

‘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.

(e) Definitions

In this section:

(1) Appropriate congressional committees

The term “appropriate congressional committees” means—

- (A) the congressional intelligence committees;
- (B) the Committee on Appropriations of the Senate; and
- (C) the Committee on Appropriations of the House of Representatives.

(2) Congressional leadership

The term “congressional leadership” means—

- (A) the majority leader of the Senate;
- (B) the minority leader of the Senate;
- (C) the Speaker of the House of Representatives; and
- (D) the minority leader of the House of Representatives.

(3) Controlled access program

The term “controlled access program” means a program created or managed pursuant to Intelligence Community Directive 906, or successor directive.

(July 26, 1947, ch. 343, title V, § 501A, as added Pub. L. 117–103, div. X, title V, § 504, Mar. 15, 2022, 136 Stat. 986; amended Pub. L. 118–159, div. F, title LXVI, §§ 6602(a), 6603, Dec. 23, 2024, 138 Stat. 2502.)

Editorial Notes

REFERENCES IN TEXT

Intelligence Community Directive 906, referred to in subsec. (e)(3), is located at <https://www.dni.gov/files/documents/ICD/ICD-906-Controlled-Access-Programs.pdf>.

AMENDMENTS

2024—Subsec. (b). Pub. L. 118–159, § 6603, substituted “Limitations” for “Limitation on establishment” in subsec. heading, designated existing provisions as par. (1) and inserted par. heading, and added par. (2).

Subsecs. (c) to (e). Pub. L. 118–159, § 6602(a), added subsec. (c) and redesignated former subsecs. (c) and (d) as (d) and (e), respectively.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2024 AMENDMENT

Pub. L. 118–159, div. F, title LXVI, § 6602(b), Dec. 23, 2024, 138 Stat. 2502, provided that: “Subsection (c) of such section [meaning 50 U.S.C. 3091a] shall apply with respect to controlled access programs (as defined in such section), and compartments and subcompartments therein, that are established on or after the date of the enactment of this Act [Dec. 23, 2024].”

§ 3092. Reporting of intelligence activities other than covert actions**(a) In general**

To the extent consistent with due regard for the protection from unauthorized disclosure of classified information relating to sensitive intelligence sources and methods or other exceptionally sensitive matters, the Director of National Intelligence and the heads of all departments, agencies, and other entities of the United States Government involved in intelligence activities shall—

(1) keep the congressional intelligence committees fully and currently informed of all intelligence activities, other than a covert action (as defined in section 3093(e) of this title), which are the responsibility of, are engaged in by, or are carried out for or on behalf of, any department, agency, or entity of the United States Government, including any significant anticipated intelligence activity and any significant intelligence failure; and

(2) furnish the congressional intelligence committees any information or material concerning intelligence activities (including the legal basis under which the intelligence activity is being or was conducted), other than covert actions, which is within their custody or control, and which is requested by either of the congressional intelligence committees in order to carry out its authorized responsibilities.

(b) Form and contents of certain reports

Any report relating to a significant anticipated intelligence activity or a significant intelligence failure that is submitted to the congressional intelligence committees for purposes of subsection (a)(1) shall be in writing, and shall contain the following:

(1) A concise statement of any facts pertinent to such report.

(2) An explanation of the significance of the intelligence activity or intelligence failure covered by such report.

(c) Standards and procedures for certain reports

The Director of National Intelligence, in consultation with the heads of the departments, agencies, and entities referred to in subsection (a), shall establish standards and procedures applicable to reports covered by subsection (b).

(July 26, 1947, ch. 343, title V, § 502, as added Pub. L. 102–88, title VI, § 602(a)(2), Aug. 14, 1991, 105 Stat. 442; amended Pub. L. 107–108, title III, § 305, Dec. 28, 2001, 115 Stat. 1398; Pub. L. 107–306, title III, § 353(b)(3)(B), Nov. 27, 2002, 116 Stat. 2402; Pub. L. 108–458, title I, § 1071(a)(1)(W), (X), Dec. 17, 2004, 118 Stat. 3689; Pub. L. 111–259, title III, § 331(b), Oct. 7, 2010, 124 Stat. 2685.)

Editorial Notes

CODIFICATION

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

PRIOR PROVISIONS

A prior section 502 of act July 26, 1947, ch. 343, was renumbered section 504 and is classified to section 3094 of this title.

AMENDMENTS

2010—Subsec. (a)(2). Pub. L. 111–259 inserted “(including the legal basis under which the intelligence activity is being or was conducted)” after “concerning intelligence activities”.

2004—Subsec. (a). Pub. L. 108–458, § 1071(a)(1)(W), substituted “Director of National Intelligence” for “Director of Central Intelligence” in introductory provisions.

Subsec. (c). Pub. L. 108–458, § 1071(a)(1)(X), substituted “Director of National Intelligence” for “Director of Central Intelligence”.

2002—Subsecs. (a), (b). Pub. L. 107–306 substituted “congressional intelligence committees” for “intelligence committees” wherever appearing.