

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consistent with such guidelines as the Attorney General and Director of Central Intelligence shall jointly issue.”, was repealed by Pub.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 efficient 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

INTELLIGENCE COMMUNITY DIRECTIVE WITH RESPECT TO OPEN-SOURCE INTELLIGENCE

Pub. L. 118-31, div. G, title III, §7321(d), (e), Dec. 22, 2023, 137 Stat. 1038, provided that:

“(d) INTELLIGENCE COMMUNITY DIRECTIVE WITH RESPECT TO OPEN-SOURCE INTELLIGENCE.—Not later than 180 days after the date of the enactment of this Act [Dec. 22, 2023], the Director of National Intelligence shall update Intelligence Community Directive 208, Maximizing the Utility of Analytic Products (or any successor directive) to specifically address—

“(1) the production and dissemination of unclassified intelligence products derived entirely from open-source intelligence, including from unclassified publicly available information, unclassified commercially available information, or any other type of unclassified information; and

“(2) the needs and requirements of covered individuals who do not hold a security clearance or have access to the classified systems on which such unclassified intelligence products reside.

“(e) DEFINITIONS.—In this section:

“(1) APPROPRIATE COMMITTEES OF CONGRESS.—The term ‘appropriate committees of Congress’ means—

“(A) the congressional intelligence committees;

“(B) the Committee on Homeland Security and Governmental Affairs, the Committee on the Judiciary, and the Committee on Appropriations of the Senate; and

“(C) the Committee on Oversight and Accountability, the Committee on the Judiciary, and the Committee on Appropriations of the House of Representatives.

“(2) COVERED INDIVIDUAL.—The term ‘covered individual’ means an employee of the Federal Government—

“(A) who is not an employee or contractor of an element of the intelligence community; and

“(B) who would derive value from a covered open-source intelligence product.

“(3) COVERED OPEN-SOURCE INTELLIGENCE PRODUCT.—The term ‘covered open-source intelligence product’ means an unclassified product derived from open-source intelligence that is produced by the intelligence community.”

[For definitions of “intelligence community” and “congressional intelligence committees” as used in section 7321(d), (e) of Pub. L. 118-31, set out above, see sec-

tion 7002 of Pub. L. 118-31, set out as a note under section 3003 of this title.]

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 Homeland Security, of the activities of the Department of Commerce and the Department of Homeland Security that will be supported by the pilot program.

“(ii) A plan for measuring the effectiveness of the pilot program and the value of open source, publicly and commercially available information to the export control and investment screening missions.

“(3) REPORT.—

“(A) IN GENERAL.—Not later than 540 days after the date on which the Director submits the plan

under paragraph (2)(A), the Director shall submit to the appropriate committees of Congress a report on the findings of the Director with respect to the pilot program.

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

“(i) An assessment of the feasibility and advisability of providing information as described in subsection (a)(1).

“(ii) An assessment of the value of open source, publicly and commercially available information to the export control and investment screening missions, using the measures of effectiveness under paragraph (2)(B)(ii).

“(iii) Identification of opportunities for and barriers to more effective use of open source, publicly and commercially available information by the intelligence community.”

[For definition of “intelligence community” as used in section 6311 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.]

§ 3368. Assistance for governmental entities and private entities in recognizing online violent extremist content

(a) Assistance to recognize online violent extremist content

Not later than 180 days after May 5, 2017, and consistent with the protection of intelligence sources and methods, the Director of National Intelligence shall publish on a publicly available Internet website a list of all logos, symbols, insignia, and other markings commonly associated with, or adopted by, an organization designated by the Secretary of State as a foreign terrorist organization under section 1189(a) of title 8.

(b) Updates

The Director shall update the list published under subsection (a) every 180 days until December 22, 2023.

(Pub. L. 115-31, div. N, title IV, § 403, May 5, 2017, 131 Stat. 820; Pub. L. 118-31, div. G, title III, § 7327(d), Dec. 22, 2023, 137 Stat. 1045.)

Editorial Notes

AMENDMENTS

2023—Subsec. (b). Pub. L. 118-31 substituted “until December 22, 2023” for “or more frequently as needed”.

§ 3369. Cooperative actions to detect and counter foreign influence operations

(a) Findings

Congress makes the following findings:

(1) The Russian Federation, through military intelligence units, also known as the “GRU”, and Kremlin-linked troll organizations often referred to as the “Internet Research Agency”, deploy information warfare operations against the United States, its allies and partners, with the goal of advancing the strategic interests of the Russian Federation.

(2) One line of effort deployed as part of these information warfare operations is the weaponization of social media platforms with the goals of intensifying societal tensions, undermining trust in governmental institutions within the United States, its allies and partners in the West, and generally sowing division, fear, and confusion.