

ments, described by subsection (c) of this section would be inappropriate due to the concerns addressed by section 403-3(c)(7)<sup>1</sup> of this title, relating to the protection of sources and methods, and any instance in which the sharing of information on the list has been inappropriate in light of such concerns.

**(e) System administration requirements**

(1) The Director shall, to the maximum extent practicable, ensure the interoperability of the Terrorist Identification Classification System with relevant information systems of the departments and agencies of the Federal Government, and of State and local governments, described by subsection (c) of this section.

(2) The Director shall ensure that the System utilizes technologies that are effective in aiding the identification of individuals in the field.

**(f) Report on status of System**

(1) Not later than one year after November 27, 2002, the Director shall, in consultation with the Director of Homeland Security, submit to the congressional intelligence committees a report on the status of the Terrorist Identification Classification System. The report shall contain a certification on the following:

(A) Whether the System contains the intelligence information necessary to facilitate the contribution of the System to the domestic security of the United States.

(B) Whether the departments and agencies having access to the System have access in a manner that permits such departments and agencies to carry out appropriately their domestic security responsibilities.

(C) Whether the System is operating in a manner that maximizes its contribution to the domestic security of the United States.

(D) If a certification under subparagraph (A), (B), or (C) is in the negative, the modifications or enhancements of the System necessary to ensure a future certification in the positive.

(2) The report shall be submitted in unclassified form, but may include a classified annex.

**(g) Congressional intelligence committees defined**

In this section, the term “congressional intelligence committees” means—

(1) the Select Committee on Intelligence of the Senate; and

(2) the Permanent Select Committee on Intelligence of the House of Representatives.

(Pub. L. 107-306, title III, § 343, Nov. 27, 2002, 116 Stat. 2399; Pub. L. 108-177, title III, § 377(d), Dec. 13, 2003, 117 Stat. 2631; Pub. L. 108-458, title I, §§ 1071(g)(2)(A)(ii), 1072(d)(1)(A), Dec. 17, 2004, 118 Stat. 3691, 3693; Pub. L. 111-259, title III, § 347(f), Oct. 7, 2010, 124 Stat. 2699.)

REFERENCES IN TEXT

Section 403-3 of this title, referred to in subsection (d)(2), was repealed and a new section 403-3 enacted by Pub. L. 108-458, title I, § 1011(a), Dec. 17, 2004, 118 Stat. 3643, without corresponding amendment to this section. Section 403-3 of this title was subsequently editorially reclassified as section 3025 of this title. The new section 3025 contains a subsection (c) relating to the composition of the Office of the Director of National Intelligence.

<sup>1</sup> See References in Text note below.

CODIFICATION

Section was formerly classified to section 404n-2 of this title prior to editorial reclassification and renumbering as this section. Some section numbers of this title referenced in amendment notes below reflect the classification of such sections prior to their editorial reclassification.

AMENDMENTS

Subsecs. (d) to (h), Pub. L. 111-259 redesignated subsecs. (e) to (h) as (d) to (g), respectively, and struck out former subsec. (d). Prior to amendment, text of subsec. (d) read as follows:

“(1) The Director shall review on an annual basis the information provided by various departments and agencies for purposes of the list under subsection (a) of this section in order to determine whether or not the information so provided is derived from the widest possible range of intelligence available to such departments and agencies.

“(2) The Director shall, as a result of each review under paragraph (1), certify whether or not the elements of the intelligence community responsible for the collection of intelligence related to the list have provided information for purposes of the list that is derived from the widest possible range of intelligence available to such department and agencies.”

2004—Subsec. (a)(1), Pub. L. 108-458, § 1071(g)(2)(A)(ii), which directed amendment of par. (1) by substituting “Director of National Intelligence” for “Director of Central Intelligence, acting as the head of the intelligence community,” was executed by making the substitution for “Director of Central Intelligence, acting as head of the Intelligence Community,” in introductory provisions to reflect the probable intent of Congress.

Subsec. (c), Pub. L. 108-458, § 1072(d)(1)(A), which directed amendment of subsec. (c) by substituting “section 403-1(i)” for “section 403-3(c)(6)”, was executed by making the substitution for “section 403-3(c)(7)” to reflect the probable intent of Congress and the amendment by Pub. L. 108-177. See 2003 Amendment note below.

2003—Subsecs. (c), (e)(2), Pub. L. 108-177, § 377(d), substituted “section 403-3(c)(7) of this title” for “section 403-3(c)(6) of this title”.

EFFECTIVE DATE OF 2004 AMENDMENT

For Determination by President that amendment by Pub. L. 108-458 take effect on Apr. 21, 2005, see Memorandum of President of the United States, Apr. 21, 2005, 70 F.R. 23925, set out as a note under section 3001 of this title.

Amendment by Pub. L. 108-458 effective not later than six months after Dec. 17, 2004, except as otherwise expressly provided, see section 1097(a) of Pub. L. 108-458, set out in an Effective Date of 2004 Amendment; Transition Provisions note under section 3001 of this title.

**§ 3364. Assignment of responsibilities relating to analytic integrity**

**(a) Assignment of responsibilities**

For purposes of carrying out section 3024(h) of this title, the Director of National Intelligence shall, not later than 180 days after December 17, 2004, assign an individual or entity to be responsible for ensuring that finished intelligence products produced by any element or elements of the intelligence community are timely, objective, independent of political considerations, based upon all sources of available intelligence, and employ the standards of proper analytic tradecraft.

**(b) Responsibilities**

(1) The individual or entity assigned responsibility under subsection (a) of this section—

(A) may be responsible for general oversight and management of analysis and production, but may not be directly responsible for, or involved in, the specific production of any finished intelligence product;

(B) shall perform, on a regular basis, detailed reviews of finished intelligence product or other analytic products by an element or elements of the intelligence community covering a particular topic or subject matter;

(C) shall be responsible for identifying on an annual basis functional or topical areas of analysis for specific review under subparagraph (B); and

(D) upon completion of any review under subparagraph (B), may draft lessons learned, identify best practices, or make recommendations for improvement to the analytic tradecraft employed in the production of the reviewed product or products.

(2) Each review under paragraph (1)(B) should—

(A) include whether the product or products concerned were based on all sources of available intelligence, properly describe the quality and reliability of underlying sources, properly caveat and express uncertainties or confidence in analytic judgments, properly distinguish between underlying intelligence and the assumptions and judgments of analysts, and incorporate, where appropriate, alternative analyses; and

(B) ensure that the analytic methodologies, tradecraft, and practices used by the element or elements concerned in the production of the product or products concerned meet the standards set forth in subsection (a) of this section.

(3) Information drafted under paragraph (1)(D) should, as appropriate, be included in analysis teaching modules and case studies for use throughout the intelligence community.

**(c) Annual reports**

Not later than December 1 each year, the Director of National Intelligence shall submit to the congressional intelligence committees, the heads of the relevant elements of the intelligence community, and the heads of analytic training departments a report containing a description, and the associated findings, of each review under subsection (b)(1)(B) of this section during such year.

**(d) Congressional intelligence committees defined**

In this section, the term “congressional intelligence committees” means—

(1) the Select Committee on Intelligence of the Senate; and

(2) the Permanent Select Committee on Intelligence of the House of Representatives.

(Pub. L. 108-458, title I, §1019, Dec. 17, 2004, 118 Stat. 3671.)

**CODIFICATION**

Section was formerly classified to section 403-1a of this title prior to editorial reclassification and renumbering as this section.

**EFFECTIVE DATE**

For Determination by President that section take effect on Apr. 21, 2005, see Memorandum of President of

the United States, Apr. 21, 2005, 70 F.R. 23925, set out as a note under section 3001 of this title.

Section effective not later than six months after Dec. 17, 2004, except as otherwise expressly provided, see section 1097(a) of Pub. L. 108-458, set out in an Effective Date of 2004 Amendment; Transition Provisions note under section 3001 of this title.

**SAFEGUARD OF OBJECTIVITY IN INTELLIGENCE ANALYSIS**

Pub. L. 108-458, title I, §1020, Dec. 17, 2004, 118 Stat. 3672, provided that:

“(a) IN GENERAL.—Not later than 180 days after the effective date of this Act [probably means the effective date of title I of Pub. L. 108-458, see Effective Date of 2004 Amendment; Transition Provisions note set out under section 3001 of this title], the Director of National Intelligence shall identify an individual within the Office of the Director of National Intelligence who shall be available to analysts within the Office of the Director of National Intelligence to counsel, conduct arbitration, offer recommendations, and, as appropriate, initiate inquiries into real or perceived problems of analytic tradecraft or politicization, biased reporting, or lack of objectivity in intelligence analysis.

“(b) REPORT.—Not later than 270 days after the effective date of this Act, the Director of National Intelligence shall provide a report to the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives on the implementation of subsection (a).”

**§ 3365. Foreign intelligence information**

**(1) In general**

Notwithstanding any other provision of law, it shall be lawful for foreign intelligence or counterintelligence (as defined in section 3003 of this title) or foreign intelligence information obtained as part of a criminal investigation to be disclosed to any Federal law enforcement, intelligence, protective, immigration, national defense, or national security official in order to assist the official receiving that information in the performance of his official duties. Any Federal official who receives information pursuant to this provision may use that information only as necessary in the conduct of that person’s official duties subject to any limitations on the unauthorized disclosure of such information. Consistent with the responsibility of the Director of Central Intelligence to protect intelligence sources and methods, and the responsibility of the Attorney General to protect sensitive law enforcement information, it shall be lawful for information revealing a threat of actual or potential attack or other grave hostile acts of a foreign power or an agent of a foreign power, domestic or international sabotage, domestic or international terrorism, or clandestine intelligence gathering activities by an intelligence service or network of a foreign power or by an agent of a foreign power, within the United States or elsewhere, obtained as part of a criminal investigation to be disclosed to any appropriate Federal, State, local, or foreign government official for the purpose of preventing or responding to such a threat. Any official who receives information pursuant to this provision may use that information only as necessary in the conduct of that person’s official duties subject to any limitations on the unauthorized disclosure of such information, and any State, local, or foreign official who receives information pursuant to this provision may use that in-