

§ 3315. Annual certification of controlled access programs

(1) In general

Not less frequently than once each year, the Director of National Intelligence shall certify in writing to the congressional intelligence committees whether the creation, validation, or substantial modification, including termination, for all existing and proposed controlled access programs, and the compartments and subcompartments within each, are substantiated and justified based on the information required by paragraph (2).

(2) Information required

Each certification pursuant to paragraph (1) shall include—

- (A) the rationale for the revalidation, validation, or substantial modification, including termination, of each controlled access program, compartment and subcompartment;
- (B) the identification of a control officer for each controlled access program; and
- (C) a statement of protection requirements for each controlled access program.

(Pub. L. 115–31, div. N, title VI, § 608(b), May 5, 2017, 131 Stat. 833.)

DEFINITIONS

For definition of “congressional intelligence committees”, referred to in text, see section 2 of div. N of Pub. L. 115–31, set out as a note under section 3003 of this title.

§ 3316. Submission of intelligence community policies

(a) Definitions

In this section:

(1) Electronic repository

The term “electronic repository” means the electronic distribution mechanism, in use as of December 20, 2019, or any successor electronic distribution mechanism, by which the Director of National Intelligence submits to the congressional intelligence committees information.

(2) Policy

The term “policy”, with respect to the intelligence community, includes unclassified or classified—

- (A) directives, policy guidance, and policy memoranda of the intelligence community;
- (B) executive correspondence of the Director of National Intelligence; and
- (C) any equivalent successor policy instruments.

(b) Submission of policies

(1) Current policy

Not later than 180 days after December 20, 2019, the Director of National Intelligence shall submit to the congressional intelligence committees using the electronic repository all nonpublicly available policies issued by the Director of National Intelligence for the intelligence community that are in effect as of the date of the submission.

(2) Continuous updates

Not later than 15 days after the date on which the Director of National Intelligence is-

sues, modifies, or rescinds a policy of the intelligence community, the Director shall—

- (A) notify the congressional intelligence committees of such addition, modification, or removal; and
- (B) update the electronic repository with respect to such addition, modification, or removal.

(Pub. L. 116–92, div. E, title LXIII, § 6315, Dec. 20, 2019, 133 Stat. 2194.)

DEFINITIONS

For definitions of “intelligence community” and “congressional intelligence committees”, referred to in text, see section 5003 of div. E of Pub. L. 116–92, set out as a note under section 3003 of this title.

§ 3316a. Reports on intelligence community participation in vulnerabilities equities process of Federal Government

(a) Definitions

In this section:

(1) Vulnerabilities Equities Policy and Process document

The term “Vulnerabilities Equities Policy and Process document” means the executive branch document entitled “Vulnerabilities Equities Policy and Process” dated November 15, 2017.

(2) Vulnerabilities Equities Process

The term “Vulnerabilities Equities Process” means the interagency review of vulnerabilities, pursuant to the Vulnerabilities Equities Policy and Process document or any successor document.

(3) Vulnerability

The term “vulnerability” means a weakness in an information system or its components (for example, system security procedures, hardware design, and internal controls) that could be exploited or could affect confidentiality, integrity, or availability of information.

(b) Reports on process and criteria under Vulnerabilities Equities Policy and Process

(1) In general

Not later than 90 days after December 20, 2019, the Director of National Intelligence shall submit to the congressional intelligence committees a written report describing—

- (A) with respect to each element of the intelligence community—
 - (i) the title of the official or officials responsible for determining whether, pursuant to criteria contained in the Vulnerabilities Equities Policy and Process document or any successor document, a vulnerability must be submitted for review under the Vulnerabilities Equities Process; and
 - (ii) the process used by such element to make such determination; and
- (B) the roles or responsibilities of that element during a review of a vulnerability submitted to the Vulnerabilities Equities Process.

(2) Changes to process or criteria

Not later than 30 days after any significant change is made to the process and criteria

used by any element of the intelligence community for determining whether to submit a vulnerability for review under the Vulnerabilities Equities Process, such element shall submit to the congressional intelligence committees a report describing such change.

(3) Form of reports

Each report submitted under this subsection shall be submitted in unclassified form, but may include a classified annex.

(c) Annual reports

(1) In general

Not less frequently than once each calendar year, the Director of National Intelligence shall submit to the congressional intelligence committees a classified report containing, with respect to the previous year—

(A) the number of vulnerabilities submitted for review under the Vulnerabilities Equities Process;

(B) the number of vulnerabilities described in subparagraph (A) disclosed to each vendor responsible for correcting the vulnerability, or to the public, pursuant to the Vulnerabilities Equities Process; and

(C) the aggregate number, by category, of the vulnerabilities excluded from review under the Vulnerabilities Equities Process, as described in paragraph 5.4 of the Vulnerabilities Equities Policy and Process document.

(2) Unclassified information

Each report submitted under paragraph (1) shall include an unclassified appendix that contains—

(A) the aggregate number of vulnerabilities disclosed to vendors or the public pursuant to the Vulnerabilities Equities Process; and

(B) the aggregate number of vulnerabilities disclosed to vendors or the public pursuant to the Vulnerabilities Equities Process known to have been patched.

(3) Nonduplication

The Director of National Intelligence may forgo submission of an annual report required under this subsection for a calendar year, if the Director notifies the intelligence committees in writing that, with respect to the same calendar year, an annual report required by paragraph 4.3 of the Vulnerabilities Equities Policy and Process document already has been submitted to Congress, and such annual report contains the information that would otherwise be required to be included in an annual report under this subsection.

(Pub. L. 116–92, div. E, title LXVII, § 6720, Dec. 20, 2019, 133 Stat. 2230.)

DEFINITIONS

For definitions of “congressional intelligence committees” and “intelligence community”, referred to in text, see section 5003 of div. E of Pub. L. 116–92, set out as a note under section 3003 of this title.

SUBCHAPTER II—PERSONNEL AND ADMINISTRATIVE AUTHORITIES

§ 3321. National Intelligence Reserve Corps

(a) Establishment

The Director of National Intelligence may provide for the establishment and training of a National Intelligence Reserve Corps (in this section referred to as “National Intelligence Reserve Corps”) for the temporary reemployment on a voluntary basis of former employees of elements of the intelligence community during periods of emergency, as determined by the Director.

(b) Eligible individuals

An individual may participate in the National Intelligence Reserve Corps only if the individual previously served as a full time employee of an element of the intelligence community.

(c) Terms of participation

The Director of National Intelligence shall prescribe the terms and conditions under which eligible individuals may participate in the National Intelligence Reserve Corps.

(d) Expenses

The Director of National Intelligence may provide members of the National Intelligence Reserve Corps transportation and per diem in lieu of subsistence for purposes of participating in any training that relates to service as a member of the Reserve Corps.

(e) Treatment of annuitants

(1) If an annuitant receiving an annuity from the Civil Service Retirement and Disability Fund becomes temporarily reemployed pursuant to this section, such annuity shall not be discontinued thereby.

(2) An annuitant so reemployed shall not be considered an employee for the purposes of chapter 83 or 84 of title 5.

(f) Treatment under Office of Director of National Intelligence personnel ceiling

A member of the National Intelligence Reserve Corps who is reemployed on a temporary basis pursuant to this section shall not count against any personnel ceiling applicable to the Office of the Director of National Intelligence.

(Pub. L. 108–458, title I, § 1053, Dec. 17, 2004, 118 Stat. 3683.)

CODIFICATION

Section was formerly classified to section 403–1c of this title prior to editorial reclassification and renumbering as this section.

EFFECTIVE DATE

For Determination by President that section 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.

Section 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.

§ 3322. Additional education and training requirements

(a) Findings

Congress makes the following findings: