

(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.

(3) A national emergency declared by the President under the National Emergencies Act (50 U.S.C. 1601 et seq.).

(4) A public health emergency declared under section 247d of title 42.

(b) In general

The Director of National Intelligence, the Director of the Central Intelligence Agency, the Director of the National Reconnaissance Office, the Director of the Defense Intelligence Agency, the Director of the National Security Agency, and the Director of the National Geospatial-Intelligence Agency shall each establish continuity of operations plans for use in the case of covered national emergencies for the element of the intelligence community concerned.

(c) Submission to Congress

(1) Director of National Intelligence and Director of the Central Intelligence Agency

Not later than 7 days after the date on which a covered national emergency is declared, the Director of National Intelligence and the Director of the Central Intelligence Agency shall each submit to the congressional intelligence committees the plan established under subsection (b) for that emergency for the element of the intelligence community concerned.

(2) Director of National Reconnaissance Office, Director of Defense Intelligence Agency, Director of National Security Agency, and Director of National Geospatial-Intelligence Agency

Not later than 7 days after the date on which a covered national emergency is declared, the Director of the National Reconnaissance Office, the Director of the Defense Intelligence Agency, the Director of the National Security Agency, and the Director of the National Geospatial-Intelligence Agency shall each submit the plan established under subsection (b) for that emergency for the element of the intelligence community concerned to the following:

- (A) The congressional intelligence committees.
- (B) The Committee on Armed Services of the Senate.
- (C) The Committee on Armed Services of the House of Representatives.

(d) Updates

During a covered national emergency, the Director of National Intelligence, the Director of the Central Intelligence Agency, the Director of the National Reconnaissance Office, the Director of the Defense Intelligence Agency, the Director of the National Security Agency, and the Director of the National Geospatial-Intelligence Agency shall each submit any updates to the plans submitted under subsection (c)—

- (1) in accordance with that subsection; and
- (2) in a timely manner consistent with section 3091 of this title.

(Pub. L. 116-260, div. W, title III, § 303, Dec. 27, 2020, 134 Stat. 2364.)

Editorial Notes

REFERENCES IN TEXT

The National Emergencies Act, referred to in subsec. (a)(3), is Pub. L. 94-412, Sept. 14, 1976, 90 Stat. 1255,

which is classified principally to chapter 34 (§1601 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1601 of this title and Tables.

Statutory Notes and Related Subsidiaries

DEFINITIONS

For definitions of “congressional intelligence committees” and “intelligence community” as used in this section, see section 2 of div. W of Pub. L. 116-260, set out as a note under section 3003 of this title.

§ 3316c. Development of definitions for certain terms relating to intelligence

(a) Development

Not later than September 30, 2023, the Director of National Intelligence and the Under Secretary of Defense for Intelligence and Security, in consultation with the heads of the elements of the intelligence community, shall jointly develop and publish definitions for the following terms:

- (1) Acoustic intelligence.
- (2) All-source intelligence.
- (3) Communications intelligence.
- (4) Critical intelligence.
- (5) Cyber-threat intelligence.
- (6) Electronic intelligence.
- (7) Explosive ordnance intelligence.
- (8) General military intelligence.
- (9) Imagery intelligence.
- (10) Geospatial intelligence.
- (11) Instrumentation signals intelligence.
- (12) Intelligence-related activity.
- (13) Joint intelligence.
- (14) Measurement and signature intelligence.
- (15) Medical intelligence.
- (16) Open-source intelligence.
- (17) Operational intelligence.
- (18) Scientific and technical intelligence.
- (19) Signals intelligence.
- (20) Strategic intelligence.
- (21) Tactical intelligence.
- (22) Target intelligence.
- (23) Technical intelligence.
- (24) Such others terms as may be jointly determined necessary by the Director of National Intelligence and the Under Secretary of Defense for Intelligence and Security.

(b) Application to activities of intelligence community

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The Director of National Intelligence shall ensure that the definitions developed under subsection (a) are used uniformly across activities of the intelligence community with respect to the corresponding terms specified in such subsection.

(c) Notice of modifications

The Director of National Intelligence and the Under Secretary of Defense for Intelligence shall submit to the appropriate congressional committees notification of any modification by the Director and Under Secretary to a definition of a term specified in subsection (a) following the initial publication of the definition under such subsection.

(d) Appropriate congressional committees defined

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