

(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

(b) Application to activities of intelligence community

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—

(1) the congressional intelligence committees; and

(2) the Committees on Armed Services of the House of Representatives and the Senate.

(Pub. L. 117–103, div. X, title III, § 309, Mar. 15, 2022, 136 Stat. 971.)

Statutory Notes and Related Subsidiaries

REQUIREMENT TO DEVELOP LEXICON FOR TERMS RELATING TO GRAY ZONE ACTIVITIES

Pub. L. 117–103, div. X, title VIII, § 825(b)(5), (c), Mar. 15, 2022, 136 Stat. 1028, 1029, provided that:

[(“b) NATIONAL INTELLIGENCE ESTIMATE.—]

“(5) DEFINITIONS.—In this subsection [pars. (1) to (4) not classified to the Code]:

“(A) GRAY ZONE ACTIVITY.—The term ‘gray zone activity’ means an activity to advance the national interests of a State that—

“(i) falls between ordinary statecraft and open warfare;

“(ii) is carried out with an intent to maximize the advancement of interests of the state without provoking a kinetic military response by the United States; and

“(iii) falls on a spectrum that ranges from covert adversary operations, to detectible covert adversary operations, to unattributable adversary operations, to deniable adversary operations, to open adversary operations.

“(B) COVERT ADVERSARY OPERATION.—The term ‘covert adversary operation’ means an operation by an adversary that—

“(i) the adversary intends to remain below the threshold at which the United States detects the operation; and

“(ii) does stay below such threshold.

“(C) DETECTIBLE COVERT ADVERSARY OPERATION.—The term ‘detectible covert adversary operation’ means an operation by an adversary that—

“(i) the adversary intends to remain below the threshold at which the United States detects the operation; but

“(ii) is ultimately detected by the United States at a level below the level at which the United States will publicly attribute the operation to the adversary.

“(D) UNATTRIBUTABLE ADVERSARY OPERATION.—The term ‘unattributable adversary operation’ means an operation by an adversary that the adversary intends to be detected by the United States, but remains below the threshold at which the United States will publicly attribute the operation to the adversary.

“(E) DENIABLE ADVERSARY OPERATION.—The term ‘deniable adversary operation’ means an operation by an adversary that—

“(i) the adversary intends to be detected and publicly or privately attributed by the United States; and

“(ii) the adversary intends to deny, to limit the response by the United States, and any allies of the United States.

“(F) OPEN ADVERSARY OPERATION.—The term ‘open adversary operation’ means an operation by an adversary that the adversary openly acknowledges as attributable to the adversary.

“(c) REQUIREMENT TO DEVELOP LEXICON.—

“(1) REQUIREMENT.—The Director of National Intelligence, acting through the National Intelligence Council, shall develop a lexicon of common terms (and corresponding definitions for such terms) for concepts associated with gray zone activities.

“(2) CONSIDERATIONS.—In developing the lexicon under paragraph (1), the National Intelligence Council shall include in the lexicon each term (and the corresponding definition for each term) specified in subsection (b)(5), unless the National Intelligence

Council determines that an alternative term (or alternative definition)—

“(A) more accurately describes a concept associated with gray zone activities; or

“(B) is preferable for any other reason.

“(3) REPORT.—

“(A) PUBLICATION.—The Director of National Intelligence shall publish a report containing the lexicon developed under paragraph (1).

“(B) FORM.—The report under subparagraph (A) shall be published in unclassified form.”

DEFINITIONS

For definitions of “congressional intelligence committees” and “intelligence community” as used in this section, see section 2 of div. X of Pub. L. 117–103, set out as a note under section 3003 of this title.

SUBCHAPTER II—PERSONNEL AND ADMINISTRATIVE AUTHORITIES

§ 3321. National Intelligence Reserve Corps

(a) Establishment

The Director of National Intelligence may provide for the establishment and training of a National Intelligence Reserve Corps (in this section referred to as “National Intelligence Reserve Corps”) for the temporary reemployment on a voluntary basis of former employees of elements of the intelligence community during periods of emergency, as determined by the Director.

(b) Eligible individuals

An individual may participate in the National Intelligence Reserve Corps only if the individual previously served as a full time employee of an element of the intelligence community.

(c) Terms of participation

The Director of National Intelligence shall prescribe the terms and conditions under which eligible individuals may participate in the National Intelligence Reserve Corps.

(d) Expenses

The Director of National Intelligence may provide members of the National Intelligence Reserve Corps transportation and per diem in lieu of subsistence for purposes of participating in any training that relates to service as a member of the Reserve Corps.

(e) Treatment of annuitants

(1) If an annuitant receiving an annuity from the Civil Service Retirement and Disability Fund becomes temporarily reemployed pursuant to this section, such annuity shall not be discontinued thereby.

(2) An annuitant so reemployed shall not be considered an employee for the purposes of chapter 83 or 84 of title 5.

(f) Treatment under Office of Director of National Intelligence personnel ceiling

A member of the National Intelligence Reserve Corps who is reemployed on a temporary basis pursuant to this section shall not count against any personnel ceiling applicable to the Office of the Director of National Intelligence.

(Pub. L. 108–458, title I, § 1053, Dec. 17, 2004, 118 Stat. 3683.)