

§ 3227d. National Intelligence University acceptance of grants

(a) Authority

The Director of National Intelligence may authorize the President of the National Intelligence University to accept qualifying research grants.

(b) Qualifying grants

A qualifying research grant under this section is a grant that is awarded on a competitive basis by an entity referred to in subsection (c) for a research project with a scientific, literary, or educational purpose.

(c) Entities from which grants may be accepted

A qualifying research grant may be accepted under this section only from a Federal agency or from a corporation, fund, foundation, educational institution, or similar entity that is organized and operated primarily for scientific, literary, or educational purposes.

(d) Administration of grant funds

(1) Establishment of account

The Director shall establish an account for administering funds received as qualifying research grants under this section.

(2) Use of funds

The President of the University shall use the funds in the account established pursuant to paragraph (1) in accordance with applicable provisions of the regulations and the terms and conditions of the grants received.

(e) Related expenses

Subject to such limitations as may be provided in appropriations Acts, appropriations available for the National Intelligence University may be used to pay expenses incurred by the University in applying for, and otherwise pursuing, the award of qualifying research grants.

(f) Regulations

The Director of National Intelligence shall prescribe regulations for the administration of this section.

(July 26, 1947, ch. 343, title X, §1035, as added Pub. L. 118–159, div. F, title LXIII, §6305(a), Dec. 23, 2024, 138 Stat. 2474.)

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 in-

telligence 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.)

Editorial Notes

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.)

Editorial Notes**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”.

Statutory Notes and Related Subsidiaries**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.

§ 3232a. Measures to mitigate counterintelligence threats from proliferation and use of foreign commercial spyware**(a) Definitions**

In this section:

(1) Appropriate congressional committees

The term “appropriate congressional committees” means—

(A) the Select Committee on Intelligence, the Committee on Foreign Relations, the Committee on Armed Services, the Committee on Banking, Housing, and Urban Affairs, the Committee on the Judiciary, the Committee on Appropriations, and the Committee on Homeland Security and Governmental Affairs of the Senate; and

(B) the Permanent Select Committee on Intelligence, the Committee on Foreign Affairs, the Committee on Armed Services, the Committee on Financial Services, the Committee on the Judiciary, the Committee on

Appropriations, the Committee on Homeland Security, and the Committee on Oversight and Reform of the House of Representatives.

(2) Covered entity

The term “covered entity” means any foreign company that either directly or indirectly develops, maintains, owns, operates, brokers, markets, sells, leases, licenses, or otherwise makes available spyware.

(3) Foreign commercial spyware

The term “foreign commercial spyware” means spyware that is developed (solely or in partnership with a foreign company), maintained, sold, leased, licensed, marketed, sourced (in whole or in part), or otherwise provided, either directly or indirectly, by a foreign company.

(4) Foreign company

The term “foreign company” means a company that is incorporated or domiciled outside of the United States, including any subsidiaries or affiliates wherever such subsidiaries or affiliates are domiciled or incorporated.

(5) Spyware

The term “spyware” means a tool or set of tools that operate as an end-to-end system of software to provide an unauthorized user remote access to information stored on or transiting through an electronic device connected to the Internet and not owned or operated by the unauthorized user, including end-to-end systems that—

(A) allow an unauthorized user to remotely infect electronic devices with malicious software, including without any action required by the user of the device;

(B) can record telecommunications or other audio captured on a device not owned by the unauthorized user;

(C) undertake geolocation, collect cell site location information, or otherwise track the location of a device or person using the internal sensors of an electronic device not owned by the unauthorized user;

(D) allow an unauthorized user access to and the ability to retrieve information on the electronic device, including text messages, files, e-mails, transcripts of chats, contacts, photos, and browsing history; or

(E) any additional criteria described in publicly available documents published by the Director of National Intelligence, such as whether the end-to-end system is used outside the context of a codified lawful intercept system.

(b) Annual assessments of counterintelligence threats**(1) Requirement**

Not later than 90 days after December 23, 2022, and annually thereafter, the Director of National Intelligence, in coordination with the Director of the Central Intelligence Agency, the Director of the National Security Agency, and the Director of the Federal Bureau of Investigation, shall submit to the appropriate congressional committees a report with an accompanying classified annex con-