

asia, Latin America, and the Middle East; and

(C) is a credit or noncredit program.

(July 26, 1947, ch. 343, title X, §1024, as added Pub. L. 111-259, title III, §313(a), Oct. 7, 2010, 124 Stat. 2665; amended Pub. L. 112-18, title III, §304, June 8, 2011, 125 Stat. 226; Pub. L. 113-293, title III, §306, Dec. 19, 2014, 128 Stat. 3997; Pub. L. 114-113, div. M, title VII, §712, Dec. 18, 2015, 129 Stat. 2934.)

#### CODIFICATION

Section was formerly classified to section 441p of this title prior to editorial reclassification and renumbering as this section.

#### AMENDMENTS

2015—Subsec. (c). Pub. L. 114-113, §712(1)(B), substituted “certain minority-serving” for “historically black” in heading.

Subsec. (c)(1). Pub. L. 114-113, §712(1)(A), substituted “historically black colleges and universities, Predominantly Black Institutions, Hispanic-serving institutions, and Asian American and Native American Pacific Islander-serving institutions” for “historically black colleges and universities and Predominantly Black Institutions”.

Subsec. (g)(5) to (7). Pub. L. 114-113, §712(2), added pars. (5) and (6) and redesignated former par. (5) as (7).

2014—Subsec. (c)(1). Pub. L. 113-293, §306(1), inserted “and Predominantly Black Institutions” after “universities”.

Subsec. (g)(4), (5). Pub. L. 113-293, §306(2), added par. (4) and redesignated former par. (4) as (5).

2011—Subsec. (a)(1). Pub. L. 112-18, §304(1), substituted “subsections (b) and (c)” for “subsection (b)”.

Subsecs. (c) to (f). Pub. L. 112-18, §304(2), (3), added subsec. (c) and redesignated former subsecs. (c) to (e) as (d) to (f), respectively. Former subsec. (f) redesignated (g).

Subsec. (g). Pub. L. 112-18, §304(2), redesignated subsec. (f) as (g).

Subsec. (g)(2) to (4). Pub. L. 112-18, §304(4), added pars. (2) and (4) and redesignated former par. (2) as (3).

#### FINDINGS REGARDING IMPROVEMENT OF EQUALITY OF EMPLOYMENT OPPORTUNITIES IN THE INTELLIGENCE COMMUNITY

Pub. L. 108-177, title III, §319, Dec. 13, 2003, 117 Stat. 2614, as amended by Pub. L. 108-458, title I, §1071(g)(3)(A)(iv), (B), Dec. 17, 2004, 118 Stat. 3692; Pub. L. 111-259, title III, §313(b)(1)(A), (3), Oct. 7, 2010, 124 Stat. 2666, provided that: “Congress makes the following findings:

“(1) It is the recommendation of the Joint Inquiry of the Senate Select Committee on Intelligence and the House Permanent Select Committee on Intelligence into Intelligence Community Activities Before and After the Terrorist Attacks of September 11, 2001, that the Intelligence Community should enhance recruitment of a more ethnically and culturally diverse workforce and devise a strategy to capitalize upon the unique cultural and linguistic capabilities of first generation Americans.

“(2) The Intelligence Community could greatly benefit from an increased number of employees who are proficient in foreign languages and knowledgeable of world cultures, especially in foreign languages that are critical to the national security interests of the United States. Particular emphasis should be given to the recruitment of United States citizens whose linguistic capabilities are acutely required for the improvement of the overall intelligence collection and analysis effort of the United States Government.

“(3) The Intelligence Community has a significantly lower percentage of women and minorities than the total workforce of the Federal government and the total civilian labor force.

“(4) Women and minorities continue to be underrepresented in senior grade levels, and in core mission areas, of the intelligence community.”

#### SUBCHAPTER IX—ADDITIONAL MISCELLANEOUS PROVISIONS

### § 3231. Applicability to United States intelligence activities of Federal laws implementing international treaties and agreements

#### (a) In general

No Federal law enacted on or after December 27, 2000, that implements a treaty or other international agreement shall be construed as making unlawful an otherwise lawful and authorized intelligence activity of the United States Government or its employees, or any other person to the extent such other person is carrying out such activity on behalf of, and at the direction of, the United States, unless such Federal law specifically addresses such intelligence activity.

#### (b) Authorized intelligence activities

An intelligence activity shall be treated as authorized for purposes of subsection (a) if the intelligence activity is authorized by an appropriate official of the United States Government, acting within the scope of the official duties of that official and in compliance with Federal law and any applicable Presidential directive.

(July 26, 1947, ch. 343, title XI, §1101, formerly title X, §1001, as added Pub. L. 106-567, title III, §308(a), Dec. 27, 2000, 114 Stat. 2839; renumbered title XI, §1101, Pub. L. 107-306, title III, §331(a)(1), (2), Nov. 27, 2002, 116 Stat. 2394.)

#### CODIFICATION

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

### § 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.

**§ 3234. Prohibited personnel practices in the intelligence community**

**(a) Definitions**

In this section:

**(1) Agency**

The term “agency” means an executive department or independent establishment, as defined under sections 101 and 104 of title 5, that contains an intelligence community element, except the Federal Bureau of Investigation.

**(2) Covered intelligence community element**

The term “covered intelligence community element”—

(A) means—

(i) the Central Intelligence Agency, the Defense Intelligence Agency, the National Geospatial-Intelligence Agency, the National Security Agency, the Office of the Director of National Intelligence, and the National Reconnaissance Office; and

(ii) any executive agency or unit thereof determined by the President under section 2302(a)(2)(C)(ii) of title 5 to have as its principal function the conduct of foreign intelligence or counterintelligence activities; and