

AMENDMENTS

1993—Pub. L. 103-178 inserted exception relating to sections 3023, 3025, 3035, and 3038 of this title and subchapters III, IV, and V.

§ 3075. “Function” and “Department of Defense” defined

(a)¹ As used in this Act, the term “function” includes functions, powers, and duties.

(b) As used in this Act, the term “Department of Defense” shall be deemed to include the military departments of the Army, the Navy, and the Air Force, and all agencies created under title II of this Act.

(July 26, 1947, ch. 343, title III, § 308, 61 Stat. 509; Aug. 10, 1949, ch. 412, § 12(e), 63 Stat. 591.)

REFERENCES IN TEXT

This Act, referred to in text, means 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.

Title II of this Act, referred to in subsec. (b), means title II of the National Security Act of 1947, act July 26, 1947, ch. 343, 61 Stat. 499. Section 201(d) of title II was formerly classified to section 408 of this title prior to editorial reclassification and renumbering as section 3005 of this title. Sections 205(c), 206(a), and 207(c) of title II were formerly classified to section 409 of this title prior to editorial reclassification and renumbering as section 3004 of this title. For complete classification of title II to the Code, see Tables.

CODIFICATION

Section was formerly classified to section 410 of this title prior to editorial reclassification and renumbering as this section, and to section 171n of Title 5 prior to the general revision and enactment of Title 5, Government Organization and Employees, by Pub. L. 89-554, § 1, Sept. 6, 1966, 80 Stat. 378.

AMENDMENTS

1949—Subsec. (b). Act Aug. 10, 1949, substituted definition of “Department of Defense” for definition of “budget program”.

PARTIAL REPEAL OF SUBSECTION (a)

Pub. L. 87-651, title III, § 307, Sept. 7, 1962, 76 Stat. 526, repealed subsection (a) of this section less its applicability to sections 3002, 3021, 3023, 3042, and 3073 of this title.

§ 3076. Separability

If any provision of this chapter or the application thereof to any person or circumstances is held invalid, the validity of the remainder of the chapter and of the application of such provision to other persons and circumstances shall not be affected thereby.

(July 26, 1947, ch. 343, title III, § 309, 61 Stat. 509.)

REFERENCES IN TEXT

This chapter, referred to in text, 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 as a note under section 401 of this title prior to editorial reclassification as this section.

¹ See Partial Repeal of Subsection (a) note below.

§ 3077. Effective date

(a) The first sentence of section 202(a),¹ this section, and sections 3001, 3002, 3074, 3075, and 3076 of this title shall take effect July 26, 1947.

(b) Except as provided in subsection (a), the provisions of this chapter shall take effect on whichever of the following days is the earlier: The day after the day upon which the Secretary of Defense first appointed takes office, or the sixtieth day after July 26, 1947.

(July 26, 1947, ch. 343, title III, § 310, 61 Stat. 509.)

REFERENCES IN TEXT

The first sentence of section 202(a), referred to in subsec. (a), means the first sentence of section 202(a) of act July 26, 1947, ch. 343, which was classified to section 171a of former Title 5, Executive Departments and Government Officers and Employees, prior to the enactment of Title 5, Government Organization and Employees, by Pub. L. 89-554, § 1, Sept. 6, 1966, 80 Stat. 378.

This chapter, referred to in subsec. (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 as a note under section 401 of this title prior to editorial reclassification as this section.

SUBCHAPTER III—ACCOUNTABILITY FOR INTELLIGENCE ACTIVITIES

§ 3091. General congressional oversight provisions

(a) Reports to congressional committees of intelligence activities and anticipated activities

(1) The President shall ensure that the congressional intelligence committees are kept fully and currently informed of the intelligence activities of the United States, including any significant anticipated intelligence activity as required by this subchapter.

(2) Nothing in this subchapter shall be construed as requiring the approval of the congressional intelligence committees as a condition precedent to the initiation of any significant anticipated intelligence activity.

(b) Reports concerning illegal intelligence activities

The President shall ensure that any illegal intelligence activity is reported promptly to the congressional intelligence committees, as well as any corrective action that has been taken or is planned in connection with such illegal activity.

(c) Procedures for reporting information

The President and the congressional intelligence committees shall each establish such written procedures as may be necessary to carry out the provisions of this subchapter.

(d) Procedures to protect from unauthorized disclosure

The House of Representatives and the Senate shall each establish, by rule or resolution of

¹ See References in Text note below.

such House, procedures to protect from unauthorized disclosure all classified information, and all information relating to intelligence sources and methods, that is furnished to the congressional intelligence committees or to Members of Congress under this subchapter. Such procedures shall be established in consultation with the Director of National Intelligence. In accordance with such procedures, each of the congressional intelligence committees shall promptly call to the attention of its respective House, or to any appropriate committee or committees of its respective House, any matter relating to intelligence activities requiring the attention of such House or such committee or committees.

(e) Construction of authority conferred

Nothing in this chapter shall be construed as authority to withhold information from the congressional intelligence committees on the grounds that providing the information to the congressional intelligence committees would constitute the unauthorized disclosure of classified information or information relating to intelligence sources and methods.

(f) “Intelligence activities” defined

As used in this section, the term “intelligence activities” includes covert actions as defined in section 3093(e) of this title, and includes financial intelligence activities.

(July 26, 1947, ch. 343, title V, § 501, as added Pub. L. 102-88, title VI, § 602(a)(2), Aug. 14, 1991, 105 Stat. 441; amended Pub. L. 107-306, title III, §§ 342(b), 353(b)(3)(A), (7), Nov. 27, 2002, 116 Stat. 2399, 2402; Pub. L. 108-458, title I, § 1071(a)(1)(V), Dec. 17, 2004, 118 Stat. 3689; Pub. L. 111-259, title III, § 331(a), Oct. 7, 2010, 124 Stat. 2685.)

REFERENCES IN TEXT

This chapter, referred to in subsec. (e), 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 413 of this title prior to editorial reclassification and renumbering as this section.

PRIOR PROVISIONS

A prior section 501 of act July 26, 1947, ch. 343, title V, as added Pub. L. 96-450, title IV, § 407(b)(1), Oct. 14, 1980, 94 Stat. 1981, related to congressional oversight of intelligence activities, prior to repeal by Pub. L. 102-88, § 602(a)(2).

AMENDMENTS

2010—Subsec. (c). Pub. L. 111-259 substituted “such written procedures” for “such procedures”.

2004—Subsec. (d). Pub. L. 108-458 substituted “Director of National Intelligence” for “Director of Central Intelligence”.

2002—Subsec. (a). Pub. L. 107-306, § 353(b)(3)(A), substituted “congressional intelligence committees” for “intelligence committees” wherever appearing.

Subsec. (a)(2), (3). Pub. L. 107-306, § 353(b)(7), redesignated par. (3) as (2) and struck out former par. (2) which read as follows: “As used in this subchapter, the term ‘congressional intelligence committees’ means the Select Committee on Intelligence of the Senate and the

Permanent Select Committee on Intelligence of the House of Representatives.”

Subsecs. (b) to (e). Pub. L. 107-306, § 353(b)(3)(A), substituted “congressional intelligence committees” for “intelligence committees” wherever appearing.

Subsec. (f). Pub. L. 107-306, § 342(b), inserted “, and includes financial intelligence activities” before period at end.

EFFECTIVE DATE OF 2004 AMENDMENT

For Determination by President that amendment by Pub. L. 108-458 take effect on Apr. 21, 2005, see Memorandum of President of the United States, Apr. 21, 2005, 70 F.R. 23925, set out as a note under section 3001 of this title.

Amendment by Pub. L. 108-458 effective not later than six months after Dec. 17, 2004, except as otherwise expressly provided, see section 1097(a) of Pub. L. 108-458, set out in an Effective Date of 2004 Amendment; Transition Provisions note under section 3001 of this title.

§ 3092. Reporting of intelligence activities other than covert actions

(a) In general

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 Director of National Intelligence and the heads of all departments, agencies, and other entities of the United States Government involved in intelligence activities shall—

(1) keep the congressional intelligence committees fully and currently informed of all intelligence activities, other than a covert action (as defined in section 3093(e) of this title), which are the responsibility of, are engaged in by, or are carried out for or on behalf of, any department, agency, or entity of the United States Government, including any significant anticipated intelligence activity and any significant intelligence failure; and

(2) furnish the congressional intelligence committees any information or material concerning intelligence activities (including the legal basis under which the intelligence activity is being or was conducted), other than covert actions, which is within their custody or control, and which is requested by either of the congressional intelligence committees in order to carry out its authorized responsibilities.

(b) Form and contents of certain reports

Any report relating to a significant anticipated intelligence activity or a significant intelligence failure that is submitted to the congressional intelligence committees for purposes of subsection (a)(1) shall be in writing, and shall contain the following:

(1) A concise statement of any facts pertinent to such report.

(2) An explanation of the significance of the intelligence activity or intelligence failure covered by such report.

(c) Standards and procedures for certain reports

The Director of National Intelligence, in consultation with the heads of the departments, agencies, and entities referred to in subsection (a), shall establish standards and procedures applicable to reports covered by subsection (b).