

tion, 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).”

### § 3105a. Annual assessment of intelligence community performance by function

#### (a) In general

Not later than April 1, 2016, and each year thereafter, the Director of National Intelligence shall, in consultation with the Functional Managers, submit to the congressional intelligence committees a report on covered intelligence functions during the preceding year.

#### (b) Elements

Each report under subsection (a) shall include for each covered intelligence function for the year covered by such report the following:

(1) An identification of the capabilities, programs, and activities of such intelligence function, regardless of the element of the intelligence community that carried out such capabilities, programs, and activities.

(2) A description of the investment and allocation of resources for such intelligence function, including an analysis of the allocation of resources within the context of the National Intelligence Strategy, priorities for recipients of resources, and areas of risk.

(3) A description and assessment of the performance of such intelligence function.

(4) An identification of any issues related to the application of technical interoperability standards in the capabilities, programs, and activities of such intelligence function.

(5) An identification of the operational overlap or need for de-confliction, if any, within such intelligence function.

(6) A description of any efforts to integrate such intelligence function with other intelligence disciplines as part of an integrated intelligence enterprise.

(7) A description of any efforts to establish consistency in tradecraft and training within such intelligence function.

(8) A description and assessment of developments in technology that bear on the future of such intelligence function.

(9) Such other matters relating to such intelligence function as the Director may specify for purposes of this section.

#### (c) Definitions

In this section:

(1) The term “covered intelligence functions” means each intelligence function for which a Functional Manager has been established under section 3034a of this title during the year covered by a report under this section.

(2) The term “Functional Manager” means the manager of an intelligence function established under section 3034a of this title.

(July 26, 1947, ch. 343, title V, §506J, as added Pub. L. 113-126, title III, §306(a), July 7, 2014, 128 Stat. 1395.)

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

#### (a) Annual reports

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):

(1) The annual report of the Inspectors General<sup>1</sup> of the intelligence community on proposed resources and activities of their offices required by section 8H(g) of the Inspector General Act of 1978.

(2) 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.

(3) 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)).

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

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

#### (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):

(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.<sup>2</sup>

(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.

#### (c) Submittal dates for reports

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

<sup>1</sup> So in original. Probably should be “General”.

<sup>2</sup> See References in Text note below.

(2) Except as provided in subsection (d), each semiannual report listed in subsection (b) 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) may be postponed until March 1; and

(B) a semiannual report listed in subsection (b) 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; Pub. L. 113–126, title III, § 329(c)(3), July 7, 2014, 128 Stat. 1407; Pub. L. 114–113, div. M, title VII, § 701(c)(2), (3), Dec. 18, 2015, 129 Stat. 2929.)

REFERENCES IN TEXT

Section 8H(g) of the Inspector General Act of 1978, referred to in subsec. (a)(1), 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)(3), 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. Section 1681u(h) of title 15 was subsequently redesignated section 1681u(i) of title 15 by Pub. L. 114–23, title V, § 503(c)(1), June 2, 2015, 129 Stat. 290.

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

2015—Subsec. (a)(5), (6). Pub. L. 114–113, § 701(c)(2), redesignated par. (6) as (5) and struck out former par. (5) which read as follows: “The annual report on outside employment of employees of elements of the intelligence community required by section 3024(u)(2) of this title.”

Subsec. (c)(1). Pub. L. 114–113, § 701(c)(3), substituted “subsection (a)” for “subsection (a)(1)”.

2014—Subsec. (a). Pub. L. 113–126, § 329(c)(3)(A), in introductory provisions, struck out par. (1) designation before “The date” and substituted “subsection (c)(1)” for “subsection (c)(1)(A)”, redesignated subpars. (A) to (F) of former par. (1) as pars. (1) to (6), respectively, and struck out former par. (2) which read as follows: “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).”

Subsec. (c)(1). Pub. L. 113–126, § 329(c)(3)(B), struck out subpar. (A) designation before “Except” and struck out subpar. (B) which read as follows: “Except as provided in subsection (d), the annual report listed in subsection (a)(2) shall be submitted not later than December 1.”

Subsec. (d)(1). Pub. L. 113–126, § 329(c)(3)(C), in subpar. (A), substituted “subsection (a)” for “subsection (a)(1)” and inserted “and” after “March 1;”, redesignated subpar. (C) as (B), and struck out former subpar. (B) which read as follows: “the annual report listed in subsection (a)(2) may be postponed until January 1; and”.

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):

“(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 pro-

liferation 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 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 state-

ment 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 subsection (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 inter-