

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:

(1) Vulnerabilities Equities Policy and Process document

The term “Vulnerabilities Equities Policy and Process document” means the executive branch document entitled “Vulnerabilities Equities Policy and Process” dated November 15, 2017.

(2) Vulnerabilities Equities Process

The term “Vulnerabilities Equities Process” means the interagency review of vulnerabilities, pursuant to the Vulnerabilities Equities Policy and Process document or any successor document.

(3) Vulnerability

The term “vulnerability” means a weakness in an information system or its components (for example, system security procedures, hardware design, and internal controls) that could be exploited or could affect confidentiality, integrity, or availability of information.

(b) Reports on process and criteria under Vulnerabilities Equities Policy and Process

(1) In general

Not later than 90 days after December 20, 2019, the Director of National Intelligence shall submit to the congressional intelligence committees a written report describing—

(A) with respect to each element of the intelligence community—

(i) the title of the official or officials responsible for determining whether, pursuant to criteria contained in the Vulnerabilities Equities Policy and Process document or any successor document, a vulnerability must be submitted for review under the Vulnerabilities Equities Process; and

(ii) the process used by such element to make such determination; and

(B) the roles or responsibilities of that element during a review of a vulnerability submitted to the Vulnerabilities Equities Process.

(2) Changes to process or criteria

Not later than 30 days after any significant change is made to the process and criteria used by any element of the intelligence community for determining whether to submit a vulnerability for review under the Vulnerabilities Equities Process, such element shall submit to the congressional intelligence committees a report describing such change.

(3) Form of reports

Each report submitted under this subsection shall be submitted in unclassified form, but may include a classified annex.

(c) Annual reports

(1) In general

Not less frequently than once each calendar year, the Director of National Intelligence shall submit to the congressional intelligence committees a classified report containing, with respect to the previous year—

(A) the number of vulnerabilities submitted for review under the Vulnerabilities Equities Process;

(B) the number of vulnerabilities described in subparagraph (A) disclosed to each vendor responsible for correcting the vulnerability, or to the public, pursuant to the Vulnerabilities Equities Process; and

(C) the aggregate number, by category, of the vulnerabilities excluded from review under the Vulnerabilities Equities Process, as described in paragraph 5.4 of the Vulnerabilities Equities Policy and Process document.

(2) Unclassified information

Each report submitted under paragraph (1) shall include an unclassified appendix that contains—

(A) the aggregate number of vulnerabilities disclosed to vendors or the public pursuant to the Vulnerabilities Equities Process; and

(B) the aggregate number of vulnerabilities disclosed to vendors or the public pursuant to the Vulnerabilities Equities Process known to have been patched.

(3) Nonduplication

The Director of National Intelligence may forgo submission of an annual report required under this subsection for a calendar year, if the Director notifies the intelligence committees in writing that, with respect to the same calendar year, an annual report required by paragraph 4.3 of the Vulnerabilities Equities Policy and Process document already has been submitted to Congress, and such annual report contains the information that would otherwise be required to be included in an annual report under this subsection.

(4) Publication

The Director of National Intelligence shall make available to the public each unclassified appendix submitted with a report under paragraph (1) pursuant to paragraph (2).

(Pub. L. 116–92, div. E, title LXVII, § 6720, Dec. 20, 2019, 133 Stat. 2230; Pub. L. 117–103, div. X, title III, § 307, Mar. 15, 2022, 136 Stat. 966.)

Editorial Notes

AMENDMENTS

2022—Subsec. (c)(4). Pub. L. 117–103 added par. (4).

Statutory Notes and Related Subsidiaries

DEFINITIONS

For definitions of “congressional intelligence committees” and “intelligence community” 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.

§ 3316b. Continuity of operations plans for certain elements of the intelligence community in the case of a national emergency

(a) Definition of covered national emergency

In this section, the term “covered national emergency” means the following:

(1) A major disaster declared by the President under section 5170 of title 42.

(2) An emergency declared by the President under section 5191 of title 42.