

1 *maximizes the procurement of products properly designated*
2 *as having been made in the United States.*

3 **SEC. 304. PROHIBITION ON UNAUTHORIZED DISCLOSURE**
4 **OF CLASSIFIED INFORMATION.**

5 (a) *IN GENERAL.*—Chapter 37 of title 18, United
6 States Code, is amended—

7 (1) *by redesignating section 798A as section*
8 *798B; and*

9 (2) *by inserting after section 798 the following*
10 *new section 798A:*

11 **“§ 798A. Unauthorized disclosure of classified infor-**
12 **mation**

13 *“(a) PROHIBITION.—Whoever, being an officer or em-*
14 *ployee of the United States, a former or retired officer or*
15 *employee of the United States, any other person with au-*
16 *thorized access to classified information, or any other per-*
17 *son formerly with authorized access to classified informa-*
18 *tion, knowingly and willfully discloses, or attempts to dis-*
19 *close, any classified information acquired as a result of such*
20 *person’s authorized access to classified information to a per-*
21 *son (other than an officer or employee of the United States)*
22 *who is not authorized access to such classified information,*
23 *knowing that the person is not authorized access to such*
24 *classified information, shall be fined under this title, im-*
25 *prisoned not more than 3 years, or both.*

1 “(b) CONSTRUCTION OF PROHIBITION.—Nothing in
2 this section shall be construed to establish criminal liability
3 for disclosure of classified information in accordance with
4 applicable law to the following:

5 “(1) Any justice or judge of a court of the United
6 States established pursuant to article III of the Con-
7 stitution of the United States.

8 “(2) The Senate or House of Representatives, or
9 any committee or subcommittee thereof, or joint com-
10 mittee thereof, or any Member of Congress.

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

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

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

19 “(4) Any other person authorized to receive the
20 classified information.

21 “(c) DEFINITIONS.—In this section:

22 “(1) The term ‘authorized’, in the case of access
23 to classified information, means having authority or
24 permission to have access to the classified information
25 pursuant to the provisions of a statute, Executive

1 *order, regulation, or directive of the head of any de-*
2 *partment or agency who is empowered to classify in-*
3 *formation, an order of any United States court, or a*
4 *provision of any Resolution of the Senate or Rule of*
5 *the House of Representatives which governs release of*
6 *classified information by such House of Congress.*

7 “(2) The term ‘classified information’ means in-

8 *formation or material properly classified and clearly*
9 *marked or represented, or that the person knows or*
10 *has reason to believe has been properly classified by*
11 *appropriate authorities, pursuant to the provisions of*
12 *a statute or Executive order, as requiring protection*
13 *against unauthorized disclosure for reasons of na-*
14 *tional security.*

15 “(3) The term ‘officer or employee of the United

16 *States’ means the following:*

17 “(A) An officer or employee (as those terms

18 *are defined in sections 2104 and 2105 of title 5).*

19 “(B) An officer or enlisted member of the

20 *Armed Forces (as those terms are defined in sec-*
21 *tion 101(b) of title 10).”*

22 (b) *CLERICAL AMENDMENT.*—*The table of sections at*
23 *the beginning of that chapter is amended by striking the*
24 *item relating to section 798A and inserting the following*
25 *new items:*