

107TH CONGRESS
1ST SESSION

H. R. _____

IN THE HOUSE OF REPRESENTATIVES

Mr. VITTER introduced the following bill; which was referred to the Committee
on _____

A BILL

To protect classified information, and for other purposes.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Classified Information
5 Protection Act of 2001”.

6 **SEC. 2. PROHIBITION ON UNAUTHORIZED DISCLOSURE OF**
7 **CLASSIFIED INFORMATION.**

8 (a) IN GENERAL.—Chapter 37 of title 18, United
9 States Code, is amended—

1 (1) by redesignating section 798A as section
2 798B; and

3 (2) by inserting after section 798 the following
4 new section 798A:

5 **“§ 798A. Unauthorized disclosure of classified infor-**
6 **mation**

7 “(a) PROHIBITION.—Whoever, being an officer or
8 employee of the United States, a former or retired officer
9 or employee of the United States, any other person with
10 authorized access to classified information, or any other
11 person formerly with authorized access to classified infor-
12 mation, knowingly and willfully discloses, or attempts to
13 disclose, any classified information acquired as a result of
14 such person’s authorized access to classified information
15 to a person (other than an officer or employee of the
16 United States) who is not authorized access to such classi-
17 fied information, knowing that the person is not author-
18 ized access to such classified information, shall be fined
19 under this title, imprisoned not more than 3 years, or
20 both.

21 “(b) CONSTRUCTION OF PROHIBITION.—Nothing in
22 this section shall be construed to establish criminal liabil-
23 ity for disclosure of classified information in accordance
24 with applicable law to the following:

1 “(1) Any justice or judge of a court of the
2 United States established pursuant to article III of
3 the Constitution of the United States.

4 “(2) The Senate or House of Representatives,
5 or any committee or subcommittee thereof, or joint
6 committee thereof, or any Member of Congress.

7 “(3) A person or persons acting on behalf of a
8 foreign power (including an international organiza-
9 tion) if the disclosure—

10 “(A) is made by an officer or employee of
11 the United States who has been authorized to
12 make the disclosure; and

13 “(B) is within the scope of such officer’s or
14 employee’s duties.

15 “(4) Any other person authorized to receive the
16 classified information.

17 “(c) DEFINITIONS.—In this section:

18 “(1) The term ‘authorized’, in the case of ac-
19 cess to classified information, means having author-
20 ity or permission to have access to the classified in-
21 formation pursuant to the provisions of a statute,
22 Executive order, regulation, or directive of the head
23 of any department or agency who is empowered to
24 classify information, an order of any United States
25 court, or a provision of any Resolution of the Senate

1 or Rule of the House of Representatives which gov-
2 erns release of classified information by such House
3 of Congress.

4 “(2) The term ‘classified information’ means in-
5 formation or material properly classified and clearly
6 marked or represented, or that the person knows or
7 has reason to believe has been properly classified by
8 appropriate authorities, pursuant to the provisions
9 of a statute or Executive order, as requiring protec-
10 tion against unauthorized disclosure for reasons of
11 national security.

12 “(3) The term ‘officer or employee of the
13 United States’ means the following:

14 “(A) An officer or employee (as those
15 terms are defined in sections 2104 and 2105 of
16 title 5).

17 “(B) An officer or enlisted member of the
18 Armed Forces (as those terms are defined in
19 section 101(b) of title 10).”.

20 (b) CLERICAL AMENDMENT.—The table of sections
21 at the beginning of that chapter is amended by striking
22 the item relating to section 798A and inserting the fol-
23 lowing new items:

“798A. Unauthorized disclosure of classified information.

“798B. Temporary extension of section 794.”.