

(7) the term “State” means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, the United States Virgin Islands, Guam, American Samoa, the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau, and any other possession of the United States; and

(8) the term “computer” means any electronic, magnetic, optical, electrochemical, or other high speed data processing device performing logical, arithmetic, or storage functions, and includes any data storage facility or communications facility directly related to or operating in conjunction with such device and any data or other information stored or contained in such device.

(July 26, 1947, ch. 343, title VIII, §804, as added Pub. L. 103-359, title VIII, §802(a), Oct. 14, 1994, 108 Stat. 3438; amended Pub. L. 106-120, title III, §305(b), Dec. 3, 1999, 113 Stat. 1611.)

REFERENCES IN TEXT

Executive Order No. 12356, referred to in par. (2), is set out as a note under section 435 of this title.

The Atomic Energy Act of 1954, referred to in par. (2), is act Aug. 1, 1946, ch. 724, as added by act Aug. 30, 1954, ch. 1073, §1, 68 Stat. 921, and amended, which is classified generally to chapter 23 (§2011 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 2011 of Title 42 and Tables.

AMENDMENTS

1999—Par. (8). Pub. L. 106-120 added par. (8).

SUBCHAPTER VII—APPLICATION OF SANCTIONS LAWS TO INTELLIGENCE ACTIVITIES

§ 441. Stay of sanctions

Notwithstanding any provision of law identified in section 441c of this title, the President may stay the imposition of an economic, cultural, diplomatic, or other sanction or related action by the United States Government concerning a foreign country, organization, or person when the President determines and reports to Congress in accordance with section 441b of this title that to proceed without delay would seriously risk the compromise of an ongoing criminal investigation directly related to the activities giving rise to the sanction or an intelligence source or method directly related to the activities giving rise to the sanction. Any such stay shall be effective for a period of time specified by the President, which period may not exceed 120 days, unless such period is extended in accordance with section 441a of this title.

(July 26, 1947, ch. 343, title IX, §901, as added Pub. L. 104-93, title III, §303(a), Jan. 6, 1996, 109 Stat. 964.)

§ 441a. Extension of stay

Whenever the President determines and reports to Congress in accordance with section 441b of this title that a stay of sanctions or related actions pursuant to section 441 of this title has not afforded sufficient time to obviate the risk to an ongoing criminal investigation or to

an intelligence source or method that gave rise to the stay, he may extend such stay for a period of time specified by the President, which period may not exceed 120 days. The authority of this section may be used to extend the period of a stay pursuant to section 441 of this title for successive periods of not more than 120 days each.

(July 26, 1947, ch. 343, title IX, §902, as added Pub. L. 104-93, title III, §303(a), Jan. 6, 1996, 109 Stat. 964.)

§ 441b. Reports

Reports to Congress pursuant to sections 441 and 441a of this title shall be submitted promptly upon determinations under this subchapter. Such reports shall be submitted to the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate. With respect to determinations relating to intelligence sources and methods, reports shall also be submitted to the congressional intelligence committees. With respect to determinations relating to ongoing criminal investigations, reports shall also be submitted to the Committees on the Judiciary of the House of Representatives and the Senate.

(July 26, 1947, ch. 343, title IX, §903, as added Pub. L. 104-93, title III, §303(a), Jan. 6, 1996, 109 Stat. 964; amended Pub. L. 107-306, title III, §353(b)(2)(C), Nov. 27, 2002, 116 Stat. 2402.)

AMENDMENTS

2002—Pub. L. 107-306 substituted “congressional intelligence committees” for “Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate”.

CHANGE OF NAME

Committee on International Relations of House of Representatives changed to Committee on Foreign Affairs of House of Representatives by House Resolution No. 6, One Hundred Tenth Congress, Jan. 5, 2007.

§ 441c. Laws subject to stay

The President may use the authority of sections 441 and 441a of this title to stay the imposition of an economic, cultural, diplomatic, or other sanction or related action by the United States Government related to the proliferation of weapons of mass destruction, their delivery systems, or advanced conventional weapons otherwise required to be imposed by the Chemical and Biological Weapons Control and Warfare Elimination Act of 1991 (title III of Public Law 102-182) [22 U.S.C. 5601 et seq.]; the Nuclear Proliferation Prevention Act of 1994 (title VIII of Public Law 103-236); title XVII of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510) (relating to the non-proliferation of missile technology); the Iran-Iraq Arms Nonproliferation Act of 1992 (title XVI of Public Law 102-484); section 573 of the Foreign Operations, Export Financing Related Programs Appropriations Act, 1994 (Public Law 103-87); section 563 of the Foreign Operations, Export Financing Related Programs Appropriations Act, 1995 (Public Law 103-306); and comparable provisions.

(July 26, 1947, ch. 343, title IX, §904, as added Pub. L. 104-93, title III, §303(a), Jan. 6, 1996, 109 Stat. 965.)

REFERENCES IN TEXT

The Chemical and Biological Weapons Control and Warfare Elimination Act of 1991, referred to in text, is title III of Pub. L. 102-182, Dec. 4, 1991, 105 Stat. 1245, as amended, which is classified principally to chapter 65 (§5601 et seq.) of Title 22, Foreign Relations and Intercourse. For complete classification of this Act to the Code, see Short Title note set out under section 5601 of Title 22 and Tables.

The Nuclear Proliferation Prevention Act of 1994, referred to in text, is title VIII of Pub. L. 103-236, Apr. 30, 1994, 108 Stat. 507, as amended. For complete classification of this Act to the Code, see Short Title note set out under section 6301 of Title 22, Foreign Relations and Intercourse, and Tables.

Title XVII of the National Defense Authorization Act for Fiscal Year 1991, referred to in text, is title XVII of div. A of Pub. L. 101-510, Nov. 5, 1990, 104 Stat. 1750, as amended, which enacted section 2410b of the Appendix to this title and sections 2797 to 2797c of Title 22, Foreign Relations and Intercourse, amended section 2405 of the Appendix to this title, and enacted provisions set out as notes under section 2402 of the Appendix to this title and section 2797 of Title 22. For complete classification of title XVII to the Code, see Tables.

The Iran-Iraq Arms Nonproliferation Act of 1992, referred to in text, is title XVI of div. A of Pub. L. 102-484, Oct. 23, 1992, 106 Stat. 2571, as amended, which is set out as a note under section 1701 of this title.

Section 573 of the Foreign Operations, Export Financing Related Programs Appropriations Act, 1994, referred to in text, probably means section 573 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1994, Pub. L. 103-87, title V, Sept. 30, 1993, 107 Stat. 972, which is not classified to the Code.

Section 563 of the Foreign Operations, Export Financing Related Programs Appropriations Act, 1995, referred to in text, probably means section 563 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1995, Pub. L. 103-306, title V, Aug. 23, 1994, 108 Stat. 1649, which is not classified to the Code.

§ 441d. Repealed. Pub. L. 108-177, title III, § 313(a), Dec. 13, 2003, 117 Stat. 2610

Section, act July 26, 1947, ch. 343, title IX, §905, as added Pub. L. 104-93, title III, §303(a), Jan. 6, 1996, 109 Stat. 965; amended Pub. L. 104-293, title III, §304, Oct. 11, 1996, 110 Stat. 3464; Pub. L. 105-107, title III, §304, Nov. 20, 1997, 111 Stat. 2252; Pub. L. 105-272, title III, §303, Oct. 20, 1998, 112 Stat. 2400, provided that this subchapter would cease to be effective on Jan. 6, 2000.

SUBCHAPTER VII-A—EDUCATION IN SUPPORT OF NATIONAL INTELLIGENCE

PART A—SCIENCE AND TECHNOLOGY

§ 441g. Scholarships and work-study for pursuit of graduate degrees in science and technology

(a) Program authorized

The Director of National Intelligence may carry out a program to provide scholarships and work-study for individuals who are pursuing graduate degrees in fields of study in science and technology that are identified by the Director as appropriate to meet the future needs of the intelligence community for qualified scientists and engineers.

(b) Administration

If the Director of National Intelligence carries out the program under subsection (a) of this section, the Director of National Intelligence shall

administer the program through the Office of the Director of National Intelligence.

(c) Identification of fields of study

If the Director of National Intelligence carries out the program under subsection (a) of this section, the Director shall identify fields of study under subsection (a) of this section in consultation with the other heads of the elements of the intelligence community.

(d) Eligibility for participation

An individual eligible to participate in the program is any individual who—

(1) either—

(A) is an employee of the intelligence community; or

(B) meets criteria for eligibility for employment in the intelligence community that are established by the Director of National Intelligence;

(2) is accepted in a graduate degree program in a field of study in science or technology identified under subsection (a) of this section; and

(3) is eligible for a security clearance at the level of Secret or above.

(e) Regulations

If the Director of National Intelligence carries out the program under subsection (a) of this section, the Director shall prescribe regulations for purposes of the administration of this section.

(July 26, 1947, ch. 343, title X, §1001, as added Pub. L. 107-306, title III, §331(a)(3), Nov. 27, 2002, 116 Stat. 2394; amended Pub. L. 108-458, title I, §§1071(a)(1)(MM), (3)(C)-(F), 1072(a)(8), Dec. 17, 2004, 118 Stat. 3689, 3690, 3692.)

PRIOR PROVISIONS

A prior section 1001 of act July 26, 1947, ch. 343, was renumbered section 1101 and is classified to section 442 of this title.

AMENDMENTS

2004—Subsec. (a). Pub. L. 108-458, §1071(a)(1)(MM), substituted “Director of National Intelligence” for “Director of Central Intelligence”.

Subsec. (b). Pub. L. 108-458, §1072(a)(8), substituted “Office of the Director of National Intelligence” for “Assistant Director of Central Intelligence for Administration”.

Pub. L. 108-458, §1071(a)(3)(C), which directed amendment of subsec. (b) by substituting “Director of National Intelligence” for “Director” each place it appeared, was executed by making the substitution the first two places it appeared to reflect the probable intent of Congress.

Subsec. (c). Pub. L. 108-458, §1071(a)(3)(D), substituted “If the Director of National Intelligence” for “If the Director”.

Subsec. (d)(1)(B). Pub. L. 108-458, §1071(a)(3)(E), substituted “Director of National Intelligence” for “Director”.

Subsec. (e). Pub. L. 108-458, §1071(a)(3)(F), substituted “If the Director of National Intelligence” for “If the Director”.

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 401 of this title.