

105TH CONGRESS  
2D SESSION

# S. 1668

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IN THE HOUSE OF REPRESENTATIVES

MARCH 10, 1998

Referred to the Permanent Select Committee on Intelligence

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## AN ACT

To encourage the disclosure to Congress of certain classified  
and related 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. ENCOURAGEMENT OF DISCLOSURE OF CER-**  
4       **TAIN INFORMATION TO CONGRESS.**

5       (a) ENCOURAGEMENT.—

1           (1) IN GENERAL.—Not later than 30 days after  
2       the date of enactment of this Act, the President  
3       shall take appropriate actions to inform the employ-  
4       ees of the covered agencies, and employees of con-  
5       tractors carrying out activities under classified con-  
6       tracts with covered agencies, that—

7           (A) except as provided in paragraph (4),  
8       the disclosure of information described in para-  
9       graph (2) to the individuals referred to in para-  
10      graph (3) is not prohibited by law, executive  
11      order, or regulation or otherwise contrary to  
12      public policy;

13          (B) the individuals referred to in para-  
14      graph (3) are presumed to have a need to know  
15      and to be authorized to receive such informa-  
16      tion; and

17          (C) the individuals referred to in para-  
18      graph (3) may receive information so disclosed  
19      only in their capacity as members of the com-  
20      mittees concerned.

21          (2) COVERED INFORMATION.—Paragraph (1)  
22      applies to information, including classified informa-  
23      tion, that an employee reasonably believes to provide  
24      direct and specific evidence of—

1 (A) a violation of any law, rule, or regula-  
2 tion;

3 (B) a false statement to Congress on an  
4 issue of material fact; or

5 (C) gross mismanagement, a gross waste  
6 of funds, a flagrant abuse of authority, or a  
7 substantial and specific danger to public health  
8 or safety.

9 (3) COVERED INDIVIDUALS.—The individuals to  
10 whom information described in paragraph (2) may  
11 be disclosed are the members of a committee of Con-  
12 gress having as its primary responsibility the over-  
13 sight of a department, agency, or element of the  
14 Federal Government to which such information re-  
15 lates.

16 (4) SCOPE.—Paragraph (1)(A) does not apply  
17 to information otherwise described in paragraph (2)  
18 if the disclosure of the information is prohibited by  
19 Rule 6(e) of the Federal Rules of Criminal Proce-  
20 dure.

21 (b) REPORT.—Not later than 60 days after the date  
22 of enactment of this Act, the President shall submit to  
23 Congress a report on the actions taken under subsection  
24 (a).

1       (c) CONSTRUCTION WITH OTHER REPORTING RE-  
 2 QUIREMENTS.—Nothing in this section may be construed  
 3 to modify, alter, or otherwise affect any reporting require-  
 4 ment relating to intelligence activities that arises under  
 5 the National Security Act of 1947 (50 U.S.C. 401 et seq.)  
 6 or any other provision of law.

7       (d) COVERED AGENCIES DEFINED.—In this section,  
 8 the term “covered agencies” means the following:

- 9           (1) The Central Intelligence Agency.
- 10          (2) The Defense Intelligence Agency.
- 11          (3) The National Imagery and Mapping Agen-  
 12 cy.
- 13          (4) The National Security Agency.
- 14          (5) The Federal Bureau of Investigation.
- 15          (6) Any other Executive agency, or element or  
 16 unit thereof, determined by the President under sec-  
 17 tion 2302(a)(2)(C)(ii) of title 5, United States Code,  
 18 to have as its principal function the conduct of for-  
 19 eign intelligence or counterintelligence activities.

Passed the Senate March 9, 1998.

Attest:

GARY SISCO,  
*Secretary.*