

(2) For purposes of paragraph (1), the President may consider—

(A) security clearances at the level of confidential and secret as one security clearance level; and

(B) security clearances at the level of top secret or higher as one security clearance level.

(c) Form

The results required under subsection (a)(2) and the reports required under subsection (b)(1) shall be submitted in unclassified form, but may include a classified annex.

(July 26, 1947, ch. 343, title V, § 506H, as added Pub. L. 111-259, title III, § 367(a)(1)(A), Oct. 7, 2010, 124 Stat. 2703.)

CODIFICATION

Section was formerly classified to section 415a-10 of this title prior to editorial reclassification and renumbering as this section.

INITIAL AUDIT

Pub. L. 111-259, title III, § 367(a)(1)(B), Oct. 7, 2010, 124 Stat. 2704, provided that: “The first audit required to be conducted under section 506H(a)(1) of the National Security Act of 1947 [50 U.S.C. 3104(a)(1)], as added by subparagraph (A) of this paragraph, shall be completed not later than February 1, 2011.”

§ 3105. Summary of intelligence relating to terrorist recidivism of detainees held at United States Naval Station, Guantanamo Bay, Cuba

(a) In general

The Director of National Intelligence, in consultation with the Director of the Central Intelligence Agency and the Director of the Defense Intelligence Agency, shall make publicly available an unclassified summary of—

(1) intelligence relating to recidivism of detainees currently or formerly held at the Naval Detention Facility at Guantanamo Bay, Cuba, by the Department of Defense; and

(2) an assessment of the likelihood that such detainees will engage in terrorism or communicate with persons in terrorist organizations.

(b) Updates

Not less frequently than once every 6 months, the Director of National Intelligence, in consultation with the Director of the Central Intelligence Agency and the Secretary of Defense, shall update and make publicly available an unclassified summary consisting of the information required by subsection (a) and the number of individuals formerly detained at Naval Station, Guantanamo Bay, Cuba, who are confirmed or suspected of returning to terrorist activities after release or transfer from such Naval Station.

(July 26, 1947, ch. 343, title V, § 506I, as added Pub. L. 112-87, title III, § 307(a)(1), Jan. 3, 2012, 125 Stat. 1882.)

CODIFICATION

Section was formerly classified to section 415a-11 of this title prior to editorial reclassification and renumbering as this section.

INITIAL UPDATE

Pub. L. 112-87, title III, § 307(a)(2), Jan. 3, 2012, 125 Stat. 1883, provided that: “The initial update required

by section 506I(b) of such Act [act July 26, 1947, ch. 343; 50 U.S.C. 3105(b)], as added by paragraph (1) of this subsection, shall be made publicly available not later than 10 days after the date the first report following the date of the enactment of the Intelligence Authorization Act for Fiscal Year 2012 [Jan. 3, 2012] is submitted to members and committees of Congress pursuant to section 319 of the Supplemental Appropriations Act, 2009 (Public Law 111-32; 10 U.S.C. 801 note).”

§ 3106. Dates for submittal of various annual and semiannual reports to the congressional intelligence committees

(a) Annual reports

(1) The date for the submittal to the congressional intelligence committees of the following annual reports shall be the date each year provided in subsection (c)(1)(A) of this section:

(A) The annual report of the Inspectors Generals¹ of the intelligence community on proposed resources and activities of their offices required by section 8H(g) of the Inspector General Act of 1978.

(B) The annual report on certifications for immunity in interdiction of aircraft engaged in illicit drug trafficking required by section 2291-4(c)(2) of title 22.

(C) The annual report on activities under the David L. Boren National Security Education Act of 1991 (title VIII of Public Law 102-183; 50 U.S.C. 1901 et seq.) required by section 806(a) of that Act (50 U.S.C. 1906(a)).

(D) The annual report on hiring and retention of minority employees in the intelligence community required by section 3050(a) of this title.

(E) The annual report on outside employment of employees of elements of the intelligence community required by section 3024(u)(2) of this title.

(F) The annual report on financial intelligence on terrorist assets required by section 3055 of this title.

(2) The date for the submittal to the congressional intelligence committees of the annual report on the threat of attack on the United States from weapons of mass destruction required by section 3050(b) of this title shall be the date each year provided in subsection (c)(1)(B).

(b) Semiannual reports

The dates for the submittal to the congressional intelligence committees of the following semiannual reports shall be the dates each year provided in subsection (c)(2) of this section:

(1) The semiannual reports on decisions not to prosecute certain violations of law under the Classified Information Procedures Act (18 U.S.C. App.) as required by section 13 of that Act.

(2) The semiannual reports on the disclosure of information and consumer reports to the Federal Bureau of Investigation for counterintelligence purposes required by section 1681u(h)(2) of title 15.²

(3) The semiannual provision of information on requests for financial information for foreign counterintelligence purposes required by section 3414(a)(5)(C) of title 12.

¹ So in original. Probably should be “General”.

² See References in Text note below.

(c) Submittal dates for reports

(1)(A) Except as provided in subsection (d) of this section, each annual report listed in subsection (a)(1) of this section shall be submitted not later than February 1.

(B) Except as provided in subsection (d) of this section, the annual report listed in subsection (a)(2) of this section shall be submitted not later than December 1.

(2) Except as provided in subsection (d) of this section, each semiannual report listed in subsection (b) of this section shall be submitted not later than February 1 and August 1.

(d) Postponement of submittal

(1) Subject to paragraph (3), the date for the submittal of—

(A) an annual report listed in subsection (a)(1) of this section may be postponed until March 1;

(B) the annual report listed in subsection (a)(2) of this section may be postponed until January 1; and

(C) a semiannual report listed in subsection (b) of this section may be postponed until March 1 or September 1, as the case may be,

if the official required to submit such report submits to the congressional intelligence committees a written notification of such postponement.

(2)(A) Notwithstanding any other provision of law and subject to paragraph (3), the date for the submittal to the congressional intelligence committees of any report described in subparagraph (B) may be postponed by not more than 30 days from the date otherwise specified in the provision of law for the submittal of such report if the official required to submit such report submits to the congressional intelligence committees a written notification of such postponement.

(B) A report described in this subparagraph is any report on intelligence or intelligence-related activities of the United States Government that is submitted under a provision of law requiring the submittal of only a single report.

(3)(A) The date for the submittal of a report whose submittal is postponed under paragraph (1) or (2) may be postponed beyond the time provided for the submittal of such report under such paragraph if the official required to submit such report submits to the congressional intelligence committees a written certification that preparation and submittal of such report at such time will impede the work of officers or employees of the intelligence community in a manner that will be detrimental to the national security of the United States.

(B) A certification with respect to a report under subparagraph (A) shall include a proposed submittal date for such report, and such report shall be submitted not later than that date.

(July 26, 1947, ch. 343, title V, § 507, as added Pub. L. 107-306, title VIII, § 811(a)(1), Nov. 27, 2002, 116 Stat. 2418; amended Pub. L. 108-177, title III, § 361(l), Dec. 13, 2003, 117 Stat. 2626; Pub. L. 111-259, title III, § 349, title V, § 501(b)(3), Oct. 7, 2010, 124 Stat. 2700, 2739; Pub. L. 112-277, title III, §§ 309(b)(2), 310(b)(1), Jan. 14, 2013, 126 Stat. 2474, 2475.)

REFERENCES IN TEXT

Section 8H(g) of the Inspector General Act of 1978, referred to in subsec. (a)(1)(A), is section 8H(g) of Pub. L. 95-452, which is set out in the Appendix to Title 5, Government Organization and Employees.

The David L. Boren National Security Education Act of 1991, referred to in subsec. (a)(1)(C), is title VIII of Pub. L. 102-183, Dec. 4, 1991, 105 Stat. 1271, which is classified generally to chapter 37 (§ 1901 et seq.) of this title. For complete classification of this Act to the Code, see section 1901(a) of this title and Tables.

The Classified Information Procedures Act, referred to in subsec. (b)(1), is Pub. L. 96-456, Oct. 15, 1980, 94 Stat. 2025, which is set out in the Appendix to Title 18, Crimes and Criminal Procedure.

Section 1681u(h)(2) of title 15, referred to in subsec. (b)(2), was in the original “section 624(h)(2) of the Fair Credit Reporting Act”, which was translated as reading “section 626(h)(2) of the Fair Credit Reporting Act”, to reflect the probable intent of Congress and the renumbering of section 624 as 626 by section 358(g)(1)(A) of Pub. L. 107-56 and section 214(a)(1) of Pub. L. 108-159.

CODIFICATION

Section was formerly classified to section 415b of this title prior to editorial reclassification and renumbering as this section. Some section numbers of this title referenced in amendment notes below reflect the classification of such sections prior to their editorial reclassification.

AMENDMENTS

2013—Subsec. (a)(1). Pub. L. 112-277, § 310(b)(1)(A)(i)(I), (II), redesignated subpars. (B), (E), (F), (G), (H), and (I) as (A), (B), (C), (D), (E), and (F), respectively, and struck out former subpars. (A), (C), and (D) which read as follows:

“(A) The annual report on the protection of the identities of covert agents required by section 423 of this title.

“(C) The annual report on the acquisition of technology relating to weapons of mass destruction and advanced conventional munitions required by section 2366 of this title.

“(D) The annual report on commercial activities as security for intelligence collection required by section 437(c) of title 10.”

Subsec. (a)(1)(D). Pub. L. 112-277, § 310(b)(1)(A)(i)(III), substituted “section 404i(a)” for “section 404i(c)”.

Subsec. (a)(2). Pub. L. 112-277, § 310(b)(1)(A)(ii), amended par. (2) generally. Prior to amendment, par. (2) read as follows: “The date for the submittal to the congressional intelligence committees of the following annual reports shall be the date each year provided in subsection (c)(1)(B) of this section:

“(A) The annual report on the safety and security of Russian nuclear facilities and nuclear military forces required by section 404i(a) of this title.

“(B) The annual report on the threat of attack on the United States from weapons of mass destruction required by section 404i(c) of this title.”

Subsec. (b). Pub. L. 112-277, § 309(b)(2), redesignated pars. (2) to (4) as (1) to (3), respectively, and struck out former par. (1) which read as follows: “The semiannual reports on the Office of the Inspector General of the Central Intelligence Agency required by section 403q(d)(1) of this title.”

Subsec. (c)(1)(B). Pub. L. 112-277, § 310(b)(1)(B), substituted “the annual report” for “each annual report”.

Subsec. (d)(1)(B). Pub. L. 112-277, § 310(b)(1)(C), substituted “the annual report” for “an annual report”.

2010—Subsec. (a)(1). Pub. L. 111-259, § 349(1)(A), added subpars. (H) and (I), redesignated former subpars. (C) to (F), (H), (I), and (N) as (A) to (G), respectively, and struck out former subpars. (A), (B), and (G) which read as follows:

“(A) The annual report on intelligence required by section 404d of this title.

“(B) The annual report on intelligence provided to the United Nations required by section 404g(b)(1) of this title.

“(G) The annual update on foreign industrial espionage required by section 2170b(b) of the Appendix to this title.”

Subsec. (a)(2)(C), (D). Pub. L. 111–259, § 349(1)(B), struck out subpars. (C) and (D) which read as follows:

“(C) The annual report on improvements of the financial statements of the intelligence community for auditing purposes required by section 404i–1 of this title.

“(D) The annual report on counterdrug intelligence matters required by section 826 of the Intelligence Authorization Act for Fiscal Year 2003.”

Subsec. (b)(3) to (5). Pub. L. 111–259, § 501(b)(3), redesignated pars. (4) and (5) as (3) and (4), respectively, and struck out former par. (3) which read as follows:

“(3) The semiannual reports on the activities of the Diplomatic Telecommunications Service Program Office (DTS–PO) required by section 7302(a)(6)(D)(ii) of title 22.”

Subsec. (b)(6). Pub. L. 111–259, § 349(2), struck out par. (6) which read as follows:

“(6) The semiannual report on financial intelligence on terrorist assets required by section 404m of this title.”

2003—Subsec. (a)(1)(A). Pub. L. 108–177, § 361(l)(1)(A)(i), (ii), redesignated subpar. (B) as (A) and struck out former subpar. (A) which read as follows: “The annual evaluation of the performance and responsiveness of certain elements of the intelligence community required by section 403–5(d) of this title.”

Subsec. (a)(1)(B). Pub. L. 108–177, § 361(l)(1)(A)(iii), added subpar. (B). Former subpar. (B) redesignated (A).

Subsec. (a)(1)(C). Pub. L. 108–177, § 361(l)(1)(A)(i), (ii), redesignated subpar. (D) as (C) and struck out former subpar. (C) which read as follows: “The annual report on intelligence community cooperation with Federal law enforcement agencies required by section 404i(a)(2) of this title.”

Subsec. (a)(1)(D). Pub. L. 108–177, § 361(l)(1)(A)(ii), redesignated subpar. (E) as (D). Former subpar. (D) redesignated (C).

Subsec. (a)(1)(E). Pub. L. 108–177, § 361(l)(1)(A)(iv), added subpar. (E). Former subpar. (E) redesignated (D).

Subsec. (a)(1)(G). Pub. L. 108–177, § 361(l)(1)(A)(i), (ii), redesignated subpar. (H) as (G) and struck out former subpar. (G) which read as follows: “The annual report on expenditures for postemployment assistance for terminated intelligence employees required by section 1611(e)(2) of title 10.”

Subsec. (a)(1)(H). Pub. L. 108–177, § 361(l)(1)(A)(ii), redesignated subpar. (K) as (H). Former subpar. (H) redesignated (G).

Subsec. (a)(1)(I). Pub. L. 108–177, § 361(l)(1)(A)(i), (ii), redesignated subpar. (M) as (I) and struck out former subpar. (I) which read as follows: “The annual report on coordination of counterintelligence matters with the Federal Bureau of Investigation required by section 402a(c)(6) of this title.”

Subsec. (a)(1)(J). Pub. L. 108–177, § 361(l)(1)(A)(i), struck out subpar. (J) which read as follows: “The annual report on foreign companies involved in the proliferation of weapons of mass destruction that raise funds in the United States capital markets required by section 404n–3 of this title.”

Subsec. (a)(1)(K). Pub. L. 108–177, § 361(l)(1)(A)(ii), redesignated subpar. (K) as (H).

Subsec. (a)(1)(L). Pub. L. 108–177, § 361(l)(1)(A)(i), struck out subpar. (L) which read as follows: “The annual report on exceptions to consumer disclosure requirements for national security investigations under section 1681b(b)(4)(E) of title 15.”

Subsec. (a)(1)(M). Pub. L. 108–177, § 361(l)(1)(A)(ii), redesignated subpar. (M) as (I).

Subsec. (a)(1)(N). Pub. L. 108–177, § 361(l)(1)(A)(ii), which directed that subpar. (N) be redesignated, could not be executed because there was no corresponding subpar. provided for such redesignation.

Subsec. (a)(2). Pub. L. 108–177, § 361(l)(1)(B)(iii), (iv), redesignated subpars. (D) and (G) as (C) and (D), respectively, and struck out subpars. (C), (E), and (F) which read as follows:

“(C) The annual report on covert leases required by section 404i(e) of this title.

“(E) The annual report on activities of personnel of the Federal Bureau of Investigation outside the United States required by section 540C(c)(2) of title 28.

“(F) The annual report on intelligence activities of the People’s Republic of China required by section 308(c) of the Intelligence Authorization Act for Fiscal Year 1998 (Public Law 105–107; 50 U.S.C. 402a note).”

Subsec. (a)(2)(A). Pub. L. 108–177, § 361(l)(1)(B)(i), substituted “section 404i(a)” for “section 404i(b)”.

Subsec. (a)(2)(B). Pub. L. 108–177, § 361(l)(1)(B)(ii), substituted “section 404i(c)” for “section 404i(d)”.

Subsec. (b). Pub. L. 108–177, § 361(l)(2), redesignated pars. (2), (3), (5), (6), (7), and (8) as (1), (2), (3), (4), (5), and (6), respectively, and struck out former pars. (1) and (4) which read as follows:

“(1) The periodic reports on intelligence provided to the United Nations required by section 404g(b) of this title.

“(4) The semiannual reports on the acquisition of technology relating to weapons of mass destruction and advanced conventional munitions required by section 2366(b) of this title.”

EFFECTIVE DATE OF 2003 AMENDMENT

Amendment by Pub. L. 108–177 effective Dec. 31, 2003, see section 361(n) of Pub. L. 108–177, set out as a note under section 1611 of Title 10, Armed Forces.

PREPARATION AND SUBMITTAL OF REPORTS, REVIEWS, STUDIES, AND PLANS RELATING TO INTELLIGENCE ACTIVITIES OF DEPARTMENT OF DEFENSE OR DEPARTMENT OF ENERGY

Pub. L. 108–487, title I, § 107, Dec. 23, 2004, 118 Stat. 3943, provided that:

“(a) CONSULTATION IN PREPARATION.—(1) The Director of National Intelligence shall ensure that any report, review, study, or plan required to be prepared or conducted by a provision of this Act [see Tables for classification], including a provision of the classified Schedule of Authorizations referred to in section 102(a) [118 Stat. 3940] or the classified annex to this Act, that involves the intelligence or intelligence-related activities of the Department of Defense or the Department of Energy is prepared or conducted in consultation with the Secretary of Defense or the Secretary of Energy, as appropriate.

“(2) The Secretary of Defense or the Secretary of Energy may carry out any consultation required by this subsection through an official of the Department of Defense or the Department of Energy, as the case may be, designated by such Secretary for that purpose.

“(b) SUBMITTAL.—Any report, review, study, or plan referred to in subsection (a) shall be submitted, in addition to any other committee of Congress specified for submittal in the provision concerned, to the following committees or subcommittees of Congress, as appropriate:

“(1) The Committee on Armed Services, the Subcommittee on Defense of the Committee on Appropriations, and the Select Committee on Intelligence of the Senate.

“(2) The Committee on Armed Services, the Subcommittee on Defense of the Committee on Appropriations, and the Permanent Select Committee on Intelligence of the House of Representatives.”

Similar provisions were contained in the following prior acts:

Pub. L. 108–177, title I, § 107, Dec. 13, 2003, 117 Stat. 2604.

Pub. L. 107–306, title I, § 109, Nov. 27, 2002, 116 Stat. 2389.

Pub. L. 107–108, title V, § 505, Dec. 28, 2001, 115 Stat. 1406.

DEADLINE FOR SUBMITTAL OF VARIOUS OVERDUE REPORTS

Pub. L. 107–306, title VIII, § 801, Nov. 27, 2002, 116 Stat. 2418, provided that certain overdue reports that the Di-

rector of Central Intelligence has sole or primary responsibility to present to Congress must be submitted to Congress no later than 180 days after Nov. 27, 2002, or amounts available to the Director to carry out the functions and duties of the Director's Office would be reduced by 1/3.

§ 3107. Certification of compliance with oversight requirements

The head of each element of the intelligence community shall annually submit to the congressional intelligence committees—

(1) a certification that, to the best of the knowledge of the head of such element—

(A) the head of such element is in full compliance with the requirements of this subchapter; and

(B) any information required to be submitted by the head of such element under this chapter before the date of the submission of such certification has been properly submitted; or

(2) if the head of such element is unable to submit a certification under paragraph (1), a statement—

(A) of the reasons the head of such element is unable to submit such a certification;

(B) describing any information required to be submitted by the head of such element under this chapter before the date of the submission of such statement that has not been properly submitted; and

(C) that the head of such element will submit such information as soon as possible after the submission of such statement.

(July 26, 1947, ch. 343, title V, § 508, as added Pub. L. 111-259, title III, § 332(a), Oct. 7, 2010, 124 Stat. 2686.)

REFERENCES IN TEXT

This chapter, referred to in pars. (1)(B) and (2)(B), was in the original “this Act”, meaning act July 26, 1947, ch. 343, 61 Stat. 495, known as the National Security Act of 1947, which is classified principally to this chapter. For complete classification of this Act to the Code, see Tables.

CODIFICATION

Section was formerly classified to section 415d of this title prior to editorial reclassification and renumbering as this section.

APPLICABILITY DATE

Pub. L. 111-259, title III, § 332(b), Oct. 7, 2010, 124 Stat. 2687, provided that: “The first certification or statement required to be submitted by the head of each element of the intelligence community under section 508 of the National Security Act of 1947 [50 U.S.C. 3107], as added by subsection (a), shall be submitted not later than 90 days after the date of the enactment of this Act [Oct. 7, 2010].”

[For definition of “intelligence community” as used in section 332(b) of Pub. L. 111-259, set out above, see section 2 of Pub. L. 111-259, set out as a note under section 3003 of this title.]

SUBCHAPTER IV—PROTECTION OF CERTAIN NATIONAL SECURITY INFORMATION

§ 3121. Protection of identities of certain United States undercover intelligence officers, agents, informants, and sources

(a) Disclosure of information by persons having or having had access to classified information that identifies covert agent

Whoever, having or having had authorized access to classified information that identifies a covert agent, intentionally discloses any information identifying such covert agent to any individual not authorized to receive classified information, knowing that the information disclosed so identifies such covert agent and that the United States is taking affirmative measures to conceal such covert agent's intelligence relationship to the United States, shall be fined under title 18 or imprisoned not more than 15 years, or both.

(b) Disclosure of information by persons who learn identity of covert agents as result of having access to classified information

Whoever, as a result of having authorized access to classified information, learns the identity of a covert agent and intentionally discloses any information identifying such covert agent to any individual not authorized to receive classified information, knowing that the information disclosed so identifies such covert agent and that the United States is taking affirmative measures to conceal such covert agent's intelligence relationship to the United States, shall be fined under title 18 or imprisoned not more than 10 years, or both.

(c) Disclosure of information by persons in course of pattern of activities intended to identify and expose covert agents

Whoever, in the course of a pattern of activities intended to identify and expose covert agents and with reason to believe that such activities would impair or impede the foreign intelligence activities of the United States, discloses any information that identifies an individual as a covert agent to any individual not authorized to receive classified information, knowing that the information disclosed so identifies such individual and that the United States is taking affirmative measures to conceal such individual's classified intelligence relationship to the United States, shall be fined under title 18 or imprisoned not more than three years, or both.

(d) Imposition of consecutive sentences

A term of imprisonment imposed under this section shall be consecutive to any other sentence of imprisonment.

(July 26, 1947, ch. 343, title VI, § 601, as added Pub. L. 97-200, § 2(a), June 23, 1982, 96 Stat. 122; amended Pub. L. 106-120, title III, § 304(b), Dec. 3, 1999, 113 Stat. 1611; Pub. L. 111-259, title III, § 363(a), Oct. 7, 2010, 124 Stat. 2701.)

CODIFICATION

Section was formerly classified to section 421 of this title prior to editorial reclassification and renumbering as this section.