H. R. 6506

To amend section 798 of title 18, United States Code, to provide penalties for disclosure of classified information related to certain intelligence activities of the United States, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

DECEMBER 8, 2010

Mr. KING of New York (for himself, Mr. ROGERS of Alabama, and Mr. LATHAM) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To amend section 798 of title 18, United States Code, to provide penalties for disclosure of classified information related to certain intelligence activities of the United States, and for other purposes.

Be it enacted by the Senate and House of Representa-
tives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLES.

This Act may be cited as the “Securing Human Intel-
ligence and Enforcing Lawful Dissemination Act” or the
“SHIELD Act”.

SEC. 2. PENALTIES FOR DISCLOSURE OF CLASSIFIED INFORMATION RELATED TO INTELLIGENCE ACTIVITIES.

(a) IN GENERAL.—Subsection (a) section 798 of title 18, United States Code, is amended—

(1) in the matter preceding paragraph (1), by inserting “or transnational threat” after “foreign government”; 

(2) in paragraph (3), by striking “or” at the end;

(3) by redesignating paragraph (4) as paragraph (6); and

(4) by inserting after paragraph (3) the following:

“(4) concerning the human intelligence activities of the United States or any foreign government;

“(5) concerning the identity of a classified source or informant of an element of the intelligence community of the United States; or”.

(b) DEFINITIONS.—Subsection (b) section 798 of title 18, United States Code, is amended to read as follows:

“(b) DEFINITIONS.—In subsection (a):

“(1) CIPHER, CODE, CRYPTOGRAPHIC SYSTEM.—The terms ‘cipher’, ‘code’, and ‘cryptographic system’ include in their meanings, in addition to
their usual meanings, any method of secret writing
and any mechanical or electrical device or method
used for the purpose of disguising or concealing the
contents, significance, or meanings of communications.

“(2) CLASSIFIED INFORMATION.—The term
‘classified information’ means information which, at
the time of a violation of this section, is, for reasons
of national security, specifically designated by a
United States Government Agency for limited or re-
stricted dissemination or distribution.

“(3) COMMUNICATION INTELLIGENCE.—The
term ‘communication intelligence’ means all proce-
dures and methods used in the interception of com-
munications and the obtaining of information from
such communications by other than the intended re-
cipients.

“(4) FOREIGN GOVERNMENT.—The term ‘for-

government’ includes in its meaning any person
or persons acting or purporting to act for or on be-
half of any faction, party, department, agency, bu-
reau, or military force of or within a foreign coun-
try, or for or on behalf of any government or any
person or persons purporting to act as a government
within a foreign country, whether or not such gov-
ernment is recognized by the United States.

“(5) HUMAN INTELLIGENCE.—The term
‘human intelligence’ means all procedures and meth-
ods employed in the collection of intelligence through
human sources.

“(6) INFORMANT.—The term ‘informant’ has
the meaning given that term in section 606 of the

“(7) TRANSNATIONAL THREAT.—The term
‘transnational threat’ means—

“(A) any transnational activity (including
international terrorism, narcotics trafficking,
the proliferation of weapons of mass destruction
and the delivery systems for such weapons, and
organized crime) that threatens the national se-
curity of the United States; or

“(B) any individual or group that engages
in an activity referred to in subparagraph (A).

“(8) UNAUTHORIZED PERSON.—The term ‘un-
authorized person’ means any person who, or agency
which, is not authorized to receive information of the
categories set forth in subsection (a), by the Presi-
dent, or by the head of a department or agency of
the United States Government which is expressly
designated by the President to engage in communication intelligence or human intelligence activities for the United States.”.