

AMENDMENT NO. _____

Calendar No. _____

Purpose: To improve the bill.

IN THE SENATE OF THE UNITED STATES—106th Cong., 2d Sess.

S. 2507

To authorize appropriations for fiscal year 2001 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes.

Referred to the Committee on _____
and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENTS intended to be proposed by Mr. SHELBY (for himself and Mr. BRYAN)

Viz:

- 1 On page 10, strike line 11 and all that follows
- 2 through page 12, line 2, and insert the following:
- 3 "(a) PROHIBITION.—Whoever, being an officer or
- 4 employee of the United States, a former or retired officer
- 5 or employee of the United States, any other person with
- 6 authorized access to classified information, or any other
- 7 person formerly with authorized access to classified infor-
- 8 mation, knowingly and willfully discloses, or attempts to
- 9 disclose, any classified information acquired as a result of

1 such person's authorized access to classified information
2 to a person (other than an officer or employee of the
3 United States) who is not authorized access to such classi-
4 fied information, knowing that the person is not author-
5 ized access to such classified information, shall be fined
6 under this title, imprisoned not more than 3 years, or
7 both.

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

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

15 “(2) The Senate or House of Representatives,
16 or any committee or subcommittee thereof, or joint
17 committee thereof, or any member of Congress.

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

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

24 “(B) is within the scope of such officer's or
25 employee's duties.

1 “(4) Any other person authorized to receive the
2 classified information.

3 “(c) DEFINITIONS.—In this section:

4 “(1) The term ‘authorized’, in the case of ac-
5 cess to classified information, means having author-
6 ity or permission to have access to the classified in-
7 formation pursuant to the provisions of a statute,
8 Executive Order, regulation, or directive of the head
9 of any department or agency who is empowered to
10 classify information, an order of any United States
11 court, or a provision of any Resolution of the Senate
12 or Rule of the House of Representatives which gov-
13 erns release of classified information by the such
14 House of Congress.

15 “(2) The term ‘classified information’ means in-
16 formation or material properly classified and clearly
17 marked or represented, or that the person knows or
18 has reason to believe has been properly classified by
19 appropriate authorities, pursuant to the provisions
20 of a statute or Executive Order, as requiring protec-
21 tion against unauthorized disclosure for reasons of
22 national security.

fix?

~~23 On page 14, beginning on line 11, strike “acting at
24 their direction”.~~