

## AMENDMENTS

2018—Subsecs. (a) to (e). Pub. L. 115-390, § 103(1), substituted “the congressional oversight committees” for “Congress” wherever appearing. See Codification note above.

Subsec. (f)(1). Pub. L. 115-390, § 103(2), substituted “congressional oversight committees” for “appropriate oversight committees”. See Codification note above.

Subsec. (g). Pub. L. 115-390, § 103(3), added par. (1) and redesignated former pars. (1) and (2) as (2) and (3), respectively. See Codification note above.

1999—Subsec. (g)(1)(B)(ii). Pub. L. 106-65 amended cl. (ii) generally. Prior to amendment, cl. (ii) read as follows: “the Department of Energy, with respect to special access programs carried out under the atomic energy defense activities of that department (for which the Secretary of Energy is required to submit reports under section 2122a of title 42); or”.

**Statutory Notes and Related Subsidiaries**

## CHANGE OF NAME

Committee on Oversight and Government Reform of House of Representatives changed to Committee on Oversight and Reform of House of Representatives by House Resolution No. 6, One Hundred Sixteenth Congress, Jan. 9, 2019. Committee on Oversight and Reform of House of Representatives changed to Committee on Oversight and Accountability of House of Representatives by House Resolution No. 5, One Hundred Eighteenth Congress, Jan. 9, 2023.

## EFFECTIVE DATE OF 1999 AMENDMENT

Amendment by Pub. L. 106-65 effective Mar. 1, 2000, see section 3299 of Pub. L. 106-65, set out as an Effective Date note under section 2401 of this title.

**§ 3348a. Congressional oversight of sensitive programs not covered by other provisions of law****(a) Reports required****(1) In general**

Not later than February 1 of each year, the head of each covered element shall submit to congressional leadership a report on each covered program carried out by that covered element.

**(2) Contents**

Each such report shall set forth—

(A) the total amount requested by the covered element for covered programs within the budget submitted under section 1105 of title 31 for the fiscal year following the fiscal year in which the report is submitted; and

(B) for each program in such budget that is a covered program—

(i) a brief description of the program;

(ii) in the case of a procurement program, a brief discussion of the major milestones established for the program;

(iii) the actual cost of the program for each fiscal year during which the program has been conducted before the fiscal year during which that budget is submitted; and

(iv) the estimated total cost of the program and the estimated cost of the program for—

(I) the current fiscal year;

(II) the fiscal year for which the budget is submitted; and

(III) each of the four succeeding fiscal years during which the program is expected to be conducted.

**(b) Newly designated programs****(1) In general**

Not later than February 1 of each year, the head of each covered element shall submit to congressional leadership a report that, with respect to each new covered program of that covered element, provides—

(A) notice of the designation of the program as a special access program; and

(B) justification for such designation.

**(2) Contents**

A report under paragraph (1) with respect to a program shall include—

(A) the current estimate of the total program cost for the program; and

(B) an identification, as applicable, of existing programs or technologies that are similar to the technology, or that have a mission similar to the technology, or that have a mission similar to the mission, of the program that is the subject of the notice.

**(3) New covered program defined**

In this subsection, the term “new covered program” means a covered program that has not previously been covered in a notice and justification under this subsection.

**(c) Revision in classification of programs****(1) In general**

Whenever a change in the classification of a covered program of a covered element is planned to be made or whenever classified information concerning a covered program of a covered element is to be declassified and made public, the head of the covered element shall submit to congressional leadership a report containing a description of the proposed change or the information to be declassified, the reasons for the proposed change or declassification, and notice of any public announcement planned to be made with respect to the proposed change or declassification.

**(2) Period for submittal**

Except as provided in paragraph (3), a report referred to in paragraph (1) shall be submitted not less than 14 days before the date on which the proposed change, declassification, or public announcement is to occur.

**(3) Exception**

If the head of the covered element determines that because of exceptional circumstances the requirement of paragraph (2) cannot be met with respect to a proposed change, declassification, or public announcement concerning a covered program of the covered element, the head of the department or agency may submit the report required by paragraph (1) regarding the proposed change, declassification, or public announcement at any time before the proposed change, declassification, or public announcement is made and shall include in the report an explanation of the exceptional circumstances.

**(d) Revision of criteria for designating programs**

Whenever there is a modification or termination of the policy and criteria used for designating a program of a covered element as a cov-

ered program, the head of the covered element shall promptly notify congressional leadership of such modification or termination. Any such notification shall contain the reasons for the modification or termination and, in the case of a modification, the provisions of the policy as modified.

**(e) Initiation of programs**

A covered program may not be initiated by a covered element until—

- (1) congressional leadership is notified of the program; and
- (2) a period of 30 days elapses after such notification is received.

**(f) Limitation on use of funds**

No funds may be obligated or expended by any covered element to carry out a covered program until the head of the covered element has briefed congressional leadership on the covered program.

**(g) Definitions**

In this section:

**(1) Covered element**

The term “covered element” means any element or portion of the Federal Government that is not—

- (A) a covered department or agency as defined in section 3348(g) of this title;
- (B) the Department of Defense (which is required to submit reports on special access programs under section 119 of title 10);
- (C) the National Nuclear Security Administration (which is required to submit reports on special access programs under section 2426 of this title); or
- (D) an element of the intelligence community (as defined in section 3003 of this title).

**(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) Covered program**

The term “covered program” means any special access program or similarly protected program established under the authority of Executive Order 12356 (50 U.S.C. 3161 note; relating to prescribing a uniform system for classifying, declassifying, and safeguarding national security information), or any successor Executive order, or any similar sensitive program established anywhere in the Federal Government, including one established at the direction of the President.

(Pub. L. 117–103, div. HH, title V, §501, Mar. 15, 2022, 136 Stat. 1114.)

**Editorial Notes**

REFERENCES IN TEXT

Executive Order 12356, referred to in subsec. (g)(3), is Ex. Ord. No. 12356, Apr. 2, 1982, 47 F.R. 14874, 15557, which was revoked by Ex. Ord. No. 12958, Apr. 17, 1995,

60 F.R. 19825, which was subsequently revoked by Ex. Ord. No. 13526, §6.2(g), Dec. 29, 2009, 75 F.R. 731. Ex. Ord. No. 13526, which prescribes a uniform system for classifying, safeguarding, and declassifying national security information, is set out as a note under section 3161 of this title.

**§ 3349. Notification regarding the authorized public disclosure of national intelligence**

**(a) Notification**

In the event of an authorized disclosure of national intelligence or intelligence related to national security to the persons or entities described in subsection (b), the government official responsible for authorizing the disclosure shall submit to the congressional intelligence committees on a timely basis a notification of the disclosure if—

- (1) at the time of the disclosure—
  - (A) such intelligence is classified; or
  - (B) is declassified for the purpose of the disclosure; and

- (2) the disclosure will be made by an officer, employee, or contractor of the Executive branch.

**(b) Persons or entities described**

The persons or entities described in this subsection are as follows:

- (1) Media personnel.
- (2) Any person or entity, if the disclosure described in subsection (a) is made with the intent or knowledge that such information will be made publicly available.

**(c) Content**

Each notification required under subsection (a) shall—

- (1) provide the specific title and authority of the individual authorizing the disclosure;
- (2) if applicable, provide the specific title and authority of the individual who authorized the declassification of the intelligence disclosed; and
- (3) describe the intelligence disclosed, including the classification of the intelligence prior to its disclosure or declassification and the rationale for making the disclosure.

**(d) Exception**

The notification requirement in this section does not apply to a disclosure made—

- (1) pursuant to any statutory requirement, including to section 552 of title 5 (commonly referred to as the “Freedom of Information Act”);
- (2) in connection with a civil, criminal, or administrative proceeding;
- (3) as a result of a declassification review process under Executive Order 13526 (50 U.S.C. 435 note) [now 50 U.S.C. 3161 note] or any successor order; or
- (4) to any officer, employee, or contractor of the Federal government or member of an advisory committee to an element of the intelligence community who possesses an active security clearance and a need to know the specific national intelligence or intelligence related to national security, as defined in section 3003(5) of this title.

(Pub. L. 112–277, title V, §504, Jan. 14, 2013, 126 Stat. 2477; Pub. L. 113–126, title III, §328, July 7, 2014, 128 Stat. 1405.)