

of urgency of priority among unfunded priorities.

(c) Unfunded priority defined

In this section, the term “unfunded priority”, in the case of a fiscal year, means a program, activity, or mission requirement of an element of the intelligence community that—

(1) is not funded in the budget of the President for the fiscal year as submitted to Congress pursuant to section 1105 of title 31;

(2) is necessary to fulfill a covert action or to satisfy an information requirement associated with the collection, analysis, or dissemination of intelligence that has been documented within the National Intelligence Priorities Framework; and

(3) would have been recommended for funding by the head of the element of the intelligence community if—

(A) additional resources had been available for the budget to fund the program, activity, or mission requirement; or

(B) the program, activity, or mission requirement has emerged since the budget was formulated.

(July 26, 1947, ch. 343, title V, § 514, as added Pub. L. 117-263, div. F, title LXIII, § 6315, Dec. 23, 2022, 136 Stat. 3512.)

§ 3114. Submission of covered documents and classified annexes

(a) Covered document defined

In this section, the term “covered document” means any executive order, memorandum, or policy directive issued by the President, including national security Presidential memoranda and Presidential policy directives, or such successor memoranda and directives.

(b) Requirement

Not later than 7 days after the date on which the President issues or amends a covered document, the President, acting through the Director of National Intelligence, shall submit to the congressional intelligence committees, the Subcommittee on Defense of the Committee on Appropriations of the Senate, and the Subcommittee on Defense of the Committee on Appropriations of the House of Representatives the covered document and any classified annex accompanying that document if such covered document or annex contains a direction to, establishes a requirement for, or includes a restriction on any element of the intelligence community.

(July 26, 1947, ch. 343, title V, § 515, as added Pub. L. 117-263, div. F, title LXIII, § 6316(a), Dec. 23, 2022, 136 Stat. 3513.)

Statutory Notes and Related Subsidiaries

INITIAL SUBMISSION

Pub. L. 117-263, div. F, title LXIII, § 6316(b), Dec. 23, 2022, 136 Stat. 3513, provided that: “Not later than 60 days after the date of the enactment of this Act [Dec. 23, 2022], the Director of National Intelligence shall submit to the congressional intelligence committees, the Subcommittee on Defense of the Committee on Appropriations of the Senate, and the Subcommittee on Defense of the Committee on Appropriations of the

House of Representatives each covered document and classified annex required under section 515 of the National Security Act of 1947 [50 U.S.C. 3114], as added by subsection (a), in effect as of the date of enactment of this Act.”

[For definition of “congressional intelligence committees” as used in section 6316(b) of Pub. L. 117-263, set out above, see section 6002 of Pub. L. 117-263, 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 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.)

Editorial Notes

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.)

Editorial Notes

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.

Editorial Notes

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.)

Editorial Notes

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.)