

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-

mittees 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.)

**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.

**§ 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 issues, 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.)

**Statutory Notes and Related Subsidiaries**

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