

AMENDMENT TO RULES COMMITTEE PRINT 119-

33

OFFERED BY MR. AUSTIN SCOTT OF GEORGIA

Add at the end of subtitle B of title XVI the following new section:

1 **SEC. 16__.** **PROTECTION OF IDENTITIES OF CERTAIN**
2 **MEMBERS OF THE ARMED FORCES WHO ARE**
3 **SPECIAL OPERATORS OR PERFORM SEN-**
4 **SITIVE ACTIVITIES.**

5 (a) **CRIMINAL PENALTY.**—Section 601 of the Na-
6 tional Security Act of 1947 (50 U.S.C. 3121) is amended
7 as follows:

8 (1) In subsection (a)—

9 (A) by striking “a covert agent” and in-
10 sserting “a covert agent or protected defense in-
11 dividual”;

12 (B) by striking “identifying such covert
13 agent” and inserting “identifying such covert
14 agent or such protected defense individual”;

15 (C) by striking “identifies such covert
16 agent” and inserting “identifies such covert
17 agent or such protected defense individual”;

18 and

1 (D) by inserting after “United States,” the
2 following: “or that the United States is taking
3 affirmative measures to conceal such individ-
4 ual’s service in a sensitive unit or participation
5 in a Department of Defense sensitive activity,”.

6 (2) In subsection (b)—

7 (A) by striking “a covert agent and” and
8 inserting “a covert agent or protected defense
9 individual and”;

10 (B) by striking “identifying such covert
11 agent” and inserting “identifying such covert
12 agent or such protected defense individual”;

13 (C) by striking “identifies such covert
14 agent” and inserting “identifies such covert
15 agent or such protected defense individual”;
16 and

17 (D) by inserting after “United States,” the
18 following: “or that the United States is taking
19 affirmative measures to conceal such protected
20 defense individual’s service in a sensitive unit or
21 participation in a Department of Defense sen-
22 sitive activity,”.

23 (3) In subsection (c)—

1 (A) by striking “covert agents” and insert-
2 ing “covert agents or protected defense individ-
3 uals”;

4 (B) by striking “as a covert agent” and in-
5 serting “as a covert agent or protected defense
6 individual”; and

7 (C) by inserting after “to the United
8 States,” the following: “or that the United
9 States is taking affirmative measures to conceal
10 such individual’s service in a sensitive unit or
11 participation in a Department of Defense sen-
12 sitive activity,”.

13 (b) DEFENSES AND EXCEPTIONS.—Section 602 of
14 such Act (50 U.S.C. 3122) is amended—

15 (1) in subsection (a)—

16 (A) by striking “It is a defense to a pros-
17 ecution under section 601” and inserting “(1)
18 With respect to a prosecution under section 601
19 relating to the identity of a covert agent, it is
20 a defense”; and

21 (B) by adding at the end the following new
22 paragraph:

23 “(2) With respect to a prosecution under section 601
24 relating to the identity of a protected defense individual,
25 it is a defense before the commission of the offense with

1 which the defendant is charged, the United States had
2 publicly acknowledged or revealed that the individual, in
3 the course of serving in the Armed Forces, served in a
4 sensitive unit or participated in a Department of Defense
5 sensitive activity.”;

6 (2) in subsection (b), by inserting “or protected
7 defense individuals” after “covert agents”; and

8 (3) in subsection (d), by inserting after “to dis-
9 close information that solely identifies himself as a
10 covert agent” the following: “or as an individual
11 who, in the course of serving in the Armed Forces
12 or being employed by the Department of Defense,
13 served in a sensitive unit or participated in a De-
14 partment of Defense sensitive activity”.

15 (c) DEFINITIONS.—Section 605 of such Act (50
16 U.S.C. 3126) is amended by adding at the end the fol-
17 lowing new paragraphs:

18 “(11) The term ‘protected defense individual’
19 means the following:

20 “(A) A member of the special operations
21 forces of the Armed Forces serving in a sen-
22 sitive unit.

23 “(B) A member of the Armed Forces or ci-
24 vilian personnel of the Department of Defense

1 who is serving in a sensitive unit or who partici-
2 pates in a sensitive activity.

3 “(12) The term ‘sensitive activity’ has the
4 meaning given the term ‘Department of Defense
5 sensitive activity’ in section 130g of title 10, United
6 States.

7 “(13) The term ‘sensitive unit’ has the meaning
8 given that term in section 130b of title 10, United
9 States Code.”.

10 (d) CLERICAL AMENDMENT.—Section 601 of the Na-
11 tional Security Act of 1947 (50 U.S.C. 3121) is amended
12 in the heading by adding at the end the following: “, AND
13 CERTAIN OTHER INDIVIDUALS” (and by conforming the
14 table of contents at the beginning of such Act accord-
15 ingly).

