

shall disclose to the public the aggregate amount of funds appropriated by Congress for the National Intelligence Program for such fiscal year.

(c) Waiver

(1) In general

The President may waive or postpone the disclosure required by subsection (a) or (b) for a fiscal year by submitting to the Select Committee on Intelligence of the Senate and Permanent Select Committee on Intelligence of the House of Representatives—

(A) a statement, in unclassified form, that the disclosure required in subsection (a) or (b) for that fiscal year would damage national security; and

(B) a statement detailing the reasons for the waiver or postponement, which may be submitted in classified form.

(2) Submission dates

The President shall submit the statements required under paragraph (1)—

(A) in the case of a waiver or postponement of a disclosure required under subsection (a), at the time of the submission of the budget for the fiscal year for which such disclosure is waived or postponed; and

(B) in the case of a waiver or postponement of a disclosure required under subsection (b), not later than 30 days after the date of the end of the fiscal year for which such disclosure is waived or postponed.

(d) Definition

As used in this section, the term “National Intelligence Program” has the meaning given the term in section 3003(6) of this title.

(Pub. L. 110–53, title VI, §601, Aug. 3, 2007, 121 Stat. 335; Pub. L. 111–259, title III, §364, Oct. 7, 2010, 124 Stat. 2702.)

CODIFICATION

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

AMENDMENTS

2010—Pub. L. 111–259 amended section generally. Prior to amendment, section related to availability to public of certain intelligence funding information.

§ 3307. Communications with the Committees on Armed Services of the Senate and the House of Representatives

(a) Requests of committees

The Director of the National Counterterrorism Center, the Director of a national intelligence center, or the head of any element of the intelligence community shall, not later than 45 days after receiving a written request from the Chair or ranking minority member of the Committee on Armed Services of the Senate or the Committee on Armed Services of the House of Representatives for any existing intelligence assessment, report, estimate, or legal opinion relating to matters within the jurisdiction of such Committee, make available to such committee such assessment, report, estimate, or legal opinion, as the case may be.

(b) Assertion of privilege

(1) In general

In response to a request covered by subsection (a), the Director of the National Counterterrorism Center, the Director of a national intelligence center, or the head of any element of the intelligence community shall provide to the Committee making such request the document or information covered by such request unless the President determines that such document or information shall not be provided because the President is asserting a privilege pursuant to the Constitution of the United States.

(2) Submission to Congress

The White House Counsel shall submit to Congress in writing any assertion by the President under paragraph (1) of a privilege pursuant to the Constitution.

(c) Definitions

In this section:

(1) Intelligence community

The term “intelligence community” has the meaning given the term in section 3003(4) of this title.

(2) Intelligence assessment

The term “intelligence assessment” means an intelligence-related analytical study of a subject of policy significance and does not include building-block papers, research projects, and reference aids.

(3) Intelligence estimate

The term “intelligence estimate” means an appraisal of available intelligence relating to a specific situation or condition with a view to determining the courses of action open to an enemy or potential enemy and the probable order of adoption of such courses of action.

(Pub. L. 110–181, div. A, title X, §1079, Jan. 28, 2008, 122 Stat. 334.)

CODIFICATION

Section was formerly classified to section 413c of this title prior to editorial reclassification and renumbering as this section.

§ 3308. Information access by the Comptroller General of the United States

(a) DNI directive governing access

(1) Requirement for directive

The Director of National Intelligence, in consultation with the Comptroller General of the United States, shall issue a written directive governing the access of the Comptroller General to information in the possession of an element of the intelligence community.

(2) Amendment to directive

The Director of National Intelligence, in consultation with the Comptroller General, may issue an amendment to the directive issued under paragraph (1) at any time the Director determines such an amendment is appropriate.

(3) Relationship to other laws

The directive issued under paragraph (1) and any amendment to such directive issued under

paragraph (2) shall be consistent with the provisions of—

- (A) chapter 7 of title 31; and
- (B) the National Security Act of 1947 (50 U.S.C. 401 et seq.).

(b) Confidentiality of information

(1) Requirement for confidentiality

The Comptroller General of the United States shall ensure that the level of confidentiality of information made available to the Comptroller General pursuant to the directive issued under subsection (a)(1) or an amendment to such directive issued under subsection (a)(2) is not less than the level of confidentiality of such information required of the head of the element of the intelligence community from which such information was obtained.

(2) Penalties for unauthorized disclosure

An officer or employee of the Government Accountability Office shall be subject to the same statutory penalties for unauthorized disclosure or use of such information as an officer or employee of the element of the intelligence community from which such information was obtained.

(c) Submission to Congress

(1) Submission of directive

The directive issued under subsection (a)(1) shall be submitted to Congress by the Director of National Intelligence, together with any comments of the Comptroller General of the United States, no later than May 1, 2011.

(2) Submission of amendment

Any amendment to such directive issued under subsection (a)(2) shall be submitted to Congress by the Director, together with any comments of the Comptroller General.

(d) Effective date

The directive issued under subsection (a)(1) and any amendment to such directive issued under subsection (a)(2) shall take effect 60 days after the date such directive or amendment is submitted to Congress under subsection (c), unless the Director determines that for reasons of national security the directive or amendment should take effect sooner.

(Pub. L. 111-259, title III, § 348, Oct. 7, 2010, 124 Stat. 2700.)

REFERENCES IN TEXT

The National Security Act of 1947, referred to in subsec. (a)(3)(B), is act July 26, 1947, ch. 343, 61 Stat. 495, which is classified principally to chapter 44 (§ 3001 et seq.) of this title. For complete classification of this Act to the Code, see Tables.

CODIFICATION

Section was formerly classified to section 403-9 of this title prior to editorial reclassification and renumbering as this section.

DEFINITION

For definition of “intelligence community”, see section 2 of Pub. L. 111-259, set out as a note under section 3003 of this title.

§ 3308a. Provision of certain information to Government Accountability Office by National Reconnaissance Office

(a) In general

The Director of the National Reconnaissance Office shall provide to the Comptroller General of the United States, in a timely manner, access to the cost, schedule, and performance information the Comptroller General requires to conduct assessments, as required by any of the appropriate congressional committees, of programs of the National Reconnaissance Office.

(b) Appropriate congressional committees defined

In this section, the term “appropriate congressional committees” means—

- (1) the congressional defense committees; and
- (2) the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives.

(Pub. L. 114-328, div. A, title XVI, § 1620, Dec. 23, 2016, 130 Stat. 2596.)

“CONGRESSIONAL DEFENSE COMMITTEES” DEFINED

Congressional defense committees means the Committees on Armed Services and Appropriations of the Senate and the House of Representatives, see section 3 of Pub. L. 114-328, 130 Stat. 2025. See note under section 101 of Title 10, Armed Forces.

§ 3309. Notification of establishment of advisory committee

The Director of National Intelligence and the Director of the Central Intelligence Agency shall each notify the congressional intelligence committees each time each such Director creates an advisory committee. Each notification shall include—

- (1) a description of such advisory committee, including the subject matter of such committee;
- (2) a list of members of such advisory committee; and
- (3) in the case of an advisory committee created by the Director of National Intelligence, the reasons for a determination by the Director under section 4(b)(3) of the Federal Advisory Committee Act (5 U.S.C. App.) that an advisory committee cannot comply with the requirements of such Act.

(Pub. L. 111-259, title IV, § 410(b), Oct. 7, 2010, 124 Stat. 2725; Pub. L. 113-126, title III, § 329(b)(1), July 7, 2014, 128 Stat. 1406.)

REFERENCES IN TEXT

Section 4(b)(3) of the Federal Advisory Committee Act, referred to in par. (3), is section 4(b)(3) of Pub. L. 92-463, Oct. 6, 1972, 86 Stat. 770, which is set out in the Appendix to Title 5, Government Organization and Employees.

CODIFICATION

Section was formerly classified as a note under section 405 of this title prior to editorial reclassification as this section.

AMENDMENTS

2014—Pub. L. 113-126 amended section generally. Prior to amendment, section related to annual report on ad-