

XV, §1502(c)(4)(C), Feb. 10, 1996, 110 Stat. 507; Pub. L. 106-65, div. A, title X, §1067(10), Oct. 5, 1999, 113 Stat. 774.)

#### Editorial Notes

##### CODIFICATION

Section was formerly classified to section 404c of this title prior to editorial reclassification and renumbering as this section.

##### AMENDMENTS

1999—Subsec. (d)(2). Pub. L. 106-65 substituted “Committee on Armed Services” for “Committee on National Security”.

1996—Subsec. (a). Pub. L. 104-106, §1502(c)(4)(C)(i), substituted “shall submit to the congressional committees specified in subsection (d) each year” for “shall submit to the Committees on Armed Services and on Foreign Affairs of the House of Representatives and the Committees on Armed Services and Foreign Relations of the Senate each year”.

Subsec. (c). Pub. L. 104-106, §1502(c)(4)(C)(ii), substituted “The President” for “(1) Except as provided in paragraph (2), the President” and struck out par. (2) which read as follows: “In the case of the report required to be submitted in 1991, the evaluation, plan, and assessment referred to in paragraphs (2), (3), and (4) of subsection (b) may be submitted not later than May 1, 1991.”

Subsec. (d). Pub. L. 104-106, §1502(c)(4)(C)(iii), added subsec. (d).

#### Statutory Notes and Related Subsidiaries

##### CHANGE OF NAME

Committee on International Relations of House of Representatives changed to Committee on Foreign Affairs of House of Representatives by House Resolution No. 6, One Hundred Tenth Congress, Jan. 5, 2007.

#### § 3311. Submittal to Congress by heads of elements of intelligence community of plans for orderly shutdown in event of absence of appropriations

##### (a) In general

Whenever the head of an applicable agency submits a plan to the Director of the Office of Management and Budget in accordance with section 124 of Office of Management and Budget Circular A-11, pertaining to agency operations in the absence of appropriations, or any successor circular of the Office that requires the head of an applicable agency to submit to the Director a plan for an orderly shutdown in the event of the absence of appropriations, such head shall submit a copy of such plan to the following:

- (1) The congressional intelligence committees.
- (2) The Subcommittee on Defense of the Committee on Appropriations of the Senate.
- (3) The Subcommittee on Defense of the Committee on Appropriations of the House of Representatives.
- (4) In the case of a plan for an element of the intelligence community that is within the Department of Defense, to—
  - (A) the Committee on Armed Services of the Senate; and
  - (B) the Committee on Armed Services of the House of Representatives.

##### (b) Head of an applicable agency defined

In this section, the term “head of an applicable agency” includes the following:

- (1) The Director of National Intelligence.
- (2) The Director of the Central Intelligence Agency.
- (3) Each head of each element of the intelligence community that is within the Department of Defense.

(Pub. L. 113-126, title III, §323, July 7, 2014, 128 Stat. 1401.)

#### Statutory Notes and Related Subsidiaries

##### DEFINITION

For definition of “congressional intelligence committees” as used in this section, see section 2 of Pub. L. 113-126, set out as a note under section 3003 of this title.

#### § 3312. Repealed. Pub. L. 117-263, div. F, title LXIII, § 6316(c), Dec. 23, 2022, 136 Stat. 3513

Section, Pub. L. 115-31, div. N, title III, §310, May 5, 2017, 131 Stat. 815, provided for congressional oversight of policy directives and guidance.

#### § 3313. Notification of memoranda of understanding

##### (a) In general

Each year, concurrent with the annual budget request submitted by the President to Congress under section 1105 of title 31, each head of an element of the intelligence community shall submit to the congressional intelligence committees a report that lists each memorandum of understanding or other agreement regarding significant operational activities or policy entered into during the most recently completed fiscal year between or among such element and any other entity of the United States Government.

##### (b) Provision of documents

Each head of an element of an intelligence community who receives a request from the Select Committee on Intelligence of the Senate or the Permanent Select Committee on Intelligence of the House of Representatives for a copy of a memorandum of understanding or other document listed in a report submitted by the head under subsection (a) shall submit to such committee the requested copy as soon as practicable after receiving such request.

##### (c) Administrative memorandum or agreement

Nothing in this section may be construed to require an element of the intelligence community to submit to the congressional intelligence committees any memorandum or agreement that is solely administrative in nature, including a memorandum or agreement regarding joint duty or other routine personnel assignments.

(Pub. L. 115-31, div. N, title III, §311, May 5, 2017, 131 Stat. 815; Pub. L. 116-92, div. E, title LXVII, §6723, Dec. 20, 2019, 133 Stat. 2234.)

#### Editorial Notes

##### AMENDMENTS

2019—Pub. L. 116-92 added subsecs. (a) and (b), redesignated former subsec. (b) as (c) and struck out former subsec. (a). Text read as follows: “The head of each element of the intelligence community shall submit to the congressional intelligence committees a copy of each memorandum of understanding or other agree-

ment regarding significant operational activities or policy between or among such element and any other entity or entities of the United States Government—

“(1) for such a memorandum or agreement that is in effect on May 5, 2017, not later than 60 days after such date; and

“(2) for such a memorandum or agreement entered into after such date, in a timely manner and not more than 60 days after the date such memorandum or other agreement is entered into.”

#### Statutory Notes and Related Subsidiaries

##### DEFINITIONS

For definitions of “intelligence community” and “congressional intelligence committees” as used in this section, see section 2 of div. N of Pub. L. 115-31, set out as a note under section 3003 of this title.

#### § 3314. Report on national security systems

##### (a) Appropriate committees of Congress defined

In this section, the term “appropriate committees of Congress” means—

(1) the congressional intelligence committees;

(2) the Committee on Appropriations and the Committee on Armed Services of the Senate; and

(3) the Committee on Appropriations and the Committee on Armed Services of the House of Representatives.

##### (b) Report

Not later than 120 days after May 5, 2017, and annually thereafter, the Director of the National Security Agency, in coordination with the Secretary of Defense and the Chairman of the Joint Chiefs of Staff, shall submit to the appropriate committees of Congress a report on national security systems.

##### (c) Content

Each report submitted under subsection (b) shall include information related to—

(1) national security systems or components thereof that have been decertified and are still in operational use;

(2) extension requests and the current status of any national security systems still in use or components thereof that have been decertified and are still in use;

(3) national security systems known to not be in compliance with the policies, principles, standards, and guidelines issued by the Committee on National Security Systems established pursuant to National Security Directive 42, signed by the President on July 5, 1990; and

(4) organizations which have not provided access or information to the Director of the National Security Agency that is adequate to enable the Director to make a determination as to whether such organizations are in compliance with the policies, principles, standards, and guidelines issued by such Committee on National Security Systems.

(Pub. L. 115-31, div. N, title VI, § 603, May 5, 2017, 131 Stat. 829.)

#### Statutory Notes and Related Subsidiaries

##### DEFINITIONS

For definition of “congressional intelligence committees” as used in this section, see section 2 of div. N of

Pub. L. 115-31, set out as a note under section 3003 of this title.

#### § 3315. Repealed. Pub. L. 117-103, div. X, title V, § 504(e), Mar. 15, 2022, 136 Stat. 988

Section, Pub. L. 115-31, div. N, title VI, § 608(b), May 5, 2017, 131 Stat. 833, required annual certification of controlled access programs to the congressional intelligence committees.

#### § 3316. Submission of intelligence community policies

##### (a) Definitions

In this section:

##### (1) Electronic repository

The term “electronic repository” means the electronic distribution mechanism, in use as of December 20, 2019, or any successor electronic distribution mechanism, by which the Director of National Intelligence submits to the congressional intelligence committees information.

##### (2) Policy

The term “policy”, with respect to the intelligence community, includes unclassified or classified—

(A) directives, policy guidance, and policy memoranda of the intelligence community;

(B) executive correspondence of the Director of National Intelligence; and

(C) any equivalent successor policy instruments.

##### (b) Submission of policies

##### (1) Current policy

Not later than 180 days after December 20, 2019, the Director of National Intelligence shall submit to the congressional intelligence committees using the electronic repository all nonpublicly available policies issued by the Director of National Intelligence for the intelligence community that are in effect as of the date of the submission.

##### (2) Continuous updates

Not later than 15 days after the date on which the Director of National Intelligence issues, modifies, or rescinds a policy of the intelligence community, the Director shall—

(A) notify the congressional intelligence committees of such addition, modification, or removal; and

(B) update the electronic repository with respect to such addition, modification, or removal.

(Pub. L. 116-92, div. E, title LXIII, § 6315, Dec. 20, 2019, 133 Stat. 2194.)

#### Statutory Notes and Related Subsidiaries

##### DEFINITIONS

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

#### § 3316a. Reports on intelligence community participation in vulnerabilities equities process of Federal Government

##### (a) Definitions

In this section: