

“(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 Director 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 $\frac{1}{3}$.

§ 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.]

§ 3108. Auditability of certain elements of the intelligence community

(a) Requirement for annual audits

The head of each covered entity shall ensure that there is a full financial audit of such covered entity each year beginning with fiscal year 2014. Such audits may be conducted by an internal or external independent accounting or auditing organization.

(b) Requirement for unqualified opinion

Beginning as early as practicable, but in no event later than the audit required under sub-

section (a) for fiscal year 2016, the head of each covered entity shall take all reasonable steps necessary to ensure that each audit required under subsection (a) contains an unqualified opinion on the financial statements of such covered entity for the fiscal year covered by such audit.

(c) Reports to Congress

The chief financial officer of each covered entity shall provide to the congressional intelligence committees an annual audit report from an accounting or auditing organization on each audit of the covered entity conducted pursuant to subsection (a).

(d) Covered entity defined

In this section, the term “covered entity” means the Office of the Director of National Intelligence, the Central Intelligence Agency, the Defense Intelligence Agency, the National Security Agency, the National Reconnaissance Office, and the National Geospatial-Intelligence Agency.

(July 26, 1947, ch. 343, title V, § 509, as added Pub. L. 113–126, title III, § 309(a), July 7, 2014, 128 Stat. 1398.)

§ 3109. Significant interpretations of law concerning intelligence activities

(a) Notification

Except as provided in subsection (c) and to the extent consistent with due regard for the protection from unauthorized disclosure of classified information relating to sensitive intelligence sources and methods or other exceptionally sensitive matters, the General Counsel of each element of the intelligence community shall notify the congressional intelligence committees, in writing, of any significant legal interpretation of the United States Constitution or Federal law affecting intelligence activities conducted by such element by not later than 30 days after the date of the commencement of any intelligence activity pursuant to such interpretation.

(b) Content

Each notification under subsection (a) shall provide a summary of the significant legal interpretation and the intelligence activity or activities conducted pursuant to such interpretation.

(c) Exceptions

A notification under subsection (a) shall not be required for a significant legal interpretation if—

- (1) notice of the significant legal interpretation was previously provided to the congressional intelligence committees under subsection (a); or
- (2) the significant legal interpretation was made before July 7, 2014.

(d) Limited access for covert action

If the President determines that it is essential to limit access to a covert action finding under section 3093(c)(2) of this title, the President may limit access to information concerning such finding that is subject to notification under this section to those members of Congress who have been granted access to the relevant finding under section 3093(c)(2) of this title.

(July 26, 1947, ch. 343, title V, § 510, as added Pub. L. 113–126, title III, § 321(a), July 7, 2014, 128 Stat. 1399.)

§ 3110. Annual report on violations of law or executive order

(a) Annual reports required

The Director of National Intelligence shall annually submit to the congressional intelligence committees a report on violations of law or executive order relating to intelligence activities by personnel of an element of the intelligence community that were identified during the previous calendar year.

(b) Elements

Each report submitted under subsection (a) shall, consistent with the need to preserve ongoing criminal investigations, include a description of, and any action taken in response to, any violation of law or executive order (including Executive Order No. 12333 (50 U.S.C. 3001 note)) relating to intelligence activities committed by personnel of an element of the intelligence community in the course of the employment of such personnel that, during the previous calendar year, was—

- (1) determined by the director, head, or general counsel of any element of the intelligence community to have occurred;
- (2) referred to the Department of Justice for possible criminal prosecution; or
- (3) substantiated by the inspector general of any element of the intelligence community.

(July 26, 1947, ch. 343, title V, § 511, as added Pub. L. 113–293, title III, § 323(a), Dec. 19, 2014, 128 Stat. 4003.)

CONSTRUCTION

Pub. L. 113–293, title III, § 323(e), Dec. 19, 2014, 128 Stat. 4004, provided that: “Nothing in this section [enacting this section and provisions set out as notes under this section] or the amendments made by this section shall be construed to alter any requirement existing on the date of the enactment of this Act [Dec. 19, 2014] to submit a report under any provision of law.”

INITIAL REPORT

Pub. L. 113–293, title III, § 323(b), Dec. 19, 2014, 128 Stat. 4004, provided that: “The first report required under section 511 of the National Security Act of 1947 [50 U.S.C. 3110], as added by subsection (a), shall be submitted not later than one year after the date of the enactment of this Act [Dec. 19, 2014].”

GUIDELINES

Pub. L. 113–293, title III, § 323(c), Dec. 19, 2014, 128 Stat. 4004, provided that: “Not later than 180 days after the date of the enactment of this Act [Dec. 19, 2014], the Director of National Intelligence, in consultation with the head of each element of the intelligence community, shall—

- “(1) issue guidelines to carry out section 511 of the National Security Act of 1947 [50 U.S.C. 3110], as added by subsection (a); and
- “(2) submit such guidelines to the congressional intelligence committees.”

[For definitions of terms used in section 323(c) of Pub. L. 113–293, set out above, see section 2 of Pub. L. 113–293, set out as a note under section 3003 of this title.]