

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.)

**Editorial Notes**

**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

(B) does not include the Federal Bureau of Investigation.

**(3) Personnel action**

The term “personnel action” means, with respect to an employee in a position in a covered

intelligence community element (other than a position excepted from the competitive service due to its confidential, policy-determining, policymaking, or policy-advocating character) or a contractor employee—

(A) an appointment;

(B) a promotion;

(C) a disciplinary or corrective action;

(D) a detail, transfer, or reassignment;

(E) a demotion, suspension, or termination;

(F) a reinstatement or restoration;

(G) a performance evaluation;

(H) a decision concerning pay, benefits, or awards;

(I) a decision concerning education or training if such education or training may reasonably be expected to lead to an appointment, promotion, or performance evaluation; or

(J) any other significant change in duties, responsibilities, or working conditions.

**(4) Contractor employee**

The term “contractor employee” means an employee of a contractor, subcontractor, grantee, subgrantee, or personal services contractor, of a covered intelligence community element.

**(b) Agency employees**

Any employee of a covered intelligence community element or an agency who has authority to take, direct others to take, recommend, or approve any personnel action, shall not, with respect to such authority, take or fail to take, or threaten to take or fail to take, a personnel action with respect to any employee of a covered intelligence community element as a reprisal for—

(1) any lawful disclosure of information by the employee to the Director of National Intelligence (or an employee designated by the Director of National Intelligence for such purpose), the Inspector General of the Intelligence Community, a supervisor in the employee’s direct chain of command, or a supervisor of the employing agency with responsibility for the subject matter of the disclosure, up to and including the head of the employing agency (or an employee designated by the head of that agency for such purpose), the appropriate inspector general of the employing agency or covered intelligence community element, a congressional intelligence committee, or a member of a congressional intelligence committee, which the employee reasonably believes evidences—

(A) a violation of any Federal law, rule, or regulation; or

(B) mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety;

(2) any lawful disclosure that complies with—

(A) subsections (b)(1), (e), and (h) of section 416 of title 5;

(B) subparagraphs (A), (D), and (H) of section 3517(d)(5) of this title; or

(C) subparagraphs (A), (D), and (I) of section 3033(k)(5) of this title; or

(3) if the actions do not result in the employee unlawfully disclosing information specifically required by Executive order to be kept classified in the interest of national defense or the conduct of foreign affairs, any lawful disclosure in conjunction with—

(A) the exercise of any appeal, complaint, or grievance right granted by any law, rule, or regulation;

(B) testimony for or otherwise lawfully assisting any individual in the exercise of any right referred to in subparagraph (A); or

(C) cooperation with or disclosing information to the Inspector General of an agency, in accordance with applicable provisions of law in connection with an audit, inspection, or investigation conducted by the Inspector General.

**(c) Contractor employees**

(1) Any employee of an agency or of a contractor, subcontractor, grantee, subgrantee, or personal services contractor, of a covered intelligence community element who has authority to take, direct others to take, recommend, or approve any personnel action, shall not, with respect to such authority, take or fail to take, or threaten to take or fail to take, a personnel action with respect to any contractor employee as a reprisal for—

(A) any lawful disclosure of information by the contractor employee to the Director of National Intelligence (or an employee designated by the Director of National Intelligence for such purpose), the Inspector General of the Intelligence Community, a supervisor in the contractor employee's direct chain of command, or a supervisor of the employing or contracting agency or employing contractor with responsibility for the subject matter of the disclosure, up to and including the head of the employing or contracting agency (or an employee designated by the head of that agency for that purpose) or employing contractor, the appropriate inspector general of the employing or contracting agency or covered intelligence community element, a congressional intelligence committee, or a member of a congressional intelligence committee, which the contractor employee reasonably believes evidences—

(i) a violation of any Federal law, rule, or regulation (including with respect to evidence of another employee or contractor employee accessing or sharing classified information without authorization); or

(ii) mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety;

(B) any lawful disclosure that complies with—

(i) subsections (b)(1), (e), and (h) of section 416 of title 5;

(ii) subparagraphs (A), (D), and (H) of section 3517(d)(5) of this title; or

(iii) subparagraphs (A), (D), and (I) of section 3033(k)(5) of this title; or

(C) if the actions do not result in the contractor employee unlawfully disclosing infor-

mation specifically required by Executive order to be kept classified in the interest of national defense or the conduct of foreign affairs, any lawful disclosure in conjunction with—

(i) the exercise of any appeal, complaint, or grievance right granted by any law, rule, or regulation;

(ii) testimony for or otherwise lawfully assisting any individual in the exercise of any right referred to in clause (i); or

(iii) cooperation with or disclosing information to the Inspector General of an agency, in accordance with applicable provisions of law in connection with an audit, inspection, or investigation conducted by the Inspector General.

(2) A personnel action under paragraph (1) is prohibited even if the action is undertaken at the request of an agency official, unless the request takes the form of a nondiscretionary directive and is within the authority of the agency official making the request.

**(d) Rule of construction**

Consistent with the protection of intelligence sources and methods, nothing in subsection (b) or (c) shall be construed to authorize—

(1) the withholding of information from Congress; or

(2) the taking of any personnel action against an employee who lawfully discloses information to Congress.

**(e) Disclosures**

A disclosure shall not be excluded from this section because—

(1) the disclosure was made to an individual, including a supervisor, who participated in an activity that the employee reasonably believed to be covered under subsection (b)(1)(B) or the contractor employee reasonably believed to be covered under subsection (c)(1)(A)(ii);

(2) the disclosure revealed information that had been previously disclosed;

(3) the disclosure was not made in writing;

(4) the disclosure was made while the employee was off duty;

(5) of the amount of time which has passed since the occurrence of the events described in the disclosure; or

(6) the disclosure was made during the normal course of duties of an employee or contractor employee.

**(f) Enforcement**

The President shall provide for the enforcement of this section consistent, to the fullest extent possible, with the policies and procedures used to adjudicate alleged violations of section 2302(b)(8) of title 5.

**(g) Existing rights preserved**

Nothing in this section shall be construed to—

(1) preempt or preclude any employee, contractor employee, or applicant for employment, at the Federal Bureau of Investigation from exercising rights provided under any other law, rule, or regulation, including section 2303 of title 5; or

(2) repeal section 2303 of title 5.

(July 26, 1947, ch. 343, title XI, §1104, as added Pub. L. 113-126, title VI, §601(a), July 7, 2014, 128 Stat. 1414; amended Pub. L. 115-118, title I, §110(a), Jan. 19, 2018, 132 Stat. 15; Pub. L. 117-103, div. X, title V, §501(a), (d)(2), (e)(1), (f), (g), Mar. 15, 2022, 136 Stat. 981-984; Pub. L. 117-263, div. F, title LXVI, §6608, title LXVIII, §6824(a)(8), Dec. 23, 2022, 136 Stat. 3559, 3615; Pub. L. 118-159, div. F, title LXVII, §6703, title LXIX, §6902(a)(4), Dec. 23, 2024, 138 Stat. 2515, 2517.)

### Editorial Notes

#### AMENDMENTS

2024—Subsec. (b)(1). Pub. L. 118-159, §6703(1), inserted “or covered intelligence community element” after “the appropriate inspector general of the employing agency” in introductory provisions.

Subsec. (b)(2)(A). Pub. L. 118-159, §6902(a)(4)(A), substituted “subsections (b)(1), (e), and (h) of section 416 of title 5” for “subsections (a)(1), (d), and (g) of section 8H of the Inspector General Act of 1978 (5 U.S.C. App.)”.

Subsec. (c)(1)(A). Pub. L. 118-159, §6703(2), inserted “or covered intelligence community element” after “the appropriate inspector general of the employing or contracting agency” in introductory provisions.

Subsec. (c)(1)(A)(ii). Pub. L. 118-159, §6902(a)(4)(B)(i), substituted semicolon for period at end.

Subsec. (c)(1)(B)(i). Pub. L. 118-159, §6902(a)(4)(B)(ii), substituted “subsections (b)(1), (e), and (h) of section 416 of title 5” for “subsections (a)(1), (d), and (g) of section 8H of the Inspector General Act of 1978 (5 U.S.C. App.)”.

2022—Subsec. (b). Pub. L. 117-103, §501(f)(1), substituted “(1) any lawful disclosure” for “a lawful disclosure”, inserted dash after “for”, redesignated former pars. (1) and (2) as subpars. (A) and (B), respectively, of par. (1), realigned margins, and added pars. (2) and (3).

Pub. L. 117-103, §501(a)(1)(A), (e)(1)(A), in introductory provisions, substituted “Any employee of a covered intelligence community element or an agency” for “Any employee of an agency” and inserted “, or threaten to take or fail to take,” after “take or fail to take” and “a supervisor in the employee’s direct chain of command, or a supervisor of the employing agency with responsibility for the subject matter of the disclosure, up to and including” before “the head of the employing agency”.

Subsec. (b)(1)(B). Pub. L. 117-263, §6824(a)(8), substituted semicolon for period at end.

Subsec. (c)(1). Pub. L. 117-103, §501(f)(2), substituted “(A) any lawful disclosure” for “a lawful disclosure”, inserted dash after “for”, redesignated former subpars. (A) and (B) as cls. (i) and (ii), respectively, of subpar. (A), realigned margins, and added subpars. (B) and (C).

Pub. L. 117-103, §501(a)(1)(B), (2), (e)(1)(B), in introductory provisions, inserted “of an agency or” after “Any employee”, “, or threaten to take or fail to take,” after “take or fail to take”, and “a supervisor in the contractor employee’s direct chain of command, or a supervisor of the contracting agency with responsibility for the subject matter of the disclosure, up to and including” before “the head of the contracting agency”.

Subsec. (c)(1)(A). Pub. L. 117-263, §6608, in introductory provisions, substituted “a supervisor of the employing or contracting agency or employing contractor” for “a supervisor of the contracting agency”, “employing or contracting agency (or an employee designated by the head of that agency for that purpose) or employing contractor” for “contracting agency (or an employee designated by the head of that agency for such purpose)”, and “appropriate inspector general of the employing or contracting agency” for “appropriate inspector general of the contracting agency”.

Subsec. (c)(1)(B). Pub. L. 117-103, §501(d)(2), substituted “mismanagement” for “gross mismanagement”.

Subsec. (d). Pub. L. 117-103, §501(g)(2), added subsec. (d). Former subsec. (d) redesignated (f).

Pub. L. 117-103, §501(a)(3), amended subsec. (d) generally. Prior to amendment, text read as follows: “The President shall provide for the enforcement of this section.”

Subsec. (e). Pub. L. 117-103, §501(g)(2), added subsec. (e). Former subsec. (e) redesignated (g).

Subsecs. (f), (g). Pub. L. 117-103, §501(g)(1), redesignated subsecs. (d) and (e) as (f) and (g), respectively.

2018—Subsec. (a)(3). Pub. L. 115-118, §110(a)(1)(A), inserted “or a contractor employee” after “character” in introductory provisions.

Subsec. (a)(4). Pub. L. 115-118, §110(a)(1)(B), added par. (4).

Subsec. (b). Pub. L. 115-118, §110(a)(4), substituted “Agency employees” for “In general” in heading.

Subsecs. (c) to (e). Pub. L. 115-118, §110(a)(2), (3), added subsec. (c) and redesignated former subsecs. (c) and (d) as (d) and (e), respectively.

Subsec. (e)(1). Pub. L. 115-118, §110(a)(5), inserted “contractor employee,” after “any employee.”.

### Statutory Notes and Related Subsidiaries

#### POLICIES AND PROCEDURES; NONAPPLICABILITY TO CERTAIN TERMINATIONS

Pub. L. 113-126, title VI, §604, July 7, 2014, 128 Stat. 1421, provided that:

“(a) COVERED INTELLIGENCE COMMUNITY ELEMENT DEFINED.—In this section, the term ‘covered intelligence community element’—

“(1) means—

“(A) 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

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

“(2) does not include the Federal Bureau of Investigation.

“(b) REGULATIONS.—In consultation with the Secretary of Defense, the Director of National Intelligence shall develop policies and procedures to ensure that a personnel action shall not be taken against an employee of a covered intelligence community element as a reprisal for any disclosure of information described in [section] 1104 of the National Security Act of 1947 [50 U.S.C. 3234], as added by section 601 of this Act.

“(c) REPORT ON THE STATUS OF IMPLEMENTATION OF REGULATIONS.—Not later than 2 years after the date of the enactment of this Act [July 7, 2014], the Director of National Intelligence shall submit a report on the status of the implementation of the regulations promulgated under subsection (b) to the congressional intelligence committees.

“(d) NONAPPLICABILITY TO CERTAIN TERMINATIONS.—Section 1104 of the National Security Act of 1947, as added by section 601 of this Act, and section 3001 of the Intelligence Reform and Terrorism Prevention Act of 2004 (50 U.S.C. 3341), as amended by section 602 of this Act, shall not apply if—

“(1) the affected employee is concurrently terminated under—

“(A) section 1609 of title 10, United States Code;

“(B) the authority of the Director of National Intelligence under section 102A(m) of the National Security Act of 1947 (50 U.S.C. 3024(m)), if the Director determines that the termination is in the interest of the United States;

“(C) the authority of the Director of the Central Intelligence Agency under section 104A(e) of the National Security Act of 1947 (50 U.S.C. 3036(e)), if the Director determines that the termination is in the interest of the United States; or

“(D) section 7532 of title 5, United States Code, if the head of the agency determines that the termination is in the interest of the United States; and “(2) not later than 30 days after such termination, the head of the agency that employed the affected employee notifies the congressional intelligence committees of the termination.”

[For definition of “congressional intelligence committees” as used in section 604 of Pub. L. 113-126, set out above, see section 2 of Pub. L. 113-126, set out as a note under section 3003 of this title.]

**§ 3235. Semiannual reports on investigations of unauthorized disclosures of classified information**

**(a) Definitions**

In this section:

**(1) Covered official**

The term “covered official” means—

(A) the heads of each element of the intelligence community; and

(B) the inspectors general with oversight responsibility for an element of the intelligence community.

**(2) Investigation**

The term “investigation” means any inquiry, whether formal or informal, into the existence of an unauthorized public disclosure of classified information.

**(3) Unauthorized disclosure of classified information**

The term “unauthorized disclosure of classified information” means any unauthorized disclosure of classified information to any recipient.

**(4) Unauthorized public disclosure of classified information**

The term “unauthorized public disclosure of classified information” means the unauthorized disclosure of classified information to a journalist or media organization.

**(b) Intelligence community reporting**

**(1) In general**

Not less frequently than once every 6 months, each covered official shall submit to the congressional intelligence committees a report on investigations of unauthorized public disclosures of classified information.

**(2) Elements**

Each report submitted under paragraph (1) shall include, with respect to the preceding 6-month period, the following:

(A) The number of investigations opened by the covered official regarding an unauthorized public disclosure of classified information.

(B) The number of investigations completed by the covered official regarding an unauthorized public disclosure of classified information.

(C) Of the number of such completed investigations identified under subparagraph (B), the number referred to the Attorney General for criminal investigation.

**(c) Department of Justice reporting**

**(1) In general**

Not less frequently than once every 6 months, the Assistant Attorney General for

National Security of the Department of Justice, in consultation with the Director of the Federal Bureau of Investigation, shall submit to the congressional intelligence committees, the Committee on the Judiciary of the Senate, and the Committee on the Judiciary of the House of Representatives a report on the status of each referral made to the Department of Justice from any element of the intelligence community regarding an unauthorized disclosure of classified information made during the most recent 365-day period or any referral that has not yet been closed, regardless of the date the referral was made.

**(2) Contents**

Each report submitted under paragraph (1) shall include, for each referral covered by the report, at a minimum, the following:

(A) The date the referral was received.

(B) A statement indicating whether the alleged unauthorized disclosure described in the referral was substantiated by the Department of Justice.

(C) A statement indicating the highest level of classification of the information that was revealed in the unauthorized disclosure.

(D) A statement indicating whether an open criminal investigation related to the referral is active.

(E) A statement indicating whether any criminal charges have been filed related to the referral.

(F) A statement indicating whether the Department of Justice has been able to attribute the unauthorized disclosure to a particular entity or individual.

**(d) Form of reports**

Each report submitted under this section shall be submitted in unclassified form, but may have a classified annex.

(July 26, 1947, ch. 343, title XI, §1105, as added Pub. L. 116-92, div. E, title LXVII, §6718(a), Dec. 20, 2019, 133 Stat. 2228.)

**§ 3235a. Notice and damage assessment with respect to significant unauthorized disclosure or compromise of classified national intelligence**

**(a) Notification and damage assessment requirements**

**(1) Requirements**

If the Director of National Intelligence becomes aware of an actual or potential significant unauthorized disclosure or compromise of classified national intelligence—

(A) as soon as practicable, but not later than 7 days after the date on which the Director becomes so aware, the Director shall notify the congressional intelligence committees of such actual or potential disclosure or compromise; and

(B) in the case of an actual disclosure or compromise, not later than 7 days after the date on which the Director becomes so aware, the Director or the head of any element of the intelligence community from which the significant unauthorized disclo-