

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