

115TH CONGRESS
1ST SESSION

H. R. 3448

To amend title 18, United States Code, to provide for penalties for the unauthorized disclosure of classified information to a person not authorized to receive such information.

IN THE HOUSE OF REPRESENTATIVES

JULY 27, 2017

Mr. STEWART introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To amend title 18, United States Code, to provide for penalties for the unauthorized disclosure of classified information to a person not authorized to receive such information.

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 2017”.

1 **SEC. 2. PROHIBITION ON UNAUTHORIZED DISCLOSURE OF**
2 **CLASSIFIED INFORMATION.**

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

5 (1) by redesignating section 798A as section
6 798B; and

7 (2) by inserting after section 798 the following
8 new section 798A:

9 **“SEC. 798A. UNAUTHORIZED DISCLOSURE OF CLASSIFIED**
10 **INFORMATION.**

11 “(a) PROHIBITION.—Whoever knowingly and willfully
12 discloses, or attempts to disclose, any classified informa-
13 tion acquired as a result of such person’s authorized ac-
14 cess to classified information to a person who is not au-
15 thorized access to such classified information, knowing
16 that the person is not authorized access to such classified
17 information, shall be fined under this title, imprisoned not
18 more than 3 years, or both.

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

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

1 “(2) The Senate or the House of Representa-
2 tives, or any committee or subcommittee thereof, or
3 joint committee thereof, or any member of Congress.

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

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

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

12 “(4) Any other person authorized to receive the
13 classified information.

14 “(c) DEFINITIONS.—In this section:

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

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

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

“798A. Unauthorized disclosure of classified information.
“798B. Temporary extension of section 794.”.

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