

mained a part of it or whether all other traces of the title were eliminated completely so that section 411 was effectively absorbed into title III. The subsequent renumbering of section 411 of the Act as section 312 by Pub. L. 116-92 suggests that this section should be considered within title III (as shown in the credit above), although there has been no explicit amendment renumbering the title of the Act containing it.

Section was classified to section 3006 of this title prior to renumbering by Pub. L. 116-92.

Section was formerly classified to section 412 of this title prior to editorial reclassification and renumbering as section 3006, and to section 172j of former Title 5 prior to the general revision and enactment of Title 5, Government Organization and Employees, by Pub. L. 89-554, § 1, Sept. 6, 1966, 80 Stat. 378.

§ 3079. Insider threat policy compliance and reporting

The head of each element of the intelligence community shall—

(1) implement the policy established in accordance with section 3024(f)(8) of this title; and

(2) concurrent with the submission to Congress of budget justification materials in support of the budget of the President for a fiscal year that is submitted to Congress under section 1105(a) of title 31, submit to Congress a certification as to whether the element is in compliance with such policy.

(July 26, 1947, ch. 343, title III, § 313, as added Pub. L. 117-263, div. F, title LXIII, § 6314(b), Dec. 23, 2022, 136 Stat. 3511.)

SUBCHAPTER III—ACCOUNTABILITY FOR INTELLIGENCE ACTIVITIES

§ 3091. General congressional oversight provisions

(a) Reports to congressional committees of intelligence activities and anticipated activities

(1) The President shall ensure that the congressional intelligence committees are kept fully and currently informed of the intelligence activities of the United States, including any significant anticipated intelligence activity as required by this subchapter.

(2) Nothing in this subchapter shall be construed as requiring the approval of the congressional intelligence committees as a condition precedent to the initiation of any significant anticipated intelligence activity.

(b) Reports concerning illegal intelligence activities

The President shall ensure that any illegal intelligence activity is reported promptly to the congressional intelligence committees, as well as any corrective action that has been taken or is planned in connection with such illegal activity.

(c) Procedures for reporting information

The President and the congressional intelligence committees shall each establish such written procedures as may be necessary to carry out the provisions of this subchapter.

(d) Procedures to protect from unauthorized disclosure

The House of Representatives and the Senate shall each establish, by rule or resolution of

such House, procedures to protect from unauthorized disclosure all classified information, and all information relating to intelligence sources and methods, that is furnished to the congressional intelligence committees or to Members of Congress under this subchapter. Such procedures shall be established in consultation with the Director of National Intelligence. In accordance with such procedures, each of the congressional intelligence committees shall promptly call to the attention of its respective House, or to any appropriate committee or committees of its respective House, any matter relating to intelligence activities requiring the attention of such House or such committee or committees.

(e) Construction of authority conferred

Nothing in this chapter shall be construed as authority to withhold information from the congressional intelligence committees on the grounds that providing the information to the congressional intelligence committees would constitute the unauthorized disclosure of classified information or information relating to intelligence sources and methods.

(f) “Intelligence activities” defined

As used in this section, the term “intelligence activities” includes covert actions as defined in section 3093(e) of this title, and includes financial intelligence activities.

(July 26, 1947, ch. 343, title V, § 501, as added Pub. L. 102-88, title VI, § 602(a)(2), Aug. 14, 1991, 105 Stat. 441; amended Pub. L. 107-306, title III, §§ 342(b), 353(b)(3)(A), (7), Nov. 27, 2002, 116 Stat. 2399, 2402; Pub. L. 108-458, title I, § 1071(a)(1)(V), Dec. 17, 2004, 118 Stat. 3689; Pub. L. 111-259, title III, § 331(a), Oct. 7, 2010, 124 Stat. 2685.)

Editorial Notes

REFERENCES IN TEXT

This chapter, referred to in subsec. (e), was in the original “this Act”, meaning act July 26, 1947, ch. 343, 61 Stat. 495, known as the National Security Act of 1947, which is classified principally to this chapter. For complete classification of this Act to the Code, see Tables.

CODIFICATION

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

PRIOR PROVISIONS

A prior section 501 of act July 26, 1947, ch. 343, title V, as added Pub. L. 96-450, title IV, § 407(b)(1), Oct. 14, 1980, 94 Stat. 1981, related to congressional oversight of intelligence activities, prior to repeal by Pub. L. 102-88, § 602(a)(2).

AMENDMENTS

2010—Subsec. (c). Pub. L. 111-259 substituted “such written procedures” for “such procedures”.

2004—Subsec. (d). Pub. L. 108-458 substituted “Director of National Intelligence” for “Director of Central Intelligence”.

2002—Subsec. (a). Pub. L. 107-306, § 353(b)(3)(A), substituted “congressional intelligence committees” for “intelligence committees” wherever appearing.

Subsec. (a)(2), (3). Pub. L. 107-306, § 353(b)(7), redesignated par. (3) as (2) and struck out former par. (2) which read as follows: “As used in this subchapter, the term

‘congressional intelligence committees’ means the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives.”

Subsecs. (b) to (e). Pub. L. 107-306, § 353(b)(3)(A), substituted “congressional intelligence committees” for “intelligence committees” wherever appearing.

Subsec. (f). Pub. L. 107-306, § 342(b), inserted “, and includes financial intelligence activities” before period at end.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2004 AMENDMENT

For Determination by President that amendment by Pub. L. 108-458 take effect on Apr. 21, 2005, see Memorandum of President of the United States, Apr. 21, 2005, 70 F.R. 23925, set out as a note under section 3001 of this title.

Amendment by Pub. L. 108-458 effective not later than six months after Dec. 17, 2004, except as otherwise expressly provided, see section 1097(a) of Pub. L. 108-458, set out in an Effective Date of 2004 Amendment; Transition Provisions note under section 3001 of this title.

§ 3091a. Congressional oversight of controlled access programs

(a) Periodic briefings

(1) Requirement

Not less frequently than semiannually or upon request by one of the appropriate congressional committees or a member of congressional leadership, the Director of National Intelligence shall provide to such committees and congressional leadership a briefing on each controlled access program in effect.

(2) Contents

Each briefing provided under paragraph (1) shall include, at a minimum, the following:

(A) A description of the activity of the controlled access programs during the period covered by the briefing.

(B) Documentation with respect to how the controlled access programs have achieved outcomes consistent with requirements documented by the Director and, as applicable, the Secretary of Defense.

(b) Limitations

(1) Establishment

A head of an element of the intelligence community may not establish a controlled access program, or a compartment or subcompartment therein, until the head notifies the appropriate congressional committees and congressional leadership of such controlled access program, compartment, or subcompartment, as the case may be.

(2) Transfers

(A) Limitation

Except as provided in subparagraph (B), a head of an element of the intelligence community may not transfer a capability from a controlled access program, including from a compartment or subcompartment therein to a compartment or subcompartment of another controlled access program, to a special access program (as defined in section 3348(g) of this title), or to anything else outside the controlled access program, until the head

submits to the appropriate congressional committees and congressional leadership notice of the intent of the head to make such transfer.

(B) Exception

The head of an element of the intelligence community may make a transfer described in subparagraph (A) without prior congressional notification if the head determines that doing so—

(i) is required to mitigate an urgent counterintelligence issue; or

(ii) is necessary to maintain access in the event of an organizational restructuring.

(c) Limitation on spending

Funds authorized to be appropriated for the National Intelligence Program may not be obligated or expended for any controlled access program, or a compartment or subcompartment therein, until the head of the element of the intelligence community responsible for the establishment of such program, compartment, or subcompartment, submits the notification required by subsection (b).

(d) Annual reports

(1) Requirement

On an annual basis, the head of each element of the intelligence community shall submit to the appropriate congressional committees and congressional leadership a report on controlled access programs administered by the head.

(2) Matters included

Each report submitted under paragraph (1) shall include, with respect to the period covered by the report, the following:

(A) A list of all compartments and subcompartments of controlled access programs active as of the date of the report.

(B) A list of all compartments and subcompartments of controlled access programs terminated during the period covered by the report.

(C) With respect to the report submitted by the Director of National Intelligence, in addition to the matters specified in clauses (A) and (B)—

(i) a certification regarding whether the creation, validation, or substantial modification, including termination, for all existing and proposed controlled access programs, and the compartments and subcompartments within each, are substantiated and justified based on the information required by clause (ii); and

(ii) for each certification—

(I) the rationale for the revalidation, validation, or substantial modification, including termination, of each controlled access program, compartment, and subcompartment;

(II) the identification of a control officer for each controlled access program; and

(III) a statement of protection requirements for each controlled access program.