

DRAFT CRIMINAL LEGISLATION  
PROHIBITING DISCLOSURE OF  
RESTRICTED DEFENSE INFORMATION

AN ACT to amend the National Security Act of 1947 to prohibit the unauthorized disclosure of restricted defense information

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,  
That this Act may be cited as the "Defense Information Protection Act of 1983."

Sec. 2. (a) The National Security Act of 1947 is amended by adding at the end thereof the following new title:

"TITLE VII -- PROTECTION OF RESTRICTED DEFENSE INFORMATION  
PROTECTION OF CERTAIN NATIONAL SECURITY INFORMATION

Sec. 701. (a) Whoever, having or having had authorized access to restricted defense information, intentionally discloses any such information to any individual not authorized to receive classified information, knowing that the information disclosed is restricted defense information, shall be fined not more than [ ] or imprisoned not more than [ ] years, or both.

(b) Whoever, as a result of having authorized access to classified information, obtains restricted defense information and intentionally discloses such information to any individual not authorized to receive classified information, knowing that the information disclosed is restricted

defense information, shall be fined not more than [ ] or imprisoned not more than [ ] years, or both.

(c) Whoever, not as the result of having authorized access to classified information, obtains restricted defense information and intentionally discloses such information to any individual not authorized to receive classified information, knowing that the information disclosed is restricted defense information, shall be fined not more than [ ] or imprisoned not more than [ ] years, or both.

#### DEFENSES AND EXCEPTIONS

Sec. 702. (a) It is a defense to a prosecution under section 701 that before the commission of the offense with which the defendant is charged, an employee or official of the United States acting in the course of official responsibilities had previously publicly disclosed or revealed the restricted defense information so as to compromise the secrecy thereof.

(b) It is a defense to a prosecution under section 701(a) that the individual making the disclosure was authorized to do so by the United States Government pursuant to regulations and procedures promulgated to provide for official disclosures of restricted defense information.

(c) No person other than a person committing an offense under section 701 shall be subject to prosecution under such section by virtue of section 2 or 4 of title 18, United States Code, or shall be subject to prosecution for conspiracy to commit an offense under such section.

(d) It shall not be an offense under section 701 to transmit restricted defense information directly to the following committees of the Senate and of the House of Representatives: [ ].

#### REPORT

Sec. 703. (a) The President, after receiving information from the Director of Central Intelligence, the Secretary of Defense, and the Attorney General, shall submit to the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives an annual report on measures to protect restricted defense information and on the operation and effectiveness of this Title, including suggested amendments to this Title.

(b) The report described in subsection (a) shall be exempt from any requirement for publication or disclosure. The first such report shall be submitted no later than February 1, 1985.

#### EXTRATERRITORIAL JURISDICTION

Sec. 704. There is jurisdiction over an offense under section 701 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 101(a)(20) of the Immigration and Nationality Act).

PROVIDING INFORMATION TO CONGRESS

Sec. 705. Nothing in this title may be construed as authority to withhold information from the Congress or from a committee of either House of Congress.

DEFINITIONS

Sec. 706. For the purpose of this title:

(a) The term "restricted defense information" means information that is classified as Top Secret and

(1) is Restricted Data as defined in section 2014(y) of title 42, United States Code; or

(2) describes the technical design of weapons systems; or

(3) describes sources or methods of obtaining signals intelligence or satellite reconnaissance.

(b) The term "classified information" means information or material designated and clearly marked or clearly represented, pursuant to the provisions of a statute or Executive order (or a regulation or order issued pursuant to a statute or Executive order), as requiring a specific degree of protection against unauthorized disclosure for reasons of national security.

(c) The term "authorized," when used with respect to access to classified information, means having authority, right, or permission pursuant to the provisions of a statute, Executive order, directive of the head of any department or

agency engaged in foreign intelligence or counterintelligence activities, order of any United States court, or provisions of any Rule of the House of Representatives or resolution of the Senate which assigns responsibility within the respective House of Congress for the oversight of intelligence activities.

(d) The term "disclose" means to communicate, provide, impart, transmit, transfer, convey, publish, or otherwise make available.

(e) The term "United States," when used in a geographic sense, means all areas under the territorial sovereignty of the United States and the Trust Territory of the Pacific Islands."

Sec. 2.(b) The table of contents at the beginning of such Act is amended by adding at the end thereof the following:

"TITLE VII -- PROTECTION OF RESTRICTED DEFENSE  
INFORMATION

Sec. 701. Protection of certain national security  
information.

Sec. 702. Defenses and exceptions.

Sec. 703. Report.

Sec. 704. Extraterritorial jurisdiction.

Sec. 705. Providing information to Congress.

Sec. 706. Definitions."