

“(2) REPORT ON PERFORMANCE EVALUATION.—Not later than 90 days after the date of the enactment of this Act, the head of analysis at each element of the intelligence community that conducts all-source analysis shall submit to the congressional intelligence committees, the Committee on Appropriations of the Senate, and the Committee on Appropriations of the House of Representatives a report describing how compliance with the standards set forth in Intelligence Community Directive 203 (relating to analytic standards), or successor directive, is considered in the performance evaluations and consideration for merit pay, bonuses, promotions, and any other personnel actions for analysts within the element.

“(e) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to prohibit the Director from providing training described in this section as a service of common concern.

“(f) SUNSET.—This section shall cease to be effective on the date that is 5 years after the date of the enactment of this Act [Dec. 23, 2022].”

[For definitions of “intelligence community” and “congressional intelligence committees” as used in section 6312 of Pub. L. 117-263, set out above, see section 6002 of Pub. L. 117-263, set out as a note under section 3003 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, do-

estic 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 information only consistent with such guidelines as the Attorney General and Director of Central Intelligence shall jointly issue.

(2) Definition

In this section, the term “foreign intelligence information” means—

(A) information, whether or not concerning a United States person, that relates to the ability of the United States to protect against—

(i) actual or potential attack or other grave hostile acts of a foreign power or an agent of a foreign power;

(ii) sabotage or international terrorism by a foreign power or an agent of a foreign power; or

(iii) clandestine intelligence activities by an intelligence service or network of a foreign power or by an agent of a foreign power; or

(B) information, whether or not concerning a United States person, with respect to a foreign power or foreign territory that relates to—

(i) the national defense or the security of the United States; or

(ii) the conduct of the foreign affairs of the United States.

(Pub. L. 107-56, title II, §203(d), Oct. 26, 2001, 115 Stat. 281; Pub. L. 107-296, title VIII, §897(a), Nov. 25, 2002, 116 Stat. 2257; Pub. L. 117-347, title III, §323(a)(1)(A), Jan. 5, 2023, 136 Stat. 6206.)

Editorial Notes

CODIFICATION

Section was formerly classified to section 403-5d of this title prior to editorial reclassification and renumbering as this section.

AMENDMENTS

2023—Par. (1). Pub. L. 117-347, §323(a)(1)(A), repealed Pub. L. 107-296, §897(a). See 2002 Amendment note below.

2002—Par. (1). Pub. L. 107-296, 897(a), which inserted at end “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 information only consistent with such guidelines as the Attorney General and Director of Central Intelligence shall jointly issue." was repealed by Pub. L. 117-347, § 323(a)(1)(A). Repeal to have no effect on amendment by Pub. L. 107-296, see Construction of 2023 Amendment note set out under section 2517 of Title 18, Crimes and Criminal Procedure.

Statutory Notes and Related Subsidiaries

CHANGE OF NAME

Reference to the Director of Central Intelligence or the Director of the Central Intelligence Agency in the Director's capacity as the head of the intelligence community deemed to be a reference to the Director of National Intelligence. Reference to the Director of Central Intelligence or the Director of the Central Intelligence Agency in the Director's capacity as the head of the Central Intelligence Agency deemed to be a reference to the Director of the Central Intelligence Agency. See section 1081(a), (b) of Pub. L. 108-458, set out as a note under section 3001 of this title.

EFFECTIVE DATE OF 2002 AMENDMENT

Amendment by Pub. L. 107-296 effective 60 days after Nov. 25, 2002, see section 4 of Pub. L. 107-296, set out as an Effective Date note under section 101 of Title 6, Domestic Security.

§ 3366. Authorities of heads of other departments and agencies

Notwithstanding any other provision of law, the head of any department or agency of the United States is authorized to receive and utilize funds made available to the department or agency by the Director of National Intelligence pursuant to section 3024(d)(2) of this title, as amended by subsection (a), and receive and utilize any system referred to in such section that is made available to such department or agency.

(Pub. L. 111-259, title IV, § 402(b), Oct. 7, 2010, 124 Stat. 2709.)

Editorial Notes

REFERENCES IN TEXT

Subsection (a), referred to in text, is subsec. (a) of section 402 of Pub. L. 111-259, title IV, Oct. 7, 2010, 124 Stat. 2708, which amended section 403-1 of this title prior to editorial reclassification and renumbering as section 3024 of this title.

CODIFICATION

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

§ 3367. Requirement for efficient use by intelligence community of open-source intelligence

The Director of National Intelligence shall ensure that the intelligence community makes ef-

ficient and effective use of open-source information and analysis.

(Pub. L. 108-458, title I, § 1052(b), Dec. 17, 2004, 118 Stat. 3683.)

Editorial Notes

CODIFICATION

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

Statutory Notes and Related Subsidiaries

ASSESSING INTELLIGENCE COMMUNITY OPEN-SOURCE SUPPORT FOR EXPORT CONTROLS AND FOREIGN INVESTMENT SCREENING

Pub. L. 117-263, div. F, title LXIII, § 6311, Dec. 23, 2022, 136 Stat. 3508, provided that:

"(a) PILOT PROGRAM TO ASSESS OPEN SOURCE SUPPORT FOR EXPORT CONTROLS AND FOREIGN INVESTMENT SCREENING.—

"(1) PILOT PROGRAM AUTHORIZED.—The Director of National Intelligence shall designate an element of the intelligence community to carry out a pilot program to assess the feasibility and advisability of providing enhanced intelligence support, including intelligence derived from open source, publicly and commercially available information—

"(A) to the Department of Commerce to support the export control and investment screening functions of the Department; and

"(B) to the Department of Homeland Security to support the export control functions of the Department.

"(2) AUTHORITY.—In carrying out the pilot program required by paragraph (1), the element designated by the Director under such paragraph—

"(A) shall establish a process for the provision of information as described in such paragraph; and

"(B) may—

"(i) acquire and prepare data, consistent with applicable provisions of law and Executive orders;

"(ii) modernize analytic systems, including through the acquisition, development, or application of automated tools; and

"(iii) establish standards and policies regarding the acquisition, treatment, and sharing of open source, publicly and commercially available information.

"(3) DURATION.—The pilot program required by paragraph (1) shall be carried out during a 3-year period.

"(b) PLAN AND REPORT REQUIRED.—

"(1) DEFINITION OF APPROPRIATE COMMITTEES OF CONGRESS.—In this subsection, the term 'appropriate committees of Congress' means—

"(A) the Select Committee on Intelligence, the Committee on Banking, Housing, and Urban Affairs, the Committee on Homeland Security and Governmental Affairs, and the Committee on Appropriations of the Senate; and

"(B) the Permanent Select Committee on Intelligence, the Committee on Foreign Affairs, the Committee on Financial Services, the Committee on Homeland Security, and the Committee on Appropriations of the House of Representatives.

"(2) PLAN.—

"(A) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act [Dec. 23, 2022], the Director shall, in coordination with the Secretary of Commerce and the Secretary of Homeland Security, submit to the appropriate committees of Congress a plan to carry out the pilot program required by subsection (a)(1).

"(B) CONTENTS.—The plan submitted under subparagraph (A) shall include the following:

"(i) A list, developed in consultation with the Secretary of Commerce and the Secretary of