

would adversely affect the national security. Any such waiver shall be made on a case-by-case basis.

(2) If the head of a department or agency exercises the authority provided under paragraph (1), the head of the department or agency shall provide the information described in that subsection with respect to the special access program concerned, and the justification for the waiver, to Congress.

(f) Initiation of programs

A special access program may not be initiated by a covered department or agency until—

- (1) the appropriate oversight committees are notified of the program; and
- (2) a period of 30 days elapses after such notification is received.

(g) Definitions

For purposes of this section:

(1) Covered department or agency

(A) Except as provided in subparagraph (B), the term “covered department or agency” means any department or agency of the Federal Government that carries out a special access program.

(B) Such term does not include—

- (i) the Department of Defense (which is required to submit reports on special access programs under section 119 of title 10);
- (ii) the National Nuclear Security Administration (which is required to submit reports on special access programs under section 2426 of this title); or
- (iii) an agency in the Intelligence Community (as defined in section 3003(4) of this title).

(2) Special access program

The term “special access program” means any program that, under the authority of Executive Order 12356 (or any successor Executive order), is established by the head of a department or agency whom the President has designated in the Federal Register as an original “secret” or “top secret” classification authority that imposes “need-to-know” controls or access controls beyond those controls normally required (by regulations applicable to such department or agency) for access to information classified as “confidential”, “secret”, or “top secret”.

(Pub. L. 103-160, div. A, title XI, §1152, Nov. 30, 1993, 107 Stat. 1758; Pub. L. 106-65, div. C, title XXXII, §3294(e)(2), Oct. 5, 1999, 113 Stat. 970.)

REFERENCES IN TEXT

Executive Order 12356, referred to in subsec. (g)(2), is Ex. Ord. No. 12356, Apr. 2, 1982, 47 F.R. 14874, 15557, which prescribed a uniform system for classifying, declassifying, and safeguarding national security information, and which was formerly set out as a note under section 435 (now section 3161) of this title, was revoked by Ex. Ord. No. 12958, §6.1(d), Apr. 17, 1995, 60 F.R. 19843.

CODIFICATION

Section was formerly classified as a note under section 435 of this title prior to editorial reclassification as this section.

AMENDMENTS

1999—Subsec. (g)(1)(B)(ii). Pub. L. 106-65 amended cl. (ii) generally. Prior to amendment, cl. (ii) read as fol-

lows: “the Department of Energy, with respect to special access programs carried out under the atomic energy defense activities of that department (for which the Secretary of Energy is required to submit reports under section 2122a of title 42); or”.

EFFECTIVE DATE OF 1999 AMENDMENT

Amendment by Pub. L. 106-65 effective Mar. 1, 2000, see section 3299 of Pub. L. 106-65, set out as an Effective Date note under section 2401 of this title.

SUBCHAPTER IV—COLLECTION, ANALYSIS, AND SHARING OF INTELLIGENCE

§ 3361. National Virtual Translation Center

(a) Establishment

The Director of National Intelligence shall establish in the intelligence community an element with the function of connecting the elements of the intelligence community engaged in the acquisition, storage, translation, or analysis of voice or data in digital form.

(b) Designation

The element established under subsection (a) of this section shall be known as the National Virtual Translation Center.

(c) Function

The element established under subsection (a) of this section shall provide for timely and accurate translations of foreign intelligence for all elements of the intelligence community through—

- (1) the integration of the translation capabilities of the intelligence community;
- (2) the use of remote-connection capabilities; and
- (3) the use of such other capabilities as the Director considers appropriate.

(d) Administrative matters

(1) The Director shall retain direct supervision and control over the element established under subsection (a) of this section.

(2) The element established under subsection (a) of this section shall connect elements of the intelligence community utilizing the most current available information technology that is applicable to the function of the element.

(3) Personnel of the element established under subsection (a) of this section may carry out the duties and functions of the element at any location that—

- (A) has been certified as a secure facility by a department or agency of the United States Government; or
- (B) the Director has otherwise determined to be appropriate for such duties and functions¹

(e) Deadline for establishment

The element required by subsection (a) of this section shall be established as soon as practicable after November 27, 2002, but not later than 90 days after November 27, 2002.

(Pub. L. 107-306, title III, §313, Nov. 27, 2002, 116 Stat. 2391; Pub. L. 108-458, title I, §1071(g)(2)(A)(i), Dec. 17, 2004, 118 Stat. 3691; Pub. L. 108-487, title III, §304, Dec. 23, 2004, 118 Stat. 3944.)

¹ So in original. Probably should be followed by a period.

CODIFICATION

Section was formerly classified to section 404n of this title prior to editorial reclassification and renumbering as this section.

AMENDMENTS

2004—Subsec. (a). Pub. L. 108-458 substituted “Director of National Intelligence” for “Director of Central Intelligence, acting as the head of the intelligence community,”.

Subsec. (c). Pub. L. 108-487, §304(a)(2), added subsec. (c). Former subsec. (c) redesignated (d).

Subsec. (d). Pub. L. 108-487, §304(a)(1), (b), redesignated subsec. (c) as (d) and added par. (3). Former subsec. (d) redesignated (e).

Subsec. (e). Pub. L. 108-487, §304(a)(1), redesignated subsec. (d) as (e).

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.

§ 3362. Foreign Terrorist Asset Tracking Center**(a) Establishment**

The Director of National Intelligence shall establish within the Central Intelligence Agency an element responsible for conducting all-source intelligence analysis of information relating to the financial capabilities, practices, and activities of individuals, groups, and nations associated with international terrorism in their activities relating to international terrorism.

(b) Designation

The element established under subsection (a) of this section shall be known as the Foreign Terrorist Asset Tracking Center.

(c) Deadline for establishment

The element required by subsection (a) of this section shall be established as soon as practicable after November 27, 2002, but not later than 90 days after November 27, 2002.

(Pub. L. 107-306, title III, §341, Nov. 27, 2002, 116 Stat. 2398; Pub. L. 108-458, title I, §1071(g)(2)(C), Dec. 17, 2004, 118 Stat. 3691.)

CODIFICATION

Section was formerly classified to section 404n-1 of this title prior to editorial reclassification and renumbering as this section.

AMENDMENTS

2004—Subsec. (a). Pub. L. 108-458 substituted “Director of National Intelligence shall establish within the Central Intelligence Agency” for “Director of Central Intelligence, acting as the head of the intelligence community, shall establish in the Central Intelligence Agency”.

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.

§ 3363. Terrorist Identification Classification System**(a) Requirement**

(1) The Director of National Intelligence shall—

(A) establish and maintain a list of individuals who are known or suspected international terrorists, and of organizations that are known or suspected international terrorist organizations; and

(B) ensure that pertinent information on the list is shared with the departments, agencies, and organizations described by subsection (c) of this section.

(2) The list under paragraph (1), and the mechanisms for sharing information on the list, shall be known as the “Terrorist Identification Classification System”.

(b) Administration

(1) The Director shall prescribe requirements for the inclusion of an individual or organization on the list required by subsection (a) of this section, and for the deletion or omission from the list of an individual or organization currently on the list.

(2) The Director shall ensure that the information utilized to determine the inclusion, or deletion or omission, of an individual or organization on or from the list is derived from all-source intelligence.

(3) The Director shall ensure that the list is maintained in accordance with existing law and regulations governing the collection, storage, and dissemination of intelligence concerning United States persons.

(c) Information sharing

Subject to section 3024(i) of this title, relating to the protection of intelligence sources and methods, the Director shall provide for the sharing of the list, and information on the list, with such departments and agencies of the Federal Government, State and local government agencies, and entities of foreign governments and international organizations as the Director considers appropriate.

(d) Report on criteria for information sharing

(1) Not later than March 1, 2003, the Director shall submit to the congressional intelligence committees a report describing the criteria used to determine which types of information on the list required by subsection (a) of this section are to be shared, and which types of information are not to be shared, with various departments and agencies of the Federal Government, State and local government agencies, and entities of foreign governments and international organizations.

(2) The report shall include a description of the circumstances in which the Director has determined that sharing information on the list with the departments and agencies of the Federal Government, and of State and local govern-