

§ 3232. Counterintelligence initiatives

(a) Inspection process

In order to protect intelligence sources and methods from unauthorized disclosure, the Director of National Intelligence shall establish and implement an inspection process for all agencies and departments of the United States that handle classified information relating to the national security of the United States intended to assure that those agencies and departments maintain effective operational security practices and programs directed against counterintelligence activities.

(b) Annual review of dissemination lists

The Director of National Intelligence shall establish and implement a process for all elements of the intelligence community to review, on an annual basis, individuals included on distribution lists for access to classified information. Such process shall ensure that only individuals who have a particularized “need to know” (as determined by the Director) are continued on such distribution lists.

(c) Completion of financial disclosure statements required for access to certain classified information

The Director of National Intelligence shall establish and implement a process by which each head of an element of the intelligence community directs that all employees of that element, in order to be granted access to classified information referred to in subsection (a) of section 1.3 of Executive Order No. 12968 (August 2, 1995; 60 Fed. Reg. 40245; [former] 50 U.S.C. 435 note [now 50 U.S.C. 3161 note]), submit financial disclosure forms as required under subsection (b) of such section.

(d) Arrangements to handle sensitive information

The Director of National Intelligence shall establish, for all elements of the intelligence community, programs and procedures by which sensitive classified information relating to human intelligence is safeguarded against unauthorized disclosure by employees of those elements.

(July 26, 1947, ch. 343, title XI, §1102, as added Pub. L. 108-177, title III, §341(a)(1), Dec. 13, 2003, 117 Stat. 2615; amended Pub. L. 108-458, title I, §1071(a)(1)(NN)-(QQ), Dec. 17, 2004, 118 Stat. 3689, 3690; Pub. L. 111-259, title III, §347(e), title IV, §409, Oct. 7, 2010, 124 Stat. 2699, 2724.)

CODIFICATION

Section was formerly classified to section 442a of this title prior to editorial reclassification and renumbering as this section.

AMENDMENTS

2010—Subsec. (a). Pub. L. 111-259, §409(1), struck out par. (1) designation before “In” and par. (2) which read as follows: “The Director shall carry out the process through the Office of the National Counterintelligence Executive.”

Subsec. (b). Pub. L. 111-259, §347(e), struck out par. (1) designation before “The Director” and par. (2) which read as follows: “Not later than October 15 of each year, the Director shall certify to the congressional intelligence committees that the review required under paragraph (1) has been conducted in all elements of the

intelligence community during the preceding fiscal year.”

Subsec. (c). Pub. L. 111-259, §409(2), struck out par. (1) designation before “The Director” and par. (2) which read as follows: “The Director shall carry out paragraph (1) through the Office of the National Counterintelligence Executive.”

2004—Subsec. (a)(1). Pub. L. 108-458, §1071(a)(1)(NN), substituted “Director of National Intelligence” for “Director of Central Intelligence”.

Subsec. (b)(1). Pub. L. 108-458, §1071(a)(1)(OO), substituted “Director of National Intelligence” for “Director of Central Intelligence”.

Subsec. (c)(1). Pub. L. 108-458, §1071(a)(1)(PP), substituted “Director of National Intelligence” for “Director of Central Intelligence”.

Subsec. (d). Pub. L. 108-458, §1071(a)(1)(QQ), substituted “Director of National Intelligence” for “Director of Central Intelligence”.

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.

§ 3233. Misuse of the Office of the Director of National Intelligence name, initials, or seal

(a) Prohibited acts

No person may, except with the written permission of the Director of National Intelligence, or a designee of the Director, knowingly use the words “Office of the Director of National Intelligence”, the initials “ODNI”, the seal of the Office of the Director of National Intelligence, or any colorable imitation of such words, initials, or seal in connection with any merchandise, impersonation, solicitation, or commercial activity in a manner reasonably calculated to convey the impression that such use is approved, endorsed, or authorized by the Director of National Intelligence.

(b) Injunction

Whenever it appears to the Attorney General that any person is engaged or is about to engage in an act or practice which constitutes or will constitute conduct prohibited by subsection (a), the Attorney General may initiate a civil proceeding in a district court of the United States to enjoin such act or practice. Such court shall proceed as soon as practicable to the hearing and determination of such action and may, at any time before final determination, enter such restraining orders or prohibitions, or take such other action as is warranted, to prevent injury to the United States or to any person or class of persons for whose protection the action is brought.

(July 26, 1947, ch. 343, title XI, §1103, as added Pub. L. 111-259, title IV, §413(a), Oct. 7, 2010, 124 Stat. 2726.)

CODIFICATION

Section was formerly classified to section 442b of this title prior to editorial reclassification and renumbering as this section.