

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.)

Editorial Notes

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.

Statutory Notes and Related Subsidiaries

INCREASED TRANSPARENCY REGARDING COUNTERTERRORISM BUDGET OF THE UNITED STATES

Pub. L. 116–92, div. E, title LVII, §5702, Dec. 20, 2019, 133 Stat. 2160, provided that:

“(a) FINDINGS.—Congress finds the following:

“(1) Consistent with section 601(a) of the Implementing Recommendations of the 9/11 Commission Act of 2007 (50 U.S.C. 3306(a)), the recent practice of the intelligence community has been to release to the public—

“(A) around the date on which the President submits to Congress a budget for a fiscal year pursuant to section 1105 of title 31, United States Code, the ‘top-line’ amount of total funding requested for the National Intelligence Program for such fiscal year; and

“(B) the amount of requested and appropriated funds for the National Intelligence Program and Military Intelligence Program for certain prior fiscal years, consistent with the protection of intelligence sources and methods.

“(2) The Directorate of Strategic Operational Planning of the National Counterterrorism Center is responsible for producing an annual National Counterterrorism Budget report, which examines the alignment of intelligence and other resources in the applicable fiscal year budget with the

counterterrorism goals and areas of focus in the National Strategy for Counterterrorism.

“(b) SENSE OF CONGRESS.—It is the sense of Congress that—

“(1) despite the difficulty of compiling and releasing to the public comprehensive information on the resource commitments of the United States to counterterrorism activities and programs, including with respect to such activities and programs of the intelligence community, the United States Government could take additional steps to enhance the understanding of the public with respect to such resource commitments, in a manner consistent with the protection of intelligence sources and methods and other national security interests; and

“(2) the United States Government should release to the public as much information as possible regarding the funding of counterterrorism activities and programs, including activities and programs of the intelligence community, in a manner consistent with the protection of intelligence sources and methods and other national security interests.

“(c) BRIEFING ON PUBLIC RELEASE OF INFORMATION.—

“(1) REQUIREMENT.—Not later than 90 days after the date of the enactment of this Act [Dec. 20, 2019], and not later than 90 days after the beginning of each fiscal year thereafter, the President shall ensure that the congressional intelligence committees receive a briefing from appropriate personnel of the United States Government on the feasibility of releasing to the public additional information relating to counterterrorism efforts of the intelligence community.

“(2) ELEMENTS.—Each briefing required by paragraph (1) shall include a discussion of the feasibility of—

“(A) subject to paragraph (3), releasing to the public the National Counterterrorism Budget report described in subsection (a)(2) for the prior fiscal year; and

“(B) declassifying other reports, documents, or activities of the intelligence community relating to counterterrorism and releasing such information to the public in a manner consistent with the protection of intelligence sources and methods and other national security interests.

“(3) RELEASE OF NATIONAL COUNTERTERRORISM BUDGET REPORT.—The President may satisfy the requirement under paragraph (2)(A) during a fiscal year by, not later than 90 days after the beginning of the fiscal year, releasing to the public the National Counterterrorism Budget report (with any redactions the Director determines necessary to protect intelligence sources and methods and other national security interests) for the prior fiscal year.”

[For definitions of “intelligence community” and “congressional intelligence committees” as used in section 5702 of Pub. L. 116–92, set out above, see section 5003 of div. E of Pub. L. 116–92, set out as a note under section 3003 of this title.]

§ 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.)

Editorial Notes

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 Di-

rector 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.)

Editorial Notes

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.