

(1) The Committee on Armed Services and the Committee on Foreign Relations of the Senate.

(2) The Committee on Armed Services and the Committee on International Relations of the House of Representatives.

(Pub. L. 101-510, div. A, title XIV, §1457, Nov. 5, 1990, 104 Stat. 1696; Pub. L. 104-106, div. A, title XV, §1502(c)(4)(C), Feb. 10, 1996, 110 Stat. 507; Pub. L. 106-65, div. A, title X, §1067(10), Oct. 5, 1999, 113 Stat. 774.)

Editorial Notes

CODIFICATION

Section was formerly classified to section 404c of this title prior to editorial reclassification and renumbering as this section.

AMENDMENTS

1999—Subsec. (d)(2). Pub. L. 106-65 substituted “Committee on Armed Services” for “Committee on National Security”.

1996—Subsec. (a). Pub. L. 104-106, §1502(c)(4)(C)(i), substituted “shall submit to the congressional committees specified in subsection (d) each year” for “shall submit to the Committees on Armed Services and on Foreign Affairs of the House of Representatives and the Committees on Armed Services and Foreign Relations of the Senate each year”.

Subsec. (c). Pub. L. 104-106, §1502(c)(4)(C)(ii), substituted “The President” for “(1) Except as provided in paragraph (2), the President” and struck out par. (2) which read as follows: “In the case of the report required to be submitted in 1991, the evaluation, plan, and assessment referred to in paragraphs (2), (3), and (4) of subsection (b) may be submitted not later than May 1, 1991.”

Subsec. (d). Pub. L. 104-106, §1502(c)(4)(C)(iii), added subsec. (d).

Statutory Notes and Related Subsidiaries

CHANGE OF NAME

Committee on International Relations of House of Representatives changed to Committee on Foreign Affairs of House of Representatives by House Resolution No. 6, One Hundred Tenth Congress, Jan. 5, 2007.

§ 3311. Submittal to Congress by heads of elements of intelligence community of plans for orderly shutdown in event of absence of appropriations

(a) In general

Whenever the head of an applicable agency submits a plan to the Director of the Office of Management and Budget in accordance with section 124 of Office of Management and Budget Circular A-11, pertaining to agency operations in the absence of appropriations, or any successor circular of the Office that requires the head of an applicable agency to submit to the Director a plan for an orderly shutdown in the event of the absence of appropriations, such head shall submit a copy of such plan to the following:

(1) The congressional intelligence committees.

(2) The Subcommittee on Defense of the Committee on Appropriations of the Senate.

(3) The Subcommittee on Defense of the Committee on Appropriations of the House of Representatives.

(4) In the case of a plan for an element of the intelligence community that is within the Department of Defense, to—

(A) the Committee on Armed Services of the Senate; and

(B) the Committee on Armed Services of the House of Representatives.

(b) Head of an applicable agency defined

In this section, the term “head of an applicable agency” includes the following:

(1) The Director of National Intelligence.

(2) The Director of the Central Intelligence Agency.

(3) Each head of each element of the intelligence community that is within the Department of Defense.

(Pub. L. 113-126, title III, §323, July 7, 2014, 128 Stat. 1401.)

Statutory Notes and Related Subsidiaries

DEFINITION

For definition of “congressional intelligence committees” referred to in subsec. (a)(1), see section 2 of Pub. L. 113-126, set out as a note under section 3003 of this title.

§ 3312. Congressional oversight of policy directives and guidance

(a) Covered policy document defined

In this section, the term “covered policy document” means any classified or unclassified Presidential Policy Directive, Presidential Policy Guidance, or other similar policy document issued by the President, including any classified or unclassified annex to such a Directive, Guidance, or other document, that assigns tasks, roles, or responsibilities to the intelligence community or an element of the intelligence community.

(b) Submissions to Congress

The Director of National Intelligence shall submit to the congressional intelligence committees the following:

(1) Not later than 15 days after the date that a covered policy document is issued, a written notice of the issuance and a summary of the subject matter addressed by such covered policy document.

(2) Not later than 15 days after the date that the Director issues any guidance or direction on implementation of a covered policy document or implements a covered policy document, a copy of such guidance or direction or a description of such implementation.

(3) Not later than 15 days after May 5, 2017, for any covered policy document issued prior to such date that is being implemented by any element of the intelligence community or that is in effect on such date—

(A) a written notice that includes the date such covered policy document was issued and a summary of the subject matter addressed by such covered policy document; and

(B) if the Director has issued any guidance or direction on implementation of such covered policy document or is implementing such covered policy document, a copy of the

guidance or direction or a written description of such implementation.

(Pub. L. 115-31, div. N, title III, §310, May 5, 2017, 131 Stat. 815.)

Statutory Notes and Related Subsidiaries

DEFINITIONS

For definitions of “intelligence community” and “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.

§ 3313. Notification of memoranda of understanding

(a) In general

Each year, concurrent with the annual budget request submitted by the President to Congress under section 1105 of title 31, each head of an element of the intelligence community shall submit to the congressional intelligence committees a report that lists each memorandum of understanding or other agreement regarding significant operational activities or policy entered into during the most recently completed fiscal year between or among such element and any other entity of the United States Government.

(b) Provision of documents

Each head of an element of an intelligence community who receives a request from the Select Committee on Intelligence of the Senate or the Permanent Select Committee on Intelligence of the House of Representatives for a copy of a memorandum of understanding or other document listed in a report submitted by the head under subsection (a) shall submit to such committee the requested copy as soon as practicable after receiving such request.

(c) Administrative memorandum or agreement

Nothing in this section may be construed to require an element of the intelligence community to submit to the congressional intelligence committees any memorandum or agreement that is solely administrative in nature, including a memorandum or agreement regarding joint duty or other routine personnel assignments.

(Pub. L. 115-31, div. N, title III, §311, May 5, 2017, 131 Stat. 815; Pub. L. 116-92, div. E, title LXVII, § 6723, Dec. 20, 2019, 133 Stat. 2234.)

Editorial Notes

AMENDMENTS

2019—Pub. L. 116-92 added subsecs. (a) and (b), redesignated former subsec. (b) as (c) and struck out former subsec. (a). Text read as follows: “The head of each element of the intelligence community shall submit to the congressional intelligence committees a copy of each memorandum of understanding or other agreement regarding significant operational activities or policy between or among such element and any other entity or entities of the United States Government—

“(1) for such a memorandum or agreement that is in effect on May 5, 2017, not later than 60 days after such date; and

“(2) for such a memorandum or agreement entered into after such date, in a timely manner and not more than 60 days after the date such memorandum or other agreement is entered into.”

Statutory Notes and Related Subsidiaries

DEFINITIONS

For definitions of “intelligence community” and “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.

§ 3314. Report on national security systems

(a) **Appropriate committees of Congress defined**
In this section, the term “appropriate committees of Congress” means—

- (1) the congressional intelligence committees;
- (2) the Committee on Appropriations and the Committee on Armed Services of the Senate; and
- (3) the Committee on Appropriations and the Committee on Armed Services of the House of Representatives.

(b) Report

Not later than 120 days after May 5, 2017, and annually thereafter, the Director of the National Security Agency, in coordination with the Secretary of Defense and the Chairman of the Joint Chiefs of Staff, shall submit to the appropriate committees of Congress a report on national security systems.

(c) Content

Each report submitted under subsection (b) shall include information related to—

- (1) national security systems or components thereof that have been decertified and are still in operational use;
- (2) extension requests and the current status of any national security systems still in use or components thereof that have been decertified and are still in use;
- (3) national security systems known to not be in compliance with the policies, principles, standards, and guidelines issued by the Committee on National Security Systems established pursuant to National Security Directive 42, signed by the President on July 5, 1990; and
- (4) organizations which have not provided access or information to the Director of the National Security Agency that is adequate to enable the Director to make a determination as to whether such organizations are in compliance with the policies, principles, standards, and guidelines issued by such Committee on National Security Systems.

(Pub. L. 115-31, div. N, title VI, § 603, May 5, 2017, 131 Stat. 829.)

Statutory Notes and Related Subsidiaries

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.

§ 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 com-