, Dec. 23, 2004, 118 Stat. 3943, provided that:

“(a) CONSULTATION IN PREPARATION.—(1) The Director of National Intelligence shall ensure that any report, review, study, or plan required to be prepared or conducted by a provision of this Act [see Tables for classification], including a provision of the classified Schedule of Authorizations referred to in section 102(a) [118 Stat. 3940] or the classified annex to this Act, that involves the intelligence or intelligence-related activities of the Department of Defense or the Department of Energy is prepared or conducted in consultation with the Secretary of Defense or the Secretary of Energy, as appropriate.

“(2) The Secretary of Defense or the Secretary of Energy may carry out any consultation required by this subsection through an official of the Department of Defense or the Department of Energy, as the case may be, designated by such Secretary for that purpose.

“(b) SUBMITTAL.—Any report, review, study, or plan referred to in subsection (a) shall be submitted, in addition to any other committee of Congress specified for submittal in the provision concerned, to the following committees or subcommittees of Congress, as appropriate:

“(1) The Committee on Armed Services, the Subcommittee on Defense of the Committee on Appropriations, and the Select Committee on Intelligence of the Senate.

“(2) The Committee on Armed Services, the Subcommittee on Defense of the Committee on Appropriations, and the Permanent Select Committee on Intelligence of the House of Representatives.”

Similar provisions were contained in the following prior acts:

Pub. L. 108–177, title I, § 107, Dec. 13, 2003, 117 Stat. 2604.

Pub. L. 107–306, title I, § 109, Nov. 27, 2002, 116 Stat. 2389.

Pub. L. 107–108, title V, § 505, Dec. 28, 2001, 115 Stat. 1406.

DEADLINE FOR SUBMITTAL OF VARIOUS OVERDUE REPORTS

Pub. L. 107–306, title VIII, § 801, Nov. 27, 2002, 116 Stat. 2418, provided that certain overdue reports that the Director of Central Intelligence has sole or primary responsibility to present to Congress must be submitted to Congress no later than 180 days after Nov. 27, 2002, or amounts available to the Director to carry out the functions and duties of the Director’s Office would be reduced by ½.

§ 415c. Availability to public of certain intelligence funding information

(a) Amounts appropriated each fiscal year

Not later than 30 days after the end of each fiscal year beginning with fiscal year 2007, the Director of National Intelligence shall disclose to the public the aggregate amount of funds ap-

propriated by Congress for the National Intelligence Program for such fiscal year.

(b) Waiver

Beginning with fiscal year 2009, the President may waive or postpone the disclosure required by subsection (a) for any fiscal year by, not later than 30 days after the end of such fiscal year, submitting to the Select Committee on Intelligence of the Senate and Permanent Select Committee on Intelligence of the House of Representatives—

(1) a statement, in unclassified form, that the disclosure required in subsection (a) for that fiscal year would damage national security; and

(2) a statement detailing the reasons for the waiver or postponement, which may be submitted in classified form.

(c) Definition

As used in this section, the term “National Intelligence Program” has the meaning given the term in section 401a(6) of this title.

(Pub. L. 110–53, title VI, §601, Aug. 3, 2007, 121 Stat. 335.)

CODIFICATION

Section was enacted as part of the Implementing Recommendations of the 9/11 Commission Act of 2007, and not as part of the National Security Act of 1947 which comprises this chapter.

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 ten 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 five 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.)

AMENDMENTS

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