

“(D) section 7532 of title 5, United States Code, if the head of the agency determines that the termination is in the interest of the United States; and “(2) not later than 30 days after such termination, the head of the agency that employed the affected employee notifies the congressional intelligence committees of the termination.”

[For definition of “congressional intelligence committees” as used in section 604 of Pub. L. 113-126, set out above, see section 2 of Pub. L. 113-126, set out as a note under section 3003 of this title.]

**§ 3235. Semiannual reports on investigations of unauthorized disclosures of classified information**

**(a) Definitions**

In this section:

**(1) Covered official**

The term “covered official” means—

(A) the heads of each element of the intelligence community; and

(B) the inspectors general with oversight responsibility for an element of the intelligence community.

**(2) Investigation**

The term “investigation” means any inquiry, whether formal or informal, into the existence of an unauthorized public disclosure of classified information.

**(3) Unauthorized disclosure of classified information**

The term “unauthorized disclosure of classified information” means any unauthorized disclosure of classified information to any recipient.

**(4) Unauthorized public disclosure of classified information**

The term “unauthorized public disclosure of classified information” means the unauthorized disclosure of classified information to a journalist or media organization.

**(b) Intelligence community reporting**

**(1) In general**

Not less frequently than once every 6 months, each covered official shall submit to the congressional intelligence committees a report on investigations of unauthorized public disclosures of classified information.

**(2) Elements**

Each report submitted under paragraph (1) shall include, with respect to the preceding 6-month period, the following:

(A) The number of investigations opened by the covered official regarding an unauthorized public disclosure of classified information.

(B) The number of investigations completed by the covered official regarding an unauthorized public disclosure of classified information.

(C) Of the number of such completed investigations identified under subparagraph (B), the number referred to the Attorney General for criminal investigation.

**(c) Department of Justice reporting**

**(1) In general**

Not less frequently than once every 6 months, the Assistant Attorney General for

National Security of the Department of Justice, in consultation with the Director of the Federal Bureau of Investigation, shall submit to the congressional intelligence committees, the Committee on the Judiciary of the Senate, and the Committee on the Judiciary of the House of Representatives a report on the status of each referral made to the Department of Justice from any element of the intelligence community regarding an unauthorized disclosure of classified information made during the most recent 365-day period or any referral that has not yet been closed, regardless of the date the referral was made.

**(2) Contents**

Each report submitted under paragraph (1) shall include, for each referral covered by the report, at a minimum, the following:

(A) The date the referral was received.

(B) A statement indicating whether the alleged unauthorized disclosure described in the referral was substantiated by the Department of Justice.

(C) A statement indicating the highest level of classification of the information that was revealed in the unauthorized disclosure.

(D) A statement indicating whether an open criminal investigation related to the referral is active.

(E) A statement indicating whether any criminal charges have been filed related to the referral.

(F) A statement indicating whether the Department of Justice has been able to attribute the unauthorized disclosure to a particular entity or individual.

**(d) Form of reports**

Each report submitted under this section shall be submitted in unclassified form, but may have a classified annex.

(July 26, 1947, ch. 343, title XI, §1105, as added Pub. L. 116-92, div. E, title LXVII, §6718(a), Dec. 20, 2019, 133 Stat. 2228.)

**§ 3235a. Notice and damage assessment with respect to significant unauthorized disclosure or compromise of classified national intelligence**

**(a) Notification and damage assessment requirements**

**(1) Requirements**

If the Director of National Intelligence becomes aware of an actual or potential significant unauthorized disclosure or compromise of classified national intelligence—

(A) as soon as practicable, but not later than 7 days after the date on which the Director becomes so aware, the Director shall notify the congressional intelligence committees of such actual or potential disclosure or compromise; and

(B) in the case of an actual disclosure or compromise, not later than 7 days after the date on which the Director becomes so aware, the Director or the head of any element of the intelligence community from which the significant unauthorized disclo-

sure or compromise originated shall initiate a damage assessment consistent with the procedures set forth in Intelligence Community Directive 732 (relating to the conduct of damage assessments), or successor directive, with respect to such disclosure or compromise.

**(2) Contents of notification**

A notification submitted to the congressional intelligence committees under paragraph (1)(A) with respect to an actual or potential significant unauthorized disclosure or compromise of classified national intelligence shall include—

(A) a summary of the facts and circumstances of such disclosure or compromise;

(B) a summary of the contents of the national intelligence revealed or potentially revealed, as the case may be, by such disclosure or compromise;

(C) an initial appraisal of the level of actual or potential damage, as the case may be, to the national security of the United States as a result of such disclosure or compromise; and

(D) in the case of an actual disclosure or compromise, which elements of the intelligence community will be involved in the damage assessment conducted with respect to such disclosure or compromise pursuant to paragraph (1)(B).

**(b) Damage assessment reporting requirements**

**(1) Recurring reporting requirement**

Not later than 30 days after the date of the initiation of a damage assessment pursuant to subsection (a)(1)(B), and every 90 days thereafter until the completion of the damage assessment or upon the request of the congressional intelligence committees, the Director of National Intelligence shall—

(A) submit to the congressional intelligence committees copies of any documents or materials disclosed as a result of the significant unauthorized disclosure or compromise of the classified national intelligence that is the subject of the damage assessment; and

(B) provide to the congressional intelligence committees a briefing on such documents and materials and a status of the damage assessment.

**(2) Final damage assessment**

As soon as practicable after completing a damage assessment pursuant to subsection (a)(1)(B), the Director of National Intelligence shall submit the final damage assessment to the congressional intelligence committees.

**(c) Notification of referral to Department of Justice**

If a referral is made to the Department of Justice from any element of the intelligence community regarding a significant unauthorized disclosure or compromise of classified national intelligence under this section, the Director of National Intelligence shall notify the congressional intelligence committees of the referral on the date such referral is made.

(July 26, 1947, ch. 343, title XI, § 1105A, as added Pub. L. 118-31, div. G, title III, § 7315, Dec. 22, 2023, 137 Stat. 1031.)

**§ 3236. Inspector General external review panel**

**(a) Request for review**

An individual with a claim described in subsection (b) may submit to the Inspector General of the Intelligence Community a request for a review of such claim by an external review panel convened under subsection (c).

**(b) Claims and individuals described**

A claim described in this subsection is any—

(1) claim by an individual—

(A) that the individual has been subjected to a personnel action that is prohibited under section 3234 of this title; and

(B) who has exhausted the applicable review process for the claim pursuant to enforcement of such section; or

(2) claim by an individual—

(A) that he or she has been subjected to a reprisal prohibited by paragraph (1) of section 3341(j) of this title; and

(B) who received a decision on an appeal regarding that claim under paragraph (4) of such section.

**(c) External review panel convened**

**(1) Discretion to convene**

Upon receipt of a request under subsection (a) regarding a claim, the Inspector General of the Intelligence Community may, at the discretion of the Inspector General, convene an external review panel under this subsection to review the claim.

**(2) Membership**

**(A) Composition**

An external review panel convened under this subsection shall be composed of three members as follows:

(i) The Inspector General of the Intelligence Community.

(ii) Except as provided in subparagraph (B), two members selected by the Inspector General as the Inspector General considers appropriate on a case-by-case basis from among inspectors general of the following:

(I) The Department of Defense.

(II) The Department of Energy.

(III) The Department of Homeland Security.

(IV) The Department of Justice.

(V) The Department of State.

(VI) The Department of the Treasury.

(VII) The Central Intelligence Agency.

(VIII) The Defense Intelligence Agency.

(IX) The National Geospatial-Intelligence Agency.

(X) The National Reconnaissance Office.

(XI) The National Security Agency.

**(B) Limitation**

An inspector general of an agency may not be selected to sit on the panel under subparagraph (A)(ii) to review any matter relating to a decision made by such agency.