

section 11 of act Aug. 10, 1949, ch. 412, 63 Stat. 585, and which consisted of sections 401 to 411, this section being section 411. Section 11 of act Aug. 10, 1949—except for “§411”—was repealed by Pub. L. 87-651, §307, Sept. 7, 1962, 76 Stat. 526. Although that repeal was executed by repealing title IV of act July 26, 1947 (except for this section), and the subsequent renumbering of section 411 of that Act as section 312 suggests that this section is now within title III, it is unclear whether the reference to “this title” should now be interpreted as referring to title III (classified to this subchapter) or whether it continues to refer to the now eliminated title IV. See Codification note below.

CODIFICATION

When originally enacted, this section was section 411 of title IV of the National Security Act of 1947, act July 26, 1947, ch. 343 (“the Act”). Title IV of the Act, consisting of sections 401 to 411, was added by section 11 of act Aug. 10, 1949, ch. 412, 63 Stat. 585. Provisions of title IV of the Act were restated by Pub. L. 87-651, Sept. 7, 1962, 76 Stat. 506, section 307 of which (at 76 Stat. 526) subsequently repealed section 11 of act Aug. 10, 1949—except for “§411”—but did not repeal any of the sections in title IV directly. Nevertheless, the repeal of section 11, except for “§411”, was executed as a repeal of title IV of the Act, except for this section. There is debate as to whether any of title IV of the Act continued to exist after the repeal such that section 411 remained a part of it or whether all other traces of the title were eliminated completely so that section 411 was effectively absorbed into title III. The subsequent renumbering of section 411 of the Act as section 312 by Pub. L. 116-92 suggests that this section should be considered within title III (as shown in the credit above), although there has been no explicit amendment renumbering the title of the Act containing it.

Section was classified to section 3006 of this title prior to renumbering by Pub. L. 116-92.

Section was formerly classified to section 412 of this title prior to editorial reclassification and renumbering as section 3006, and to section 172j of former 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.

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 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.)

Editorial Notes

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.

Statutory Notes and Related Subsidiaries

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).

(July 26, 1947, ch. 343, title V, § 502, as added Pub. L. 102–88, title VI, § 602(a)(2), Aug. 14, 1991, 105 Stat. 442; amended Pub. L. 107–108, title III, § 305, Dec. 28, 2001, 115 Stat. 1398; Pub. L. 107–306, title III, § 353(b)(3)(B), Nov. 27, 2002, 116 Stat. 2402; Pub. L. 108–458, title I, § 1071(a)(1)(W), (X), Dec. 17, 2004, 118 Stat. 3689; Pub. L. 111–259, title III, § 331(b), Oct. 7, 2010, 124 Stat. 2685.)

Editorial Notes

CODIFICATION

Section was formerly classified to section 413a of this title prior to editorial reclassification and renumbering as this section.

PRIOR PROVISIONS

A prior section 502 of act July 26, 1947, ch. 343, was renumbered section 504 and is classified to section 3094 of this title.

AMENDMENTS

2010—Subsec. (a)(2). Pub. L. 111–259 inserted “(including the legal basis under which the intelligence activity is being or was conducted)” after “concerning intelligence activities”.

2004—Subsec. (a). Pub. L. 108–458, § 1071(a)(1)(W), substituted “Director of National Intelligence” for “Director of Central Intelligence” in introductory provisions.

Subsec. (c). Pub. L. 108–458, § 1071(a)(1)(X), substituted “Director of National Intelligence” for “Director of Central Intelligence”.

2002—Subsecs. (a), (b). Pub. L. 107–306 substituted “congressional intelligence committees” for “intelligence committees” wherever appearing.

2001—Pub. L. 107–108 designated existing provisions as subsec. (a), inserted heading, and added subsecs. (b) and (c).

Statutory Notes and Related Subsidiaries

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.

FURNISHING OF INTELLIGENCE INFORMATION TO SENATE AND HOUSE SELECT COMMITTEES ON INTELLIGENCE

Pub. L. 102–88, title IV, § 405, Aug. 14, 1991, 105 Stat. 434, provided that:

“(a) FURNISHING OF SPECIFIC INFORMATION.—In accordance with title V of the National Security Act of 1947 [50 U.S.C. 3091 et seq.], the head of any department or agency of the United States involved in any intelligence activities which may pertain to United States military personnel listed as prisoner, missing, or unaccounted for in military actions shall furnish any information or documents in the possession, custody, or