

(1) a violation of any Federal law, rule, or regulation; or

(2) mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety.

(c) Contractor employees

(1) Any employee of a contractor, subcontractor, grantee, subgrantee, or personal services contractor, of a covered intelligence community element who has authority to take, direct others to take, recommend, or approve any personnel action, shall not, with respect to such authority, take or fail to take a personnel action with respect to any contractor employee as a reprisal for a lawful disclosure of information by the contractor employee to the Director of National Intelligence (or an employee designated by the Director of National Intelligence for such purpose), the Inspector General of the Intelligence Community, the head of the contracting agency (or an employee designated by the head of that agency for such purpose), the appropriate inspector general of the contracting agency, a congressional intelligence committee, or a member of a congressional intelligence committee, which the contractor employee reasonably believes evidences—

(A) a violation of any Federal law, rule, or regulation (including with respect to evidence of another employee or contractor employee accessing or sharing classified information without authorization); or

(B) gross mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety.

(2) A personnel action under paragraph (1) is prohibited even if the action is undertaken at the request of an agency official, unless the request takes the form of a nondiscretionary directive and is within the authority of the agency official making the request.

(d) Enforcement

The President shall provide for the enforcement of this section.

(e) Existing rights preserved

Nothing in this section shall be construed to—

(1) preempt or preclude any employee, contractor employee, or applicant for employment, at the Federal Bureau of Investigation from exercising rights provided 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; amended Pub. L. 115–118, title I, §110(a), Jan. 19, 2018, 132 Stat. 15.)

AMENDMENTS

2018—Subsec. (a)(3). Pub. L. 115–118, §110(a)(1)(A), inserted “or a contractor employee” after “character” in introductory provisions.

Subsec. (a)(4). Pub. L. 115–118, §110(a)(1)(B), added par. (4).

Subsec. (b). Pub. L. 115–118, §110(a)(4), substituted “Agency employees” for “In general” in heading.

Subsecs. (c) to (e). Pub. L. 115–118, §110(a)(2), (3), added subsec. (c) and redesignated former subsecs. (c) and (d) as (d) and (e), respectively.

Subsec. (e)(1). Pub. L. 115–118, §110(a)(5), inserted “contractor employee,” after “any employee.”

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.

3302. Identification of constituent components of base intelligence budget.

3303. Construction of intelligence community facilities; Presidential authorization.

- Sec.
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.
3308a. Provision of certain information to Government Accountability Office by National Reconnaissance Office.
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.
3312. Congressional oversight of policy directives and guidance.
3313. Notification of memoranda of understanding.
3314. Report on national security systems.
3315. Annual certification of controlled access programs.

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.
3331. Management of intelligence community personnel.
3332. Guidance and reporting requirement regarding the interactions between the intelligence community and entertainment industry.
3333. Joint facilities certification.

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.

- Sec.
3350. Maximum amount charged for declassification reviews.

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.
3367. Requirement for efficient use by intelligence community of open-source intelligence.
3368. Assistance for governmental entities and private entities in recognizing online violent extremist content.

SUBCHAPTER V—MANAGEMENT OF COUNTERINTELLIGENCE ACTIVITIES

3381. Coordination of counterintelligence activities.
3382. Director of the National Counterintelligence and Security Center.
3383. National Counterintelligence and Security Center.

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) 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) 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) 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) 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