

under the National Intelligence Program before the time that the President submits to Congress the budget for the first fiscal year in which appropriated funds are anticipated to be obligated for the development or procurement of such major system.

(2) The report on such major system shall include an assessment of whether, and to what extent, such acquisition, if developed, procured, and operated, is projected to cause an increase in the most recent Future Year Intelligence Plan and Long-term Budget Projection submitted under this section for an element of the intelligence community.

(3) The Director of National Intelligence shall update the report whenever an independent cost estimate must be updated pursuant to section 3097(a)(4) of this title.

(4) The Director of National Intelligence shall submit each report required by this subsection at the time that the President submits to Congress the budget for a fiscal year pursuant to section 1105 of title 31.

**(e) Definitions**

In this section:

**(1) Budget year**

The term “budget year” means the next fiscal year for which the President is required to submit to Congress a budget pursuant to section 1105 of title 31.

**(2) Independent cost estimate; major system**

The terms “independent cost estimate” and “major system” have the meaning given those terms in section 3097(e) of this title.

(July 26, 1947, ch. 343, title V, §506G, as added Pub. L. 111-259, title III, §325(a), Oct. 7, 2010, 124 Stat. 2681.)

CODIFICATION

Section was formerly classified to section 415a-9 of this title prior to editorial reclassification and renumbering as this section.

APPLICABILITY DATE

Pub. L. 111-259, title III, §325(b), Oct. 7, 2010, 124 Stat. 2683, provided that: “The first Future Year Intelligence Plan and Long-term Budget Projection required to be submitted under subsection (a) and (b) of section 506G of the National Security Act of 1947 [50 U.S.C. 3103(a), (b)], as added by subsection (a), shall be submitted to the congressional intelligence committees at the time that the President submits to Congress the budget for fiscal year 2012 pursuant to section 1105 of title 31, United States Code.”

[For definition of “congressional intelligence committees” as used in section 325(b) of Pub. L. 111-259, set out above, see section 2 of Pub. L. 111-259, set out as a note under section 3003 of this title.]

FUTURE-YEARS INTELLIGENCE PROGRAM

Pub. L. 113-235, div. C, title VIII, §8095, Dec. 16, 2014, 128 Stat. 2276, provided that: “The Director of National Intelligence shall submit to Congress each year, at or about the time that the President’s budget is submitted to Congress that year under section 1105(a) of title 31, United States Code, a future-years intelligence program (including associated annexes) reflecting the estimated expenditures and proposed appropriations included in that budget. Any such future-years intelligence program shall cover the fiscal year with respect to which the budget is submitted and at least the four succeeding fiscal years.”

Similar provisions were contained in the following appropriation acts:

Pub. L. 113-76, div. C, title VIII, §8090, Jan. 17, 2014, 128 Stat. 126.

Pub. L. 113-6, div. C, title VIII, §8091, Mar. 26, 2013, 127 Stat. 318.

Pub. L. 112-74, div. A, title VIII, §8094, Dec. 23, 2011, 125 Stat. 828.

Pub. L. 112-10, div. A, title VIII, §8094, Apr. 15, 2011, 125 Stat. 77.

Pub. L. 111-118, div. A, title VIII, §8104, Dec. 19, 2009, 123 Stat. 3451, repealed by Pub. L. 111-259, title III, §325(c)(2), Oct. 7, 2010, 124 Stat. 2683.

Pub. L. 110-329, div. C, title VIII, §8112, Sept. 30, 2008, 122 Stat. 3645.

**§ 3104. Reports on security clearances**

**(a) Quadrennial audit of position requirements**

(1) The President shall every four years conduct an audit of the manner in which the executive branch determines whether a security clearance is required for a particular position in the United States Government.

(2) Not later than 30 days after the completion of an audit conducted under paragraph (1), the President shall submit to Congress the results of such audit.

**(b) Report on security clearance determinations**

(1) Not later than February 1 of each year, the President shall submit to Congress a report on the security clearance process. Such report shall include, for each security clearance level—

(A) the number of employees of the United States Government who—

(i) held a security clearance at such level as of October 1 of the preceding year; and

(ii) were approved for a security clearance at such level during the preceding fiscal year;

(B) the number of contractors to the United States Government who—

(i) held a security clearance at such level as of October 1 of the preceding year; and

(ii) were approved for a security clearance at such level during the preceding fiscal year; and

(C) for each element of the intelligence community—

(i) the total amount of time it took to process the security clearance determination for such level that—

(I) was among the 80 percent of security clearance determinations made during the preceding fiscal year that took the shortest amount of time to complete; and

(II) took the longest amount of time to complete;

(ii) the total amount of time it took to process the security clearance determination for such level that—

(I) was among the 90 percent of security clearance determinations made during the preceding fiscal year that took the shortest amount of time to complete; and

(II) took the longest amount of time to complete;

(iii) the number of pending security clearance investigations for such level as of October 1 of the preceding year that have remained pending for—

- (I) 4 months or less;
  - (II) between 4 months and 8 months;
  - (III) between 8 months and one year; and
  - (IV) more than one year;
- (iv) the percentage of reviews during the preceding fiscal year that resulted in a denial or revocation of a security clearance;
- (v) the percentage of investigations during the preceding fiscal year that resulted in incomplete information;
- (vi) the percentage of investigations during the preceding fiscal year that did not result in enough information to make a decision on potentially adverse information; and
- (vii) for security clearance determinations completed or pending during the preceding fiscal year that have taken longer than one year to complete—

(I) the number of security clearance determinations for positions as employees of the United States Government that required more than one year to complete;

(II) the number of security clearance determinations for contractors that required more than one year to complete;

(III) the agencies that investigated and adjudicated such determinations; and

(IV) the cause of significant delays in such determinations.

(2) For purposes of paragraph (1), the President may consider—

(A) security clearances at the level of confidential and secret as one security clearance level; and

(B) security clearances at the level of top secret or higher as one security clearance level.

**(c) Form**

The results required under subsection (a)(2) and the reports required under subsection (b)(1) shall be submitted in unclassified form, but may include a classified annex.

(July 26, 1947, ch. 343, title V, § 506H, as added Pub. L. 111-259, title III, § 367(a)(1)(A), Oct. 7, 2010, 124 Stat. 2703.)

CODIFICATION

Section was formerly classified to section 415a-10 of this title prior to editorial reclassification and renumbering as this section.

INITIAL AUDIT

Pub. L. 111-259, title III, § 367(a)(1)(B), Oct. 7, 2010, 124 Stat. 2704, provided that: “The first audit required to be conducted under section 506H(a)(1) of the National Security Act of 1947 [50 U.S.C. 3104(a)(1)], as added by subparagraph (A) of this paragraph, shall be completed not later than February 1, 2011.”

**§ 3105. Summary of intelligence relating to terrorist recidivism of detainees held at United States Naval Station, Guantanamo Bay, Cuba**

**(a) In general**

The Director of National Intelligence, in consultation with the Director of the Central Intelligence Agency and the Director of the Defense Intelligence Agency, shall make publicly available an unclassified summary of—

(1) intelligence relating to recidivism of detainees currently or formerly held at the

Naval Detention Facility at Guantanamo Bay, Cuba, by the Department of Defense; and

(2) an assessment of the likelihood that such detainees will engage in terrorism or communicate with persons in terrorist organizations.

**(b) Updates**

Not less frequently than once every 6 months, the Director of National Intelligence, in consultation with the Director of the Central Intelligence Agency and the Secretary of Defense, shall update and make publicly available an unclassified summary consisting of the information required by subsection (a) and the number of individuals formerly detained at Naval Station, Guantanamo Bay, Cuba, who are confirmed or suspected of returning to terrorist activities after release or transfer from such Naval Station.

(July 26, 1947, ch. 343, title V, § 506I, as added Pub. L. 112-87, title III, § 307(a)(1), Jan. 3, 2012, 125 Stat. 1882.)

CODIFICATION

Section was formerly classified to section 415a-11 of this title prior to editorial reclassification and renumbering as this section.

INITIAL UPDATE

Pub. L. 112-87, title III, § 307(a)(2), Jan. 3, 2012, 125 Stat. 1883, provided that: “The initial update required by section 506I(b) of such Act [act July 26, 1947, ch. 343; 50 U.S.C. 3105(b)], as added by paragraph (1) of this subsection, shall be made publicly available not later than 10 days after the date the first report following the date of the enactment of the Intelligence Authorization Act for Fiscal Year 2012 [Jan. 3, 2012] is submitted to members and committees of Congress pursuant to section 319 of the Supplemental Appropriations Act, 2009 (Public Law 111-32; 10 U.S.C. 801 note).”

**§ 3105a. Annual assessment of intelligence community performance by function**

**(a) In general**

Not later than April 1, 2016, and each year thereafter, the Director of National Intelligence shall, in consultation with the Functional Managers, submit to the congressional intelligence committees a report on covered intelligence functions during the preceding year.

**(b) Elements**

Each report under subsection (a) shall include for each covered intelligence function for the year covered by such report the following:

(1) An identification of the capabilities, programs, and activities of such intelligence function, regardless of the element of the intelligence community that carried out such capabilities, programs, and activities.

(2) A description of the investment and allocation of resources for such intelligence function, including an analysis of the allocation of resources within the context of the National Intelligence Strategy, priorities for recipients of resources, and areas of risk.

(3) A description and assessment of the performance of such intelligence function.

(4) An identification of any issues related to the application of technical interoperability standards in the capabilities, programs, and activities of such intelligence function.