

vided 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.)

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.]

CHAPTER 45—MISCELLANEOUS INTELLIGENCE COMMUNITY AUTHORITIES

SUBCHAPTER I—BUDGET AND OVERSIGHT

Sec.

3301. Multiyear national intelligence program.

Sec.

3302. Identification of constituent components of base intelligence budget.
3303. Construction of intelligence community facilities; Presidential authorization.
3304. Limitation on construction of facilities to be used primarily by intelligence community.
3305. Exhibits for inclusion with budget justification books.
3306. Availability to public of certain intelligence funding information.
3307. Communications with the Committees on Armed Services of the Senate and the House of Representatives.
3308. Information access by the Comptroller General of the United States.
3309. Notification of establishment of advisory committee.
3310. Annual report on United States security arrangements and commitments with other nations.
3311. Submittal to Congress by heads of elements of intelligence community of plans for orderly shutdown in event of absence of appropriations.

SUBCHAPTER II—PERSONNEL AND ADMINISTRATIVE AUTHORITIES

3321. National Intelligence Reserve Corps.
3322. Additional education and training requirements.
3323. Eligibility for incentive awards.
3324. Prohibition on using journalists as agents or assets.
3325. Reaffirmation of longstanding prohibition against drug trafficking by employees of the intelligence community.
3326. Limitation of expenditure of funds appropriated for Department of Defense intelligence programs.
3327. Limitation on transfer of funds between CIA and Department of Defense; congressional notification required.
3328. Study or plan of surrender; use of appropriations.
3329. Intelligence community contracting.
3330. Reports to the intelligence community on penetrations of networks and information systems of certain contractors.

SUBCHAPTER III—SECURITY CLEARANCES AND CLASSIFIED INFORMATION

3341. Security clearances.
3342. Security clearances for transition team members.
3343. Security clearances; limitations.
3344. Classification training program.
3345. Limitation on handling, retention, and storage of certain classified materials by the Department of State.
3346. Compilation and organization of previously declassified records.
3347. Secrecy agreements used in intelligence activities.
3348. Reports relating to certain special access programs and similar programs.
3349. Notification regarding the authorized public disclosure of national intelligence.

SUBCHAPTER IV—COLLECTION, ANALYSIS, AND SHARING OF INTELLIGENCE

3361. National Virtual Translation Center.
3362. Foreign Terrorist Asset Tracking Center.
3363. Terrorist Identification Classification System.
3364. Assignment of responsibilities relating to analytic integrity.
3365. Foreign intelligence information.
3366. Authorities of heads of other departments and agencies.

Sec.
3367. Requirement for efficient use by intelligence community of open-source intelligence.

SUBCHAPTER V—MANAGEMENT OF
COUNTERINTELLIGENCE ACTIVITIES

3381. Coordination of counterintelligence activities.
3382. National Counterintelligence Executive.
3383. Office of the National Counterintelligence Executive.

SUBCHAPTER I—BUDGET AND OVERSIGHT

§ 3301. Multiyear national intelligence program

(a) Annual submission of multiyear national intelligence program

The Director of National Intelligence shall submit to the congressional committees specified in subsection (d) of this section each year a multiyear national intelligence program plan reflecting the estimated expenditures and proposed appropriations required to support that program. Any such multiyear national intelligence program plan shall cover the fiscal year with respect to which the budget is submitted and at least four succeeding fiscal years.

(b) Time of submission

The Director of National Intelligence shall submit the report required by subsection (a) of this section each year at or about the same time that the budget is submitted to Congress pursuant to section 1105(a) of title 31.

(c) Consistency with budget estimates

The Director of National Intelligence and the Secretary of Defense shall ensure that the estimates referred to in subsection (a) of this section are consistent with the budget estimates submitted to Congress pursuant to section 1105(a) of title 31 for the fiscal year concerned and with the estimated expenditures and proposed appropriations for the future-years defense program submitted pursuant to section 221 of title 10.

(d) Specified congressional committees

The congressional committees referred to in subsection (a) of this section are the following:

- (1) The Committee on Armed Services, the Committee on Appropriations, and the Select Committee on Intelligence of the Senate.
- (2) The Committee on Armed Services, the Committee on Appropriations, and the Permanent Select Committee on Intelligence of the House of Representatives.

(Pub. L. 101-510, div. A, title XIV, § 1403, Nov. 5, 1990, 104 Stat. 1675; Pub. L. 104-106, div. A, title XV, § 1502(c)(4)(B), Feb. 10, 1996, 110 Stat. 507; Pub. L. 106-65, div. A, title X, § 1067(10), Oct. 5, 1999, 113 Stat. 774; Pub. L. 111-259, title VIII, § 805(a)-(d)(1), Oct. 7, 2010, 124 Stat. 2748.)

CODIFICATION

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

AMENDMENTS

2010—Pub. L. 111-259, § 805(d)(1), struck out “foreign” after “national” in section catchline.

Subsec. (a). Pub. L. 111-259, § 805(a), (b)(1), struck out “foreign” after “national” wherever appearing in head-

ing and text and substituted “Director of National Intelligence” for “Director of Central Intelligence” in text.

Subsec. (b). Pub. L. 111-259, § 805(b)(2), inserted “of National Intelligence” after “Director”.

Subsec. (c). Pub. L. 111-259, § 805(b)(1), (c), substituted “Director of National Intelligence” for “Director of Central Intelligence” and “future-years defense program submitted pursuant to section 221 of title 10” for “multiyear defense program submitted pursuant to section 114a of title 10”.

1999—Subsec. (d)(2). Pub. L. 106-65 substituted “Committee on Armed Services” for “Committee on National Security”.

1996—Subsec. (a). Pub. L. 104-106, § 1502(c)(4)(B)(i), substituted “the congressional committees specified in subsection (d) of this section each year” for “the Committees on Armed Services and Appropriations of the Senate and the House of Representatives and the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives each year”.

Subsec. (d). Pub. L. 104-106, § 1502(c)(4)(B)(ii), added subsec. (d).

SHORT TITLE OF 2002 AMENDMENT

Pub. L. 107-306, title IX, § 901(a), Nov. 27, 2002, 116 Stat. 2432, provided that: “This title [see Tables for classification] may be cited as the ‘Counterintelligence Enhancement Act of 2002.’”

§ 3302. Identification of constituent components of base intelligence budget

The Director of Central Intelligence shall include the same level of budgetary detail for the Base Budget that is provided for Ongoing Initiatives and New Initiatives to the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate in the congressional justification materials for the annual submission of the National Foreign Intelligence Program of each fiscal year.

(Pub. L. 103-359, title VI, § 603, Oct. 14, 1994, 108 Stat. 3433.)

CODIFICATION

Section was formerly classified as a note under section 403-1 of this title prior to editorial reclassification as this section.

TRANSFER OF FUNCTIONS

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.

§ 3303. Construction of intelligence community facilities; Presidential authorization

(a) No project for the construction of any facility, or improvement to any facility, having an estimated Federal cost in excess of \$300,000, may be undertaken in any fiscal year unless specifically identified as a separate item in the President’s annual fiscal year budget request or otherwise specifically authorized and appropriated if such facility or improvement would be used primarily by personnel of the intelligence community.