

retary of Defense, to the Committees on Armed Services and Appropriations of the Senate and to the Committees on Armed Services and Appropriations of the House of Representatives.

(B) In the case of the denial of access to a special access program created by the Director of National Intelligence, or by the head of any other agency (including the Department of Defense) if the special access program pertains to intelligence activities, or of access to any information and materials relating to intelligence sources and methods, to the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives.

(C) In the case of the denial of access to a special access program created by the Secretary of Energy or the Administrator for Nuclear Security, to the Committees on Armed Services and Appropriations and the Select Committee on Intelligence of the Senate and to the Committees on Armed Services and Appropriations and the Permanent Select Committee on Intelligence of the House of Representatives.

**(f) Notification of review**

In response to a specific congressional request for declassification review described in section 3355a(b)(5) of this title, the Board shall advise the originators of the request in a timely manner whether the Board intends to conduct such review.

(Pub. L. 106-567, title VII, § 706, Dec. 27, 2000, 114 Stat. 2861; Pub. L. 108-458, title I, § 1102(e), Dec. 17, 2004, 118 Stat. 3700; Pub. L. 110-53, title VI, § 602(1), Aug. 3, 2007, 121 Stat. 335.)

REFERENCES IN TEXT

Executive Order 12958, referred to in subsecs. (c) and (d), which was formerly set out as a note under section 3161 of this title, was revoked by Ex. Ord. No. 13526, § 6.2(g), Dec. 29, 2009, 75 F.R. 731.

CODIFICATION

Section was formerly set out in a note under section 3161 of this title.

AMENDMENTS

2007—Subsecs. (b)(2), (e)(2)(B). Pub. L. 110-53 substituted “Director of National Intelligence” for “Director of Central Intelligence”.

2004—Subsec. (f). Pub. L. 108-458 added subsec. (f).

CHANGE OF NAME

Committee on Governmental Affairs of the Senate changed to Committee on Homeland Security and Governmental Affairs of Senate, effective Jan. 4, 2005, by Senate Resolution No. 445, One Hundred Eighth Congress, Oct. 9, 2004.

Committee on Government Reform of the House of Representatives changed to Committee on Oversight and Government Reform of House of Representatives by House Resolution No. 6, One Hundred Tenth Congress, Jan. 5, 2007. Committee on Oversight and Government Reform of House of Representatives changed to Committee on Oversight and Reform of House of Representatives by House Resolution No. 6, One Hundred Sixteenth Congress, Jan. 9, 2019.

**§ 3355e. Judicial review**

Nothing in this subchapter limits the protection afforded to any information under any

other provision of law. This subchapter is not intended and may not be construed to create any right or benefit, substantive or procedural, enforceable against the United States, its agencies, its officers, or its employees. This subchapter does not modify in any way the substantive criteria or procedures for the classification of information, nor does this subchapter create any right or benefit subject to judicial review.

(Pub. L. 106-567, title VII, § 707, Dec. 27, 2000, 114 Stat. 2862.)

CODIFICATION

Section was formerly set out in a note under section 3161 of this title.

**§ 3355f. Funding**

**(a) Authorization of appropriations**

There is hereby authorized to be appropriated to carry out the provisions of this subchapter amounts as follows:

(1) For fiscal year 2001, \$650,000.

(2) For each fiscal year after fiscal year 2001, such sums as may be necessary for such fiscal year.

**(b) Funding requests**

The President shall include in the budget submitted to Congress for each fiscal year under section 1105 of title 31 a request for amounts for the activities of the Board under this subchapter during such fiscal year.

(Pub. L. 106-567, title VII, § 708, Dec. 27, 2000, 114 Stat. 2863.)

CODIFICATION

Section was formerly set out in a note under section 3161 of this title.

**§ 3355g. Definitions**

In this subchapter:

**(1) Agency**

(A) Except as provided in subparagraph (B), the term “agency” means the following:

(i) An Executive agency, as that term is defined in section 105 of title 5.

(ii) A military department, as that term is defined in section 102 of such title.

(iii) Any other entity in the executive branch that comes into the possession of classified information.

(B) The term does not include the Board.

**(2) Classified material or record**

The terms “classified material” and “classified record” include any correspondence, memorandum, book, plan, map, drawing, diagram, pictorial or graphic work, photograph, film, microfilm, sound recording, videotape, machine readable records, and other documentary material, regardless of physical form or characteristics, that has been determined pursuant to Executive order to require protection against unauthorized disclosure in the interests of the national security of the United States.

**(3) Declassification**

The term “declassification” means the process by which records or materials that have